

REFERENCE TITLE: certified nurse midwives; nurse practitioners

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

# **SB 1133**

Introduced by  
Senator Barto

AN ACT

AMENDING SECTIONS 32-1601 AND 32-1606, ARIZONA REVISED STATUTES; RELATING  
TO THE ARIZONA STATE BOARD OF NURSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1601, Arizona Revised Statutes, is amended to  
3 read:

4 32-1601. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Absolute discharge from the sentence" means completion of any  
7 sentence, including imprisonment, probation, parole, community supervision  
8 or any form of court supervision.

9 2. "APPROPRIATE HEALTH CARE PROFESSIONAL" MEANS A LICENSED HEALTH  
10 CARE PROFESSIONAL WHOSE SCOPE OF PRACTICE, EDUCATION, EXPERIENCE, TRAINING  
11 AND ACCREDITATION ARE APPROPRIATE FOR THE SITUATION OR CONDITION OF THE  
12 PATIENT WHO IS THE SUBJECT OF A CONSULTATION OR REFERRAL.

13 ~~2.~~ 3. "Approval" means that a regulated training or educational  
14 program to prepare persons for licensure, certification or registration  
15 has met standards established by the board.

16 ~~3.~~ 4. "Board" means the Arizona state board of nursing.

17 5. "CERTIFIED NURSE MIDWIFE" MEANS A REGISTERED NURSE WHO:

18 (a) IS CERTIFIED BY THE BOARD.

19 (b) HAS COMPLETED A NURSE MIDWIFE EDUCATION PROGRAM APPROVED OR  
20 RECOGNIZED BY THE BOARD AND EDUCATIONAL REQUIREMENTS PRESCRIBED BY THE  
21 BOARD BY RULE.

22 (c) HOLDS A NATIONAL CERTIFICATION AS A CERTIFIED NURSE MIDWIFE  
23 FROM A NATIONAL CERTIFYING BODY RECOGNIZED BY THE BOARD.

24 (d) HAS AN EXPANDED SCOPE OF PRACTICE IN THE PROVISION OF HEALTH  
25 CARE SERVICES FOR WOMEN FROM ADOLESCENCE TO BEYOND MENOPAUSE, INCLUDING  
26 ANTEPARTUM, INTRAPARTUM, POSTPARTUM, REPRODUCTIVE, GYNECOLOGIC AND PRIMARY  
27 CARE, FOR NORMAL NEWBORNS DURING THE FIRST TWENTY-EIGHT DAYS OF LIFE AND  
28 FOR MEN FOR THE TREATMENT OF SEXUALLY TRANSMITTED DISEASES. THE EXPANDED  
29 SCOPE OF PRACTICE UNDER THIS SUBDIVISION INCLUDES:

30 (i) ASSESSING PATIENTS, SYNTHESIZING AND ANALYZING DATA AND  
31 UNDERSTANDING AND APPLYING PRINCIPLES OF HEALTH CARE AT AN ADVANCED LEVEL.

32 (ii) MANAGING THE PHYSICAL AND PSYCHOSOCIAL HEALTH CARE OF  
33 PATIENTS.

34 (iii) ANALYZING MULTIPLE SOURCES OF DATA, IDENTIFYING ALTERNATIVE  
35 POSSIBILITIES AS TO THE NATURE OF A HEALTH CARE PROBLEM AND SELECTING,  
36 IMPLEMENTING AND EVALUATING APPROPRIATE TREATMENT.

37 (iv) MAKING INDEPENDENT DECISIONS IN SOLVING COMPLEX PATIENT CARE  
38 PROBLEMS.

39 (v) DIAGNOSING, PERFORMING DIAGNOSTIC AND THERAPEUTIC PROCEDURES  
40 AND PRESCRIBING, ADMINISTERING AND DISPENSING THERAPEUTIC MEASURES,  
41 INCLUDING LEGEND DRUGS, MEDICAL DEVICES AND CONTROLLED SUBSTANCES, WITHIN  
42 THE SCOPE OF THE CERTIFIED NURSE MIDWIFE PRACTICE AFTER MEETING  
43 REQUIREMENTS ESTABLISHED BY THE BOARD.

44 (vi) RECOGNIZING THE LIMITS OF THE NURSE'S KNOWLEDGE AND EXPERIENCE  
45 BY CONSULTING WITH OR REFERRING PATIENTS TO OTHER APPROPRIATE HEALTH CARE

1 PROFESSIONALS IF A SITUATION OR CONDITION OCCURS THAT IS BEYOND THE  
2 KNOWLEDGE AND EXPERIENCE OF THE NURSE OR IF THE REFERRAL WILL PROTECT THE  
3 HEALTH AND WELFARE OF THE PATIENT.

4 (vii) DELEGATING TO A MEDICAL ASSISTANT PURSUANT TO SECTION  
5 32-1456.

6 (viii) PERFORMING ADDITIONAL ACTS THAT REQUIRE EDUCATION AND  
7 TRAINING AS PRESCRIBED BY THE BOARD AND THAT ARE RECOGNIZED BY THE NURSING  
8 PROFESSION AS PROPER TO BE PERFORMED BY A CERTIFIED NURSE MIDWIFE.

9 ~~4.~~ 6. "Certified nursing assistant" means a person who is  
10 registered on the registry of nursing assistants pursuant to this chapter  
11 to provide or assist in the delivery of nursing or nursing-related  
12 services under the supervision and direction of a licensed nursing staff  
13 member. Certified nursing assistant does not include a person who:

14 (a) Is a licensed health care professional.

15 (b) Volunteers to provide nursing assistant services without  
16 monetary compensation.

17 (c) Is a licensed nursing assistant.

18 ~~5.~~ 7. "Certified registered nurse" means a registered nurse who  
19 has been certified by a national nursing credentialing agency recognized  
20 by the board.

21 ~~6.~~ 8. "Certified registered nurse anesthetist" means a registered  
22 nurse who meets the requirements of section 32-1634.03 and who practices  
23 pursuant to the requirements of section 32-1634.04.

24 ~~7.~~ 9. "Clinical nurse specialist" means a registered nurse who:

25 (a) Is certified by the board as a clinical nurse specialist.

26 (b) Holds a graduate degree with a major in nursing and completes  
27 educational requirements as prescribed by the board by rule.

28 (c) Is nationally certified as a clinical nurse specialist or, if  
29 certification is not available, provides proof of competence to the board.

30 (d) Has an expanded scope of practice based on advanced education  
31 in a clinical nursing specialty that includes:

32 (i) Assessing clients, synthesizing and analyzing data and  
33 understanding and applying nursing principles at an advanced level.

34 (ii) Managing directly and indirectly a client's physical and  
35 psychosocial health status.

36 (iii) Analyzing multiple sources of data, identifying alternative  
37 possibilities as to the nature of a health care problem and selecting  
38 appropriate nursing interventions.

39 (iv) Developing, planning and guiding programs of care for  
40 populations of patients.

41 (v) Making independent nursing decisions to solve complex client  
42 care problems.

43 (vi) Using research skills and acquiring and applying critical new  
44 knowledge and technologies to nursing practice.

45 (vii) Prescribing and dispensing durable medical equipment.

1 (viii) Consulting with or referring a client to other health care  
2 providers based on assessment of the client's health status and needs.

3 (ix) Facilitating collaboration with other disciplines to attain  
4 the desired client outcome across the continuum of care.

5 (x) Performing additional acts that require education and training  
6 as prescribed by the board and that are recognized by the nursing  
7 profession as proper to be performed by a clinical nurse specialist.

8 ~~8.~~ 10. "Conditional license" or "conditional approval" means a  
9 license or approval that specifies the conditions under which the  
10 regulated party is allowed to practice or to operate and that is  
11 prescribed by the board pursuant to section 32-1644 or 32-1663.

12 ~~9.~~ 11. "Delegation" means transferring to a competent individual  
13 the authority to perform a selected nursing task in a designated situation  
14 in which the nurse making the delegation retains accountability for the  
15 delegation.

16 ~~10.~~ 12. "Disciplinary action" means a regulatory sanction of a  
17 license, certificate or approval pursuant to this chapter in any  
18 combination of the following:

19 (a) A civil penalty for each violation of this chapter, not to  
20 exceed one thousand dollars for each violation.

21 (b) Restitution made to an aggrieved party.

22 (c) A decree of censure.

23 (d) A conditional license or a conditional approval that fixed a  
24 period and terms of probation.

25 (e) Limited licensure.

26 (f) Suspension of a license, a certificate or an approval.

27 (g) Voluntary surrender of a license, a certificate or an approval.

28 (h) Revocation of a license, a certificate or an approval.

29 ~~11.~~ 13. "Health care institution" has the same meaning prescribed  
30 in section 36-401.

31 ~~12.~~ 14. "Licensed nursing assistant" means a person who is  
32 licensed pursuant to this chapter to provide or assist in the delivery of  
33 nursing or nursing-related services under the supervision and direction of  
34 a licensed nursing staff member. Licensed nursing assistant does not  
35 include a person who:

36 (a) Is a licensed health care professional.

37 (b) Volunteers to provide nursing assistant services without  
38 monetary compensation.

39 (c) Is a certified nursing assistant.

40 ~~13.~~ 15. "Licensee" means a person who is licensed pursuant to this  
41 chapter or in a party state as defined in section 32-1668.

42 ~~14.~~ 16. "Limited license" means a license that restricts the scope  
43 or setting of a licensee's practice.

1           ~~15.~~ 17. "Medication order" means a written or verbal communication  
2 given by a certified registered nurse anesthetist to a health care  
3 professional to administer a drug or medication.

4           ~~16.~~ 18. "Practical nurse" means a person who holds a practical  
5 nurse license issued pursuant to this chapter or pursuant to a multistate  
6 compact privilege and who practices practical nursing as defined in this  
7 section.

8           ~~17.~~ 19. "Practical nursing" includes the following activities that  
9 are performed under the supervision of a physician or a registered nurse:

10           (a) Contributing to the assessment of the health status of  
11 individuals and groups.

12           (b) Participating in the development and modification of the  
13 strategy of care.

14           (c) Implementing aspects of the strategy of care within the nurse's  
15 scope of practice.

16           (d) Maintaining safe and effective nursing care that is rendered  
17 directly or indirectly.

18           (e) Participating in the evaluation of responses to interventions.

19           (f) Delegating nursing activities within the scope of practice of a  
20 practical nurse.

21           (g) Performing additional acts that require education and training  
22 as prescribed by the board and that are recognized by the nursing  
23 profession as proper to be performed by a practical nurse.

24           ~~18.~~ 20. "Presence" means within the same room or an adjoining room  
25 or within the same surgical or obstetrical suite.

26           ~~19.~~ 21. "Registered nurse" or "professional nurse" means a person  
27 who practices registered nursing and who holds a registered nurse license  
28 issued pursuant to this chapter or pursuant to a multistate compact  
29 privilege.

30           ~~20.~~ 22. "Registered nurse practitioner" means a registered nurse  
31 who:

32           (a) Is certified by the board.

33           (b) Has completed a nurse practitioner education program approved  
34 or recognized by the board and educational requirements prescribed by the  
35 board by rule.

36           (c) If applying for certification after July 1, 2004, holds  
37 national certification as a nurse practitioner from a national certifying  
38 body recognized by the board.

39           (d) Has an expanded scope of practice within a specialty area that  
40 includes:

41           (i) Assessing clients, synthesizing and analyzing data and  
42 understanding and applying principles of health care at an advanced level.

43           (ii) Managing the physical and psychosocial health status of  
44 ~~clients~~ PATIENTS.

1 (iii) Analyzing multiple sources of data, identifying alternative  
2 possibilities as to the nature of a health care problem and selecting,  
3 implementing and evaluating appropriate treatment.

4 (iv) Making independent decisions in solving complex ~~client~~ PATIENT  
5 care problems.

6 (v) Diagnosing, performing diagnostic and therapeutic procedures,  
7 and prescribing, administering and dispensing therapeutic measures,  
8 including legend drugs, medical devices and controlled substances within  
9 the scope of registered nurse practitioner practice on meeting the  
10 requirements established by the board.

11 (vi) Recognizing the limits of the nurse's knowledge and experience  
12 ~~and planning for situations beyond the nurse's knowledge, educational~~  
13 ~~preparation and expertise~~ by consulting with or referring ~~clients~~ PATIENTS  
14 to other APPROPRIATE health care ~~providers when appropriate~~ PROFESSIONALS  
15 IF A SITUATION OR CONDITION OCCURS THAT IS BEYOND THE KNOWLEDGE AND  
16 EXPERIENCE OF THE NURSE OR IF THE REFERRAL WILL PROTECT THE HEALTH AND  
17 WELFARE OF THE PATIENT.

18 (vii) Delegating to a medical assistant pursuant to section  
19 32-1456.

20 (viii) Performing additional acts that require education and  
21 training as prescribed by the board and that are recognized by the nursing  
22 profession as proper to be performed by a nurse practitioner.

23 ~~21.~~ 23. "Registered nursing" includes the following:

24 (a) Diagnosing and treating human responses to actual or potential  
25 health problems.

26 (b) Assisting individuals and groups to maintain or attain optimal  
27 health by implementing a strategy of care to accomplish defined goals and  
28 evaluating responses to care and treatment.

29 (c) Assessing the health status of individuals and groups.

30 (d) Establishing a nursing diagnosis.

31 (e) Establishing goals to meet identified health care needs.

32 (f) Prescribing nursing interventions to implement a strategy of  
33 care.

34 (g) Delegating nursing interventions to others who are qualified to  
35 do so.

36 (h) Providing for the maintenance of safe and effective nursing  
37 care that is rendered directly or indirectly.

38 (i) Evaluating responses to interventions.

39 (j) Teaching nursing knowledge and skills.

40 (k) Managing and supervising the practice of nursing.

41 (l) Consulting and coordinating with other health care  
42 professionals in the management of health care.

43 (m) Performing additional acts that require education and training  
44 as prescribed by the board and that are recognized by the nursing  
45 profession as proper to be performed by a registered nurse.

1           ~~22.~~ 24. "Registry of nursing assistants" means the nursing  
2 assistants registry maintained by the board pursuant to the omnibus budget  
3 reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330), as amended by  
4 the medicare catastrophic coverage act of 1988 (P.L. 100-360; 102 Stat.  
5 683).

6           ~~23.~~ 25. "Regulated party" means any person or entity that is  
7 licensed, certified, registered, recognized or approved pursuant to this  
8 chapter.

9           ~~24.~~ 26. "Unprofessional conduct" includes the following, whether  
10 occurring in this state or elsewhere:

11           (a) Committing fraud or deceit in obtaining, attempting to obtain  
12 or renewing a license or a certificate issued pursuant to this chapter.

13           (b) Committing a felony, whether or not involving moral turpitude,  
14 or a misdemeanor involving moral turpitude. In either case, conviction by  
15 a court of competent jurisdiction or a plea of no contest is conclusive  
16 evidence of the commission.

17           (c) Aiding or abetting in a criminal abortion or attempting,  
18 agreeing or offering to procure or assist in a criminal abortion.

19           (d) Any conduct or practice that is or might be harmful or  
20 dangerous to the health of a patient or the public.

21           (e) Being mentally incompetent or physically unsafe to a degree  
22 that is or might be harmful or dangerous to the health of a patient or the  
23 public.

24           (f) Having a license, certificate, permit or registration to  
25 practice a health care profession denied, suspended, conditioned, limited  
26 or revoked in another jurisdiction and not reinstated by that  
27 jurisdiction.

28           (g) Wilfully or repeatedly violating a provision of this chapter or  
29 a rule adopted pursuant to this chapter.

30           (h) Committing an act that deceives, defrauds or harms the public.

31           (i) Failing to comply with a stipulated agreement, consent  
32 agreement or board order.

33           (j) Violating this chapter or a rule that is adopted by the board  
34 pursuant to this chapter.

35           (k) Failing to report to the board any evidence that a registered  
36 or practical nurse or a nursing assistant is or may be:

37           (i) Incompetent to practice.

38           (ii) Guilty of unprofessional conduct.

39           (iii) ~~Mentally or physically unable to safely practice nursing or~~  
40 to perform ~~nursing-related~~ **NURSING-RELATED** duties. A nurse who is  
41 providing therapeutic counseling for a nurse who is in a drug  
42 rehabilitation program is required to report that nurse only if the nurse  
43 providing therapeutic counseling has personal knowledge that patient  
44 safety is being jeopardized.

1 (l) Failing to self-report a conviction for a felony or  
2 undesignated offense within ten days after the conviction.

3 (m) Cheating or assisting another to cheat on a licensure or  
4 certification examination.

5 Sec. 2. Section 32-1606, Arizona Revised Statutes, is amended to  
6 read:

7 32-1606. Powers and duties of board

8 A. The board may:

9 1. Adopt and revise rules necessary to carry into effect this  
10 chapter.

11 2. Publish advisory opinions regarding registered and practical  
12 nursing practice and nursing education.

13 3. Issue limited licenses or certificates if it determines that an  
14 applicant or licensee cannot function safely in a specific setting or  
15 within the full scope of practice.

16 4. Refer criminal violations of this chapter to the appropriate law  
17 enforcement agency.

18 5. Establish a confidential program for the monitoring of licensees  
19 who are chemically dependent and who enroll in rehabilitation programs  
20 that meet the criteria established by the board. The board may take  
21 further action if the licensee refuses to enter into a stipulated  
22 agreement or fails to comply with its terms. In order to protect the  
23 public health and safety, the confidentiality requirements of this  
24 paragraph do not apply if the licensee does not comply with the stipulated  
25 agreement.

26 6. On the applicant's or regulated party's request, establish a  
27 payment schedule with the applicant or regulated party.

28 7. Provide education regarding board functions.

29 8. Collect or assist in the collection of workforce data.

30 9. Adopt rules for conducting pilot programs consistent with public  
31 safety for innovative applications in nursing practice, education and  
32 regulation.

33 10. Grant retirement status on request to retired nurses who are or  
34 were licensed under this chapter, who have no open complaint or  
35 investigation pending against them and who are not subject to discipline.

36 11. Accept and spend federal monies and private grants, gifts,  
37 contributions and devises to assist in carrying out the purposes of this  
38 chapter. These monies do not revert to the state general fund at the end  
39 of the fiscal year.

40 B. The board shall:

41 1. Approve regulated training and educational programs that meet  
42 the requirements of this chapter and rules adopted by the board.

43 2. By rule, establish approval and reapproval processes for nursing  
44 and nursing assistant training programs that meet the requirements of this  
45 chapter and board rules.



- 1           3. Prepare and maintain a list of approved nursing programs for the  
2 preparation of registered and practical nurses whose graduates are  
3 eligible for licensing under this chapter as registered nurses or as  
4 practical nurses if they satisfy the other requirements of this chapter  
5 and board rules.
- 6           4. Examine qualified registered and practical nurse applicants.
- 7           5. License and renew the licenses of qualified registered and  
8 practical nurse applicants and licensed nursing assistants who are not  
9 qualified to be licensed by the executive director.
- 10          6. Adopt a seal, which the executive director shall keep.
- 11          7. Keep a record of all proceedings.
- 12          8. For proper cause, deny or rescind approval of a regulated  
13 training or educational program for failure to comply with this chapter or  
14 the rules of the board.
- 15          9. Adopt rules for the approval of credential evaluation services  
16 that evaluate the qualifications of applicants who graduated from an  
17 international nursing program.
- 18          10. Determine and administer appropriate disciplinary action  
19 against all regulated parties who are found guilty of violating this  
20 chapter or rules adopted by the board.
- 21          11. Perform functions necessary to carry out the requirements of  
22 nursing assistant and nurse aide training and competency evaluation  
23 program as set forth in the omnibus budget reconciliation act of 1987  
24 (P.L. 100-203; 101 Stat. 1330), as amended by the medicare catastrophic  
25 coverage act of 1988 (P.L. 100-360; 102 Stat. 683). These functions shall  
26 include:
  - 27           (a) Testing and registration of certified nursing assistants.
  - 28           (b) Testing and licensing of licensed nursing assistants.
  - 29           (c) Maintaining a list of board-approved training programs.
  - 30           (d) Maintaining a registry of nursing assistants for all certified  
31 nursing assistants and licensed nursing assistants.
  - 32           (e) Assessing fees.
- 33          12. Adopt rules establishing those acts that may be performed by a  
34 registered nurse practitioner ~~in collaboration with a licensed physician,~~  
35 ~~except that the board does not have authority to decide scope of practice~~  
36 ~~relating to abortion as defined in section 36-2151~~ OR CERTIFIED NURSE  
37 MIDWIFE. THE BOARD MAY NOT ADOPT A SCOPE OF PRACTICE THAT IS INCONSISTENT  
38 WITH TITLE 36, CHAPTER 20, ARTICLE 1.
- 39          13. Adopt rules establishing educational requirements for the  
40 certification of school nurses.
- 41          14. Publish copies of board rules and distribute these copies on  
42 request.
- 43          15. Require each applicant for initial licensure or certification  
44 to submit a full set of fingerprints to the board for the purpose of  
45 obtaining a state and federal criminal records check pursuant to section

1 41-1750 and Public Law 92-544. The department of public safety may  
2 exchange this fingerprint data with the federal bureau of investigation.

3 16. Except for a licensee who has been convicted of a felony that  
4 has been designated a misdemeanor pursuant to section 13-604, revoke a  
5 license of a person, revoke the multistate licensure privilege of a person  
6 pursuant to section 32-1669 or not issue a license or renewal to an  
7 applicant who has one or more felony convictions and who has not received  
8 an absolute discharge from the sentences for all felony convictions three  
9 or more years before the date of filing an application pursuant to this  
10 chapter.

11 17. Establish standards for approving and reapproving nurse  
12 practitioner and clinical nurse specialist programs and provide for  
13 surveys of nurse practitioner and clinical nurse specialist programs as it  
14 deems necessary.

15 18. Provide the licensing authorities of health care institutions,  
16 facilities and homes any information the board receives regarding  
17 practices that place a patient's health at risk.

18 19. Limit the multistate licensure privilege of any person who  
19 holds or applies for a license in this state pursuant to section 32-1668.

20 20. Adopt rules to establish competency standards for obtaining and  
21 maintaining a license.

22 21. Adopt rules for the qualification and certification of clinical  
23 nurse specialists.

24 22. Adopt rules for approval and reapproval of refresher courses  
25 for nurses who are not currently practicing.

26 23. Maintain a list of approved medication assistant training  
27 programs.

28 24. Test and certify medication assistants.

29 25. Maintain a registry and disciplinary record of medication  
30 assistants who are certified pursuant to this chapter.

31 C. The board may conduct an investigation on receipt of information  
32 that indicates that a person or regulated party may have violated this  
33 chapter or a rule adopted pursuant to this chapter. Following the  
34 investigation, the board may take disciplinary action pursuant to this  
35 chapter.

36 D. The board may limit, revoke or suspend the privilege of a nurse  
37 to practice in this state granted pursuant to section 32-1668.

38 E. Failure to comply with any final order of the board, including  
39 an order of censure or probation, is cause for suspension or revocation of  
40 a license or a certificate.

41 F. The president or a member of the board designated by the  
42 president may administer oaths in transacting the business of the board.