

REFERENCE TITLE: licensed health aides

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2424

Introduced by
Representative Willoughby

AN ACT

AMENDING SECTIONS 32-1601 AND 32-1645, 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 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 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 providing health care
25 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.

1 (vi) Recognizing the limits of the nurse's knowledge and experience
2 by consulting with or referring patients to other appropriate health care
3 professionals if a situation or condition occurs that is beyond the
4 knowledge and experience of the nurse or if the referral will protect the
5 health and welfare of the patient.

6 (vii) Delegating to a medical assistant pursuant to section
7 32-1456.

8 (viii) Performing additional acts that require education and
9 training as prescribed by the board and that are recognized by the nursing
10 profession as proper to be performed by a certified nurse midwife.

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

16 (a) Is a licensed health care professional.

17 (b) Volunteers to provide nursing assistant services without
18 monetary compensation.

19 (c) Is a licensed nursing assistant.

20 7. "Certified registered nurse" means a registered nurse who has
21 been certified by a national nursing credentialing agency recognized by
22 the board.

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

26 9. "Clinical nurse specialist" means a registered nurse who:

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

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

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

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

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

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

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

41 (iv) Developing, planning and guiding programs of care for
42 populations of patients.

43 (v) Making independent nursing decisions to solve complex client
44 care problems.

- 1 (vi) Using research skills and acquiring and applying critical new
2 knowledge and technologies to nursing practice.
- 3 (vii) Prescribing and dispensing durable medical equipment.
- 4 (viii) Consulting with or referring a client to other health care
5 providers based on assessment of the client's health status and needs.
- 6 (ix) Facilitating collaboration with other disciplines to attain
7 the desired client outcome across the continuum of care.
- 8 (x) Performing additional acts that require education and training
9 as prescribed by the board and that are recognized by the nursing
10 profession as proper to be performed by a clinical nurse specialist.
- 11 (xi) Prescribing, ordering and dispensing pharmacological agents
12 subject to the requirements and limits specified in section 32-1651.
- 13 10. "Conditional license" or "conditional approval" means a license
14 or approval that specifies the conditions under which the regulated party
15 is allowed to practice or to operate and that is prescribed by the board
16 pursuant to section 32-1644 or 32-1663.
- 17 11. "Delegation" means transferring to a competent individual the
18 authority to perform a selected nursing task in a designated situation in
19 which the nurse making the delegation retains accountability for the
20 delegation.
- 21 12. "Disciplinary action" means a regulatory sanction of a license,
22 certificate or approval pursuant to this chapter in any combination of the
23 following:
- 24 (a) A civil penalty for each violation of this chapter, not to
25 exceed \$1,000 for each violation.
- 26 (b) Restitution made to an aggrieved party.
- 27 (c) A decree of censure.
- 28 (d) A conditional license or a conditional approval that fixed a
29 period and terms of probation.
- 30 (e) Limited licensure.
- 31 (f) Suspension of a license, a certificate or an approval.
- 32 (g) Voluntary surrender of a license, a certificate or an approval.
- 33 (h) Revocation of a license, a certificate or an approval.
- 34 13. "Health care institution" has the same meaning prescribed in
35 section 36-401.
- 36 14. "Licensed health aide" means a person who:
- 37 (a) Is licensed pursuant to this chapter to provide or to assist in
38 providing nursing-related services authorized pursuant to section 36-2939.
- 39 (b) Is the parent, guardian or family member **BY AFFINITY OR**
40 **CONSANGUINITY** of the Arizona long-term care system member receiving
41 services who may provide licensed health aide services only to that member
42 and only consistent with that member's plan of care.

1 (c) Has a scope of practice that is the same as a licensed nursing
2 assistant and may also provide medication administration, tracheostomy
3 care, ~~and~~ enteral care AND ROUTINE VENTILATOR CARE and therapy and any
4 other tasks approved by the board in rule.

5 (d) HAS SUPERVISION REQUIREMENTS THAT ARE THE SAME AS A CERTIFIED
6 NURSING ASSISTANT.

7 15. "Licensed nursing assistant" means a person who is licensed
8 pursuant to this chapter to provide or assist in delivering nursing or
9 nursing-related services under the supervision and direction of a licensed
10 nursing staff member. Licensed nursing assistant does not include a
11 person who:

12 (a) Is a licensed health care professional.

13 (b) Volunteers to provide nursing assistant services without
14 monetary compensation.

15 (c) Is a certified nursing assistant.

16 16. "Licensee" means a person who is licensed pursuant to this
17 chapter or in a party state as defined in section 32-1668.

18 17. "Limited license" means a license that restricts the scope or
19 setting of a licensee's practice.

20 18. "Medication order" means a written or verbal communication
21 given by a certified registered nurse anesthetist to a health care
22 professional to administer a drug or medication, including controlled
23 substances.

24 19. "Practical nurse" means a person who holds a practical nurse
25 license issued pursuant to this chapter or pursuant to a multistate
26 compact privilege and who practices practical nursing as defined in this
27 section.

28 20. "Practical nursing" includes the following activities that are
29 performed under the supervision of a physician or a registered nurse:

30 (a) Contributing to the assessment of the health status of
31 individuals and groups.

32 (b) Participating in the development and modification of the
33 strategy of care.

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

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

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

39 (f) Delegating nursing activities within the scope of practice of a
40 practical nurse.

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

1 21. "Presence" means within the same health care institution or
2 office as specified in section 32-1634.04, subsection A, and available as
3 necessary.

4 22. "Registered nurse" or "professional nurse" means a person who
5 practices registered nursing and who holds a registered nurse license
6 issued pursuant to this chapter or pursuant to a multistate compact
7 privilege.

8 23. "Registered nurse practitioner" means a registered nurse who:

9 (a) Is certified by the board.

10 (b) Has completed a nurse practitioner education program approved
11 or recognized by the board and educational requirements prescribed by the
12 board by rule.

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

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

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

20 (ii) Managing the physical and psychosocial health status of
21 patients.

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

25 (iv) Making independent decisions in solving complex patient care
26 problems.

27 (v) Diagnosing, performing diagnostic and therapeutic procedures,
28 and prescribing, administering and dispensing therapeutic measures,
29 including legend drugs, medical devices and controlled substances within
30 the scope of registered nurse practitioner practice on meeting the
31 requirements established by the board.

32 (vi) Recognizing the limits of the nurse's knowledge and experience
33 by consulting with or referring patients to other appropriate health care
34 professionals if a situation or condition occurs that is beyond the
35 knowledge and experience of the nurse or if the referral will protect the
36 health and welfare of the patient.

37 (vii) Delegating to a medical assistant pursuant to section
38 32-1456.

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

42 24. "Registered nursing" includes the following:

43 (a) Diagnosing and treating human responses to actual or potential
44 health problems.

- 1 (b) Assisting individuals and groups to maintain or attain optimal
2 health by implementing a strategy of care to accomplish defined goals and
3 evaluating responses to care and treatment.
- 4 (c) Assessing the health status of individuals and groups.
- 5 (d) Establishing a nursing diagnosis.
- 6 (e) Establishing goals to meet identified health care needs.
- 7 (f) Prescribing nursing interventions to implement a strategy of
8 care.
- 9 (g) Delegating nursing interventions to others who are qualified to
10 do so.
- 11 (h) Providing for the maintenance of safe and effective nursing
12 care that is rendered directly or indirectly.
- 13 (i) Evaluating responses to interventions.
- 14 (j) Teaching nursing knowledge and skills.
- 15 (k) Managing and supervising the practice of nursing.
- 16 (l) Consulting and coordinating with other health care
17 professionals in the management of health care.
- 18 (m) Performing additional acts that require education and training
19 as prescribed by the board and that are recognized by the nursing
20 profession as proper to be performed by a registered nurse.
- 21 25. "Registry of nursing assistants" means the nursing assistants
22 registry maintained by the board pursuant to the omnibus budget
23 reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330), as amended by
24 the medicare catastrophic coverage act of 1988 (P.L. 100-360; 102 Stat.
25 683).
- 26 26. "Regulated party" means any person or entity that is licensed,
27 certified, registered, recognized or approved pursuant to this chapter.
- 28 27. "Unprofessional conduct" includes the following, whether
29 occurring in this state or elsewhere:
- 30 (a) Committing fraud or deceit in obtaining, attempting to obtain
31 or renewing a license or a certificate issued pursuant to this chapter.
- 32 (b) Committing a felony, whether or not involving moral turpitude,
33 or a misdemeanor involving moral turpitude. In either case, conviction by
34 a court of competent jurisdiction or a plea of no contest is conclusive
35 evidence of the commission.
- 36 (c) Aiding or abetting in a criminal abortion or attempting,
37 agreeing or offering to procure or assist in a criminal abortion.
- 38 (d) Any conduct or practice that is or might be harmful or
39 dangerous to the health of a patient or the public.
- 40 (e) Being mentally incompetent or physically unsafe to a degree
41 that is or might be harmful or dangerous to the health of a patient or the
42 public.
- 43 (f) Having a license, certificate, permit or registration to
44 practice a health care profession denied, suspended, conditioned, limited

1 or revoked in another jurisdiction and not reinstated by that
2 jurisdiction.

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

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

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

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

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

12 (i) Incompetent to practice.

13 (ii) Guilty of unprofessional conduct.

14 (iii) Mentally or physically unable to safely practice nursing or
15 to perform nursing-related duties. A nurse who is providing therapeutic
16 counseling for a nurse who is in a drug rehabilitation program is required
17 to report that nurse only if the nurse providing therapeutic counseling
18 has personal knowledge that patient safety is being jeopardized.

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

21 (m) Cheating or assisting another to cheat on a licensure or
22 certification examination.

23 Sec. 2. Section 32-1645, Arizona Revised Statutes, is amended to
24 read:

25 32-1645. Licensed nursing assistants; certified nursing
26 assistants; licensed health aides; qualifications

27 A. A person who wishes to practice as a licensed nursing assistant
28 shall file a verified application on a form prescribed by the board and
29 accompanied by the fee required pursuant to section 32-1643. The
30 applicant shall also submit a verified statement that indicates whether
31 the applicant has been convicted of a felony and, if convicted of one or
32 more felonies, indicates the date of absolute discharge from the sentences
33 for all felony convictions. The applicant shall also submit proof
34 satisfactory to the board that the applicant meets all of the following:

35 1. Satisfactorily completed the basic curriculum of a program
36 approved by the board.

37 2. Received a valid certificate from a training program approved by
38 the board.

39 3. Satisfactorily completed a competency examination pursuant to
40 section 32-1647.

41 B. A person who wishes to practice as a certified nursing assistant
42 shall file a verified form prescribed by the board and authorized by the
43 omnibus budget reconciliation act of 1987 (P.L. 100-123; 101 Stat. 1330),
44 as amended by the medicare catastrophic coverage act of 1988

1 (P.L. 100-360; 102 Stat. 683). The applicant shall also submit proof
2 satisfactory to the board that the applicant meets all of the following:
3 1. Satisfactorily completed the basic curriculum of a program
4 approved by the board.
5 2. Received a valid certificate from a training program approved by
6 the board.
7 3. Satisfactorily completed the nursing assistant competency
8 examinations pursuant to section 32-1647.
9 C. A person who wishes to practice as a licensed health aide shall
10 file a verified application on a form prescribed by the board and
11 accompanied by the fee required pursuant to section 32-1643. **THE**
12 **APPLICANT MAY ALLOW THE APPLICANT'S PROSPECTIVE EMPLOYER TO DISCUSS THE**
13 **APPLICATION WITH THE BOARD.** The applicant shall also submit proof
14 satisfactory to the board that the applicant meets all of the following:
15 1. Is a parent, guardian or family member of an individual who is
16 under twenty-one years of age and who is eligible to receive continuous
17 skilled nursing or skilled nursing respite care services pursuant to
18 section 36-2939, subsection G.
19 2. Satisfactorily completed the basic curriculum of and received a
20 valid certificate from a training program approved by the board that
21 includes medication administration, tracheostomy care, enteral care and
22 therapy for persons under twenty-one years of age, and any other tasks
23 approved by the board.
24 3. Satisfactorily completed a competency examination approved by
25 the board.
26 D. A person who wishes to practice as a certified nursing assistant
27 or a licensed nursing assistant shall be at least sixteen years of age.