

House Engrossed

nursing board; licensure; appropriation

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

HOUSE BILL 2494

AN ACT

AMENDING SECTION 32-1602, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 15, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1634.05; APPROPRIATING MONIES; 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 32-1602, Arizona Revised Statutes, is amended to
3 read:

4 32-1602. Board of nursing; member terms; immunity

5 A. The Arizona state board of nursing is established consisting of
6 eleven members who are appointed by the governor. Six members shall be
7 registered nurses, including at least one registered nurse practitioner,
8 clinical nurse specialist or certified registered nurse anesthetist. One
9 member shall be a nursing assistant or a nursing assistant educator. Two
10 members shall represent the public and two members shall be licensed
11 practical nurses, **EXCEPT THAT IF A QUALIFIED CANDIDATE CANNOT BE**
12 **IDENTIFIED WITHIN NINETY DAYS AFTER A VACANCY OCCURS, A REGISTERED NURSE**
13 **MAY BE APPOINTED.** Members shall be appointed for a term of five years, to
14 begin and end on June 30.

15 B. Before appointment by the governor, a prospective member of the
16 board shall submit a full set of fingerprints to the governor for the
17 purpose of obtaining a state and federal criminal records check pursuant
18 to section 41-1750 and Public Law 92-544. The department of public safety
19 may exchange this fingerprint data with the federal bureau of
20 investigation.

21 C. On or before May 1 each year and at any other time a vacancy on
22 the board occurs, the governor shall make an appointment or appointments
23 to the board. **AN** appointment to fill a vacancy other than by expiration
24 shall be for the unexpired term. A person shall not serve more than two
25 consecutive terms as a member of the board.

26 D. The governor may remove any person from the board for neglect of
27 any duty imposed by law or for incompetency or unprofessional or
28 dishonorable conduct.

29 E. A board member's term automatically ends:

30 1. On the death of the member.

31 2. On the member's written resignation submitted to the board
32 president or to the governor.

33 3. On the member's failure to attend three consecutive board
34 meetings.

35 F. A board member who acts within the scope of board duties,
36 without malice and in the reasonable belief that the member's action is
37 warranted by law is not subject to civil liability.

38 Sec. 2. Title 32, chapter 15, article 2, Arizona Revised Statutes,
39 is amended by adding section 32-1634.05, to read:

40 32-1634.05. Expedited licensure or certification;
41 notification; jurisdiction; validity;
42 definition

43 **A. THE BOARD SHALL ISSUE A LICENSE OR CERTIFICATE TO AN ADVANCED**
44 **PRACTICE REGISTERED NURSE OR A REGISTERED NURSE WITHIN FIVE BUSINESS DAYS**
45 **AFTER RECEIPT OF AN APPLICATION, AND THE FEES REQUIRED BY THE BOARD FOR AN**

1 OUT-OF-STATE NURSE WHO IS SEEKING LICENSURE OR CERTIFICATION, FROM A
2 PERSON TO WHOM ALL OF THE FOLLOWING APPLY:

3 1. THE PERSON HOLDS A CURRENT LICENSE OR CERTIFICATE TO PRACTICE AS
4 AN ADVANCED PRACTICE REGISTERED NURSE OR A REGISTERED NURSE IN AT LEAST
5 ONE OTHER STATE OR TERRITORY OF THE UNITED STATES AND THE LICENSE OR
6 CERTIFICATE IS IN GOOD STANDING IN ALL STATES AND TERRITORIES OF THE
7 UNITED STATES IN WHICH THE PERSON HOLDS A LICENSE OR CERTIFICATE.

8 2. THE PERSON PROVIDES PROOF OF A VALID AND UNENCUMBERED LICENSE OR
9 CERTIFICATE IN ANOTHER STATE OR TERRITORY OF THE UNITED STATES THROUGH
10 BOARD REVIEW OF A NATIONAL NURSE LICENSE VERIFICATION SYSTEM OR BY ANOTHER
11 MANNER DETERMINED BY THE BOARD AS SUFFICIENT PROOF THAT THE PERSON IS IN
12 GOOD STANDING WITH ALL LICENSING ENTITIES THAT HAVE ISSUED THE PERSON A
13 LICENSE OR CERTIFICATE.

14 3. THE PERSON HAS NOT HAD A LICENSE OR CERTIFICATE REVOKED AND HAS
15 NOT VOLUNTARILY SURRENDERED A LICENSE OR CERTIFICATE IN ANY OTHER STATE OR
16 TERRITORY OF THE UNITED STATES WHILE UNDER INVESTIGATION BY A LICENSING
17 ENTITY.

18 4. THE PERSON HAS HAD DISCIPLINE IMPOSED BY ANY LICENSING ENTITY IN
19 ANOTHER STATE OR TERRITORY AND THE BOARD DETERMINES THAT THE MATTER HAS
20 BEEN RESOLVED. IF THE BOARD DETERMINES A MATTER HAS NOT BEEN RESOLVED BY
21 ANOTHER JURISDICTION, THE BOARD MAY NOT ISSUE OR DENY A LICENSE OR
22 CERTIFICATE PURSUANT TO THIS SECTION UNTIL THE MATTER IS RESOLVED AND ANY
23 DISCIPLINE IMPOSED HAS BEEN COMPLETED.

24 5. THE PERSON DOES NOT HAVE A COMPLAINT OR INVESTIGATION PENDING
25 BEFORE ANOTHER LICENSING ENTITY IN ANOTHER STATE OR TERRITORY OF THE
26 UNITED STATES. IF AN APPLICANT HAS ANY COMPLAINT OR INVESTIGATION
27 PENDING, THE BOARD SHALL SUSPEND THE APPLICATION PROCESS PURSUANT TO THIS
28 SECTION AND MAY NOT ISSUE OR DENY A LICENSE OR CERTIFICATE TO THE
29 APPLICANT UNTIL THE COMPLAINT OR INVESTIGATION IS RESOLVED.

30 6. THE PERSON PROVIDES PROOF OF HAVING A CRIMINAL BACKGROUND CHECK
31 PURSUANT TO 34 UNITED STATES CODE SECTION 40102 ALREADY COMPLETED BY
32 ANOTHER STATE OR TERRITORY LICENSING ENTITY. THE BOARD SHALL ACCEPT
33 ANOTHER STATE OR TERRITORY LICENSING ENTITY'S REQUIREMENT FOR A FEDERAL
34 CRIMINAL BACKGROUND CHECK BEFORE ISSUING A LICENSE OR CERTIFICATE AS
35 SUFFICIENT PROOF THAT THE PERSON HAS COMPLETED A FEDERAL CRIMINAL
36 BACKGROUND CHECK.

37 7. THE PERSON IS A RESIDENT OF THIS STATE OR ATTESTS IN THE
38 APPLICATION THAT THE PERSON IS PHYSICALLY WORKING OR HAS ACCEPTED AN OFFER
39 TO PHYSICALLY WORK IN THIS STATE.

40 B. THE BOARD SHALL ACKNOWLEDGE BY WRITTEN OR ORAL COMMUNICATION TO
41 THE APPLICANT FOR AN EXPEDITED LICENSE OR CERTIFICATE THE DATE OF RECEIPT
42 OF THE APPLICATION FOR EXPEDITED LICENSURE OR CERTIFICATION PURSUANT TO
43 THIS SECTION. WITHIN FIVE BUSINESS DAYS AFTER RECEIPT OF THE APPLICATION,
44 THE BOARD SHALL PROVIDE TO THE APPLICANT EITHER:

45 1. A NOTICE OF LICENSURE OR CERTIFICATION APPROVAL.

1 2. A WRITTEN EXPLANATION OF REASONS THE APPLICANT IS NOT ELIGIBLE
2 FOR EXPEDITED LICENSURE OR CERTIFICATION, AND THE BOARD SHALL FURTHER
3 INVESTIGATE THE APPLICATION AS NECESSARY TO DETERMINE IF THE APPLICANT MAY
4 BE LICENSED OR CERTIFIED.

5 C. A PERSON WHO IS LICENSED OR CERTIFIED PURSUANT TO THIS SECTION
6 IS SUBJECT TO THE LAWS REGULATING THE PERSON'S PRACTICE IN THIS STATE AND
7 IS SUBJECT TO THE BOARD'S JURISDICTION.

8 D. A LICENSE OR CERTIFICATE ISSUED PURSUANT TO THIS SECTION IS
9 VALID ONLY IN THIS STATE.

10 E. A LICENSE OR CERTIFICATE ISSUED PURSUANT TO THIS SECTION ALLOWS
11 A PERSON TO PRACTICE AS AN ADVANCED PRACTICE REGISTERED NURSE OR A
12 REGISTERED NURSE IN THIS STATE AND IS VALID UNTIL THE LICENSE OR
13 CERTIFICATE IS REQUIRED TO BE RENEWED PURSUANT TO THIS ARTICLE.

14 F. ANY FEES REQUIRED BY THIS SECTION ARE WAIVED FOR VETERANS OF THE
15 UNITED STATES ARMED FORCES AND SPOUSES OF ACTIVE DUTY MEMBERS OF THE
16 UNITED STATES ARMED FORCES.

17 G. FOR THE PURPOSES OF THIS SECTION, "LICENSING ENTITY" MEANS A
18 STATE'S OR TERRITORY'S REGULATORY BODY THAT IS RESPONSIBLE FOR REGULATING
19 THE PRACTICE OF NURSING AND ADVANCED PRACTICE REGISTERED NURSING.

20 Sec. 3. Appropriation; Arizona state board of nursing;
21 exemption

22 A. The sum of \$100,000 and one FTE are appropriated from the board
23 of nursing fund established pursuant to section 32-1611, Arizona Revised
24 Statutes, in fiscal year 2024-2025 to the Arizona state board of nursing
25 for the purposes of section 32-1634.05, Arizona Revised Statutes, as added
26 by this act.

27 B. The appropriation made in subsection A of this section is exempt
28 from the provisions of section 35-190, Arizona Revised Statutes, relating
29 to lapsing of appropriations.