



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency the promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

[R16-198]

PREAMBLE

- | <u>1. Article, Part or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|--------------------------|
| R4-19-101 | Amend |
| Table 1 | Amend |
| R4-19-201 | Amend |
| R4-19-205 | Amend |
| R4-19-207 | Amend |
| R4-19-209 | Amend |
| R4-19-216 | Amend |
| R4-19-301 | Amend |
| R4-19-305 | Amend |
| R4-19-312 | Amend |
| R4-19-511 | Amend |
| R4-19-801 | Amend |
| R4-19-802 | Amend |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statutes (general) and the implementing statutes (specific):**
 Authorizing statutes: A.R.S. §§ 32-1605.01(B)(3); 32-1606(A)(1), (B)(1), (B)(2), (B)(9), (B)(11), (B)(12), (B)(21) and (23); and 32-1650.01(A).
 Implementing statutes: A.R.S. §§ 32-1601(19), 32-1668, and 41-1002.01.
- 3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 22 A.A.R. 2985, October 14, 2016 (*in this issue*).
- 4. The agency's contact person who can answer questions about the rulemaking:**
 Name: Joey Ridenour RN, MS, FAAN
 Executive Director
 Address: Board of Nursing
 4747 N. 7th St., Suite 200
 Phoenix, AZ 85014
 Telephone: (602) 771-7801
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 Website: azbn.gov



5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

R4-19-101. Definitions

The Board amended this Section to include the definition of "family" as it is used in Chapter 19. This action was identified in the five year rule review of Article 1 which was approved by Council on June 3, 2014. This definition clarifies the persons who would be considered part of the family of either the patient or nurse depending on the context of the rule. This definition will allow the Board to enforce limitations on the prescribing of controlled substances to family members by nurse practitioners (see below R4-19-511).

Table 1. Time-frames

Amendments to this rule are for the purpose of deleting time frames for those licenses the Board no longer issues and reducing time-frames for approval of a CES agency. These changes were identified in a report to the Governor in 2015 regarding EO 2015-01, paragraph 5. Technical changes were also made consistent with statutory changes allowing the board to issue nursing assistant licenses.

R-19-201. Organization and Administration

The Board amended this section to reduce regulatory burdens on schools related to clinical contracts. The Board has enforced these requirements for over a decade, however they the Board enforcement has neither resulted in increased clinical opportunities for students nor assured that contractual provisions were actually followed such as allowing faculty to determine assignments. While Board staff believes that the presence of a contract is necessary to obtain clinical placement, the details of a clinical contract are best left to the parties bound by the contract. Regardless of the contents of any agreement, schools and programs are responsible to obtaining appropriate clinical experiences for each enrolled student.

R4-19-205. Students; Policies and Admissions

R4-19-207. New Programs, Proposal Approval; Provisional Approval

R4-19-209. Nursing Program Change

References to limitations on program admissions were deleted from these rules because they were rendered obsolete by HB2634 (52nd Legislature, Second Regular Session) which prohibits state agencies from limiting enrollments in any school or program.

R4-19-216. Refresher Programs

The Board amended the language for bonding and fire inspections to be consistent with R4-19-802 which decreased the bond rating from A to A-minus.

R4-19-301. Licensure by Examination

The Board amended this Section to require applicants to provide an e-mail address. This provision would apply to applicants by exam and endorsement because R4-19-303 (Licensure by Endorsement) references this Section. Having an e-mail address allows the Board to communicate with its licensing base with timeliness and efficiency. This will increase communications with licensees and simultaneously decrease costs associated with mailing.

R4-19-305. License Renewal

The Board amended this Section to require renewal applicants to provide an e-mail address. Having a means to efficiently communicate with licensees allows to Board to inform nurses of renewal, request additional applicant information and provide pertinent information that affects licensure or nursing practice. This will decrease Board costs associated with mailing and may improve licensure time-frames.

R4-19-312. Practice Requirement

The Board amended this Section to allow graduates of international nursing programs to meet the same practice requirement as domestic graduates.

R4-19-511. Prescribing and Dispensing Authority; Prohibited Acts

The Board amended this Section for the purpose of prohibiting nurse practitioners from prescribing controlled substances to family members, and to prohibit prescribing of controlled substances to any person with whom the nurse has a relationship that could affect the nurse practitioner's judgment when prescribing.

R4-19-801. Common Standards for Certified Nursing Assistants (CNA) and Certified Medication Assistants (CMA)

The Board amended this section to reduce regulatory burdens on schools related to clinical agreements and to correct subsection (A) (6) which relates to the felony bar for CNAs which was rendered obsolete by House Bill 2196 which was adopted by the 52nd Legislature, First Regular Session and signed by the Governor. Regarding clinical agreements, while Board staff believes that the presence of a written agreement is necessary to obtain clinical placement, the details of the agreement are best left to the parties bound by the agreement. Regardless of the contents of any agreement, schools and programs are responsible to obtaining appropriate clinical experiences for each enrolled student.

**R4-19-802. CNA Program Requirements**

The Board added an option for private businesses who operate CNA programs to hold insurance in lieu of a bond. This is consistent with R4-19-216 which allows an insurance option for refresher program owners.

6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

There are no studies that the Board either relied on or did not rely on in its evaluation or justification for the rules.

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The Board does not anticipate a substantial economic impact from the majority of the amendments in this rulemaking. The Board regulates approximately 85,000 RNs, 6,000 Registered Nurse Practitioners, 11,000 LPNs, 27,000 CNAs and 23 CMAs. The Board regulates five LPN programs, 31 RN programs, 101 CNA programs, 2 CMA programs and 13 refresher programs. The Board, regulated parties and the public are all expected to benefit from the clarity and reduced regulatory burden of this rulemaking.

The following amendments are not expected to have a substantial economic impact on the Board, regulated parties, or the general public.

- R4-19-101 was amended to provide a definition of family and is not expected to have an economic impact.
- R4-19-201 and R4-19-801 may have a modest economic benefit for programs by decreasing costs of negotiating contracts related to Board requirements. These amendments will also decrease administrative burdens on Board staff for ensuring these elements are included in all contracts. Amendments to R4-19-801 clarify NA an program's responsibility related to felony bar information provided to students.
- R4-19-216 was amended to ensure consistency with R4-19-802 and may decrease costs for refresher programs.
- R4-19-511 clarifies prohibitions against prescribing controlled substances to family members and others with whom a nurse practitioner may have relationship and is not expected to have an economic impact.
- R4-19-301 and R4-19-305, requires applicants to furnish an e-mail address consistent with current requirements for advanced practice RNs and CNAs and will allow the Board to efficiently communicate with its licensees regarding renewal dates and other pertinent information related to practice and regulation. With timely notification of more nurses, the Board may experience decreased revenues from late fines, however processing late applications utilizes more Board resources, so overall effects will be negligible. In FY 2014 the Board collected approximately \$13,650 in late fees from RN/LPN applicants. Additionally the Board may save in mailing costs to applicants, although most applicants now voluntarily include their e-mail address, so savings are estimated to be minimal.
- R4-19-312 Clarifies that foreign-educated nurses are under the same practice requirements and U.S. Educated nurses and is not expected to have an economic impact
- R4-19-802 may have a modest economic benefit for programs by allowing programs a choice of a bond or insurance.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

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10. The time, place, and nature of the proceedings to make, repeal or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

The Board will hold an oral proceeding on November 21, 2016 at 3:30 p.m., in the Board offices at 4747 N. 7th St., Suite 200, Phoenix, AZ 85014. The Board will accept written comments submitted to Joey Ridenour, Executive Director, 4747 N. 7th St., Suite 200, Phoenix, AZ 85014 until the close of record at 5 p.m., on November 21, 2016.



11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. § § 41-1052 and 41-1055 shall respond to the following question:

There are no other matters prescribed by statute applicable to the Board or this specific class of rules

a. Whether the rules requires a permit, whether a general permit is used and if not the reasons why a general permit is not used:

This rulemaking does not require a permit, however Sections R4-19-201, R4-19-203, R4-19-204, R4-19-207, R4-19-209, R4-19-216, R4-19-301, R4-19-305, R4-19-312, and R4-19-801 relate to issuing licenses, certificates and approvals all of which can be considered a general permit under § 41-1001(10).

b. Whether a federal law is applicable to the subject of the rule, whether the rules is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of the federal law:

Federal laws (42 CFR 483.150, 42 CFR 483.151, 42 CFR 483.152, 42 CFR 483.154, 42 CFR 483.156, 42 CFR 483.158.) contain the federal minimum requirements for nursing assistant programs and inclusion on the nursing assistant register. Except for proof of legal presence, as required under A.R.S. §41-1080, the requirements to be listed on the nursing assistant registry are no more stringent than minimal federal requirements.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

There is no material incorporated by reference.

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

ARTICLE 1. DEFINITIONS AND TIME-FRAMES

Section

R4-19-101. Definitions
Table 1. Time-frames

ARTICLE 2. ARIZONA REGISTERED AND PRACTICAL NURSING PROGRAMS; REFRESHER PROGRAMS

R4-19-201. Organization and Administration
R4-19-205. Students; Policies and Admissions
R4-19-207. New Programs; Proposal Approval; Provisional Approval
R4-19-209. Nursing Program Change
R4-19-216. Approval of a Refresher Program

ARTICLE 3. LICENSURE

R4-19-301. Licensure by Examination
R4-19-305. License Renewal
R4-19-312. Practice Requirement

ARTICLE 5. ADVANCED PRACTICE REGISTERED NURSING

R4-19-511. Prescribing and Dispensing Authority; Prohibited Acts

ARTICLE 8. CERTIFIED AND LICENSED NURSING ASSISTANTS AND CERTIFIED MEDICATION ASSISTANTS

R4-19-801. Common Standards for Certified Nursing Assistant (CNA) and Certified Medication Assistant (CMA) Training Programs
R4-19-802. CNA Program Requirements

ARTICLE 1. DEFINITIONS AND TIME-FRAMES

R4-19-101. Definitions

In addition to the definitions in A.R.S. § 32-1601, in this Chapter:

- “Abuse” No change
- “Administer” No change
- “Admission cohort” No change
- “Applicant” No change
- “Approved national nursing accrediting agency” No change
- “Assign” No change



“Certificate or diploma in practical nursing” No change
“CES” No change
“Client” No change
“Clinical instruction” No change
“CMA” No change
“CNA” No change
“CNS” No change
“Collaborate” No change
“Contact hour” No change
“Continuing education activity” No change
“CRNA” No change
“DEA” No change
“Dispense” No change
“Dual relationship” No change
“Eligibility for graduation” No change
“Endorsement” No change
“Episodic nursing care” No change
“Failure to maintain professional boundaries” No change
“Family” means individuals who are related by blood, marriage, cohabitation and adoption including direct ancestors and descendants, any parent, sibling, child, grandparent, grandchild, spouse, sibling of a parent and children of a sibling, domestic partners, significant others, or persons sharing a residence including in a guardian or other supervisory relationship.
“Full approval” No change
“Good standing” No change
“Independent nursing activities” No change
“Initial approval” No change
“Licensure by examination” No change
“LPN” No change
“NATCEP” No change
“NCLEX” No change
“Nurse” No change
“Nursing diagnosis” No change
“Nursing practice” No change
“Nursing process” No change
“Nursing program” No change
“Nursing program administrator” No change
“Nursing program faculty member” No change
“Nursing-related activities or duties” No change
“P & D” No change
“Parent institution” No change
“Patient” No change
“Pharmacology” No change
“Physician” No change
“Preceptor” No change
“Preceptorship” No change
“Prescribe” No change
“Proposal approval” No change
“Provisional approval” No change
“Refresher program” No change
“Regionally accredited” No change
“Register” No change
“Resident” No change
“RN” No change
“RNP” No change
“SBTPE” No change
“School nurse” No change
“Self-study” No change
“Standards related to scope of practice” No change
“Substance use disorder” No change
“Supervision” No change
“Traineeship” No change



“Unlicensed assistive personnel” or “UAP” No change
 “Verified application” No change

Table 1. Time-frames

Time-frames (in days)								
Type of License, Certificate, or Approval	Applicable Statute and Section	Board Overall Time-frame Without Investigation	Board Overall Time-frame With Investigation	Board Administrative Completeness Review Time-frame	Applicant Time to Respond to Deficiency Notice	Board Substantive Review Time-frame Without Investigation	Board Substantive Review Time-frame With Investigation	Applicant Time to Respond to Comprehensive Written Request
Nursing Program Proposal Approval	A.R.S. §§ 32-1606(B)(2), 32-1644; R4-19-207	150	Not applicable	60	180	90	Not applicable	120
Nursing Program Provisional Approval	A.R.S. §§ 32-1606(B)(2), 32-1644; R4-19-207	150	Not applicable	60	180	90	Not applicable	120
Nursing Program Full Approval or Re-approval	A.R.S. §§ 32-1606(B)(2), 32-1644; R4-19-208, R4-19-210	150	Not applicable	60	180	90	Not applicable	120
Nursing Program Change	A.R.S. § 32-1606(B)(1); R4-19-209	150	Not applicable	60	180	90	Not applicable	120
Refresher Program Approval or Re-approval	A.R.S. § 32-1606(B)(21); R4-19-216	150	Not applicable	60	180	90	No applicable	120
CNS or RNP Nursing Program Approval or Re-approval	A.R.S. §§ 32-1606(B)(18), 32-1644; R4-19-503	150	Not applicable	60	180	90	Not applicable	120
Credential Evaluation Service Approval or Re-approval	A.R.S. §§ 32-1634.01(A)(1), 32-1634.02(A)(1), 32-1639.01(1), 32-1639.02(1); R4-19-303	150 90	Not applicable	60	180	90	Not applicable	120
Licensure by Exam	A.R.S. §§ 32-1606(B)(5), 32-1633, 32-1638, and R4-19-301	150	270	30	270	120	240	150



Licensure by Endorsement	A.R.S. §§ 32-1606(B)(5), 32-1634, 32-1639, and R4-19-302	150	270	30	270	120	240	150
Temporary License or Renewal	A.R.S. §§ 32-1605.01(B)(3), 32-1635, 32-1640; R4-19-304	60	90	30	60	30	60	90
License Renewal	A.R.S. §§ 32-1606(B)(5), 32-1642; R4-19-305	120	270	30	270	90	240	150
School Nurse Certification or Renewal	A.R.S. §§ 32-1606(B)(13), 32-1643(A)(8); R4-19-309	150	270	30	270	120	240	150
Re-issuance or Subsequent Issuance of License	A.R.S. § 32-1664(O); R4-19-404	150	270	30	270	120	240	150
Registered Nurse Practitioner Certification or Renewal	A.R.S. §§ 32-1601(19), 32-1606(B)(21); R4-19-505, R4-19-506	150	270	30	270	120	240	150
RNP Prescribing and Dispensing Privilege	A.R.S. § 32-1601(19); R4-19-511	150	270	30	270	120	240	150
CNS Certification or Renewal	A.R.S. §§ 32-1601(6), 32-1606(B)(21); R4-19-505, R4-19-506	150	270	30	270	120	240	150
CRNA Certification or Renewal	A.R.S. § 32-1634-.03; R4-19-505; R4-19-506	150	270	30	270	120	240	150
Temporary RNP, CRNA or CNS Certificate or Renewal	A.R.S. § 32-1635.01, 32-1634.03; R4-19-507	60	Not applicable	30	60	30	Not applicable	60



Nursing Assistant and Medication Assistant Training Programs Approval or Re-approval	A.R.S. § 32-1606(B)(11), 32-1650.01; R4-19-803, R4-19-804	120	Not applicable	30	180	90	Not applicable	120
<u>Licensed or Certified</u> Nursing Assistant and Medication Assistant Certification by Examination	A.R.S. §§ 32-1606(B)(11), 32-1647, 32-1650.02, 32-1650.03; R4-19-806	150	270	30	270	120	240	150
<u>Licensed or Certified</u> Nursing Assistant and Medication Assistant Certification by Endorsement	A.R.S. §§ 32-1606(B)(11), 32-1648, 32-1650.04; R4-19-807	150	270	30	270	120	240	150
Temporary CNA or CMA Certificate or Renewal	A.R.S. §§ 32-1646(A)(5), 32-1650, R4-19-808	60	Not applicable	30	60	30	Not applicable	60
<u>Licensed or Certified</u> Nursing Assistant and <u>Certified</u> Medication Assistant Certificate Renewal	A.R.S. § 32-1606(B)(11); R4-19-809	120	270	30	270	90	240	150
Re-issuance or Subsequent Issuance of a Nursing Assistant Certificate License	A.R.S. § 32-1664(O); R4-19-815	150	270	30	270	120	240	150

ARTICLE 2. ARIZONA REGISTERED AND PRACTICAL NURSING PROGRAMS; REFRESHER PROGRAMS

R4-19-201. Organization and Administration

- A. No change
- B. No change
- C. No change
- D. No change
- E. No change
- F. A nursing program shall have a written agreement between the program and each clinical agency where clinical experience is provided to the program's students, ~~that:~~
 - 1. ~~Defines the rights and responsibilities of both the clinical agency and the nursing program;~~
 - 2. ~~Lists the role and authority of the governing bodies of both the clinical agency and the nursing program;~~
 - 3. ~~Allows faculty members of the program the right to participate in selecting learning experiences for students, and~~



4. ~~Contains a termination clause that provides sufficient time for enrolled students to complete the clinical experience upon termination of the agreement.~~

G. No change

H. No change

I. No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
 - a. No change
 - b. No change
 - c. No change
8. No change
9. No change
10. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change

J. No change

K. No change

L. No change

1. No change
2. No change

M. No change

N. No change

R4-19-205. Students; Policies and Admissions

- A. The number of students admitted to a nursing program shall be determined by the number of qualified faculty, the size, number and availability of educational facilities and resources, and the availability of the appropriate clinical learning experiences for students. ~~The number of students admitted shall not exceed the number for which the program was approved plus minor increases allowed under R4-19-209 without Board approval.~~

B. No change

C. No change

D. No change

E. No change

1. No change
2. No change
3. No change
4. No change
5. No change

F. No change

R4-19-207. New Programs; Proposal Approval; Provisional Approval

A. No change

1. No change
2. No change
3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - i. No change
 - ii. No change
 - iii. No change
 - g. No change
 - h. No change
 - i. No change



- j. No change
 - k. No change
 - l. No change
 - m. No change
 - n. No change
 - i. No change
 - ii. No change
 - iii. No change
 - B. No change
 - C. No change
 - D. At a minimum of 180 days before planned enrollment of students, a parent institution that received proposal approval within the previous year may submit to the Board one electronic copy and one paper copy of an application for provisional approval. The parent institution shall ensure that the provisional approval application was written by or under the direction of a registered nurse who meets the requirements of R4-19-203(A) and includes the following information and documentation:
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - 5. No change
 - 6. Final program implementation plan including dates and number of planned student admissions ~~not to exceed 60 per calendar year~~, recruitment and hire dates for didactic and clinical faculty for the period of provisional approval. ~~An increase in student admissions may be sought under subsection (H) of this Section;~~
 - 7. No change
 - 8. No change
 - a. No change
 - b. No change
 - c. No change
 - E. No change
 - F. No change
 - G. No change
 - 1. No change
 - 2. No change
 - H. Following receipt of the report, a representative of the Board shall conduct a site survey visit under A.R.S. § 41-1009 to determine compliance with this Article. A report of the site visit shall be provided to the Board. ~~After reviewing the consultant report and at the request of the program under R4-19-209, the Board may grant permission to increase admissions.~~
 - I. No change
 - ~~J. A nursing program or the parent institution or governing body of a nursing program under provisional approval may not admit additional students other than those specifically provided for in the application or subsequently approved by the Board under subsection (H) of this Section and R4-19-209 and may not expand to another geographical location.~~
 - ~~K.~~ **J.** A nursing program whose provisional approval is rescinded may request a hearing by filing a written request with the Board within 30 days of service of the Board's order rescinding the provisional approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
- R4-19-209. Nursing Program Change**
- A. The program administrator shall ensure that the following changes to a nursing education program are evidence-based and supported by rationale. A nursing program administrator shall receive approval from the Board before implementing any of the following nursing program changes:
 - 1. Substantive change in the mission or goals of the program that requires revision of curriculum or program delivery method;
 - 2. Increasing or decreasing the academic credits or units of the program excluding pre-requisite credits;
 - 3. Adding a geographical location of the program;
 - ~~4. Increasing the student admission capacity annually by more than 30 students;~~
 - ~~5.~~ 4. Changing the level of educational preparation provided;
 - ~~6.~~ 5. Transferring the nursing program from one institution to another; or
 - ~~7.~~ 6. Establishing different admission, progression or graduation requirements for specific cohorts of the program.
 - B. No change
 - 1. No change
 - 2. No change
 - 3. No change



- 4. No change
- C. No change

R4-19-216. Approval of a Refresher Program

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
- B. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- C. No change
 - 1. No change
 - a. No change
 - b. No change
 - 2. No change
 - a. No change
 - b. No change
 - 3. No change
 - 4. No change
 - 5. No change
- D. Program types; bonding
 - 1. A refresher program may be offered by:
 - a. ~~A private educational institution that is accredited by the private post-secondary board.~~ An educational institution licensed by the State Board for Private Postsecondary Education;
 - b. ~~A public post-secondary educational institution.~~ A public post-secondary educational institution or a program funded by a local, state or federal governmental agency;
 - c. ~~A licensed health care institution.~~ A health care institution licensed by the Arizona Department of Health Services or a federally authorized health care institution; or
 - d. A private individual, partnership or corporation business that meets the requirements of this Section and all other legal requirements to operate a business in Arizona.
 - 2. If the refresher program is offered by a private ~~individual, partnership or corporation,~~ business, the program shall meet the following requirements:
 - a. ~~Submit proof of insurance covering any potential or future claims for damages resulting from any aspect of the program or provide evidence of a surety bond from a surety~~ Hold insurance covering any potential or future claims for damages resulting from any aspect of the program or a hold a surety bond from a surety company



with a rating of “A” “A minus” or better by either Best’s Credit Ratings, Moody’s Investor Service, or Standard and Poor’s rating service in the amount of a minimum of \$15,000. The program shall ensure that:

- i. Bond or insurance distributions are limited to students or former students with a valid claim for instructional or program deficiencies;
 - ii. The amount of the bond or insurance coverage is sufficient to reimburse the full amount of collected tuition and fees for all students during all enrollment periods of the program; and
 - iii. The bond or insurance is maintained for an additional 24 months after program closure.
- b. For programs offering on-ground instruction, provide a fire inspection report of the classroom and building by the Arizona State Fire Marshall or an entity approved by the Arizona State Fire Marshall for each program location.
- e. ~~Subsection (D) is effective immediately for new programs and within one year of the effective date for approved programs.~~

E. No change

F. No change

G. No change

1. No change

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H. No change

I. No change

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J. No change

ARTICLE 3. LICENSURE

R4-19-301. Licensure by Examination

A. An applicant for licensure by examination shall:

1. Submit a verified application to the Board on a form furnished by the Board that provides the following information about the applicant:
 - a. No change
 - b. Mailing address, including declared primary state of residence, e-mail address, and telephone number;
 - c. No change
 - d. Ethnic category; and marital status ~~and e-mail address~~, at the applicant's discretion;
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
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 - vi. No change
 - vii. No change
 - l. No change
 - m. No change
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- C. No change
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R4-19-305. License Renewal

- A. An applicant for renewal of a registered or practical nursing license shall:
 - 1. Submit a verified application to the Board on a form furnished by the Board that provides all of the following information about the applicant:
 - a. Full legal name, mailing address, e-mail address, telephone number and declared primary state of residence;
 - b. No change
 - c. Marital status; and ethnic category and e-mail address, at the applicant's discretion;
 - d. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - e. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - vii. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - 2. No change
 - 3. No change
- B. No change
- C. No change
- D. No change
- E. No change

R4-19-312. Practice Requirement

- A. No change



- B. An applicant for licensure by endorsement or renewal shall either have completed a post-licensure nursing program or ~~practice~~ practiced nursing at the applicable level of licensure for a minimum of 960 hours in the five years before the date on which the application is received. This requirement is satisfied if the applicant verifies that the applicant has:
1. No change
 2. No change
 - a. No change
 - b. No change
 - c. No change
- C. No change
- D. An applicant for licensure by either examination or endorsement, ~~who is a graduate of a nursing program located in the U.S. or its territories and who~~ does not meet the requirements of subsection (B), shall have completed the clinical portion of a pre-licensure nursing program within two years of the date of licensure. ~~Examination applicants who were previously licensed in an international jurisdiction shall meet the applicable requirements of subsection (B) or (E).~~
- E. No change

ARTICLE 5. ADVANCED PRACTICE REGISTERED NURSING

R4-19-511. Prescribing and Dispensing Authority; Prohibited Acts

- A. No change
1. No change
 2. No change
 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 4. No change
 - a. No change
 - b. No change
 5. No change
- B. No change
- C. No change
- D. In addition to acts listed under R4-19-403, for a nurse who prescribes or dispenses a drug or device, a practice that is or might be harmful to the health of a patient or the public, includes one or more of the following:
1. Prescribing a controlled substance to oneself, ~~or a member of the nurse's family or any other person with whom the nurse has a relationship that may interfere with or affect the nurse's ability to use independent, objective and sound nursing judgment when prescribing;~~
 2. No change
 3. No change
 4. No change
 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- E. No change
- F. No change
- G. No change
- H. No change

ARTICLE 8. CERTIFIED AND LICENSED NURSING ASSISTANTS AND CERTIFIED MEDICATION ASSISTANTS

R4-19-801. Common Standards for Certified Nursing Assistant (CNA) and Certified Medication Assistant (CMA) Training Programs

- A. Program Administrative Responsibilities
1. No change
 2. No change
 3. No change
 4. A training program that uses external clinical facilities shall execute a written agreement with each external clinical facility, ~~that:~~
 - a. ~~Provides the program instructor the ability to assign patient care experiences to students after consultation with facility staff, and~~



- ~~b. Contains a termination clause that provides sufficient time for enrolled students to complete their clinical training upon termination of the agreement.~~
 - 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 6. Before collecting any tuition or fees from a student, a training program shall notify each prospective student of Board requirements for certification and licensure including:
 - a. ~~legal~~ Legal presence in the United States; and
 - b. For licensure, criminal background check requirements, and ineligibility ~~for certification~~ under A.R.S. § 32-1606 (B) (15) and (16).
 - 7. No change
 - 8. No change
 - 9. No change
 - 10. No change
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 - b. No change
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 - e. No change
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- R4-19-802. CNA Program Requirements**
- A. Organization and Administration**
- 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. A private business that meets the requirements of this Article and all other legal requirements to operate a business in Arizona.
 - 2. If a nursing assistant program is offered by a private business, the program shall meet the following requirements.
 - a. ~~Hold~~ Hold insurance covering any potential or future claims for damages resulting from any aspect of the program or a hold a surety bond from a surety company with a financial strength rating of “A minus” or better by Best’s Credit Ratings, Moody’s Investors Service, Standard and Poor’s rating service or another comparable rating service as determined by the Board in the amount of a minimum of \$15,000. The program shall ensure that:
 - i. Bond or insurance distributions are limited to students or former students with a valid claim for instructional or program deficiencies;
 - ii. The amount of the bond or insurance is sufficient to reimburse the full amount of collected tuition and fees for all students during all enrollment periods of the program; and
 - iii. The bond or insurance is maintained for an additional 24 months after program closure; and
 - b. No change
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- G.** No change
- H.** No change
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- I.** No change



J. No change