

1 **PSYCHIATRIC NURSE AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Edward H. Redd**

5 Senate Sponsor: Brian E. Shiozawa

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Nurse Practice Act related to advanced practice
10 registered nurse licensing.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ for an applicant for a license in advanced practice registered nursing in the
14 psychiatric mental health specialty:
- 15 • removes a provision that requires the applicant to complete the applicant's
16 clinical practice requirements before licensure; and
 - 17 • adds a provision that requires the applicant to complete the applicant's clinical
18 practice requirements before renewal, or, if the applicant is renewing in less
19 than two years, to demonstrate satisfactory progress toward completing the
20 clinical practice requirements; and
- 21 ▶ makes technical and conforming amendments.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **58-31b-302**, as last amended by Laws of Utah 2011, Chapter 367

29 **58-31b-305**, as last amended by Laws of Utah 2009, Chapter 183

30

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **58-31b-302** is amended to read:

33 **58-31b-302. Qualifications for licensure or certification -- Criminal background**
34 **checks.**

35 (1) An applicant for certification as a medication aide shall:

36 (a) submit an application to the division on a form prescribed by the division;

37 (b) pay a fee to the division as determined under Section **63J-1-504**;

38 (c) have a high school diploma or its equivalent;

39 (d) have a current certification as a nurse aide, in good standing, from the Department
40 of Health;

41 (e) have a minimum of 2,000 hours of experience within the two years prior to
42 application, working as a certified nurse aide in a long-term care facility;

43 (f) obtain letters of recommendation from a long-term care facility administrator and
44 one licensed nurse familiar with the applicant's work practices as a certified nurse aide;

45 (g) be in a condition of physical and mental health that will permit the applicant to
46 practice safely as a medication aide certified;

47 (h) have completed an approved education program or an equivalent as determined by
48 the division in collaboration with the board;

49 (i) have passed the examinations as required by division rule made in collaboration
50 with the board; and

51 (j) meet with the board, if requested, to determine the applicant's qualifications for
52 certification.

53 (2) An applicant for licensure as a licensed practical nurse shall:

54 (a) submit to the division an application in a form prescribed by the division;

55 (b) pay to the division a fee determined under Section **63J-1-504**;

56 (c) have a high school diploma or its equivalent;

57 (d) be in a condition of physical and mental health that will permit the applicant to
58 practice safely as a licensed practical nurse;

59 (e) have completed an approved practical nursing education program or an equivalent
60 as determined by the board;

61 (f) have passed the examinations as required by division rule made in collaboration
62 with the board; and

63 (g) meet with the board, if requested, to determine the applicant's qualifications for
64 licensure.

65 (3) An applicant for licensure as a registered nurse shall:

66 (a) submit to the division an application form prescribed by the division;

67 (b) pay to the division a fee determined under Section [63J-1-504](#);

68 (c) have a high school diploma or its equivalent;

69 (d) be in a condition of physical and mental health that will allow the applicant to
70 practice safely as a registered nurse;

71 (e) have completed an approved registered nursing education program;

72 (f) have passed the examinations as required by division rule made in collaboration
73 with the board; and

74 (g) meet with the board, if requested, to determine the applicant's qualifications for
75 licensure.

76 (4) Applicants for licensure as an advanced practice registered nurse shall:

77 (a) submit to the division an application on a form prescribed by the division;

78 (b) pay to the division a fee determined under Section [63J-1-504](#);

79 (c) be in a condition of physical and mental health which will allow the applicant to
80 practice safely as an advanced practice registered nurse;

81 (d) hold a current registered nurse license in good standing issued by the state or be
82 qualified at the time for licensure as a registered nurse;

83 (e) (i) have earned a graduate degree in:

84 (A) an advanced practice registered nurse nursing education program; or

85 (B) a related area of specialized knowledge as determined appropriate by the division
86 in collaboration with the board; or

87 (ii) have completed a nurse anesthesia program in accordance with Subsection

88 (4)(f)(ii);

89 (f) have completed:

90 (i) course work in patient assessment, diagnosis and treatment, and
91 pharmacotherapeutics from an education program approved by the division in collaboration
92 with the board; or

93 (ii) a nurse anesthesia program which is approved by the Council on Accreditation of
94 Nurse Anesthesia Educational Programs;

95 ~~[(g) have successfully completed clinical practice in psychiatric and mental health
96 nursing, including psychotherapy as defined by division rule, after completion of a doctorate or
97 master's degree required for licensure, to practice within the psychiatric and mental health
98 nursing specialty;]~~

99 (g) to practice within the psychiatric mental health nursing specialty, demonstrate, as
100 described in division rule, that the applicant, after completion of a doctorate or master's degree
101 required for licensure, is in the process of completing the applicant's clinical practice
102 requirements in psychiatric mental health nursing, including in psychotherapy;

103 (h) have passed the examinations as required by division rule made in collaboration
104 with the board;

105 (i) be currently certified by a program approved by the division in collaboration with
106 the board and submit evidence satisfactory to the division of the certification; and

107 (j) meet with the board, if requested, to determine the applicant's qualifications for
108 licensure.

109 (5) For each applicant for licensure or certification under this chapter:

110 (a) the applicant shall:

111 (i) submit fingerprint cards in a form acceptable to the division at the time the
112 application is filed; and

113 (ii) consent to a fingerprint background check by the Utah Bureau of Criminal
114 Identification and the Federal Bureau of Investigation regarding the application; and

115 (b) the division shall request the Department of Public Safety to complete a Federal
116 Bureau of Investigation criminal background check through the national criminal history
117 system (NCIC) or any successor system.

118 (6) For purposes of conducting the criminal background checks required in Subsection
119 (5), the division shall have direct access to criminal background information maintained
120 pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

121 (7) (a) (i) Any new nurse license or certification issued under this section shall be
122 conditional, pending completion of the criminal background check.

123 (ii) If the criminal background check discloses the applicant has failed to accurately
124 disclose a criminal history, the license or certification shall be immediately and automatically
125 revoked.

126 (b) (i) Any person whose conditional license or certification has been revoked under
127 Subsection (7)(a) shall be entitled to a postrevocation hearing to challenge the revocation.

128 (ii) The hearing shall be conducted in accordance with Title 63G, Chapter 4,
129 Administrative Procedures Act.

130 (8) (a) If a person has been charged with a violent felony, as defined in Subsection
131 76-3-203.5(1)(c), and, as a result, the person has been convicted, entered a plea of guilty or
132 nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the
133 successful completion of probation:

134 (i) the person is disqualified for licensure under this chapter; and

135 (ii) (A) if the person is licensed under this chapter, the division:

136 (I) shall act upon the license as required under Section 58-1-401; and

137 (II) may not renew or subsequently issue a license to the person under this chapter; and

138 (B) if the person is not licensed under this chapter, the division may not issue a license
139 to the person under this chapter.

140 (b) If a person has been charged with a felony other than a violent felony, as defined in
141 Subsection 76-3-203.5(1)(c), and, as a result, the person has been convicted, entered a plea of
142 guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance
143 pending the successful completion of probation:

144 (i) if the person is licensed under this chapter, the division shall determine whether the
145 felony disqualifies the person for licensure under this chapter and act upon the license, as
146 required, in accordance with Section 58-1-401; and

147 (ii) if the person is not licensed under this chapter, the person may not file an
148 application for licensure under this chapter any sooner than five years after having completed
149 the conditions of the sentence or plea agreement.

150 Section 2. Section 58-31b-305 is amended to read:

151 **58-31b-305. Term of license -- Expiration -- Renewal.**

152 (1) The division shall issue each license or certification under this chapter in
153 accordance with a two-year renewal cycle established by rule. The division may by rule extend
154 or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

155 ~~[(2) At the time of renewal, the licensee or person certified under this chapter shall~~
156 ~~show satisfactory evidence of each of the following renewal requirements:]~~

157 (2) The division shall renew the license of a licensee who, at the time of renewal:

158 (a) ~~[complete and submit]~~ completes and submits an application for renewal in a form
159 prescribed by the division ~~[and pay the renewal fee determined];~~

160 (b) pays a renewal fee established by the division under Section [63J-1-504](#); and

161 ~~[(b)]~~ (c) ~~[meet]~~ meets continuing competency requirements as established by rule[;]

162 ~~[which shall include continuing education requirements for medication aide certified~~
163 ~~established by the board and adopted by the division by rule].~~

164 (3) In addition to the renewal requirements under Subsection (2), a person licensed as a
165 advanced practice registered nurse shall be currently certified by a program approved by the
166 division in collaboration with the board and submit evidence satisfactory to the division of that
167 qualification or if licensed prior to July 1, 1992, meet the requirements established by rule.

168 (4) In addition to the requirements described in Subsections (2) and (3), an advanced
169 practice registered nurse licensee specializing in psychiatric mental health nursing who, as of
170 the day on which the division originally issued the licensee's license had not completed the
171 division's clinical practice requirements in psychiatric and mental health nursing, shall, to
172 qualify for renewal:

173 (a) if renewing less than two years after the day on which the division originally issued
174 the license, demonstrate satisfactory progress toward completing the clinical practice
175 requirements; or

176 (b) have completed the clinical practice requirements.

177 ~~[(4)]~~ (5) Each license or certification automatically expires on the expiration date
178 shown on the license or certification unless renewed in accordance with Section [58-1-308](#).

Legislative Review Note
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Office of Legislative Research and General Counsel