

NURSE PRACTICE ACT AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Sophia M. DiCaro

LONG TITLE

General Description:

This bill amends the Nurse Practice Act.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ requires a nursing education program to be accredited in order to qualify students to practice nursing in the state; and
- ▶ provides students of certain non-accredited nursing education programs time to graduate from the non-accredited program and qualify to practice nursing in the state.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-31b-102, as last amended by Laws of Utah 2011, Chapter 366

58-31b-601, as last amended by Laws of Utah 2015, Chapter 29

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



28 Section 1. Section **58-31b-102** is amended to read:

29 **58-31b-102. Definitions.**

30 In addition to the definitions in Section **58-1-102**, as used in this chapter:

31 (1) "Administrative penalty" means a monetary fine or citation imposed by the division
32 for acts or omissions determined to constitute unprofessional or unlawful conduct in
33 accordance with a fine schedule established by rule and as a result of an adjudicative
34 proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

35 (2) "Applicant" means a person who applies for licensure or certification under this
36 chapter by submitting a completed application for licensure or certification and the required
37 fees to the department.

38 (3) "Approved education program" means a nursing education program that [~~meets the~~
39 ~~minimum standards for educational programs established under this chapter and by division~~
40 ~~rule in collaboration with the board~~] is accredited by an accrediting body for nursing education
41 that is approved by the United States Department of Education.

42 (4) "Board" means the Board of Nursing created in Section **58-31b-201**.

43 (5) "Consultation and referral plan" means a written plan jointly developed by an
44 advanced practice registered nurse and a consulting physician that permits the advanced
45 practice registered nurse to prescribe schedule II-III controlled substances in consultation with
46 the consulting physician.

47 (6) "Consulting physician" means a physician and surgeon or osteopathic physician and
48 surgeon licensed in accordance with this title who has agreed to consult with an advanced
49 practice registered nurse with a controlled substance license, a DEA registration number, and
50 who will be prescribing schedule II-III controlled substances.

51 (7) "Diagnosis" means the identification of and discrimination between physical and
52 psychosocial signs and symptoms essential to the effective execution and management of
53 health care.

54 (8) "Examinee" means a person who applies to take or does take any examination
55 required under this chapter for licensure.

56 (9) "Licensee" means a person who is licensed or certified under this chapter.

57 (10) "Long-term care facility" means any of the following facilities licensed by the
58 Department of Health pursuant to Title 26, Chapter 21, Health Care Facility Licensing and

59 Inspection Act:

60 (a) a nursing care facility;

61 (b) a small health care facility;

62 (c) an intermediate care facility for people with an intellectual disability;

63 (d) an assisted living facility Type I or II; or

64 (e) a designated swing bed unit in a general hospital.

65 (11) "Medication aide certified" means a certified nurse aide who:

66 (a) has a minimum of 2,000 hours experience working as a certified nurse aide;

67 (b) has received a minimum of 60 hours of classroom and 40 hours of practical training

68 that is approved by the division in collaboration with the board, in administering routine

69 medications to patients or residents of long-term care facilities; and

70 (c) is certified by the division as a medication aide certified.

71 (12) (a) "Practice as a medication aide certified" means the limited practice of nursing

72 under the supervision, as defined by the division by administrative rule, of a licensed nurse,

73 involving routine patient care that requires minimal or limited specialized or general

74 knowledge, judgment, and skill, to an individual who:

75 (i) is ill, injured, infirm, has a physical, mental, developmental, or intellectual
76 disability; and

77 (ii) is in a regulated long-term care facility.

78 (b) "Practice as a medication aide certified":

79 (i) includes:

80 (A) providing direct personal assistance or care; and

81 (B) administering routine medications to patients in accordance with a formulary and
82 protocols to be defined by the division by rule; and

83 (ii) does not include assisting a resident of an assisted living facility, a long term care
84 facility, or an intermediate care facility for people with an intellectual disability to self
85 administer a medication, as regulated by the Department of Health by administrative rule.

86 (13) "Practice of advanced practice registered nursing" means the practice of nursing
87 within the generally recognized scope and standards of advanced practice registered nursing as
88 defined by rule and consistent with professionally recognized preparation and education
89 standards of an advanced practice registered nurse by a person licensed under this chapter as an

- 90 advanced practice registered nurse. Advanced practice registered nursing includes:
- 91 (a) maintenance and promotion of health and prevention of disease;
- 92 (b) diagnosis, treatment, correction, consultation, and referral for common health
- 93 problems;
- 94 (c) prescription or administration of prescription drugs or devices including:
- 95 (i) local anesthesia;
- 96 (ii) schedule IV-V controlled substances; and
- 97 (iii) schedule II-III controlled substances in accordance with a consultation and referral
- 98 plan; or
- 99 (d) the provision of preoperative, intraoperative, and postoperative anesthesia care and
- 100 related services upon the request of a licensed health care professional by an advanced practice
- 101 registered nurse specializing as a certified registered nurse anesthetist, including:
- 102 (i) preanesthesia preparation and evaluation including:
- 103 (A) performing a preanesthetic assessment of the patient;
- 104 (B) ordering and evaluating appropriate lab and other studies to determine the health of
- 105 the patient; and
- 106 (C) selecting, ordering, or administering appropriate medications;
- 107 (ii) anesthesia induction, maintenance, and emergence, including:
- 108 (A) selecting and initiating the planned anesthetic technique;
- 109 (B) selecting and administering anesthetics and adjunct drugs and fluids; and
- 110 (C) administering general, regional, and local anesthesia;
- 111 (iii) postanesthesia follow-up care, including:
- 112 (A) evaluating the patient's response to anesthesia and implementing corrective
- 113 actions; and
- 114 (B) selecting, ordering, or administering the medications and studies listed in
- 115 Subsection (13)(d); and
- 116 (iv) other related services within the scope of practice of a certified registered nurse
- 117 anesthetist, including:
- 118 (A) emergency airway management;
- 119 (B) advanced cardiac life support; and
- 120 (C) the establishment of peripheral, central, and arterial invasive lines; and

121 (v) for purposes of Subsection (13)(d), "upon the request of a licensed health care
122 professional":

123 (A) means a health care professional practicing within the scope of the health care
124 professional's license, requests anesthesia services for a specific patient; and

125 (B) does not require an advanced practice registered nurse specializing as a certified
126 registered nurse anesthetist to enter into a consultation and referral plan or obtain additional
127 authority to select, administer, or provide preoperative, intraoperative, or postoperative
128 anesthesia care and services.

129 (14) "Practice of nursing" means assisting individuals or groups to maintain or attain
130 optimal health, implementing a strategy of care to accomplish defined goals and evaluating
131 responses to care and treatment. The practice of nursing requires substantial specialized or
132 general knowledge, judgment, and skill based upon principles of the biological, physical,
133 behavioral, and social sciences, and includes:

- 134 (a) initiating and maintaining comfort measures;
- 135 (b) promoting and supporting human functions and responses;
- 136 (c) establishing an environment conducive to well-being;
- 137 (d) providing health counseling and teaching;
- 138 (e) collaborating with health care professionals on aspects of the health care regimen;
- 139 (f) performing delegated procedures only within the education, knowledge, judgment,
140 and skill of the licensee; and
- 141 (g) delegating nurse interventions that may be performed by others and are not in
142 conflict with this chapter.

143 (15) "Practice of practical nursing" means the performance of nursing acts in the
144 generally recognized scope of practice of licensed practical nurses as defined by rule and as
145 provided in this Subsection (15) by a person licensed under this chapter as a licensed practical
146 nurse and under the direction of a registered nurse, licensed physician, or other specified health
147 care professional as defined by rule. Practical nursing acts include:

- 148 (a) contributing to the assessment of the health status of individuals and groups;
- 149 (b) participating in the development and modification of the strategy of care;
- 150 (c) implementing appropriate aspects of the strategy of care;
- 151 (d) maintaining safe and effective nursing care rendered to a patient directly or

152 indirectly; and

153 (e) participating in the evaluation of responses to interventions.

154 (16) "Practice of registered nursing" means performing acts of nursing as provided in
155 this Subsection (16) by a person licensed under this chapter as a registered nurse within the
156 generally recognized scope of practice of registered nurses as defined by rule. Registered
157 nursing acts include:

158 (a) assessing the health status of individuals and groups;

159 (b) identifying health care needs;

160 (c) establishing goals to meet identified health care needs;

161 (d) planning a strategy of care;

162 (e) prescribing nursing interventions to implement the strategy of care;

163 (f) implementing the strategy of care;

164 (g) maintaining safe and effective nursing care that is rendered to a patient directly or
165 indirectly;

166 (h) evaluating responses to interventions;

167 (i) teaching the theory and practice of nursing; and

168 (j) managing and supervising the practice of nursing.

169 (17) "Routine medications":

170 (a) means established medications administered to a medically stable individual as
171 determined by a licensed health care practitioner or in consultation with a licensed medical
172 practitioner; and

173 (b) is limited to medications that are administered by the following routes:

174 (i) oral;

175 (ii) sublingual;

176 (iii) buccal;

177 (iv) eye;

178 (v) ear;

179 (vi) nasal;

180 (vii) rectal;

181 (viii) vaginal;

182 (ix) skin ointments, topical including patches and transdermal;

183 (x) premeasured medication delivered by aerosol/nebulizer; and

184 (xi) medications delivered by metered hand-held inhalers.

185 (18) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-31b-501.

186 (19) "Unlicensed assistive personnel" means any unlicensed person, regardless of title,
187 to whom tasks are delegated by a licensed nurse as permitted by rule and in accordance with
188 the standards of the profession.

189 (20) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-31b-502 and
190 as may be further defined by rule.

191 Section 2. Section 58-31b-601 is amended to read:

192 **58-31b-601. Minimum standards for nursing programs -- Medication aide**
193 **training.**

194 (1) Except as provided in Subsection (2), to qualify as an approved education program
195 for the purpose of qualifying graduates for licensure under this chapter, a nursing education
196 program shall be accredited by an accrediting body for nursing education that is approved by
197 the United States Department of Education.

198 (2) (a) In accordance with Subsection (2)(b) and Title 63G, Chapter 3, Utah
199 Administrative Rulemaking Act, the division, in consultation with the board, may make rules
200 establishing requirements for a nursing education program to qualify for a limited time as an
201 approved education program for the purpose of qualifying graduates for licensure under this
202 chapter, if the program:

203 ~~[(a)]~~ (i) (A) is in the process of obtaining the accreditation described in Subsection (1);

204 ~~[(b)]~~ (B) has recently been denied accreditation after seeking to obtain the accreditation
205 described in Subsection (1); or

206 ~~[(c)]~~ (C) has recently lost the accreditation described in Subsection (1)~~[-];~~ and

207 (ii) is approved under Subsection (2)(a) on or before May 15, 2016.

208 (b) A program approved under Subsection (2)(a) may qualify graduates for licensure
209 under Subsection (2)(a) until May 31, 2017. On or after June 1, 2017, a nursing education
210 program that is not an approved education program under Subsection (1) may not qualify
211 graduates for licensure under this chapter.

212 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
213 the provisions of this chapter, the division shall make rules defining the minimum standards for

214 a medication aide certified training program to qualify a person for certification under this
215 chapter as a medication aide certified.

Legislative Review Note
Office of Legislative Research and General Counsel