

### **Part 3 Licensing**

#### **58-31b-301 License or certification required -- Classifications.**

- (1) A license is required to engage in the practice of nursing, except as specifically provided in Sections 58-1-307 and 58-31b-308.
- (2) The division shall issue to a person who qualifies under this chapter a license or certification in the classification of:
  - (a) licensed practical nurse;
  - (b) registered nurse;
  - (c) advanced practice registered nurse intern;
  - (d) advanced practice registered nurse;
  - (e) advanced practice registered nurse - CRNA without prescriptive practice; and
  - (f) medication aide certified.
- (3) An individual holding an advanced practice registered nurse license as of July 1, 1998, who cannot document the successful completion of advanced course work in patient assessment, diagnosis and treatment, and pharmacotherapeutics, may not prescribe and shall be issued an "APRN - without prescriptive practice" license.
- (4) The division shall grant an advanced practice registered nurse license to any licensed advanced practice registered nurse currently holding prescriptive authority under any predecessor act on July 1, 1998.
- (5) An individual holding a certified registered nurse anesthetist license as of July 1, 2007, shall be issued an "APRN - CRNA - without prescriptive practice" license.

Amended by Chapter 57, 2007 General Session

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

- (1) An applicant for certification as a medication aide shall:
  - (a) submit an application to the division on a form prescribed by the division;
  - (b) pay a fee to the division as determined under Section 63J-1-504;
  - (c) have a high school diploma or its equivalent;
  - (d) have a current certification as a nurse aide, in good standing, from the Department of Health;
  - (e) have a minimum of 2,000 hours of experience within the two years prior to application, working as a certified nurse aide in a long-term care facility;
  - (f) obtain letters of recommendation from a long-term care facility administrator and one licensed nurse familiar with the applicant's work practices as a certified nurse aide;
  - (g) be in a condition of physical and mental health that will permit the applicant to practice safely as a medication aide certified;
  - (h) have completed an approved education program or an equivalent as determined by the division in collaboration with the board;
  - (i) have passed the examinations as required by division rule made in collaboration with the board; and
  - (j) meet with the board, if requested, to determine the applicant's qualifications for certification.
- (2) An applicant for licensure as a licensed practical nurse shall:
  - (a) submit to the division an application in a form prescribed by the division;
  - (b) pay to the division a fee determined under Section 63J-1-504;
  - (c) have a high school diploma or its equivalent;

- (d) be in a condition of physical and mental health that will permit the applicant to practice safely as a licensed practical nurse;
  - (e) have completed an approved practical nursing education program or an equivalent as determined by the board;
  - (f) have passed the examinations as required by division rule made in collaboration with the board; and
  - (g) meet with the board, if requested, to determine the applicant's qualifications for licensure.
- (3) An applicant for licensure as a registered nurse shall:
- (a) submit to the division an application form prescribed by the division;
  - (b) pay to the division a fee determined under Section 63J-1-504;
  - (c) have a high school diploma or its equivalent;
  - (d) be in a condition of physical and mental health that will allow the applicant to practice safely as a registered nurse;
  - (e) have completed an approved registered nursing education program;
  - (f) have passed the examinations as required by division rule made in collaboration with the board; and
  - (g) meet with the board, if requested, to determine the applicant's qualifications for licensure.
- (4) Applicants for licensure as an advanced practice registered nurse shall:
- (a) submit to the division an application on a form prescribed by the division;
  - (b) pay to the division a fee determined under Section 63J-1-504;
  - (c) be in a condition of physical and mental health which will allow the applicant to practice safely as an advanced practice registered nurse;
  - (d) hold a current registered nurse license in good standing issued by the state or be qualified at the time for licensure as a registered nurse;
  - (e)
    - (i) have earned a graduate degree in:
      - (A) an advanced practice registered nurse nursing education program; or
      - (B) a related area of specialized knowledge as determined appropriate by the division in collaboration with the board; or
    - (ii) have completed a nurse anesthesia program in accordance with Subsection (4)(f)(ii);
  - (f) have completed:
    - (i) course work in patient assessment, diagnosis and treatment, and pharmacotherapeutics from an education program approved by the division in collaboration with the board; or
    - (ii) a nurse anesthesia program which is approved by the Council on Accreditation of Nurse Anesthesia Educational Programs;
  - (g) to practice within the psychiatric mental health nursing specialty, demonstrate, as described in division rule, that the applicant, after completion of a doctorate or master's degree required for licensure, is in the process of completing the applicant's clinical practice requirements in psychiatric mental health nursing, including in psychotherapy;
  - (h) have passed the examinations as required by division rule made in collaboration with the board;
  - (i) be currently certified by a program approved by the division in collaboration with the board and submit evidence satisfactory to the division of the certification; and
  - (j) meet with the board, if requested, to determine the applicant's qualifications for licensure.
- (5) For each applicant for licensure or certification under this chapter:
- (a) the applicant shall:
    - (i) submit fingerprint cards in a form acceptable to the division at the time the application is filed; and

- (ii) consent to a fingerprint background check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application; and
  - (b) the division shall request the Department of Public Safety to complete a Federal Bureau of Investigation criminal background check through the national criminal history system (NCIC) or any successor system.
- (6) For purposes of conducting the criminal background checks required in Subsection (5), the division shall have direct access to criminal background information maintained pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- (7)
- (a)
    - (i) Any new nurse license or certification issued under this section shall be conditional, pending completion of the criminal background check.
    - (ii) If the criminal background check discloses the applicant has failed to accurately disclose a criminal history, the license or certification shall be immediately and automatically revoked.
  - (b)
    - (i) Any person whose conditional license or certification has been revoked under Subsection (7) (a) shall be entitled to a postrevocation hearing to challenge the revocation.
    - (ii) The hearing shall be conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (8)
- (a) If a person has been charged with a violent felony, as defined in Subsection 76-3-203.5(1)(c), and, as a result, the person has been convicted, entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the successful completion of probation:
    - (i) the person is disqualified for licensure under this chapter; and
    - (ii)
      - (A) if the person is licensed under this chapter, the division:
        - (I) shall act upon the license as required under Section 58-1-401; and
        - (II) may not renew or subsequently issue a license to the person under this chapter; and
      - (B) if the person is not licensed under this chapter, the division may not issue a license to the person under this chapter.
  - (b) If a person has been charged with a felony other than a violent felony, as defined in Subsection 76-3-203.5(1)(c), and, as a result, the person has been convicted, entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the successful completion of probation:
    - (i) if the person is licensed under this chapter, the division shall determine whether the felony disqualifies the person for licensure under this chapter and act upon the license, as required, in accordance with Section 58-1-401; and
    - (ii) if the person is not licensed under this chapter, the person may not file an application for licensure under this chapter any sooner than five years after having completed the conditions of the sentence or plea agreement.

Amended by Chapter 316, 2014 General Session

**58-31b-303 Qualifications for licensure -- Graduates of nonapproved nursing programs.**

An applicant for licensure as a practical nurse or registered nurse who is a graduate of a nursing education program not approved by the division in collaboration with the board must comply with the requirements of this section.

- (1) An applicant for licensure as a licensed practical nurse shall:
  - (a) meet all requirements of Subsection 58-31b-302(2), except Subsection (2)(e); and
  - (b) produce evidence acceptable to the division and the board that the nursing education program completed by the applicant is equivalent to the minimum standards established by the division in collaboration with the board for an approved licensed practical nursing education program.
- (2) An applicant for licensure as a registered nurse shall:
  - (a) meet all requirements of Subsection 58-31b-302(3), except Subsection (3)(e); and
  - (b)
    - (i) pass the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination; or
    - (ii) produce evidence acceptable to the division and the board that the applicant is currently licensed as a registered nurse in one of the states, territories, or the District of Columbia of the United States and has passed the NCLEX-RN examination.

Amended by Chapter 291, 2006 General Session

**58-31b-304 Qualifications for admission to the examinations.**

- (1) To be admitted to the examinations required for certification as a medication aide certified, a person shall:
  - (a) submit an application on a form prescribed by the division;
  - (b) pay a fee as determined by the division under Section 63J-1-504; and
  - (c) meet all requirements of Subsection 58-31b-302(1), except the passing of the examination.
- (2) To be admitted to the examinations required for licensure as a practical nurse, a person shall:
  - (a) submit an application form prescribed by the division;
  - (b) pay a fee as determined by the division under Section 63J-1-504; and
  - (c) meet all requirements of Subsection 58-31b-302(2), except Subsection (2)(f).
- (3) To be admitted to the examinations required for licensure as a registered nurse, a person shall:
  - (a) submit an application form prescribed by the division;
  - (b) pay a fee as determined by the division under Section 63J-1-504; and
  - (c) meet all the requirements of Subsection 58-31b-302(3), except Subsection (3)(f).

Amended by Chapter 183, 2009 General Session

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

- (1) The division shall issue each license or certification under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
- (2) The division shall renew the license of a licensee who, at the time of renewal:
  - (a) completes and submits an application for renewal in a form prescribed by the division;
  - (b) pays a renewal fee established by the division under Section 63J-1-504; and
  - (c) meets continuing competency requirements as established by rule.
- (3) In addition to the renewal requirements under Subsection (2), a person licensed as a advanced practice registered nurse shall be currently certified by a program approved by the division in collaboration with the board and submit evidence satisfactory to the division of that qualification or if licensed prior to July 1, 1992, meet the requirements established by rule.
- (4) In addition to the requirements described in Subsections (2) and (3), an advanced practice registered nurse licensee specializing in psychiatric mental health nursing who, as of the day on which the division originally issued the licensee's license had not completed the division's

clinical practice requirements in psychiatric and mental health nursing, shall, to qualify for renewal:

- (a) if renewing less than two years after the day on which the division originally issued the license, demonstrate satisfactory progress toward completing the clinical practice requirements; or
  - (b) have completed the clinical practice requirements.
- (5) Each license or certification automatically expires on the expiration date shown on the license or certification unless renewed in accordance with Section 58-1-308.

Amended by Chapter 316, 2014 General Session

**58-31b-306 APRN intern license.**

- (1)
- (a) The division may issue an APRN intern license to a person who meets all qualifications for a license as an advanced practice registered nurse under this chapter, except for the passing of required examinations, if the applicant:
    - (i) is a graduate of an approved nursing education program within the year immediately preceding application for an intern license;
    - (ii) has never before taken the examinations; and
    - (iii) submits to the division evidence of having secured employment conditioned upon issuance of the APRN intern license, and the employment is under the supervision of an advanced practice registered nurse or physician as defined by division rule.
  - (b) An APRN intern license issued under Subsection (1)(a) expires on the earlier of:
    - (i) a date following a period established by division rule;
    - (ii) the date upon which the division receives notice from the examination agency that the individual failed to take or pass the examinations upon notification to the applicant; or
    - (iii) the date upon which the division issues the individual an APRN license.
- (2) An applicant specializing in psychiatric mental health nursing may be issued an APRN intern license upon completion of all licensure requirements, except for the passing of required examinations and completion of required clinical practice hours.
- (3)
- (a) The division may issue an APRN intern license to a person who meets all qualifications for a license as an advanced practice registered nurse under this chapter, except course work in patient assessment or pharmacotherapeutics, if that applicant:
    - (i) is licensed in good standing as an advanced practice registered nurse in another state or jurisdiction; and
    - (ii) submits to the division evidence of having secured employment conditioned upon issuance of the APRN intern license, and the employment is under the supervision of an advanced practice registered nurse or physician as defined by division rule.
  - (b) An APRN intern license issued under Subsection (3)(a) expires on the earlier of:
    - (i) a date following a period established by division rule; or
    - (ii) the date upon which the division issues the individual a regular license.

Enacted by Chapter 288, 1998 General Session

**58-31b-308 Exemptions from licensure.**

- (1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in acts included within the definition of the practice of nursing, subject to the stated circumstances and limitations, without being licensed under this chapter:
  - (a) friends, family members, foster parents, or legal guardians of a patient performing gratuitous nursing care for the patient;
  - (b) persons providing care in a medical emergency;
  - (c) persons engaged in the practice of religious tenets of a church or religious denomination; and
  - (d) after July 1, 2000, a person licensed to practice nursing by a jurisdiction that has joined the Nurse Licensure Compact to the extent permitted by Section 58-31c-102.
- (2) Notwithstanding Subsection (1)(d), the division may, in accordance with Section 58-31c-102, limit or revoke practice privileges in this state of a person licensed to practice nursing by a jurisdiction that has joined the Nurse Licensing Compact.

Amended by Chapter 50, 2005 General Session

Amended by Chapter 134, 2005 General Session

**58-31b-309 Continuing education.**

- (1) The division in collaboration with the board may establish continuing education requirements for each classification of nurse licensure.
- (2) The division may discriminate between classifications of licensure with respect to continuing education requirements upon finding the continuing education requirements are necessary to reasonably protect the public health, safety, or welfare.

Enacted by Chapter 288, 1998 General Session