Chapter 31b
Nurse Practice Act

Part 1
General Provisions

58-31b-101 Title.

This chapter is known as the "Nurse Practice Act."

Enacted by Chapter 288, 1998 General Session

58-31b-102 Definitions.

As used in this chapter:

(1) "Administrative penalty" means a monetary fine or citation that the division imposes:
  (a) for an act or an omission that the division determines is unprofessional or unlawful conduct;
  (b) in accordance with a fine schedule the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
  (c) as the result of an adjudicative proceeding the division conducts in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

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

(3) "Approved education program" means a nursing education program that meets the requirements of Section 58-31b-601.

(4) "Board" means the Board of Nursing and Certified Nurse Midwives created in Section 58-31b-201.

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

(6) "Examinee" means an individual who applies to take or does take any examination required under this chapter for licensure.

(7)
  (a) "License" means a license the division issues in accordance with this chapter.
  (b) "License" includes a certification until the earlier of:
    (i) the renewal; or
    (ii) May 6, 2028.

(8)
  (a) "Licensee" means an individual who is licensed under this chapter.
  (b) "Licensee" includes an individual who is certified until the earlier of:
    (i) renewal; or
    (ii) May 6, 2028.

(9) "Long-term care facility" means the following facilities the Department of Health and Human Services licenses under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection:
  (a) a nursing care facility;
  (b) a small health care facility;
  (c) an intermediate care facility for people with an intellectual disability;
  (d) an assisted living facility Type I or II; or

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

(10) "Practice of nurse anesthesia" means:

(a) in accordance with Section 58-31b-803, prescribing or administering a prescription drug including a Schedule II-V controlled substance;

(b) pre-anesthesia preparation and evaluation, including:

(i) performing a pre-anesthetic assessment of the patient; and

(ii) ordering and evaluating appropriate lab and other studies to determine the health of the patient;

(c) anesthesia induction, maintenance, and emergence, including:

(i) selecting and initiating the planned anesthetic technique;

(ii) selecting and administering anesthetics and adjunct drugs and fluids; and

(iii) administering general, regional, and local anesthesia;

(d) post anesthesia follow-up care, including evaluating the patient's response to anesthesia and implementing corrective actions; and

(e) other related services related to an activity described in Subsections (10)(a) through (10)(d), including:

(i) providing emergency airway management;

(ii) providing advanced cardiac life support; and

(iii) establishing peripheral, central, and arterial invasive lines.

(11) "Practice of nursing" means assisting a patient to maintain or attain optimal health, implementing a strategy of care to accomplish defined goals and evaluating responses to care and treatment, and requires substantial specialized or general knowledge, judgment, and skill based upon principles of the biological, physical, behavioral, and social sciences.

(12) "Routine medication" means an established medication that:

(a) is administered to a medically stable patient as determined by a licensed health care provider or in consultation with a licensed health care provider; and

(b) is administered by the following routes:

(i) buccal;

(ii) ear;

(iii) eye;

(iv) inhalation:

(A) of a premeasured medication delivered by aerosol or nebulizer; or

(B) of a medication delivered by a metered hand-held inhaler;

(v) nasal;

(vi) oral;

(vii) rectal;

(viii) sublingual;

(ix) topical, including a skin ointment or a transdermal patch; or

(x) vaginal.

(13) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-31b-501.

(14) "Unlicensed assistive personnel" means an unlicensed individual, regardless of title, who is delegated a task by a licensed registered nurse as the division permits by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the standards of the profession.

(15) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-31b-502 and as the division may define by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Repealed and Re-enacted by Chapter 96, 2026 General Session

58-31b-103 Nurse Education and Enforcement Account.

(1) There is created a restricted account within the General Fund known as the "Nurse Education and Enforcement Account."
(2) The restricted account shall consist of:
  (a) administrative penalties imposed under Section 58-31b-503; and
  (b) interest earned on money in the account.
(3) Money in the account may be appropriated by the Legislature for the following purposes:
  (a) education and training of licensees or potential licensees under this chapter;
  (b) enforcement of this chapter by:
    (i) investigating unprofessional or unlawful conduct;
    (ii) providing legal representation to the division when legal action is taken against a person engaging in unprofessional or unlawful conduct; and
    (iii) monitoring compliance of renewal requirements;
  (c) survey nursing education programs throughout the state;
  (d) education and training of board members; and
  (e) establish and review approved education programs.

Amended by Chapter 96, 2026 General Session

Part 2
Board

58-31b-201 Board.

(1) There is created the Board of Nursing and Certified Nurse Midwives that consists of the following members:
  (a) five nurses in a manner as may be further defined in division rule;
  (b) two nurse midwives as defined in Section 58-44a-102; and
  (c) two members of the public.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3) The board shall:
  (a) carry out the duties and responsibilities described in Sections 58-1-202 and 58-1-203 with respect to this chapter and Chapter 44a, Nurse Midwife Practice Act; and
  (b) recommend to the division minimum standards for educational programs qualifying a person for licensure or certification under this chapter and Chapter 44a, Nurse Midwife Practice Act;
  (c) recommend to the division denial, approval, or withdrawal of approval regarding educational programs that meet or fail to meet the established minimum standards; and
  (d) designate one of its members on a permanent or rotating basis to:
    (i) assist the division in reviewing complaints concerning the conduct of an individual licensed under this chapter or Chapter 44a, Nurse Midwife Practice Act; and
    (ii) advise the division in its investigation of these complaints.
(4) A board member who has, under Subsection (3)(d), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 507, 2024 General Session

Part 3
Licensing

58-31b-301 License required -- Classifications.

(1) Except as provided in Sections 58-1-307 and 58-31b-308, a license is required to engage in the practice of nursing.

(2) The division shall issue to an individual who qualifies under this chapter a license or certification in the classification of:

(a) advanced practice registered nurse;

(b) advanced practice registered nurse - certified registered nurse anesthetist with prescriptive authority;

(c) advanced practice registered nurse - without prescriptive practice license;

(d) advanced practice registered nurse intern;

(e) medication aide certified;

(f) practical nurse;

(g) registered nurse; or

(h) registered nurse apprentice.

(3)

(a)

(i) The division shall issue an advanced practice registered nurse - without prescriptive practice license to an individual holding an advanced practice registered nurse license as of July 1, 1998, and who cannot document the successful completion of advanced course work in patient assessment, diagnosis and treatment, and pharmacotherapeutics.

(ii) The division shall issue an advanced practice registered nurse - certified registered nurse anesthetist without prescriptive practice license to an individual holding an advanced practice registered nurse - certified registered nurse anesthetist without prescriptive practice license as of July 1, 1998, and who cannot document the successful completion of advanced course work in patient assessment, diagnosis and treatment, and pharmacotherapeutics.

(b)

(i) An individual who has an advanced practice registered nurse - without prescriptive practice license may not prescribe medication.

(ii) An individual who has an advanced practice registered nurse - CRNA without prescriptive practice license may not prescribe medication.

(4) The division shall grant an advanced practice registered nurse license to a licensed advanced practice registered nurse currently holding prescriptive authority under a predecessor act.

Amended by Chapter 96, 2026 General Session

58-31b-302 Qualifications for licensure -- Scope of practice -- Criminal background checks.

(1)

(a) Each applicant for licensure under this chapter, except an applicant under Subsection 58-31b-301(2)(e), shall:

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet the standards that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, related to the criminal background check described in Section 58-1-301.5; and
(iii) disclose the criminal history the division requests on a form the division approves.
(b) If an individual has been charged with a violent felony, as defined in Subsection 76-3-203.5(1)(c), and, as a result, the individual 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, the division shall act upon the license as required under Section 58-1-401.
(c) If an individual 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 individual 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, the division shall determine whether the felony disqualifies the individual for licensure under this chapter and act upon the license, as required, in accordance with Section 58-1-401.
(2)
(a) An applicant for licensure as an advanced practice registered nurse shall:
(i) submit to the division an application on a form the division approves;
(ii) pay to the division a fee determined under Section 63J-1-504;
(iii) have the physical and mental health to safely perform the activities described in Subsection (2)(c);
(iv)
(A) receive a graduate degree from an approved education program in advanced practice registered nursing or a related area of specialized knowledge as the division determines appropriate by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
(B) have completed a nurse anesthesia program in accordance with Subsection (2)(a)(v);
(v) have completed:
(A) course work in patient assessment, diagnosis and treatment, and pharmacotherapeutics from an approved education program; or
(B) a nurse anesthesia program that is approved by the Council on Accreditation of Nurse Anesthesia Educational Programs or another accrediting body the division approves by rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(vi) hold a current registered nurse license in good standing issued by the state or be qualified as a registered nurse;
(vii) to practice within the psychiatric mental health nursing specialty, demonstrate, as the division requires by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that the applicant is in the process of completing the applicant's clinical practice requirements in psychiatric mental health nursing, including psychotherapy;
(viii) have passed the examinations the division requires by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(ix) meet with the board, if the board requests, to determine the applicant's qualifications for licensure.
(b) A licensed advanced practice registered nurse may:

(i) maintain and promote health and prevention of disease;
(ii) diagnose, treat, correct, consult, and provide a referral;
(iii) prescribe or administer prescription drugs or devices, including:
(A) local anesthesia; and
(B) Schedule II-V controlled substances in accordance with Section 58-31b-803;
(iv) if a licensed advanced practice registered nurse - certified registered nurse anesthetist, engage in the practice of nurse anesthesia;
(v) engage in other activities that are within the practice of advanced practice registered nursing as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
(A) within the generally recognized scope and standards of advanced practice registered nursing; and
(B) consistent with professionally recognized preparation and education standards of an advanced practice registered nurse.
(c) Notwithstanding Sections 58-67-805 and 58-68-805, authorization to treat under this section includes performing minor surgical procedures.
(d) The division may only define an activity as within the practice of advanced practice registered nursing if:
(i) the activity is:
(A) within the generally recognized scope of practice for a licensed advanced practice registered nurse; and
(B) consistent with professionally recognized standards; or
(ii) the inclusion of the activity is consistent with a recommendation from the Office of Professional Licensure Review.
(3)
(a) An applicant for certification as a medication aide certified shall:
(i) submit an application to the division on a form the division approves;
(ii) pay a fee to the division as determined under Section 63J-1-504;
(iii) have a high school diploma or the equivalent;
(iv) have a current certification as a nurse aide, in good standing, from the Department of Health and Human Services;
(v) have a minimum of 2,000 hours of experience within the two years before the day on which the applicant submits the application, working as a certified nurse aide in a long-term care facility or another health care facility that the division designates by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(vi) provide letters of recommendation from a health care facility administrator and a registered nurse familiar with the applicant's work practices as a certified nurse aide;
(vii) have the physical and mental health to safely perform the activities described in Subsection (3)(b);
(viii) have completed an approved education program for a medication aide certified consisting of at least 60 hours of classroom training and 40 hours of practical training in administering a routine medication to a patient or a resident of a long-term care facility or an equivalent that the division determines by rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(ix) have passed the examinations the division requires by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

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

(b) While under the supervision of a licensed registered nurse, a medication aide certified may:

(i) provide routine patient care that requires minimal or limited specialized or general knowledge, judgment, and skill, to a patient who:

(A) is ill, injured, infirm, or is physically, mentally, developmentally, or intellectually disabled; and

(B) is in a regulated long-term care facility;

(ii) administer a routine medication to a patient in accordance with a formulary and protocol the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) engage in other activities that are within the practice of a medication aide certified as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

(A) within the generally recognized scope and standards of a medication aide certified; and

(B) consistent with professionally recognized preparation and education standards of a medication aide certified.

(c) The division may only define an activity as within the practice of a medication aide certified if:

(i) the activity is:

(A) within the generally recognized scope of practice for a medication aide certified; and

(B) consistent with professionally recognized standards; or

(ii) the inclusion of the activity is consistent with a recommendation from the Office of Professional Licensure Review.

(d) A medication aide certified may not assist a resident of a long-term care facility to self-administer a medication that the Department of Health and Human Services regulates by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4)

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

(i) submit to the division an application in a form the division approves;

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

(iii) have a high school diploma or the equivalent;

(iv) have the physical and mental health to safely perform the activities described in Subsection (4)(b);

(v) have completed an approved education program for practical nursing or an equivalent that the board approves;

(vi) have passed the examinations the division requires by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

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

(b) A licensed practical nurse may, while under the direction of a licensed registered nurse, licensed physician, or other health care professional the division specifies by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

(i) contribute to the assessment of the health status of a patient;

(ii) participate in the development and modification of the strategy of care;

(iii) implement appropriate aspects of the strategy of care;

(iv) maintain safe and effective nursing care rendered to a patient directly or indirectly;

(v) participate in the evaluation of responses to interventions;

(vi) perform other activities that are within the generally recognized scope of practice of a licensed practical nurse as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(vii) engage in practice of practical nursing, as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is:

(A) within the generally recognized scope and standards of practical nursing; and

(B) consistent with professionally recognized preparation and education standards of a practical nurse.

(c) The division may only define an activity as within the practice of practical nursing if:

(i) the activity is:

(A) within the generally recognized scope of practice for a licensed practical nurse; and

(B) consistent with professionally recognized standards; or

(ii) the inclusion of the activity is consistent with a recommendation from the Office of Professional Licensure Review.

(5)

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

(i) submit to the division an application form the division approves;

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

(iii) have a high school diploma or the equivalent;

(iv) have the physical and mental health to safely perform the activities described in Subsection (5)(b);

(v) complete an approved education program for registered nursing that the division approves;

(vi) have passed the examinations the division requires by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(vii) meet with the board, if the board requests, to determine the applicant's qualifications for licensure.

(b) A licensed registered nurse may:

(i) assess the health status of a patient;

(ii) identify health care needs;

(iii) establish goals to meet identified health care needs;

(iv) plan a strategy of care;

(v) prescribe nursing interventions to implement the strategy of care;

(vi) implement the strategy of care;

(vii) render safe and effective nursing care to a patient directly or indirectly;

(viii) evaluate responses to nursing interventions;

(ix) teach the theory and practice of nursing;

(x) manage and supervise the practice of nursing; and

(xi) engage in other activities that are within the practice of a licensed registered nurse as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is:

(A) within the generally recognized scope and standards of registered nursing; and

(B) consistent with professionally recognized preparation and education standards of a registered nurse.

(c) The division may only define an activity as within the practice of a licensed registered nurse if:

(i) the activity is:

(A) within the generally recognized scope of practice for a licensed registered nurse; and

(B) consistent with professionally recognized standards; or

(ii) the inclusion of the activity is consistent with a recommendation from the Office of Professional Licensure Review.

(6)

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

(i) submit to the division an application form the division approves;

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

(iii) have a high school diploma or the equivalent;

(iv) have sufficient physical and mental health to safely perform the activities described in Subsection (6)(b);

(v) as determined by an approved education program, be:

(A) in good standing with the approved education program; and

(B) in the last two semesters, quarters, or competency experiences of the program;

(vi) have written permission from the program in which the applicant is enrolled; and

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

(b) A licensed registered nurse apprentice may engage in the practice of a registered nurse that:

(i) the division defines by rule the division makes that is:

(A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(B) within the generally recognized scope and standards of registered nursing; and

(C) consistent with professionally recognized preparation and education standards of a registered nurse; and

(ii) the registered nurse apprentice performs under the indirect supervision of an individual licensed in accordance with:

(A) Subsection 58-31b-301(2)(a), (2)(b), (2)(c), or (2)(g);

(B) Chapter 67, Utah Medical Practice Act; or

(C) Chapter 68, Utah Osteopathic Medical Practice Act.

Repealed and Re-enacted by Chapter 96, 2026 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(4), except Subsection 58-31b-302(4)(v); 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(5), except Subsection 58-31b-302(5)(iii); and

(b)

(i) pass an examination the division determines by rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, demonstrating knowledge of the practice, skills, theory, and professional ethics related to nursing; 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 or in Canada and has passed the NCLEX-RN examination in English.

Amended by Chapter 64, 2026 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, an individual shall:
  (a) submit an application on a form the division approves;
  (b) pay a fee as determined by the division under Section 63J-1-504; and
  (c) meet all requirements of Subsection 58-31b-302(3)(a), except Subsection (3)(a)(ix).
(2) To be admitted to the examinations required for licensure as a practical nurse, an individual shall:
  (a) submit an application on a form the division approves;
  (b) pay a fee as determined by the division under Section 63J-1-504; and
  (c) meet all requirements of Subsection 58-31b-302(4)(a), except Subsection (4)(a)(vi).
(3) To be admitted to the examinations required for licensure as a registered nurse, an individual shall:
  (a) submit an application on a form the division approves;
  (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(5)(a), except Subsection(5)(a)(vi).

Amended by Chapter 96, 2026 General Session

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

(1)
  (a) The division shall issue each license or certification under this chapter in accordance with a two-year renewal cycle established by rule.
  (b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles the division 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;
  (c) views a suicide prevention video described in Section 58-1-601 and submits proof in the form required by the division; and
  (d) meets continuing competency requirements as established by rule.
(3) In addition to the renewal requirements under Subsection (2), a person licensed as an 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 392, 2025 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-306.1 Registered nurse apprentice license.

(1) The division shall issue a registered nurse apprentice license to an individual who meets the qualifications under Subsection 58-31b-302(6).

(2) Unless the division extends the license for a specified period of time by written notification provided to the individual, the license expires on the earlier of:
(a) one year from the day on which the license is issued;
(b) 75 days after the day on which the division receives notice from the examination agency that the individual failed to take or pass the examinations described in Subsection 58-31b-302(5)(a)(vi); or

(c) the day on which the division issues the individual a license as a registered nurse.
(3) A license described in Subsection (1) is:
(a) valid only in Utah; and
(b) not an eligible license under Chapter 31e, Nurse Licensure Compact - Revised.
(4) The division may make rules to administer the license described in Subsection (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 96, 2026 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 - Revised to the extent permitted by Section 58-31e-102.
(2) Notwithstanding Subsection (1)(d), the division may, in accordance with Section 58-31e-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 136, 2019 General Session

58-31b-308.1 Delegation of nursing care by a responsible caregiver.
(1) As used in this section:
(a) "Patient" means an individual who is receiving nursing care from a responsible caregiver.
(b) "Responsible caregiver" means a patient's spouse, adult child, parent, foster parent, or legal guardian who is primarily responsible for providing nursing care to the patient.
(c) "Unlicensed direct care worker" means any unlicensed individual, regardless of title, who is 18 years of age or older and to whom a responsible caregiver delegates under this section.
(2) A responsible caregiver may delegate to an unlicensed direct care worker the performance of nursing care for a patient if:
(a) the nursing care is provided to the patient at the residence in which the patient and responsible caregiver regularly reside;
(b) the patient's condition is stable;
(c) the responsible caregiver routinely provides the nursing care for the patient;
(d) the nursing care is considered routine care for the patient; and
(e) performance of the nursing care:
(i) poses little potential hazard for the patient; and
(ii) is generally expected to produce a predictable outcome for the patient.
(3) Before an unlicensed direct care worker may perform nursing care delegated under Subsection (2), the responsible caregiver shall train the unlicensed direct care worker to perform the nursing care and verify the unlicensed direct care worker is able to competently perform the nursing care for the patient after training is complete.

Enacted by Chapter 314, 2020 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

Part 4
License Denial and Discipline

58-31b-401 Grounds for denial of licensure or certification and disciplinary proceedings.

(1)

(a) As used in this section, "licensed" or "license" includes certified or certification under this chapter.

(b) A term or condition applied to the word "nurse" under this section applies to a medication aide certified.

(2) Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

(3)

(a)

(i) Subject to Subsection (7), if a court of competent jurisdiction determines a nurse is incapacitated as defined in Section 75-1-201 or that the nurse has a mental illness, as defined in Section 26B-5-301, and is unable to safely engage in the practice of nursing, the director shall immediately suspend the license of the nurse upon the entry of the judgment of the court, without further proceedings under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the court's ruling is pending.

(ii) The director shall promptly notify the nurse in writing of a suspension under Subsection (3)(a)(i).

(b)

(i) Subject to Subsection (7), if the division and the majority of the board find reasonable cause to believe a nurse who is not determined judicially to be an incapacitated person or to have a mental illness, is incapable of practicing nursing with reasonable skill regarding the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any mental or physical condition, the board shall recommend that the director file a petition with the division, and cause the petition to be served upon the nurse with a notice of hearing on the sole issue of the capacity of the nurse to competently, safely engage in the practice of nursing.

(ii) Except as provided in Subsection (4), the hearing described in Subsection (3)(b)(i) shall be conducted under Section 58-1-109 and Title 63G, Chapter 4, Administrative Procedures Act.

(4)

(a) Every nurse who accepts the privilege of being licensed under this chapter gives consent to:

(i) submitting to an immediate mental or physical examination, at the nurse's expense and by a division-approved practitioner selected by the nurse when directed in writing by the division and a majority of the board to do so; and

(ii) the admissibility of the reports of the examining practitioner's testimony or examination, and waives all objections on the ground the reports constitute a privileged communication.

(b) The examination may be ordered by the division, with the consent of a majority of the board, only upon a finding of reasonable cause to believe:

(i) the nurse has a mental illness, is incapacitated, or otherwise unable to practice nursing with reasonable skill and safety; and

(ii) immediate action by the division and the board is necessary to prevent harm to the nurse's patients or the general public.

(c)

(i) Failure of a nurse to submit to the examination ordered under this section is a ground for the division's immediate suspension of the nurse's license by written order of the director.

(ii) The division may enter the order of suspension without further compliance with Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to submit to the examination ordered under this section was due to circumstances beyond the control of the nurse and was not related directly to the illness or incapacity of the nurse.

(5)

(a) A nurse whose license is suspended under Subsection (3) or (4)(c) has the right to a hearing to appeal the suspension within 10 days after the license is suspended.

(b) The hearing held under this Subsection (5) shall be conducted in accordance with Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists for the continuance of the order of suspension in order to prevent harm to the nurse's patients or the general public.

(6) A nurse whose license is revoked, suspended, or in any way restricted under this section may request the division and the board to consider, at reasonable intervals, evidence presented by the nurse, under procedures established by division rule, regarding any change in the nurse's condition, to determine whether:

(a) the nurse is or is not able to safely and competently engage in the practice of nursing; and

(b) the nurse is qualified to have the nurse's license to practice under this chapter restored completely or in part.

(7) The division may not refuse, revoke, suspend, or in any way restrict an applicant or licensee's license under this chapter solely because the applicant or licensee seeks or participates in mental health or substance abuse treatment.

(8) Section 63G-2-206 may not be construed as limiting the authority of the division to report current significant investigative information to the coordinated licensure information system for transmission to party states as required of the division by Article VII of the Nurse Licensure Compact - Revised in Section 58-31e-102.

Amended by Chapter 329, 2023 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-31b-501 Unlawful conduct.

"Unlawful conduct" includes:

(1) using the following titles, names or initials, if the user is not properly licensed or certified under this chapter:

(a) nurse;

(b) licensed practical nurse, practical nurse, or L.P.N.;

(c) medication aide certified, or M.A.C.;

(d) registered nurse or R.N.;

(e) registered nurse practitioner, N.P., or R.N.P.;

(f) registered nurse specialist, N.S., or R.N.S.;

(g) registered psychiatric mental health nurse specialist;

(h) advanced practice registered nurse;

(i) nurse anesthetist, certified nurse anesthetist, certified registered nurse anesthetist, or C.R.N.A.; or

(j) other generally recognized names or titles used in the profession of nursing;

(2)

(a) using any other name, title, or initials that would cause a reasonable person to believe the user is licensed or certified under this chapter if the user is not properly licensed or certified under this chapter; and

(b) for purposes of Subsection (2)(a), it is unlawful conduct for a medication aide certified to use the term "nurse"; and

(3) conducting a nursing education program in the state for the purpose of qualifying individuals to meet requirements for licensure under this chapter without the program having been approved under Section 58-31b-601.

Amended by Chapter 291, 2006 General Session

58-31b-502 Unprofessional conduct.

(1) "Unprofessional conduct" includes:

(a) failure to safeguard a patient's right to privacy as to the patient's person, condition, diagnosis, personal effects, or any other matter about which the licensee is privileged to know because of the licensee's or person with a certification's position or practice as a nurse or practice as a medication aide certified;

(b) failure to provide nursing service or service as a medication aide certified in a manner that demonstrates respect for the patient's human dignity and unique personal character and needs without regard to the patient's race, religion, ethnic background, socioeconomic status, age, sex, or the nature of the patient's health problem;

(c) engaging in sexual relations with a patient during any:

(i) period when a generally recognized professional relationship exists between the person licensed or certified under this chapter and the patient; or

(ii) extended period when a patient has reasonable cause to believe a professional relationship exists between the person licensed or certified under the provisions of this chapter and the patient;

(d)

(i) as a result of any circumstance under Subsection (1)(c), exploiting or using information about a patient or exploiting the licensee's or the person with a certification's professional relationship between the licensee or holder of a certification under this chapter and the patient; or

(ii) exploiting the patient by use of the licensee's or person with a certification's knowledge of the patient obtained while acting as a nurse or a medication aide certified;
(e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;
(f) unauthorized taking or personal use of nursing supplies from an employer;
(g) unauthorized taking or personal use of a patient's personal property;
(h) unlawful or inappropriate delegation of nursing care;
(i) failure to exercise appropriate supervision of persons providing patient care services under supervision of the licensed nurse;
(j) employing or aiding and abetting the employment of an unqualified or unlicensed person to practice as a nurse;
(k) failure to file or record any medical report as required by law, impeding or obstructing the filing or recording of such a report, or inducing another to fail to file or record such a report;
(l) breach of a statutory, common law, regulatory, or ethical requirement of confidentiality with respect to a person who is a patient, unless ordered by a court;
(m) failure to pay a penalty imposed by the division;
(n) violating Section 58-31b-801;
(o) violating the dispensing requirements of Section 58-17b-309 or Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;
(p) performing or inducing an abortion in violation of the requirements of Section 76-7-302 or Section 76-7a-201, regardless of whether the person licensed or certified under the provisions of this chapter is found guilty of a crime in connection with the violation;
(q) falsely making an entry in, or altering, a medical record with the intent to conceal:
(i) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or
(ii) conduct described in Subsections (1)(a) through (n) or Subsection 58-1-501(1);
(r) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
(s) for an advance practice registered nurse, designating a child as do not resuscitate without parental consent.
(2) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, when acting as a recommending medical provider, as that term is defined in Section 26B-4-201, recommending the use of medical cannabis.
(3) Notwithstanding Subsection (2), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for an advanced practice registered nurse described in Subsection (2).

Amended by Chapter 392, 2025 General Session

58-31b-503 Penalties and administrative actions for unlawful conduct and unprofessional conduct.
(1) Any person who violates the unlawful conduct provision specifically defined in Subsection 58-1-501(1)(a) is guilty of a third degree felony.
(2) Any person who violates any of the unlawful conduct provisions specifically defined in Subsections 58-1-501(1)(b) through (f) and 58-31b-501(1)(d) is guilty of a class A misdemeanor.

(3) Any person who violates any of the unlawful conduct provisions specifically defined in this chapter and not set forth in Subsection (1) or (2) is guilty of a class B misdemeanor.

(4)

(a) Subject to Subsection (6) and in accordance with Section 58-31b-401, for acts of unprofessional or unlawful conduct, the division may:

(i) assess administrative penalties; and

(ii) take any other appropriate administrative action.

(b) An administrative penalty imposed pursuant to this section shall be deposited into the "Nurse Education and Enforcement Account" as provided in Section 58-31b-103.

(5) If a licensee has been convicted of violating Section 58-31b-501 prior to an administrative finding of a violation of the same section, the licensee may not be assessed an administrative fine under this chapter for the same offense for which the conviction was obtained.

(6)

(a) If upon inspection or investigation, the division concludes that a person has violated the provisions of Section 58-31b-401, 58-31b-501, or 58-31b-502, Chapter 1, Division of Professional Licensing Act, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or a provision described in a statute previously in effect in this state that is the same or substantially similar to a provision described in Section 58-31b-401, 58-31b-501, or 58-31b-502, Chapter 1, Division of Professional Licensing Act, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or any rule or order issued with respect to these provisions, and that disciplinary action is appropriate, the director or the director's designee from within the division shall:

(i) promptly issue a citation to the person according to this chapter and any pertinent administrative rules;

(ii) attempt to negotiate a stipulated settlement; or

(iii) notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(b) Any person who is in violation of a provision described in Subsection (6)(a), as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding may:

(i) be assessed a fine in accordance with this Subsection (6) of up to $10,000 per single violation or up to $2,000 per day of ongoing violation, whichever is greater, in accordance with a fine schedule established by rule; and

(ii) in addition to or in lieu of the fine imposed under Subsection (6)(b)(i), be ordered to cease and desist from violating a provision described in Subsection (6)(a), or any rule or order issued with respect to a provision described in Subsection (6)(a).

(c) Except for an administrative fine and a cease and desist order, the licensure sanctions cited in Section 58-31b-401 may not be assessed through a citation.

(d) Each citation issued under this section shall:

(i) be in writing; and

(ii) clearly describe or explain:

(A) the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;

(B) that the recipient must notify the division in writing within 20 calendar days of service of the citation in order to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

(C) the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation; and

(iii) be served upon any person upon whom a summons may be served:

(A) in accordance with the Utah Rules of Civil Procedure;

(B) personally or upon the person's agent by a division investigator or by any person specially designated by the director; or

(C) by mail.

(e) If within 20 calendar days from the service of a citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review. The period to contest the citation may be extended by the division for cause.

(f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with the citation after it becomes final.

(g) The failure of an applicant for licensure to comply with a citation after it becomes final is a ground for denial of license.

(h) No citation may be issued under this section after the expiration of one year following the date on which the violation that is the subject of the citation is reported to the division.

(7)

(a) The director may collect a penalty that is not paid by:

(i) referring the matter to a collection agency; or

(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.

(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.

(c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 362, 2026 General Session

Part 6
Nursing Education Programs

58-31b-601 Minimum standards for nursing programs to qualify graduates -- Temporary approval to qualify graduates for licensure -- Minimum standards for medication aide training to qualify persons for certification.

(1) Except as provided in Subsections (2) and (3), to qualify as an approved education program for the purpose of qualifying graduates for licensure under this chapter, a nursing education program shall be accredited by an accrediting body for nursing education that is recognized by the United States Department of Education.

(2)

(a) The division, in consultation with the board, may approve a nursing education program for up to five years, for the purpose of qualifying graduates for licensure under this chapter, if the program:

(i) holds candidacy or is in the process of applying for candidacy for the accreditation described in Subsection (1);

(ii) has been denied initial accreditation after holding candidacy for the accreditation described in Subsection (1); or
(iii) is no longer accredited under Subsection (1); and
(b) has not previously received a term of approval granted by the division.
(3)
(a) For a nursing education program that has previously received a term of approval granted under Subsection (2), the division may reapprove the nursing education program for the purpose of qualifying graduates for licensure if:
(i) the reapproval is for a period that does not exceed five years; and
(ii) a minimum of 12 months has passed since the day on which the previous term of approval expired.
(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division, in consultation with the board, shall make rules to implement Subsection (3)(a).
(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the provisions of this chapter, the division shall make rules defining the minimum standards for a medication aide certified training program to qualify a person for certification under this chapter as a medication aide certified.

Amended by Chapter 382, 2022 General Session

Part 7
Immunity Provisions

58-31b-701 Immunity from liability.

A person licensed, registered, or certified under this chapter:
(1) who provides emergency care in accordance with Section 78B-4-501 is entitled to the immunity from civil liability provided under that section; and
(2) is considered a health care provider under Chapter 13, Health Care Providers Immunity from Liability Act, and is entitled to the immunity from civil liability provided under that chapter.

Amended by Chapter 3, 2008 General Session

58-31b-702 Reporting of disciplinary action -- Immunity from liability.

(1) A licensed health care facility or organization or a professional society of nurses in the state that takes disciplinary action against an individual licensed under this chapter relating to any of the following, shall report the action in writing to the division within 30 days after the action is taken:
(a) that individual's professional acts or omissions as a licensed nurse;
(b) that individual's nursing competence or ability to practice nursing safely; or
(c) that individual's use of alcohol or drugs in an unlawful manner or to the extent the individual is impaired in the ability to practice nursing safely.
(2) Any person or organization furnishing information in accordance with this section is immune from liability to the extent that the information is furnished in good faith and without malice.

Amended by Chapter 64, 2026 General Session

58-31b-703 Opiate antagonist -- Exclusion from unprofessional or unlawful conduct.

(1) As used in this section:
(a) "Dispense" means the same as that term is defined in Section 58-17b-102.
(b) "Expired opiate antagonist" means an opiate antagonist that is no more than 24 months past the month and year of the opiate antagonist's expiration date.
(c) "Increased risk" means the same as that term is defined in Section 26B-4-501.
(d)
(i) "Opiate antagonist" means the same as that term is defined in Section 26B-4-501.
(ii) "Opiate antagonist" includes an expired opiate antagonist.
(e) "Opiate-related drug overdose event" means the same as that term is defined in Section 26B-4-501.
(f) "Prescribe" means the same as that term is defined in Section 58-17b-102.
(2) The prescribing or dispensing of an opiate antagonist by a licensee under this chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the opiate antagonist:
(a) in a good faith effort to assist:
(i) an individual who is at increased risk of experiencing an opiate-related drug overdose event; or
(ii) a family member of, friend of, or other person, including a person described in Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event; or
(b) to an overdose outreach provider pursuant to Section 26B-4-509.
(3) The provisions of this section and Title 26B, Chapter 4, Part 5, Treatment Access, do not establish a duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.

Amended by Chapter 80, 2026 General Session

Part 8
Practice Standards

58-31b-801 Practice within limits of competency.

(1) Each person licensed under this chapter is responsible for confining the person's practice as a nurse to those acts and practices permitted by law.
(2) A person licensed under this act may not engage in any act or practice for which the person is not competent.

Amended by Chapter 302, 2025 General Session

58-31b-802 Consumer access to provider charges.

Beginning January 1, 2011, a nurse whose license under this chapter authorizes independent practice shall, when requested by a consumer:
(1) make a list of prices charged by the nurse available for the consumer which includes the nurse's 25 most frequently performed:
(a) clinic procedures or clinic services;
(b) out-patient procedures; and

(c) in-patient procedures; and
(2) provide the consumer with information regarding any discount available for:
(a) services not covered by insurance; or
(b) prompt payment of billed charges.

Enacted by Chapter 68, 2010 General Session

58-31b-803 Advanced practice registered nurse prescriptive authority.
(1) Subject to Subsection (2), a licensed advanced practice registered nurse may prescribe or administer a prescription drug including, a Schedule II-V controlled substance.
(2) A licensed advanced practice registered nurse - certified registered nurse anesthetist in accordance with Subsection 58-31b-302(2) may prescribe only as follows:
(a) up to a five-day supply of prescription drugs including, Schedule II-V controlled substances immediately before a procedure performed in a health care facility, as that term is defined in Section 26B-2-201, a private physician office, or a dental office, if:
(i) the prescribed drug is not ketamine;
(ii) the licensed advanced practice registered nurse - certified registered nurse anesthetist will participate in the procedure;
(iii) the licensed advanced practice registered nurse - certified registered nurse anesthetist has established a patient record for the patient receiving the prescription; and
(iv) the prescribed drug is related to the procedure; or
(b) up to a five-day supply of prescription drugs including, Schedule II-V controlled substances immediately following a procedure performed in a health care facility, as that term is defined in Section 26B-2-201, a private physician office, or a dental office, if:
(i) the prescribed drug is not ketamine;
(ii) the licensed advanced practice registered nurse - certified registered nurse anesthetist participated in the procedure;
(iii) the licensed advanced practice registered nurse - certified registered nurse anesthetist has established a patient record for the patient receiving the prescription; and
(iv) the prescribed drug is related to the procedure.

Amended by Chapter 96, 2026 General Session