

**REPEAL OF GERIATRIC CARE MANAGER**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Rebecca D. Lockhart**

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**LONG TITLE**

**General Description:**

This bill amends the Nurse Practices Act to repeal provisions related to Geriatric Care Managers.

**Highlighted Provisions:**

This bill:

- ▶ removes the reference to geriatric care managers in the following areas of the Nurse Practices Act:
  - definitions;
  - qualifications for licensure;
  - qualifications for admission to examinations;
  - unprofessional conduct; and
  - minimum standards for nursing programs; and
- ▶ repeals the pilot program for geriatric care managers.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-31b-102**, as last amended by Chapter 247, Laws of Utah 2004

**58-31b-301**, as last amended by Chapter 247, Laws of Utah 2004



28       **58-31b-302**, as last amended by Chapters 15 and 247, Laws of Utah 2004

29       **58-31b-303**, as last amended by Chapter 247, Laws of Utah 2004

30       **58-31b-304**, as last amended by Chapter 247, Laws of Utah 2004

31       **58-31b-308**, as last amended by Chapter 219, Laws of Utah 2003

32       **58-31b-501**, as last amended by Chapter 247, Laws of Utah 2004

33       **58-31b-502**, as last amended by Chapter 247, Laws of Utah 2004

34       **58-31b-601**, as last amended by Chapter 247, Laws of Utah 2004

35       **58-31d-103**, as enacted by Chapter 15, Laws of Utah 2004

36       **63-55b-158**, as enacted by Chapter 247, Laws of Utah 2004

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

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

40       **58-31b-102. Definitions.**

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

42       (1) "Administrative penalty" means a monetary fine imposed by the division for acts or  
43 omissions determined to constitute unprofessional or unlawful conduct in accordance with a  
44 fine schedule established by rule and as a result of an adjudicative proceeding conducted in  
45 accordance with Title 63, Chapter 46b, Administrative Procedures Act.

46       (2) "Applicant" means a person who applies for licensure or registration under this  
47 chapter by submitting a completed application for licensure or registration and the required fees  
48 to the department.

49       (3) "Approved education program" means a nursing education program that meets the  
50 minimum standards for educational programs established under this chapter and by division  
51 rule in collaboration with the board.

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

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

57       (6) "Consulting physician" means a physician and surgeon or osteopathic physician and  
58 surgeon licensed in accordance with this title who has agreed to consult with an advanced

practice registered nurse with a controlled substance license, a DEA registration number, and who will be prescribing schedule II-III controlled substances.

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

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

(9) "Health care assistant" means an individual who:

(a) engages in the practice of a health care assistant; and

(b) is subject to registration under this chapter and is not subject to registration, licensure, or certification under any other chapter of this title.

~~[(10) "Geriatric care manager" means a licensed practical nurse who has had additional training in long-term care nursing and holds a current, valid certificate of completion from a training course approved by the division in collaboration with the board, and is certified by the division as a Licensed Practical Nurse - Geriatric Care Manager.]~~

~~[(11)]~~ (10) "Licensee" means a person who is licensed, registered, or certified under this chapter.

~~[(12)]~~ (11) "Long-term care facility" means any of the following facilities licensed by the Department of Health pursuant to Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act:

(a) a nursing care facility;

(b) a small health care facility;

(c) an intermediate care facility for the mentally retarded;

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

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

~~[(13)]~~ (12) "Practice as a health care assistant" means providing direct personal assistance or care for compensation to an individual who is ill, injured, infirm, developmentally or physically disabled, mentally disabled, or mentally retarded, and who is in a private residence or regulated facility.

~~[(14) "Practice of geriatric care management":]~~

~~[(a) means a licensed practical nurse with specialized knowledge of geriatric and~~

chronically ill patients residing in a long-term care facility as provided in Subsection 58-31b-302(2); and]

~~[(b) includes an expanded scope of practice which may include:]~~

~~[(i) implementing a plan of care;]~~

~~[(ii) completing an assessment and evaluation of response to treatment; and]~~

~~[(iii) other tasks and skills as defined by division rule.]~~

~~[(15)]~~ (13) "Practice of nursing" means assisting individuals or groups to maintain or attain optimal health, implementing a strategy of care to accomplish defined goals and evaluating responses to care and treatment. The practice of nursing requires substantial specialized or general knowledge, judgment, and skill based upon principles of the biological, physical, behavioral, and social sciences, and includes:

(a) initiating and maintaining comfort measures;

(b) promoting and supporting human functions and responses;

(c) establishing an environment conducive to well-being;

(d) providing health counseling and teaching;

(e) collaborating with health care professionals on aspects of the health care regimen;

(f) performing delegated procedures only within the education, knowledge, judgment, and skill of the licensee; and

(g) delegating nurse interventions that may be performed by others and are not in conflict with this chapter.

~~[(16)]~~ (14) (a) "Practice of nurse anesthesia" means the practice of nursing related to the provision of preoperative, intraoperative, and postoperative anesthesia care and related services upon the request of a physician, surgeon, or other licensed professional, who is acting within the scope of their practice, by a person licensed under this chapter as a certified registered nurse anesthetist and includes:

(i) preanesthesia preparation and evaluation including:

(A) performing a preanesthetic assessment of the patient;

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

(C) selecting, ordering, or administering appropriate medications;

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

- 121 (A) selecting and initiating the planned anesthetic technique;  
122 (B) selecting and administering anesthetics and adjunct drugs and fluids; and  
123 (C) administering general, regional, and local anesthesia;  
124 (iii) postanesthesia follow-up care, including:  
125 (A) evaluating the patient's response to anesthesia and implementing corrective  
126 actions; and  
127 (B) selecting, ordering, or administering the above medications and studies; and  
128 (iv) other related services within the scope of practice of a certified registered nurse  
129 anesthetist, including:  
130 (A) emergency airway management;  
131 (B) advanced cardiac life support; and  
132 (C) the establishment of peripheral, central, and arterial invasive lines.  
133 (b) Nothing in this section shall be construed as to require a certified registered nurse  
134 anesthetist to obtain an advance practice registered nurse license in order to select, administer,  
135 or provide preoperative, intraoperative, or postoperative anesthesia care and services.
- 136 ~~[(+7)]~~ (15) "Practice of practical nursing" means the performance of nursing acts in the  
137 generally recognized scope of practice of licensed practical nurses as defined by rule and as  
138 provided in this Subsection ~~[(+7)]~~ (15) by a person licensed under this chapter as a licensed  
139 practical nurse and under the direction of a registered nurse, licensed physician, or other  
140 specified health care professional as defined by rule. Practical nursing acts include:  
141 (a) contributing to the assessment of the health status of individuals and groups;  
142 (b) participating in the development and modification of the strategy of care;  
143 (c) implementing appropriate aspects of the strategy of care;  
144 (d) maintaining safe and effective nursing care rendered to a patient directly or  
145 indirectly; and  
146 (e) participating in the evaluation of responses to interventions.
- 147 ~~[(+8)]~~ (16) "Practice of registered nursing" means performing acts of nursing as  
148 provided in this Subsection ~~[(+8)]~~ (16) by a person licensed under this chapter as a registered  
149 nurse within the generally recognized scope of practice of registered nurses as defined by rule.  
150 Registered nursing acts include:  
151 (a) assessing the health status of individuals and groups;

(b) identifying health care needs;  
(c) establishing goals to meet identified health care needs;  
(d) planning a strategy of care;  
(e) prescribing nursing interventions to implement the strategy of care;  
(f) implementing the strategy of care;  
(g) maintaining safe and effective nursing care that is rendered to a patient directly or indirectly;

(h) evaluating responses to interventions;  
(i) teaching the theory and practice of nursing; and  
(j) managing and supervising the practice of nursing.

~~[(19)]~~ (17) "Practice of advanced practice registered nursing" means the practice of nursing within the generally recognized scope and standards of advanced practice registered nursing as defined by rule and consistent with professionally recognized preparation and education standards of an advanced practice registered nurse by a person licensed under this chapter as an advanced practice registered nurse. Advanced practice registered nursing includes:

(a) maintenance and promotion of health and prevention of disease;  
(b) diagnosis, treatment, correction, consultation, and referral for common health problems; and  
(c) prescription or administration of prescription drugs or devices including:  
(i) local anesthesia;  
(ii) schedule IV-V controlled substances; and  
(iii) schedule II-III controlled substances in accordance with a consultation and referral plan.

~~[(20)]~~ (18) "Regulated facility" means a health care facility subject to licensure under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act and does not include:

(a) the Utah State Hospital or the Utah State Developmental Center;  
(b) a residential treatment or residential support facility:  
(i) subject to licensure under Title 62A, Chapter 2, Licensure of Programs and Facilities; and  
(ii) serving people with disabilities, as defined by Department of Human Services

rules; or

(c) a health care facility which is licensed or certified under Title 26, Chapter 21.

~~[(21)]~~ (19) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-31b-501.

~~[(22)]~~ (20) "Unlicensed assistive personnel" means any unlicensed person, regardless of title, to whom tasks are delegated by a licensed nurse as permitted by rule and in accordance with the standards of the profession.

~~[(23)]~~ (21) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-31b-502 and as may be further defined by rule.

Section 2. Section **58-31b-301** is amended to read:

**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) licensed practical nurse - geriatric care manager;]~~

~~[(c)]~~ (b) registered nurse;

~~[(d)]~~ (c) advanced practice registered nurse intern;

~~[(e)]~~ (d) advanced practice registered nurse; and

~~[(f)]~~ (e) certified registered nurse anesthetist.

(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) (a) An individual shall be registered under this chapter in order to engage in practice as a health care assistant, except as provided in Sections 58-31b-308 and 58-31b-308.5.

(b) The division shall issue to a person who qualifies under this chapter a registration

in the classification of health care assistant.

Section 3. Section **58-31b-302** is amended to read:

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

(1) 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 63-38-3.2;

(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.

~~[(2) An applicant for certification as a licensed practical nurse - geriatric care manager 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 63-38-3.2;]~~

~~[(c) have a current license, in good standing, as a licensed practical nurse;]~~

~~[(d) have one year experience in a long-term care facility;]~~

~~[(e) be in a condition of physical and mental health that will permit the applicant to practice safely as a licensed practical nurse - geriatric care manager;]~~

~~[(f) have completed a division-approved geriatric care management education program or an equivalent as determined by the division in collaboration with the board;]~~

~~[(g) have passed the examinations as required by division rule made in collaboration with the board; and]~~

~~[(h) meet with the board, if requested, to determine the applicant's qualifications for licensure.]~~

~~[(3)]~~ (2) 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 63-38-3.2;  
(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)]~~ (3) 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 63-38-3.2;  
(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) have earned a graduate degree in an advanced practice registered nurse nursing education program or a related area of specialized knowledge as determined appropriate by the division in collaboration with the board;  
(f) have completed course work in patient assessment, diagnosis and treatment, and pharmacotherapeutics from an education program approved by the division in collaboration with the board;  
(g) have successfully completed clinical practice in psychiatric and mental health nursing, including psychotherapy as defined by division rule, after completion of the masters degree required for licensure, to practice within the psychiatric and mental health nursing specialty;  
(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)]~~ (4) An applicant for licensure as a certified registered nurse anesthetist 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 63-38-3.2;

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

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

(f) 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

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

~~[(6)]~~ (5) An applicant for registration as a health care assistant shall:

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

(b) pay a fee determined by the department under Section 63-38-3.2;

(c) certify in writing that he is free from any physical, mental, or emotional condition that will or may reasonably be expected to prevent the applicant from practicing as a health care assistant in compliance with this chapter; and

(d) may not, within five years immediately prior to application, have any substantiated allegations of abuse, neglect, or misappropriation of client property listed against him on the certified nurse assistant registry maintained by the State Office of Education or on a similar registry maintained in another state in compliance with 42 CFR 483.156.

~~[(7)]~~ (6) An applicant for licensure, registration, or certification under this chapter:

(a) (i) shall submit fingerprint cards in a form acceptable to the division at the time the license application is filed and shall consent to a fingerprint background check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application; and

(ii) the division shall request the Department of Public Safety to complete a Federal

Bureau of Investigation criminal background check for each applicant through the national criminal history system (NCIC) or any successor system; and

(b) if convicted of one or more felonies, must receive an absolute discharge from the sentences for all felony convictions five or more years prior to the date of filing an application for licensure or registration under this chapter.

~~[(8)]~~ (7) For purposes of conducting the criminal background checks required in Subsection (6), the division shall have direct access to criminal background information maintained pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

~~[(9)]~~ (8) (a) (i) Any new nurse license or health care assistant registration 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 registration shall be immediately and automatically revoked.

(b) (i) Any person whose conditional license or registration has been revoked under Subsection ~~[(9)]~~ (8)(a) shall be entitled to a postrevocation hearing to challenge the revocation.

(ii) The hearing shall be conducted in accordance with Title 63, Chapter 46b, Administrative Procedures Act.

Section 4. Section **58-31b-303** is amended to read:

**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(1), except Subsection (1)(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)]~~(2), except Subsection ~~[(3)]~~

(2)(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.

Section 5. Section **58-31b-304** is amended to read:

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

~~[(1) To be admitted to the examinations required for certification as a licensed practical nurse - geriatric care manager, 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 63-38-3.2; and]~~

~~[(c) meet all requirements of Subsection 58-31b-302(2) except the passing of the examination.]~~

~~[(2)]~~ (1) 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 63-38-3.2; and

(c) meet all requirements of Subsection 58-31b-302(1), except Subsection (1)(f).

~~[(3)]~~ (2) 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 63-38-3.2; and

(c) meet all the requirements of Subsection 58-31b-302~~[(3)]~~ (2), except Subsection ~~[(3)]~~ (2)(f).

Section 6. Section **58-31b-308** is amended to read:

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

(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.

(3) In addition to the exemptions from licensure under Section 58-1-307, the following individuals may engage in acts or practices included in the practice of a health care assistant, within the stated limitations, without being registered under this chapter:

(a) an individual providing gratuitous care for another individual;

(b) a volunteer, whether or not he receives token compensation other than salary or wages:

(i) in programs sponsored or authorized by federal Public Law 93-113; or

(ii) at any regulated facility; and

(c) individuals providing:

(i) services generally considered independent living activities such as preparing meals, shopping for personal items or groceries, managing money, using the telephone, performing housekeeping, and other similar activities not involving direct personal assistance and care as the division may define by rule; and

(ii) child day care or baby-sitting, whether or not the services are subject to licensure under Title 26, Chapter 39, Utah Child Care Licensing Act;

(d) an individual employed on an intermittent basis to provide a specified limited period of care for an adult or child with disabilities needing regular daily care, in order to allow the relative or other person who is the adult or child's regular and unpaid caretaker respite from his or her caregiver duties regarding the adult or child; or

(e) notwithstanding Subsection 58-31b-102[~~(11)~~](10) an individual employed by another person who is self directing his personal care in his private residence.

Section 7. Section **58-31b-501** is amended to read:

**58-31b-501. Unlawful conduct.**

(1) "Unlawful conduct" includes:

- (a) using the following titles, names or initials, if the user is not properly licensed under this chapter:
- (i) nurse;
  - (ii) licensed practical nurse, practical nurse, or L.P.N.;
  - (iii) registered nurse or R.N.;
  - (iv) registered nurse practitioner, N.P., or R.N.P.;
  - (v) registered nurse specialist, N.S., or R.N.S.;
  - (vi) registered psychiatric mental health nurse specialist;
  - (vii) advanced practice registered nurse;
  - (viii) nurse anesthetist, certified nurse anesthetist, certified registered nurse anesthetist, or C.R.N.A.; or
  - (ix) other generally recognized names or titles used in the profession of nursing;
- (b) using any other name, title, or initials that would cause a reasonable person to believe the user is licensed under this chapter if the user is not properly licensed under this chapter; and
- (c) 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.

(2) (a) An individual registered as a health care assistant under this chapter may use any title in his practice as a health care assistant, and an employer may assign a title to health care assistants it employs, if the title does not cause a reasonable person to believe the registrant is a licensee in any other license classification under this chapter and Title 58, Occupations and Professions.

(b) If any issue is raised regarding a title under this section, the division shall determine if the title may be used for health care assistants.

~~[(3) An individual licensed as a practical nurse who is certified as a geriatric care manager under this chapter, may use the title "licensed practical nurse - geriatric care manager" or the initials "LPN-GCM" to designate the additional training and certification.]~~

Section 8. Section **58-31b-502** is amended to read:

**58-31b-502. Unprofessional conduct.**

"Unprofessional conduct" includes:

(1) 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 position or practice as a nurse;

(2) failure to provide nursing service 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;

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

(a) period when a generally recognized professional relationship exists between the nurse and patient; or

(b) extended period when a patient has reasonable cause to believe a professional relationship exists between the nurse and patient;

(4) (a) as a result of any circumstance under Subsection (3), exploiting or using information about a patient or exploiting the licensee's professional relationship between the licensee and the patient; or

(b) exploiting the patient by use of the licensee's knowledge of the patient obtained while acting as a nurse;

(5) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;

(6) unauthorized taking or personal use of nursing supplies from an employer;

(7) unauthorized taking or personal use of a patient's personal property;

(8) knowingly entering into any medical record any false or misleading information or altering a medical record in any way for the purpose of concealing an act, omission, or record of events, medical condition, or any other circumstance related to the patient and the medical or nursing care provided;

(9) unlawful or inappropriate delegation of nursing care;

(10) failure to exercise appropriate supervision of persons providing patient care services under supervision of the licensed nurse;

(11) employing or aiding and abetting the employment of an unqualified or unlicensed person to practice as a nurse;

(12) 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;

(13) 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;

(14) failure to pay a penalty imposed by the division;

(15) prescribing a schedule II-III controlled substance without a consulting physician or outside of a consultation and referral plan; and

(16) violating Section 58-31b-801[~~;~~and].

~~[(17) practicing as a licensed practical nurse - geriatric care manager in a setting other than a long-term care facility.]~~

Section 9. Section **58-31b-601** is amended to read:

**58-31b-601. Minimum standards for nursing programs.**

(1) A nursing education program shall be affiliated with an accredited institution of higher education in order to be approved by the division.

(2) The minimum standards a nursing program shall meet to qualify graduates for licensure under this chapter shall be defined by division rule.

~~[(3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the division shall make rules defining the minimum standards a licensed practical nurse - geriatric care manager training program must meet to qualify a person for certification under this chapter as a licensed practical nurse - geriatric care manager.]~~

Section 10. Section **58-31d-103** is amended to read:

**58-31d-103. Rulemaking authority -- Enabling provisions.**

(1) The division may adopt rules necessary to implement Section 58-31d-102.

(2) As used in Article VIII (1) of the Advanced Practice Registered Nurse Compact, "head of the licensing board" means the executive administrator of the Utah Board of Nursing.

(3) For purposes of the Advanced Practice Registered Nurse Compact, "APRN" as defined in Article II (1) of the compact includes an individual who is licensed to practice under Subsection 58-31b- ~~H~~→ **[302] 301** [F] **(2)** [F] ~~[(3)(d)]~~ ← ~~H~~ as an advanced practice registered nurse.

(4) An APRN practicing in this state under a multistate licensure privilege may only be granted prescriptive authority if that individual can document completion of graduate level



493 course work in the following areas:  
494 (a) advanced health assessment;  
495 (b) pharmacotherapeutics; and  
496 (c) diagnosis and treatment.  
497 (5) (a) An APRN practicing in this state under a multistate privilege who seeks to  
498 obtain prescriptive authority must:  
499 (i) meet all the requirements of Subsection (4) and this Subsection (5); and  
500 (ii) be placed on a registry with the division.  
501 (b) To be placed on a registry under Subsection (5)(a)(ii), an APRN must:  
502 (i) submit a form prescribed by the division;  
503 (ii) pay a fee; and  
504 (iii) if prescribing a controlled substance:  
505 (A) obtain a controlled substance license as required under Section 58-37-6; and  
506 (B) if prescribing a Schedule II or III controlled substance, have a consultation and  
507 referral plan with a physician licensed in Utah as required under Subsection 58-31b-102[(16)]  
508 (17)(c)(iii).  
509 Section 11. Section **63-55b-158** is amended to read:  
510 **63-55b-158. Repeal dates -- Title 58.**  
511 Section 58-31b-301.5, Geriatric Care Manager Pilot Program, is repealed [July 1, 2007]  
512 May 2, 2005.

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**Legislative Review Note**  
**as of 1-27-05 4:16 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0243**

**Repeal of Geriatric Care Manager**

*02-Feb-05*  
*5:09 PM*

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**State Impact**  
No fiscal impact.

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**Individual and Business Impact**  
No fiscal impact.

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**Office of the Legislative Fiscal Analyst**