

**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

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

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

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

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

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

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

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

74 [(11)] (10) "Licensee" means a person who is licensed, registered, or certified under  
75 this chapter.

76 [(12)] (11) "Long-term care facility" means any of the following facilities licensed by  
77 the Department of Health pursuant to Title 26, Chapter 21, Health Care Facility Licensing and  
78 Inspection Act:

79 (a) a nursing care facility;

80 (b) a small health care facility;

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

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

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

84 [(13)] (12) "Practice as a health care assistant" means providing direct personal  
85 assistance or care for compensation to an individual who is ill, injured, infirm, developmentally  
86 or physically disabled, mentally disabled, or mentally retarded, and who is in a private  
87 residence or regulated facility.

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

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

90 ~~chronically ill patients residing in a long-term care facility as provided in Subsection~~  
91 ~~58-31b-302(2); and]~~

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

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

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

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

96 ~~[(15)]~~ (13) "Practice of nursing" means assisting individuals or groups to maintain or  
97 attain optimal health, implementing a strategy of care to accomplish defined goals and  
98 evaluating responses to care and treatment. The practice of nursing requires substantial  
99 specialized or general knowledge, judgment, and skill based upon principles of the biological,  
100 physical, behavioral, and social sciences, and includes:

101 (a) initiating and maintaining comfort measures;

102 (b) promoting and supporting human functions and responses;

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

104 (d) providing health counseling and teaching;

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

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

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

110 ~~[(16)]~~ (14) (a) "Practice of nurse anesthesia" means the practice of nursing related to  
111 the provision of preoperative, intraoperative, and postoperative anesthesia care and related  
112 services upon the request of a physician, surgeon, or other licensed professional, who is acting  
113 within the scope of their practice, by a person licensed under this chapter as a certified  
114 registered nurse anesthetist and includes:

115 (i) preanesthesia preparation and evaluation including:

116 (A) performing a preanesthetic assessment of the patient;

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

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

120 (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 ~~[(17)]~~ (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 ~~[(17)]~~ (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 ~~[(18)]~~ (16) "Practice of registered nursing" means performing acts of nursing as

148 provided in this Subsection ~~[(18)]~~ (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;

- 152 (b) identifying health care needs;
- 153 (c) establishing goals to meet identified health care needs;
- 154 (d) planning a strategy of care;
- 155 (e) prescribing nursing interventions to implement the strategy of care;
- 156 (f) implementing the strategy of care;
- 157 (g) maintaining safe and effective nursing care that is rendered to a patient directly or
- 158 indirectly;
- 159 (h) evaluating responses to interventions;
- 160 (i) teaching the theory and practice of nursing; and
- 161 (j) managing and supervising the practice of nursing.

162 [~~(19)~~] (17) "Practice of advanced practice registered nursing" means the practice of  
163 nursing within the generally recognized scope and standards of advanced practice registered  
164 nursing as defined by rule and consistent with professionally recognized preparation and  
165 education standards of an advanced practice registered nurse by a person licensed under this  
166 chapter as an advanced practice registered nurse. Advanced practice registered nursing  
167 includes:

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

176 [~~(20)~~] (18) "Regulated facility" means a health care facility subject to licensure under  
177 Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act and does not include:

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

183 rules; or

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

185 [~~(21)~~] (19) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-31b-501.

186 [~~(22)~~] (20) "Unlicensed assistive personnel" means any unlicensed person, regardless  
187 of title, to whom tasks are delegated by a licensed nurse as permitted by rule and in accordance  
188 with the standards of the profession.

189 [~~(23)~~] (21) "Unprofessional conduct" is as defined in Sections 58-1-501 and  
190 58-31b-502 and as may be further defined by rule.

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

192 **58-31b-301. License or certification required -- Classifications.**

193 (1) A license is required to engage in the practice of nursing, except as specifically  
194 provided in Sections 58-1-307 and 58-31b-308.

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

197 (a) licensed practical nurse;

198 [~~(b) licensed practical nurse - geriatric care manager;~~]

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

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

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

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

203 (3) An individual holding an advanced practice registered nurse license as of July 1,  
204 1998, who cannot document the successful completion of advanced course work in patient  
205 assessment, diagnosis and treatment, and pharmacotherapeutics, may not prescribe and shall be  
206 issued an "APRN - without prescriptive practice" license.

207 (4) The division shall grant an advanced practice registered nurse license to any  
208 licensed advanced practice registered nurse currently holding prescriptive authority under any  
209 predecessor act on July 1, 1998.

210 (5) (a) An individual shall be registered under this chapter in order to engage in  
211 practice as a health care assistant, except as provided in Sections 58-31b-308 and  
212 58-31b-308.5.

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

214 in the classification of health care assistant.

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

216 **58-31b-302. Qualifications for licensure or certification -- Criminal background**  
217 **checks.**

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

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

220 (b) pay to the division a fee determined under Section 63-38-3.2;

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

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

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

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

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

230 [~~(2) An applicant for certification as a licensed practical nurse - geriatric care manager~~  
231 ~~shall:]~~

232 [~~(a) submit an application to the division on a form prescribed by the division;]~~

233 [~~(b) pay a fee to the division as determined under Section 63-38-3.2;]~~

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

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

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

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

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

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

244 [~~(3)~~] (2) An applicant for licensure as a registered nurse shall:



- 245 (a) submit to the division an application form prescribed by the division;
- 246 (b) pay to the division a fee determined under Section 63-38-3.2;
- 247 (c) have a high school diploma or its equivalent;
- 248 (d) be in a condition of physical and mental health that will allow the applicant to
- 249 practice safely as a registered nurse;
- 250 (e) have completed an approved registered nursing education program;
- 251 (f) have passed the examinations as required by division rule made in collaboration
- 252 with the board; and
- 253 (g) meet with the board, if requested, to determine the applicant's qualifications for
- 254 licensure.

255 [~~4~~] (3) Applicants for licensure as an advanced practice registered nurse shall:

- 256 (a) submit to the division an application on a form prescribed by the division;
- 257 (b) pay to the division a fee determined under Section 63-38-3.2;
- 258 (c) be in a condition of physical and mental health which will allow the applicant to
- 259 practice safely as an advanced practice registered nurse;
- 260 (d) hold a current registered nurse license in good standing issued by the state or be
- 261 qualified at the time for licensure as a registered nurse;
- 262 (e) have earned a graduate degree in an advanced practice registered nurse nursing
- 263 education program or a related area of specialized knowledge as determined appropriate by the
- 264 division in collaboration with the board;
- 265 (f) have completed course work in patient assessment, diagnosis and treatment, and
- 266 pharmacotherapeutics from an education program approved by the division in collaboration
- 267 with the board;
- 268 (g) have successfully completed clinical practice in psychiatric and mental health
- 269 nursing, including psychotherapy as defined by division rule, after completion of the masters
- 270 degree required for licensure, to practice within the psychiatric and mental health nursing
- 271 specialty;
- 272 (h) have passed the examinations as required by division rule made in collaboration
- 273 with the board;
- 274 (i) be currently certified by a program approved by the division in collaboration with
- 275 the board and submit evidence satisfactory to the division of the certification; and

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

278 [~~(5)~~] (4) An applicant for licensure as a certified registered nurse anesthetist shall:

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

280 (b) pay to the division a fee determined under Section 63-38-3.2;

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

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

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

287 (f) be currently certified by a program approved by the division in collaboration with  
288 the board and submit evidence satisfactory to the division of the certification; and

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

291 [~~(6)~~] (5) An applicant for registration as a health care assistant shall:

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

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

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

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

301 [~~(7)~~] (6) An applicant for licensure, registration, or certification under this chapter:

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

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

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

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

312 [~~(8)~~] (7) For purposes of conducting the criminal background checks required in  
313 Subsection (6), the division shall have direct access to criminal background information  
314 maintained pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

315 [~~(9)~~] (8) (a) (i) Any new nurse license or health care assistant registration issued under  
316 this section shall be conditional, pending completion of the criminal background check.

317 (ii) If the criminal background check discloses the applicant has failed to accurately  
318 disclose a criminal history, the license or registration shall be immediately and automatically  
319 revoked.

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

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

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

325 **58-31b-303. Qualifications for licensure -- Graduates of nonapproved nursing**  
326 **programs.**

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

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

331 (a) meet all requirements of Subsection 58-31b-302(1), except Subsection (1)(e); and

332 (b) produce evidence acceptable to the division and the board that the nursing  
333 education program completed by the applicant is equivalent to the minimum standards  
334 established by the division in collaboration with the board for an approved licensed practical  
335 nursing education program.

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

337 (a) meet all requirements of Subsection 58-31b-302[~~(3)~~](2), except Subsection [~~(3)~~]

338 (2)(e); and

339 (b) (i) pass the Commission on Graduates of Foreign Nursing Schools (CGFNS)  
340 Examination; or

341 (ii) produce evidence acceptable to the division and the board that the applicant is  
342 currently licensed as a registered nurse in one of the states, territories, or the District of  
343 Columbia of the United States and has passed the NCLEX-RN examination.

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

345 **58-31b-304. Qualifications for admission to the examinations.**

346 [~~(1) To be admitted to the examinations required for certification as a licensed practical  
347 nurse – geriatric care manager, a person shall:]~~

348 [~~(a) submit an application on a form prescribed by the division;~~]

349 [~~(b) pay a fee as determined by the division under Section 63-38-3.2; and]~~

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

352 [~~(2)~~] (1) To be admitted to the examinations required for licensure as a practical nurse,  
353 a person shall:

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

355 (b) pay a fee as determined by the division under Section 63-38-3.2; and

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

357 [~~(3)~~] (2) To be admitted to the examinations required for licensure as a registered  
358 nurse, a person shall:

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

360 (b) pay a fee as determined by the division under Section 63-38-3.2; and

361 (c) meet all the requirements of Subsection 58-31b-302[~~(3)~~] (2), except Subsection  
362 [~~(3)~~] (2)(f).

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

364 **58-31b-308. Exemptions from licensure or registration.**

365 (1) In addition to the exemptions from licensure in Section 58-1-307, the following  
366 persons may engage in acts included within the definition of the practice of nursing, subject to  
367 the stated circumstances and limitations, without being licensed under this chapter:

368 (a) friends, family members, foster parents, or legal guardians of a patient performing

369 gratuitous nursing care for the patient;

370 (b) persons providing care in a medical emergency;

371 (c) persons engaged in the practice of religious tenets of a church or religious  
372 denomination; and

373 (d) after July 1, 2000, a person licensed to practice nursing by a jurisdiction that has  
374 joined the Nurse Licensure Compact to the extent permitted by Section 58-31c-102.

375 (2) Notwithstanding Subsection (1)(d), the division may, in accordance with Section  
376 58-31c-102, limit or revoke practice privileges in this state of a person licensed to practice  
377 nursing by a jurisdiction that has joined the Nurse Licensing Compact.

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

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

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

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

385 (ii) at any regulated facility; and

386 (c) individuals providing:

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

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

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

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

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

400           **58-31b-501. Unlawful conduct.**

401           (1) "Unlawful conduct" includes:

402           (a) using the following titles, names or initials, if the user is not properly licensed

403 under this chapter:

404           (i) nurse;

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

406           (iii) registered nurse or R.N.;

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

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

409           (vi) registered psychiatric mental health nurse specialist;

410           (vii) advanced practice registered nurse;

411           (viii) nurse anesthetist, certified nurse anesthetist, certified registered nurse anesthetist,

412 or C.R.N.A.; or

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

414           (b) using any other name, title, or initials that would cause a reasonable person to

415 believe the user is licensed under this chapter if the user is not properly licensed under this

416 chapter; and

417           (c) conducting a nursing education program in the state for the purpose of qualifying

418 individuals to meet requirements for licensure under this chapter without the program having

419 been approved under Section 58-31b-601.

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

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

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

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

431 **58-31b-502. Unprofessional conduct.**

432 "Unprofessional conduct" includes:

433 (1) failure to safeguard a patient's right to privacy as to the patient's person, condition,  
434 diagnosis, personal effects, or any other matter about which the licensee is privileged to know  
435 because of the licensee's position or practice as a nurse;436 (2) failure to provide nursing service in a manner that demonstrates respect for the  
437 patient's human dignity and unique personal character and needs without regard to the patient's  
438 race, religion, ethnic background, socioeconomic status, age, sex, or the nature of the patient's  
439 health problem;

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

441 (a) period when a generally recognized professional relationship exists between the  
442 nurse and patient; or443 (b) extended period when a patient has reasonable cause to believe a professional  
444 relationship exists between the nurse and patient;445 (4) (a) as a result of any circumstance under Subsection (3), exploiting or using  
446 information about a patient or exploiting the licensee's professional relationship between the  
447 licensee and the patient; or448 (b) exploiting the patient by use of the licensee's knowledge of the patient obtained  
449 while acting as a nurse;

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

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

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

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

457 (9) unlawful or inappropriate delegation of nursing care;

458 (10) failure to exercise appropriate supervision of persons providing patient care  
459 services under supervision of the licensed nurse;460 (11) employing or aiding and abetting the employment of an unqualified or unlicensed  
461 person to practice as a nurse;

462 (12) failure to file or record any medical report as required by law, impeding or  
463 obstructing the filing or recording of such a report, or inducing another to fail to file or record  
464 such a report;

465 (13) breach of a statutory, common law, regulatory, or ethical requirement of  
466 confidentiality with respect to a person who is a patient, unless ordered by a court;

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

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

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

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

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

474 **58-31b-601. Minimum standards for nursing programs.**

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

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

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

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

484 **58-31d-103. Rulemaking authority -- Enabling provisions.**

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

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

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

491 (4) An APRN practicing in this state under a multistate licensure privilege may only be  
492 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**