

NURSING AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

This bill amends the Nurse Practice Act, the Advanced Practice Registered Nurse Compact, and the Nurse Midwife Practice Act.

Highlighted Provisions:

This bill:

- ▶ removes the definition of "practice of nurse anesthesia";
- ▶ removes the license classification of certified registered nurse anesthesia;
- ▶ creates the license classification of advanced practice registered nurse - without prescriptive authority;
- ▶ changes the license category for licensed nurse anesthetist to advanced practice registered nurse without prescriptive authority;
- ▶ makes technical amendments necessary to remove references to licensed nurse anesthetists;
- ▶ adds certified nurse midwives to the list of APRN subject to the Advanced Practice Registered Nurse Compact; and
- ▶ beginning July 2010, amends the qualifications for licensure as a nurse midwife.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 30 **58-31b-102**, as last amended by Chapter 291, Laws of Utah 2006
 - 31 **58-31b-301**, as last amended by Chapter 291, Laws of Utah 2006
 - 32 **58-31b-302**, as last amended by Chapter 291, Laws of Utah 2006
 - 33 **58-31b-305**, as last amended by Chapter 291, Laws of Utah 2006
 - 34 **58-31d-103**, as last amended by Chapter 291, Laws of Utah 2006
 - 35 **58-44a-302**, as last amended by Chapter 288, Laws of Utah 1998
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37 *Be it enacted by the Legislature of the state of Utah:*

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

39 **58-31b-102. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

66 (10) "Long-term care facility" means any of the following facilities licensed by the
67 Department of Health pursuant to Title 26, Chapter 21, Health Care Facility Licensing and
68 Inspection Act:

69 (a) a nursing care facility;

70 (b) a small health care facility;

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

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

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

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

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

76 (b) has received a minimum of 40 hours of classroom and 20 hours of practical training
77 that is approved by the division in collaboration with the board, in administering routine
78 medications to patients or residents of long-term care facilities; and

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

80 (12) (a) "Practice as a medication aide certified" means the limited practice of nursing
81 under the supervision, as defined by the division by administrative rule, of a licensed nurse,
82 involving routine patient care that requires minimal or limited specialized or general
83 knowledge, judgment, and skill, to an individual who is ill, injured, infirm, developmentally or
84 physically disabled, mentally disabled, or mentally retarded, and who is in a regulated
85 long-term care facility.

86 (b) "Practice as a medication aide certified" includes:
87 (i) providing direct personal assistance or care; and
88 (ii) administering routine medications to patients in accordance with a formulary and
89 protocols to be defined by the division by rule.

90 (13) "Practice of advanced practice registered nursing" means the practice of nursing
91 within the generally recognized scope and standards of advanced practice registered nursing as
92 defined by rule and consistent with professionally recognized preparation and education
93 standards of an advanced practice registered nurse by a person licensed under this chapter as an
94 advanced practice registered nurse. Advanced practice registered nursing includes:

95 (a) maintenance and promotion of health and prevention of disease;
96 (b) diagnosis, treatment, correction, consultation, and referral for common health
97 problems; ~~and~~

98 (c) prescription or administration of prescription drugs or devices including:

99 (i) local anesthesia;
100 (ii) schedule IV-V controlled substances; and
101 (iii) schedule II-III controlled substances in accordance with a consultation and referral
102 plan[-]; or

103 (d) the provision of preoperative, intraoperative, and postoperative anesthesia care and
104 related services upon the request of a licensed health care professional by an advanced practice
105 registered nurse specializing as a certified registered nurse anesthetist, including:

106 (i) preanesthesia preparation and evaluation including:
107 (A) performing a preanesthetic assessment of the patient;
108 (B) ordering and evaluating appropriate lab and other studies to determine the health of
109 the patient; and

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

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

112 (A) selecting and initiating the planned anesthetic technique;

113 (B) selecting and administering anesthetics and adjunct drugs and fluids; and

- 114 (C) administering general, regional, and local anesthesia;
- 115 (iii) postanesthesia follow-up care, including:
- 116 (A) evaluating the patient's response to anesthesia and implementing corrective
- 117 actions; and
- 118 (B) selecting, ordering, or administering the medications and studies listed in
- 119 Subsection (13)(d); and
- 120 (iv) other related services within the scope of practice of a certified registered nurse
- 121 anesthetist, including:
- 122 (A) emergency airway management;
- 123 (B) advanced cardiac life support; and
- 124 (C) the establishment of peripheral, central, and arterial invasive lines; and
- 125 (v) for purposes of Subsection (13)(d), "upon the request of a licensed health care
- 126 professional":

- 127 (A) means a health care professional practicing within the scope of the health care
- 128 professional's license, requests anesthesia services for a specific patient; and
- 129 (B) does not require an advanced practice registered nurse specializing as a certified
- 130 registered nurse anesthetist to enter into a consultation and referral plan or obtain additional
- 131 authority to select, administer, or provide preoperative, intraoperative, or postoperative
- 132 anesthesia care and services.

133 ~~[(14) (a) "Practice of nurse anesthesia" means the practice of nursing related to the~~

134 ~~provision of preoperative, intraoperative, and postoperative anesthesia care and related services~~

135 ~~upon the request of a physician, surgeon, or other licensed professional, who is acting within~~

136 ~~the scope of their practice, by a person licensed under this chapter as a certified registered nurse~~

137 ~~anesthetist and includes:]~~

- 138 ~~[(i) preanesthesia preparation and evaluation including:]~~
- 139 ~~[(A) performing a preanesthetic assessment of the patient;]~~
- 140 ~~[(B) ordering and evaluating appropriate lab and other studies to determine the health~~
- 141 ~~of the patient; and]~~

- 142 [~~(C) selecting, ordering, or administering appropriate medications;~~]
- 143 [~~(ii) anesthesia induction, maintenance, and emergence, including:~~]
- 144 [~~(A) selecting and initiating the planned anesthetic technique;~~]
- 145 [~~(B) selecting and administering anesthetics and adjunct drugs and fluids; and~~]
- 146 [~~(C) administering general, regional, and local anesthesia;~~]
- 147 [~~(iii) postanesthesia follow-up care, including:~~]
- 148 [~~(A) evaluating the patient's response to anesthesia and implementing corrective~~
- 149 ~~actions; and]~~
- 150 [~~(B) selecting, ordering, or administering the above medications and studies; and]~~
- 151 [~~(iv) other related services within the scope of practice of a certified registered nurse~~
- 152 ~~anesthetist, including:~~]
- 153 [~~(A) emergency airway management;~~]
- 154 [~~(B) advanced cardiac life support; and]~~
- 155 [~~(C) the establishment of peripheral, central, and arterial invasive lines.]~~
- 156 [~~(b) Nothing in this section shall be construed as to require a certified registered nurse~~
- 157 ~~anesthetist to obtain an advance practice registered nurse license in order to select, administer,~~
- 158 ~~or provide preoperative, intraoperative, or postoperative anesthesia care and services.]~~
- 159 [~~(15)] (14) "Practice of nursing" means assisting individuals or groups to maintain or~~
- 160 ~~attain optimal health, implementing a strategy of care to accomplish defined goals and~~
- 161 ~~evaluating responses to care and treatment. The practice of nursing requires substantial~~
- 162 ~~specialized or general knowledge, judgment, and skill based upon principles of the biological,~~
- 163 ~~physical, behavioral, and social sciences, and includes:~~
- 164 (a) initiating and maintaining comfort measures;
- 165 (b) promoting and supporting human functions and responses;
- 166 (c) establishing an environment conducive to well-being;
- 167 (d) providing health counseling and teaching;
- 168 (e) collaborating with health care professionals on aspects of the health care regimen;
- 169 (f) performing delegated procedures only within the education, knowledge, judgment,

170 and skill of the licensee; and

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

173 [~~16~~] (15) "Practice of practical nursing" means the performance of nursing acts in the
174 generally recognized scope of practice of licensed practical nurses as defined by rule and as
175 provided in this Subsection [~~16~~] (15) by a person licensed under this chapter as a licensed
176 practical nurse and under the direction of a registered nurse, licensed physician, or other
177 specified health care professional as defined by rule. Practical nursing acts include:

- 178 (a) contributing to the assessment of the health status of individuals and groups;
- 179 (b) participating in the development and modification of the strategy of care;
- 180 (c) implementing appropriate aspects of the strategy of care;
- 181 (d) maintaining safe and effective nursing care rendered to a patient directly or
182 indirectly; and
- 183 (e) participating in the evaluation of responses to interventions.

184 [~~17~~] (16) "Practice of registered nursing" means performing acts of nursing as
185 provided in this Subsection [~~17~~] (16) by a person licensed under this chapter as a registered
186 nurse within the generally recognized scope of practice of registered nurses as defined by rule.
187 Registered nursing acts include:

- 188 (a) assessing the health status of individuals and groups;
- 189 (b) identifying health care needs;
- 190 (c) establishing goals to meet identified health care needs;
- 191 (d) planning a strategy of care;
- 192 (e) prescribing nursing interventions to implement the strategy of care;
- 193 (f) implementing the strategy of care;
- 194 (g) maintaining safe and effective nursing care that is rendered to a patient directly or
195 indirectly;
- 196 (h) evaluating responses to interventions;
- 197 (i) teaching the theory and practice of nursing; and

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

199 [~~(18)~~] (17) "Routine medications":

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

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

204 (i) oral;

205 (ii) sublingual;

206 (iii) buccal;

207 (iv) eye;

208 (v) ear;

209 (vi) nasal;

210 (vii) rectal;

211 (viii) vaginal;

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

213 (x) gastronomy or jejunostomy tubes;

214 (xi) premeasured medication delivered by aerosol/nebulizer; and

215 (xii) medications delivered by metered hand-held inhalers.

216 [~~(19)~~] (18) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-31b-501.

217 [~~(20)~~] (19) "Unlicensed assistive personnel" means any unlicensed person, regardless
218 of title, to whom tasks are delegated by a licensed nurse as permitted by rule and in accordance
219 with the standards of the profession.

220 [~~(21)~~] (20) "Unprofessional conduct" is as defined in Sections 58-1-501 and
221 58-31b-502 and as may be further defined by rule.

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

223 **58-31b-301. License or certification required -- Classifications.**

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

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

- 228 (a) licensed practical nurse;
- 229 (b) registered nurse;
- 230 (c) advanced practice registered nurse intern;
- 231 (d) advanced practice registered nurse;
- 232 [~~(e) certified registered nurse anesthetist; and~~]
- 233 (e) advanced practice registered nurse - CRNA without prescriptive practice; and
- 234 (f) medication aide certified.

235 (3) An individual holding an advanced practice registered nurse license as of July 1,
236 1998, who cannot document the successful completion of advanced course work in patient
237 assessment, diagnosis and treatment, and pharmacotherapeutics, may not prescribe and shall be
238 issued an "APRN - without prescriptive practice" license.

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

242 (5) An individual holding a certified registered nurse anesthetist license as of July 1,
243 2007, shall be issued an "APRN - CRNA - without prescriptive practice" license.

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

245 **58-31b-302. Qualifications for licensure or certification -- Criminal background**
246 **checks.**

- 247 (1) An applicant for certification as a medication aide shall:
 - 248 (a) submit an application to the division on a form prescribed by the division;
 - 249 (b) pay a fee to the division as determined under Section 63-38-3.2;
 - 250 (c) have a high school diploma or its equivalent;
 - 251 (d) have a current certification as a nurse aide, in good standing, from the Department
252 of Health;
 - 253 (e) have a minimum of 2,000 hours of experience within the two years prior to

254 application, working as a certified nurse aide in a long-term care facility;

255 (f) obtain letters of recommendation from a long-term care facility administrator and
256 one licensed nurse familiar with the applicant's work practices as a certified nurse aide;

257 (g) be in a condition of physical and mental health that will permit the applicant to
258 practice safely as a medication aide certified;

259 (h) have completed an approved education program or an equivalent as determined by
260 the division in collaboration with the board;

261 (i) have passed the examinations as required by division rule made in collaboration
262 with the board; and

263 (j) meet with the board, if requested, to determine the applicant's qualifications for
264 certification.

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

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

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

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

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

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

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

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

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

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

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

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

281 (d) be in a condition of physical and mental health that will allow the applicant to

282 practice safely as a registered nurse;

283 (e) have completed an approved registered nursing education program;

284 (f) have passed the examinations as required by division rule made in collaboration

285 with the board; and

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

287 licensure.

288 (4) Applicants for licensure as an advanced practice registered nurse shall:

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

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

291 (c) be in a condition of physical and mental health which will allow the applicant to

292 practice safely as an advanced practice registered nurse;

293 (d) hold a current registered nurse license in good standing issued by the state or be

294 qualified at the time for licensure as a registered nurse;

295 (e) (i) have earned a graduate degree in:

296 (A) an advanced practice registered nurse nursing education program; or

297 (B) a related area of specialized knowledge as determined appropriate by the division

298 in collaboration with the board; or

299 (ii) have completed a nurse anesthesia program in accordance with Subsection

300 (4)(f)(ii);

301 (f) have completed:

302 (i) course work in patient assessment, diagnosis and treatment, and

303 pharmacotherapeutics from an education program approved by the division in collaboration

304 with the board; or

305 (ii) a nurse anesthesia program which is approved by the Council on Accreditation of

306 Nurse Anesthesia Educational Programs;

307 (g) have successfully completed clinical practice in psychiatric and mental health

308 nursing, including psychotherapy as defined by division rule, after completion of the masters

309 degree required for licensure, to practice within the psychiatric and mental health nursing

310 specialty;

311 (h) have passed the examinations as required by division rule made in collaboration
312 with the board;

313 (i) be currently certified by a program approved by the division in collaboration with
314 the board and submit evidence satisfactory to the division of the certification; and

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

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

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

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

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

322 ~~[(d) hold a current registered nurse license in good standing issued by the state or be
323 qualified at the time for licensure as a registered nurse;]~~

324 ~~[(e) complete a nurse anesthesia program which is approved by the Council on
325 Accreditation of Nurse Anesthesia Educational Programs;]~~

326 ~~[(f) be currently certified by a program approved by the division in collaboration with
327 the board and submit evidence satisfactory to the division of the certification; and]~~

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

330 ~~[(6)]~~ (5) An applicant for licensure or certification under this chapter:

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

335 (ii) the division shall request the Department of Public Safety to complete a Federal
336 Bureau of Investigation criminal background check for each applicant through the national
337 criminal history system (NCIC) or any successor system; and

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

341 [~~(7)~~] (6) For purposes of conducting the criminal background checks required in
342 Subsection [~~(6)~~] (5), the division shall have direct access to criminal background information
343 maintained pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

344 [~~(8)~~] (7) (a) (i) Any new nurse license or certification issued under this section shall be
345 conditional, pending completion of the criminal background check.

346 (ii) If the criminal background check discloses the applicant has failed to accurately
347 disclose a criminal history, the license or certification shall be immediately and automatically
348 revoked.

349 (b) (i) Any person whose conditional license or certification has been revoked under
350 Subsection [~~(8)~~] (7)(a) shall be entitled to a postrevocation hearing to challenge the revocation.

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

353 Section 4. Section **58-31b-305** is amended to read:

354 **58-31b-305. Term of license -- Expiration -- Renewal.**

355 (1) The division shall issue each license or certification under this chapter in
356 accordance with a two-year renewal cycle established by rule. The division may by rule extend
357 or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

358 (2) At the time of renewal, the licensee or person certified under this chapter shall
359 show satisfactory evidence of each of the following renewal requirements:

360 (a) complete and submit an application for renewal in a form prescribed by the division
361 and pay the renewal fee determined under Section 63-38-3.2; and

362 (b) meet continuing competency requirements as established by rule, which shall
363 include continuing education requirements for medication aide certified established by the
364 board and adopted by the division by rule.

365 (3) In addition to the renewal requirements under Subsection (2), a person licensed as a

366 advanced practice registered nurse shall be currently certified by a program approved by the
367 division in collaboration with the board and submit evidence satisfactory to the division of that
368 qualification or if licensed prior to July 1, 1992, meet the requirements established by rule.

369 ~~[(4) In addition to the renewal requirements under Subsection (2), a person licensed as~~
370 ~~a certified registered nurse anesthetist shall be currently certified in anesthesia by a program~~
371 ~~approved by the division in collaboration with the board and submit evidence satisfactory to~~
372 ~~the division of the certification.]~~

373 [(5)] (4) Each license or certification automatically expires on the expiration date
374 shown on the license or certification unless renewed in accordance with Section 58-1-308.

375 Section 5. Section **58-31d-103** is amended to read:

376 **58-31d-103. Rulemaking authority -- Enabling provisions.**

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

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

380 (3) For purposes of the Advanced Practice Registered Nurse Compact, "APRN" as
381 defined in Article II (1) of the compact includes an individual who is:

382 (i) licensed to practice under Subsection 58-31b-301(2) as an advanced practice
383 registered nurse[-]; or

384 (ii) licensed to practice under Section 58-44a-301 as a certified nurse midwife.

385 (4) An APRN practicing in this state under a multistate licensure privilege may only be
386 granted prescriptive authority if that individual can document completion of graduate level
387 course work in the following areas:

388 (a) advanced health assessment;

389 (b) pharmacotherapeutics; and

390 (c) diagnosis and treatment.

391 (5) (a) An APRN practicing in this state under a multistate privilege who seeks to
392 obtain prescriptive authority must:

393 (i) meet all the requirements of Subsection (4) and this Subsection (5); and

- 394 (ii) be placed on a registry with the division.
- 395 (b) To be placed on a registry under Subsection (5)(a)(ii), an APRN must:
- 396 (i) submit a form prescribed by the division;
- 397 (ii) pay a fee; and
- 398 (iii) if prescribing a controlled substance:
- 399 (A) obtain a controlled substance license as required under Section 58-37-6; and
- 400 (B) if prescribing a Schedule II or III controlled substance, have a consultation and
- 401 referral plan with a physician licensed in Utah as required under Subsection
- 402 58-31b-102(13)(c)(iii) or 58-44a-102(8)(b)(iii)(C).

Section 6. Section **58-44a-302** is amended to read:

58-44a-302. Qualifications for licensure.

(1) An applicant for licensure as a nurse midwife shall:

~~[(1)]~~ (a) submit an application in a form as prescribed by the division;

~~[(2)]~~ (b) pay a fee as determined by the department under Section 63-38-3.2;

~~[(3)]~~ (c) be of good moral character;

~~[(4)]~~ (d) at the time of application for licensure hold a license in good standing as a registered nurse in Utah, or be at that time qualified for a license as a registered nurse under Title 58, Chapter 31b, Nurse Practice Act;

~~[(5)]~~ (e) have completed:

~~[(a)]~~ (i) a certified nurse midwifery education program accredited by the American College of Nurse Midwives and approved by the division; or

~~[(b) have completed]~~ (ii) a nurse midwifery education program located outside of the United States which is approved by the division and is equivalent to a program accredited by the American College of Nurse Midwives, as demonstrated by a graduate's being accepted to sit for the national certifying examination administered by the American College of Nurse Midwives or its designee; and

~~[(6)]~~ (f) have passed examinations established by the division rule in collaboration with the board within two years after completion of the approved education program required under

422 Subsection [~~(5)~~] (1)(e).

423 (2) For purposes of Subsection (1)(e), as of January 1, 2010, the accredited education
424 program or it's equivalent must grant a graduate degree, including post-master's certificate, in
425 nurse midwifery.