

NURSE APPRENTICE LICENSING ACT

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill creates a license for registered nurse apprentices.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ allows the Division of Occupational and Professional Licensing to issue a license for a registered nurse apprentice;
- ▶ creates requirements for the license; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 26-4-2**, as last amended by Laws of Utah 2021, Chapter 297
- 26-61a-104**, as last amended by Laws of Utah 2020, Chapter 12
- 58-31b-102**, as last amended by Laws of Utah 2021, Chapter 263
- 58-31b-301**, as last amended by Laws of Utah 2007, Chapter 57
- 58-31b-302**, as last amended by Laws of Utah 2018, Chapter 318



28 **58-31b-303**, as last amended by Laws of Utah 2006, Chapter 291

29 **58-31b-304**, as last amended by Laws of Utah 2009, Chapter 183

30 **75-2a-103**, as last amended by Laws of Utah 2021, Chapter 223

31 ENACTS:

32 **58-31b-306.1**, Utah Code Annotated 1953



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

35 Section 1. Section **26-4-2** is amended to read:

36 **26-4-2. Definitions.**

37 As used in this chapter:

38 (1) "Dead body" [~~is as~~] means the same as that term is defined in Section 26-2-2.

39 (2) (a) "Death by violence" means death that resulted by the decedent's exposure to
40 physical, mechanical, or chemical forces[~~, and~~].

41 (b) "Death by violence" includes death [~~which~~] that appears to have been due to
42 homicide, death [~~which~~] that occurred during or in an attempt to commit rape, mayhem,
43 kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats
44 of violence, assault with a dangerous weapon, assault with intent to commit any offense
45 punishable by imprisonment for more than one year, arson punishable by imprisonment for
46 more than one year, or any attempt to commit any of the foregoing offenses.

47 (3) "Immediate relative" means an individual's spouse, child, parent, sibling,
48 grandparent, or grandchild.

49 (4) "Health care professional" means any of the following while acting in a
50 professional capacity:

51 (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
52 58, Chapter 68, Utah Osteopathic Medical Practice Act;

53 (b) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
54 Act; or

55 (c) an advance practice registered nurse licensed under Subsection
56 **58-31b-301(2)**[~~(d)~~](e).

57 (5) "Medical examiner" means the state medical examiner appointed pursuant to
58 Section **26-4-4** or a deputy appointed by the medical examiner.

59 (6) "Medical examiner record" means:

60 (a) all information that the medical examiner obtains regarding a decedent; and

61 (b) reports that the medical examiner makes regarding a decedent.

62 (7) "Regional pathologist" means a trained pathologist licensed to practice medicine
63 and surgery in the state, appointed by the medical examiner pursuant to Subsection 26-4-4(3).

64 (8) "Sudden death while in apparent good health" means apparently instantaneous
65 death without obvious natural cause, death during or following an unexplained syncope or
66 coma, or death during an acute or unexplained rapidly fatal illness.

67 (9) "Sudden infant death syndrome" means the death of a child who was thought to be
68 in good health or whose terminal illness appeared to be so mild that the possibility of a fatal
69 outcome was not anticipated.

70 (10) "Suicide" means death caused by an intentional and voluntary act of an individual
71 who understands the physical nature of the act and intends by such act to accomplish
72 self-destruction.

73 (11) "Unattended death" means a death that occurs more than 365 days after the day on
74 which a health care professional examined or treated the deceased individual for any purpose,
75 including writing a prescription.

76 (12) (a) "Unavailable for postmortem investigation" means that a dead body is:

77 (i) transported out of state;

78 (ii) buried at sea;

79 (iii) cremated;

80 (iv) processed by alkaline hydrolysis; or

81 (v) otherwise made unavailable to the medical examiner for postmortem investigation
82 or autopsy.

83 (b) "Unavailable for postmortem investigation" does not include embalming or burial
84 of a dead body pursuant to the requirements of law.

85 (13) "Within the scope of the decedent's employment" means all acts reasonably
86 necessary or incident to the performance of work, including matters of personal convenience
87 and comfort not in conflict with specific instructions.

88 Section 2. Section 26-61a-104 is amended to read:

89 **26-61a-104. Qualifying condition.**

90 (1) By designating a particular condition under Subsection (2) for which the use of
91 medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively
92 state that:

93 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
94 treatment for the condition; or

95 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.

96 (2) For the purposes of this chapter, each of the following conditions is a qualifying
97 condition:

98 (a) HIV or acquired immune deficiency syndrome;

99 (b) Alzheimer's disease;

100 (c) amyotrophic lateral sclerosis;

101 (d) cancer;

102 (e) cachexia;

103 (f) persistent nausea that is not significantly responsive to traditional treatment, except
104 for nausea related to:

105 (i) pregnancy;

106 (ii) cannabis-induced cyclical vomiting syndrome; or

107 (iii) cannabinoid hyperemesis syndrome;

108 (g) Crohn's disease or ulcerative colitis;

109 (h) epilepsy or debilitating seizures;

110 (i) multiple sclerosis or persistent and debilitating muscle spasms;

111 (j) post-traumatic stress disorder that is being treated and monitored by a licensed
112 mental health therapist, as that term is defined in Section [58-60-102](#), and that:

113 (i) has been diagnosed by a healthcare provider or mental health provider employed or
114 contracted by the United States Veterans Administration, evidenced by copies of medical
115 records from the United States Veterans Administration that are included as part of the
116 qualified medical provider's pre-treatment assessment and medical record documentation; or

117 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of
118 the patient, by a provider who is:

119 (A) a licensed board-eligible or board-certified psychiatrist;

120 (B) a licensed psychologist with a master's-level degree;

- 121 (C) a licensed clinical social worker with a master's-level degree; or
- 122 (D) a licensed advanced practice registered nurse who is qualified to practice within
- 123 the psychiatric mental health nursing speciality and who has completed the clinical practice
- 124 requirements in psychiatric mental health nursing, including in psychotherapy, in accordance
- 125 with Subsection [58-31b-302](#)~~(4)~~(5)(g);
- 126 (k) autism;
- 127 (l) a terminal illness when the patient's remaining life expectancy is less than six
- 128 months;
- 129 (m) a condition resulting in the individual receiving hospice care;
- 130 (n) a rare condition or disease that:
- 131 (i) affects less than 200,000 individuals in the United States, as defined in Section 526
- 132 of the Federal Food, Drug, and Cosmetic Act; and
- 133 (ii) is not adequately managed despite treatment attempts using:
- 134 (A) conventional medications other than opioids or opiates; or
- 135 (B) physical interventions;
- 136 (o) pain lasting longer than two weeks that is not adequately managed, in the qualified
- 137 medical provider's opinion, despite treatment attempts using:
- 138 (i) conventional medications other than opioids or opiates; or
- 139 (ii) physical interventions; and
- 140 (p) a condition that the Compassionate Use Board approves under Section [26-61a-105](#),
- 141 on an individual, case-by-case basis.

142 Section 3. Section **58-31b-102** is amended to read:

143 **58-31b-102. Definitions.**

144 In addition to the definitions in Section [58-1-102](#), as used in this chapter:

- 145 (1) "Administrative penalty" means a monetary fine or citation imposed by the division
- 146 for acts or omissions determined to be unprofessional or unlawful conduct in accordance with a
- 147 fine schedule established by division rule made in accordance with Title 63G, Chapter 3, Utah
- 148 Administrative Rulemaking Act, and as a result of an adjudicative proceeding conducted in
- 149 accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 150 (2) "Applicant" means an individual who applies for licensure or certification under
- 151 this chapter by submitting a completed application for licensure or certification and the

152 required fees to the department.

153 (3) "Approved education program" means a nursing education program that is
154 accredited by an accrediting body for nursing education that is approved by the United States
155 Department of Education.

156 (4) "Board" means the Board of Nursing created in Section [58-31b-201](#).

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

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

162 (7) "Licensee" means an individual who is licensed or certified under this chapter.

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

166 (a) a nursing care facility;

167 (b) a small health care facility;

168 (c) an intermediate care facility for people with an intellectual disability;

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

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

171 (9) "Medication aide certified" means a certified nurse aide who:

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

173 (b) has received a minimum of 60 hours of classroom and 40 hours of practical training
174 that is approved by the division in collaboration with the board, in administering routine
175 medications to patients or residents of long-term care facilities; and

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

177 (10) (a) "Practice as a medication aide certified" means the limited practice of nursing
178 under the supervision, as defined by the division by rule made in accordance with Title 63G,
179 Chapter 3, Utah Administrative Rulemaking Act, of a licensed nurse, involving routine patient
180 care that requires minimal or limited specialized or general knowledge, judgment, and skill, to
181 an individual who:

182 (i) is ill, injured, infirm, has a physical, mental, developmental, or intellectual

183 disability; and

184 (ii) is in a regulated long-term care facility.

185 (b) "Practice as a medication aide certified":

186 (i) includes:

187 (A) providing direct personal assistance or care; and

188 (B) administering routine medications to patients in accordance with a formulary and
189 protocols to be defined by the division by rule made in accordance with Title 63G, Chapter 3,
190 Utah Administrative Rulemaking Act; and

191 (ii) does not include assisting a resident of an assisted living facility, a long term care
192 facility, or an intermediate care facility for people with an intellectual disability to self
193 administer a medication, as regulated by the Department of Health by rule made in accordance
194 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

195 (11) "Practice of advanced practice registered nursing" means the practice of nursing
196 within the generally recognized scope and standards of advanced practice registered nursing as
197 defined by rule and consistent with professionally recognized preparation and education
198 standards of an advanced practice registered nurse by a person licensed under this chapter as an
199 advanced practice registered nurse. "Practice of advanced practice registered nursing" includes:

200 (a) maintenance and promotion of health and prevention of disease;

201 (b) diagnosis, treatment, correction, consultation, and referral;

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

203 (i) local anesthesia;

204 (ii) Schedule III-V controlled substances; and

205 (iii) Subject to Section [58-31b-803](#), Schedule II controlled substances; or

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

209 (i) preanesthesia preparation and evaluation including:

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

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

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

- 214 (ii) anesthesia induction, maintenance, and emergence, including:
- 215 (A) selecting and initiating the planned anesthetic technique;
- 216 (B) selecting and administering anesthetics and adjunct drugs and fluids; and
- 217 (C) administering general, regional, and local anesthesia;
- 218 (iii) postanesthesia follow-up care, including:
- 219 (A) evaluating the patient's response to anesthesia and implementing corrective
- 220 actions; and
- 221 (B) selecting, ordering, or administering the medications and studies listed in this
- 222 Subsection (11)(d); ~~and~~
- 223 (iv) other related services within the scope of practice of a certified registered nurse
- 224 anesthetist, including:
- 225 (A) emergency airway management;
- 226 (B) advanced cardiac life support; and
- 227 (C) the establishment of peripheral, central, and arterial invasive lines; and
- 228 (v) for purposes of this Subsection (11)(d), "upon the request of a licensed health care
- 229 professional":
- 230 (A) means a health care professional practicing within the scope of the health care
- 231 professional's license, requests anesthesia services for a specific patient; and
- 232 (B) does not require an advanced practice registered nurse specializing as a certified
- 233 registered nurse anesthetist to obtain additional authority to select, administer, or provide
- 234 preoperative, intraoperative, or postoperative anesthesia care and services.
- 235 (12) "Practice of nursing" means assisting individuals or groups to maintain or attain
- 236 optimal health, implementing a strategy of care to accomplish defined goals and evaluating
- 237 responses to care and treatment, and requires substantial specialized or general knowledge,
- 238 judgment, and skill based upon principles of the biological, physical, behavioral, and social
- 239 sciences. "Practice of nursing" includes:
- 240 (a) initiating and maintaining comfort measures;
- 241 (b) promoting and supporting human functions and responses;
- 242 (c) establishing an environment conducive to well-being;
- 243 (d) providing health counseling and teaching;
- 244 (e) collaborating with health care professionals on aspects of the health care regimen;

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

247 (g) delegating nursing tasks that may be performed by others, including an unlicensed
248 assistive personnel; and

249 (h) supervising an individual to whom a task is delegated under Subsection (12)(g) as
250 the individual performs the task.

251 (13) "Practice of practical nursing" means the performance of nursing acts in the
252 generally recognized scope of practice of licensed practical nurses as defined by division rule
253 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and as
254 provided in this Subsection (13) by an individual licensed under this chapter as a licensed
255 practical nurse and under the direction of a registered nurse, licensed physician, or other
256 specified health care professional as defined by division rule made in accordance with Title
257 63G, Chapter 3, Utah Administrative Rulemaking Act. Practical nursing acts include:

- 258 (a) contributing to the assessment of the health status of individuals and groups;
- 259 (b) participating in the development and modification of the strategy of care;
- 260 (c) implementing appropriate aspects of the strategy of care;
- 261 (d) maintaining safe and effective nursing care rendered to a patient directly or
262 indirectly; and
- 263 (e) participating in the evaluation of responses to interventions.

264 (14) "Practice of registered nursing" means performing acts of nursing as provided in
265 this Subsection (14) by an individual licensed under this chapter as a registered nurse within
266 the generally recognized scope of practice of registered nurses as defined by division rule made
267 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act. Registered
268 nursing acts include:

- 269 (a) assessing the health status of individuals and groups;
- 270 (b) identifying health care needs;
- 271 (c) establishing goals to meet identified health care needs;
- 272 (d) planning a strategy of care;
- 273 (e) prescribing nursing interventions to implement the strategy of care;
- 274 (f) implementing the strategy of care;
- 275 (g) maintaining safe and effective nursing care that is rendered to a patient directly or

276 indirectly;

277 (h) evaluating responses to interventions;

278 (i) teaching the theory and practice of nursing; and

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

280 (15) "Registered nurse apprentice" means an individual licensed under Subsection

281 [58-31b-301\(2\)\(b\)](#) who is learning and engaging in the practice of registered nursing under the

282 indirect supervision of an individual licensed under:

283 (a) Subsection [58-31b-301\(2\)\(c\)](#), (e), or (f);

284 (b) Chapter 67, Utah Medical Practice Act; or

285 (c) Chapter 68, Utah Osteopathic Medical Practice Act.

286 [~~15~~] (16) "Routine medications":

287 (a) means established medications administered to a medically stable individual as

288 determined by a licensed health care practitioner or in consultation with a licensed medical

289 practitioner; and

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

291 (i) oral;

292 (ii) sublingual;

293 (iii) buccal;

294 (iv) eye;

295 (v) ear;

296 (vi) nasal;

297 (vii) rectal;

298 (viii) vaginal;

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

300 (x) premeasured medication delivered by aerosol/nebulizer; and

301 (xi) medications delivered by metered hand-held inhalers.

302 [~~16~~] (17) "Unlawful conduct" means the same as that term is defined in Sections

303 [58-1-501](#) and [58-31b-501](#).

304 [~~17~~] (18) "Unlicensed assistive personnel" means any unlicensed individual,

305 regardless of title, who is delegated a task by a licensed nurse as permitted by division rule

306 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the

307 standards of the profession.

308 ~~[(+8)]~~ (19) "Unprofessional conduct" means the same as that term is defined in
 309 Sections 58-1-501 and 58-31b-502 and as may be further defined by division rule made in
 310 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

311 Section 4. Section 58-31b-301 is amended to read:

312 **58-31b-301. License or certification required -- Classifications.**

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

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

317 (a) licensed practical nurse;

318 (b) registered nurse apprentice;

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

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

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

322 ~~[(e)]~~ (f) advanced practice registered nurse - CRNA without prescriptive practice; and

323 ~~[(f)]~~ (g) medication aide certified.

324 (3) An individual holding an advanced practice registered nurse license as of July 1,
 325 1998, who cannot document the successful completion of advanced course work in patient
 326 assessment, diagnosis and treatment, and pharmacotherapeutics, may not prescribe and shall be
 327 issued an "APRN - without prescriptive practice" license.

328 (4) The division shall grant an advanced practice registered nurse license to any
 329 licensed advanced practice registered nurse currently holding prescriptive authority under any
 330 predecessor act ~~[on July 1, 1998]~~.

331 (5) An individual holding a certified registered nurse anesthetist license as of July 1,
 332 2007, shall be issued an "APRN - CRNA - without prescriptive practice" license.

333 Section 5. Section 58-31b-302 is amended to read:

334 **58-31b-302. Qualifications for licensure or certification -- Criminal background**
 335 **checks.**

336 (1) An applicant for certification as a medication aide shall:

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

- 338 (b) pay a fee to the division as determined under Section 63J-1-504;
- 339 (c) have a high school diploma or its equivalent;
- 340 (d) have a current certification as a nurse aide, in good standing, from the Department
- 341 of Health;
- 342 (e) have a minimum of 2,000 hours of experience within the two years prior to
- 343 application, working as a certified nurse aide in a long-term care facility;
- 344 (f) obtain letters of recommendation from a long-term care facility administrator and
- 345 one licensed nurse familiar with the applicant's work practices as a certified nurse aide;
- 346 (g) be in a condition of physical and mental health that will permit the applicant to
- 347 practice safely as a medication aide certified;
- 348 (h) have completed an approved education program or an equivalent as determined by
- 349 the division in collaboration with the board;
- 350 (i) have passed the examinations as required by division rule made in collaboration
- 351 with the board; and
- 352 (j) meet with the board, if requested, to determine the applicant's qualifications for
- 353 certification.
- 354 (2) An applicant for licensure as a licensed practical nurse shall:
- 355 (a) submit to the division an application in a form prescribed by the division;
- 356 (b) pay to the division a fee determined under Section 63J-1-504;
- 357 (c) have a high school diploma or its equivalent;
- 358 (d) be in a condition of physical and mental health that will permit the applicant to
- 359 practice safely as a licensed practical nurse;
- 360 (e) have completed an approved practical nursing education program or an equivalent
- 361 as determined by the board;
- 362 (f) have passed the examinations as required by division rule made in collaboration
- 363 with the board; and
- 364 (g) meet with the board, if requested, to determine the applicant's qualifications for
- 365 licensure.
- 366 (3) An applicant for a registered nurse apprentice ~~§~~ → license ← ~~§~~ shall:
- 367 (a) submit to the division an application form prescribed by the division;
- 368 (b) pay to the division a fee determined under Section 63J-1-504;

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

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

371 practice safely as a registered nurse apprentice;

372 (e) ~~Ŝ~~→ **[be enrolled in good standing in the last semester of an approved registered nursing**

373 **education program;]** **as determined by an approved registered nursing education program, be:**

373a **(i) in good standing with the program; and**

373b **(ii) in the last semester, quarter, or competency experience;** ←Ŝ

374 (f) have written permission from the program in which the applicant is enrolled; ~~Ŝ~~→ **and**

374a ←Ŝ

375 ~~Ŝ~~→ **[(g) be a legal resident of Utah; and**

376 ~~(h)] (g) ←Ŝ meet with the board, if requested, to determine the applicant's qualifications for~~

377 licensure.

378 [~~(3)~~] (4) An applicant for licensure as a registered nurse shall:

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

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

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

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

383 practice safely as a registered nurse;

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

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

386 with the board; and

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

388 licensure.

389 [~~(4)~~] (5) Applicants for licensure as an advanced practice registered nurse shall:

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

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

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

393 practice safely as an advanced practice registered nurse;

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

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

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

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

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

399 in collaboration with the board; or

- 400 (ii) have completed a nurse anesthesia program in accordance with Subsection
 401 [~~(4)~~](5)(f)(ii);
- 402 (f) have completed:
- 403 (i) course work in patient assessment, diagnosis and treatment, and
 404 pharmacotherapeutics from an education program approved by the division in collaboration
 405 with the board; or
- 406 (ii) a nurse anesthesia program which is approved by the Council on Accreditation of
 407 Nurse Anesthesia Educational Programs;
- 408 (g) to practice within the psychiatric mental health nursing specialty, demonstrate, as
 409 described in division rule, that the applicant, after completion of a doctorate or master's degree
 410 required for licensure, is in the process of completing the applicant's clinical practice
 411 requirements in psychiatric mental health nursing, including in psychotherapy;
- 412 (h) have passed the examinations as required by division rule made in collaboration
 413 with the board;
- 414 (i) be currently certified by a program approved by the division in collaboration with
 415 the board and submit evidence satisfactory to the division of the certification; and
- 416 (j) meet with the board, if requested, to determine the applicant's qualifications for
 417 licensure.

418 [~~(5)~~] (6) For each applicant for licensure or certification under this chapter ~~§~~ → **except an**
 418a **applicant under Subsection 58-31b-301(2)(b)** ← ~~§~~ :

- 419 (a) the applicant shall:
- 420 (i) submit fingerprint cards in a form acceptable to the division at the time the
 421 application is filed; and
- 422 (ii) consent to a fingerprint background check conducted by the Bureau of Criminal
 423 Identification and the Federal Bureau of Investigation regarding the application;
- 424 (b) the division shall:
- 425 (i) in addition to other fees authorized by this chapter, collect from each applicant
 426 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal
 427 Identification is authorized to collect for the services provided under Section 53-10-108 and the
 428 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
 429 obtaining federal criminal history record information;
- 430 (ii) submit from each applicant the fingerprint card and the fees described in this

431 Subsection ~~[(5)]~~ (6)(b) to the Bureau of Criminal Identification; and

432 (iii) obtain and retain in division records a signed waiver approved by the Bureau of
433 Criminal Identification in accordance with Section 53-10-108 for each applicant; and

434 (c) the Bureau of Criminal Identification shall, in accordance with the requirements of
435 Section 53-10-108:

436 (i) check the fingerprints submitted under Subsection ~~[(5)]~~ (6)(b) against the applicable
437 state and regional criminal records databases;

438 (ii) forward the fingerprints to the Federal Bureau of Investigation for a national
439 criminal history background check; and

440 (iii) provide the results from the state, regional, and nationwide criminal history
441 background checks to the division.

442 ~~[(6)]~~ (7) For purposes of conducting the criminal background checks required in
443 Subsection ~~[(5)]~~ (6), the division shall have direct access to criminal background information
444 maintained pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

445 ~~[(7)]~~ (8) (a) (i) Any new nurse license or certification issued under this section shall be
446 conditional, pending completion of the criminal background check.

447 (ii) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the
448 criminal background check discloses the applicant has failed to accurately disclose a criminal
449 history, the license or certification shall be immediately and automatically revoked upon notice
450 to the licensee by the division.

451 (b) (i) ~~[A person]~~ An individual whose conditional license or certification has been
452 revoked under Subsection ~~[(7)]~~ (8)(a) is entitled to a postrevocation hearing to challenge the
453 revocation.

454 (ii) A postrevocation hearing shall be conducted in accordance with Title 63G, Chapter
455 4, Administrative Procedures Act.

456 ~~[(8)]~~ (9) If ~~[a person]~~ an individual has been charged with a violent felony, as defined
457 in Subsection 76-3-203.5(1)(c), and, as a result, the ~~[person]~~ individual has been convicted,
458 entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo contendere held
459 in abeyance pending the successful completion of probation, the ~~[person]~~ individual is
460 disqualified for licensure under this chapter and:

461 (a) if the ~~[person]~~ individual is licensed under this chapter, the division:

462 (i) shall act upon the license as required under Section 58-1-401; and
463 (ii) may not renew or subsequently issue a license to the [person] individual under this
464 chapter; and

465 (b) if the [person] individual is not licensed under this chapter, the division may not
466 issue a license to the [person] individual under this chapter.

467 ~~[(9)]~~ (10) If [~~a~~person] an individual has been charged with a felony other than a
468 violent felony, as defined in Subsection 76-3-203.5(1)(c), and, as a result, the [person]
469 individual has been convicted, entered a plea of guilty or nolo contendere, or entered a plea of
470 guilty or nolo contendere held in abeyance pending the successful completion of probation, the
471 division shall determine whether the felony disqualifies the [person] individual for licensure
472 under this chapter and act upon the license, as required, in accordance with Section 58-1-401.

473 ~~[(10)]~~ (11) The division may not disseminate outside of the division any criminal
474 history record information that the division obtains from the Bureau of Criminal Identification
475 or the Federal Bureau of Investigation under the criminal background check requirements of
476 this section.

477 Section 6. Section 58-31b-303 is amended to read:

478 **58-31b-303. Qualifications for licensure -- Graduates of nonapproved nursing**
479 **programs.**

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

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

484 (a) meet all requirements of Subsection 58-31b-302(2), except Subsection (2)(e); and

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

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

490 (a) meet all requirements of Subsection 58-31b-302~~[(3)]~~(4), except Subsection ~~[(3)]~~

491 ~~(4)~~(e); and

492 (b) (i) pass the Commission on Graduates of Foreign Nursing Schools (CGFNS)

493 Examination; or

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

497 Section 7. Section **58-31b-304** is amended to read:

498 **58-31b-304. Qualifications for admission to the examinations.**

499 (1) To be admitted to the examinations required for certification as a medication aide
500 certified, ~~[a person]~~ an individual shall:

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

502 (b) pay a fee as determined by the division under Section [63J-1-504](#); and

503 (c) meet all requirements of Subsection [58-31b-302](#)(1), except ~~[the passing of the~~
504 ~~examination]~~ Subsection (1)(i).

505 (2) To be admitted to the examinations required for licensure as a practical nurse, ~~[a~~
506 ~~person]~~ an individual shall:

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

508 (b) pay a fee as determined by the division under Section [63J-1-504](#); and

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

510 (3) To be admitted to the examinations required for licensure as a registered nurse, ~~[a~~
511 ~~person]~~ an individual shall:

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

513 (b) pay a fee as determined by the division under Section [63J-1-504](#); and

514 (c) meet all the requirements of Subsection [58-31b-302](#)~~[(3)]~~(4), except Subsection
515 ~~[(3)]~~(4)(f).

516 Section 8. Section **58-31b-306.1** is enacted to read:

517 **58-31b-306.1. Registered nurse apprentice license.**

518 (1) The division shall issue a registered nurse apprentice license to an individual who
519 meets the qualifications under Subsection [58-31b-302](#)(3).

520 (2) Unless the division extends the license for a specified period of time by written
521 notification provided to the individual, the license expires on the earlier of:

522 (a) one year from the day on which the license is issued;

523 (b) after the division receives notice from the examination agency that the individual

524 failed to take or pass the examinations described in Subsection 58-31b-302(4)(f), the day on
525 which the division notifies the applicant that the license is expired; or

526 (c) the day on which the division issues the individual a license as a registered nurse.

527 (3) A license described in Subsection (1) is:

528 (a) valid only in Utah; and

529 (b) not an eligible license under Chapter 31e, Nurse Licensure Compact - Revised.

530 (4) The division may make rules to administer the license described in Subsection (1)

531 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

532 Section 9. Section **75-2a-103** is amended to read:

533 **75-2a-103. Definitions.**

534 As used in this chapter:

535 (1) "Adult" means [~~a person~~] an individual who is:

536 (a) at least 18 years of age; or

537 (b) an emancipated minor.

538 (2) "Advance health care directive":

539 (a) includes:

540 (i) a designation of an agent to make health care decisions for an adult when the adult
541 cannot make or communicate health care decisions; or

542 (ii) an expression of preferences about health care decisions;

543 (b) may take one of the following forms:

544 (i) a written document, voluntarily executed by an adult in accordance with the
545 requirements of this chapter; or

546 (ii) a witnessed oral statement, made in accordance with the requirements of this
547 chapter; and

548 (c) does not include a POLST order.

549 (3) "Agent" means [~~a person~~] an adult designated in an advance health care directive to
550 make health care decisions for the declarant.

551 (4) "APRN" means [~~a person~~] an individual who is:

552 (a) certified or licensed as an advance practice registered nurse under Subsection
553 58-31b-301(2)(~~d~~)(e);

554 (b) an independent practitioner;

- 555 (c) acting under a consultation and referral plan with a physician; and
- 556 (d) acting within the scope of practice for that [person] individual, as provided by law,
- 557 rule, and specialized certification and training in that [person's] individual's area of practice.
- 558 (5) "Best interest" means that the benefits to the person resulting from a treatment
- 559 outweigh the burdens to the person resulting from the treatment, taking into account:
- 560 (a) the effect of the treatment on the physical, emotional, and cognitive functions of the
- 561 person;
- 562 (b) the degree of physical pain or discomfort caused to the person by the treatment or
- 563 the withholding or withdrawal of treatment;
- 564 (c) the degree to which the person's medical condition, the treatment, or the
- 565 withholding or withdrawal of treatment, result in a severe and continuing impairment of the
- 566 dignity of the person by subjecting the person to humiliation and dependency;
- 567 (d) the effect of the treatment on the life expectancy of the person;
- 568 (e) the prognosis of the person for recovery with and without the treatment;
- 569 (f) the risks, side effects, and benefits of the treatment, or the withholding or
- 570 withdrawal of treatment; and
- 571 (g) the religious beliefs and basic values of the person receiving treatment, to the extent
- 572 these may assist the decision maker in determining the best interest.
- 573 (6) "Capacity to appoint an agent" means that the adult understands the consequences
- 574 of appointing a particular person as agent.
- 575 (7) "Declarant" means an adult who has completed and signed or directed the signing
- 576 of an advance health care directive.
- 577 (8) "Default surrogate" means the adult who may make decisions for an individual
- 578 when either:
- 579 (a) an agent or guardian has not been appointed; or
- 580 (b) an agent is not able, available, or willing to make decisions for an adult.
- 581 (9) "Emergency medical services provider" means a person [who] that is licensed,
- 582 designated, or certified under Title 26, Chapter 8a, Utah Emergency Medical Services System
- 583 Act.
- 584 (10) "Generally accepted health care standards":
- 585 (a) is defined only for the purpose of:

586 (i) this chapter and does not define the standard of care for any other purpose under
587 Utah law; and

588 (ii) enabling health care providers to interpret the statutory form set forth in Section
589 75-2a-117; and

590 (b) means the standard of care that justifies a provider in declining to provide life
591 sustaining care because the proposed life sustaining care:

592 (i) will not prevent or reduce the deterioration in the health or functional status of [~~a~~
593 ~~person~~] an individual;

594 (ii) will not prevent the impending death of [~~a person~~] an individual; or

595 (iii) will impose more burden on the [~~person~~] individual than any expected benefit to
596 the person.

597 (11) "Health care" means any care, treatment, service, or procedure to improve,
598 maintain, diagnose, or otherwise affect [~~a person's~~] an individual's physical or mental
599 condition.

600 (12) "Health care decision":

601 (a) means a decision about an adult's health care made by, or on behalf of, an adult, that
602 is communicated to a health care provider;

603 (b) includes:

604 (i) selection and discharge of a health care provider and a health care facility;

605 (ii) approval or disapproval of diagnostic tests, procedures, programs of medication,
606 and orders not to resuscitate; and

607 (iii) directions to provide, withhold, or withdraw artificial nutrition and hydration and
608 all other forms of health care; and

609 (c) does not include decisions about an adult's financial affairs or social interactions
610 other than as indirectly affected by the health care decision.

611 (13) "Health care decision making capacity" means an adult's ability to make an
612 informed decision about receiving or refusing health care, including:

613 (a) the ability to understand the nature, extent, or probable consequences of health
614 status and health care alternatives;

615 (b) the ability to make a rational evaluation of the burdens, risks, benefits, and
616 alternatives of accepting or rejecting health care; and

617 (c) the ability to communicate a decision.

618 (14) "Health care facility" means:

619 (a) a health care facility as defined in Title 26, Chapter 21, Health Care Facility
620 Licensing and Inspection Act; and

621 (b) private offices of physicians, dentists, and other health care providers licensed to
622 provide health care under Title 58, Occupations and Professions.

623 (15) "Health care provider" [~~is as~~] means the same as that term is defined in Section
624 [78B-3-403](#), except that [it] "health care provider" does not include an emergency medical
625 services provider.

626 (16) (a) "Life sustaining care" means any medical intervention, including procedures,
627 administration of medication, or use of a medical device, that maintains life by sustaining,
628 restoring, or supplanting a vital function.

629 (b) "Life sustaining care" does not include care provided for the purpose of keeping [a
630 ~~person~~] an individual comfortable.

631 (17) "Minor" means [~~a person~~] an individual who:

632 (a) is under 18 years old; and

633 (b) is not an emancipated minor.

634 (18) "Physician" means a physician and surgeon or osteopathic surgeon licensed under
635 Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical
636 Practice Act.

637 (19) "Physician assistant" means [~~a person~~] an individual licensed as a physician
638 assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

639 (20) "POLST order" means an order, on a form designated by the Department of Health
640 under Section [75-2a-106](#)[(5)(a)], that gives direction to health care providers, health care
641 facilities, and emergency medical services providers regarding the specific health care
642 decisions of the [~~person~~] individual to whom the order relates.

643 (21) "Reasonably available" means:

644 (a) readily able to be contacted without undue effort; and

645 (b) willing and able to act in a timely manner considering the urgency of the
646 circumstances.

647 (22) "Substituted judgment" means the standard to be applied by a surrogate when

648 making a health care decision for an adult who previously had the capacity to make health care
649 decisions, which requires the surrogate to consider:

650 (a) specific preferences expressed by the adult:

651 (i) when the adult had the capacity to make health care decisions; and

652 (ii) at the time the decision is being made;

653 (b) the surrogate's understanding of the adult's health care preferences;

654 (c) the surrogate's understanding of what the adult would have wanted under the
655 circumstances; and

656 (d) to the extent that the preferences described in Subsections (22)(a) through (c) are
657 unknown, the best interest of the adult.

658 (23) "Surrogate" means a health care decision maker who is:

659 (a) an appointed agent;

660 (b) a default surrogate under the provisions of Section [75-2a-108](#); or

661 (c) a guardian.