

CERTIFIED NURSING ASSISTANTS AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill allows a certified nurse aide to obtain experience at a health care facility that is designated by the Division of Professional Licensing.

Highlighted Provisions:

This bill:

- ▶ allows a certified nurse aide to obtain experience at a health care facility that is designated by the Division of Professional Licensing; and
- ▶ allows the certified nurse aide applicant to obtain a letter of recommendation from a health care facility administrator.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-31b-302, as last amended by Laws of Utah 2022, Chapter 277

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

Section 1. Section **58-31b-302** is amended to read:

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

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

- 30 (a) submit an application to the division on a form prescribed by the division;
- 31 (b) pay a fee to the division as determined under Section [63J-1-504](#);
- 32 (c) have a high school diploma or its equivalent;
- 33 (d) have a current certification as a nurse aide, in good standing, from the Department
34 of Health and Human Services;
- 35 (e) have a minimum of 2,000 hours of experience within the two years prior to
36 application, working as a certified nurse aide in a long-term care facility or another health care
37 facility that is designated by the division in collaboration with the board;
- 38 (f) obtain letters of recommendation from a [~~long-term care~~] health care facility
39 administrator and one licensed nurse familiar with the applicant's work practices as a certified
40 nurse aide;
- 41 (g) be in a condition of physical and mental health that will permit the applicant to
42 practice safely as a medication aide certified;
- 43 (h) have completed an approved education program or an equivalent as determined by
44 the division in collaboration with the board;
- 45 (i) have passed the examinations as required by division rule made in collaboration
46 with the board; and
- 47 (j) meet with the board, if requested, to determine the applicant's qualifications for
48 certification.
- 49 (2) An applicant for licensure as a licensed practical nurse shall:
 - 50 (a) submit to the division an application in a form prescribed by the division;
 - 51 (b) pay to the division a fee determined under Section [63J-1-504](#);
 - 52 (c) have a high school diploma or its equivalent;
 - 53 (d) be in a condition of physical and mental health that will permit the applicant to
54 practice safely as a licensed practical nurse;
 - 55 (e) have completed an approved practical nursing education program or an equivalent
56 as determined by the board;
 - 57 (f) have passed the examinations as required by division rule made in collaboration

58 with the board; and

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

61 (3) An applicant for a registered nurse apprentice license shall:

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

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

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

65 (d) be in a condition of physical and mental health that will allow the applicant to
66 practice safely as a registered nurse apprentice;

67 (e) as determined by an approved registered nursing education program, be:

68 (i) in good standing with the program; and

69 (ii) in the last semester, quarter, or competency experience;

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

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

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

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

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

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

77 (d) be in a condition of physical and mental health that will allow the applicant to
78 practice safely as a registered nurse;

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

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

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

84 (5) Applicants for licensure as an advanced practice registered nurse shall:

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

- 86 (b) pay to the division a fee determined under Section 63J-1-504;
- 87 (c) be in a condition of physical and mental health which will allow the applicant to
- 88 practice safely as an advanced practice registered nurse;
- 89 (d) hold a current registered nurse license in good standing issued by the state or be
- 90 qualified at the time for licensure as a registered nurse;
- 91 (e) (i) have earned a graduate degree in:
- 92 (A) an advanced practice registered nurse nursing education program; or
- 93 (B) a related area of specialized knowledge as determined appropriate by the division
- 94 in collaboration with the board; or
- 95 (ii) have completed a nurse anesthesia program in accordance with Subsection
- 96 (5)(f)(ii);
- 97 (f) have completed:
- 98 (i) course work in patient assessment, diagnosis and treatment, and
- 99 pharmacotherapeutics from an education program approved by the division in collaboration
- 100 with the board; or
- 101 (ii) a nurse anesthesia program which is approved by the Council on Accreditation of
- 102 Nurse Anesthesia Educational Programs;
- 103 (g) to practice within the psychiatric mental health nursing specialty, demonstrate, as
- 104 described in division rule, that the applicant, after completion of a doctorate or master's degree
- 105 required for licensure, is in the process of completing the applicant's clinical practice
- 106 requirements in psychiatric mental health nursing, including in psychotherapy;
- 107 (h) have passed the examinations as required by division rule made in collaboration
- 108 with the board;
- 109 (i) be currently certified by a program approved by the division in collaboration with
- 110 the board and submit evidence satisfactory to the division of the certification; and
- 111 (j) meet with the board, if requested, to determine the applicant's qualifications for
- 112 licensure.
- 113 (6) For each applicant for licensure or certification under this chapter except an

114 applicant under Subsection 58-31b-301(2)(b):

115 (a) the applicant shall:

116 (i) submit fingerprint cards in a form acceptable to the division at the time the
117 application is filed; and

118 (ii) consent to a fingerprint background check conducted by the Bureau of Criminal
119 Identification and the Federal Bureau of Investigation regarding the application;

120 (b) the division shall:

121 (i) in addition to other fees authorized by this chapter, collect from each applicant
122 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal
123 Identification is authorized to collect for the services provided under Section 53-10-108 and the
124 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
125 obtaining federal criminal history record information;

126 (ii) submit from each applicant the fingerprint card and the fees described in this
127 Subsection (6)(b) to the Bureau of Criminal Identification; and

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

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

132 (i) check the fingerprints submitted under Subsection (6)(b) against the applicable state
133 and regional criminal records databases;

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

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

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

141 (8) (a) (i) Any new nurse license or certification issued under this section shall be

142 conditional, pending completion of the criminal background check.

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

147 (b) (i) An individual whose conditional license or certification has been revoked under
148 Subsection (8)(a) is entitled to a postrevocation hearing to challenge the revocation.

149 (ii) A postrevocation hearing shall be conducted in accordance with Title 63G, Chapter
150 4, Administrative Procedures Act.

151 (9) If an individual has been charged with a violent felony, as defined in Subsection
152 76-3-203.5(1)(c), and, as a result, the individual has been convicted, entered a plea of guilty or
153 nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the
154 successful completion of probation, the individual is disqualified for licensure under this
155 chapter and:

156 (a) if the individual is licensed under this chapter, the division:

157 (i) shall act upon the license as required under Section 58-1-401; and

158 (ii) may not renew or subsequently issue a license to the individual under this chapter;

159 and

160 (b) if the individual is not licensed under this chapter, the division may not issue a
161 license to the individual under this chapter.

162 (10) If an individual has been charged with a felony other than a violent felony, as
163 defined in Subsection 76-3-203.5(1)(c), and, as a result, the individual has been convicted,
164 entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo contendere held
165 in abeyance pending the successful completion of probation, the division shall determine
166 whether the felony disqualifies the individual for licensure under this chapter and act upon the
167 license, as required, in accordance with Section 58-1-401.

168 (11) The division may not disseminate outside of the division any criminal history
169 record information that the division obtains from the Bureau of Criminal Identification or the

170 Federal Bureau of Investigation under the criminal background check requirements of this
171 section.