

**NURSING EDUCATION PROGRAM AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rosemary T. Lesser**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill makes amendments related to the practice of nursing.

**Highlighted Provisions:**

This bill:

- ▶ amends definitions;
- ▶ amends Board of Nursing (board) duties; and
- ▶ requires nursing education programs to meet minimum education standards in order

for the education program to qualify graduates of the program for the various nursing licenses.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-31b-102**, as last amended by Laws of Utah 2022, Chapter 277

**58-31b-201**, as last amended by Laws of Utah 2018, Chapter 318

**58-31b-601**, as last amended by Laws of Utah 2022, Chapter 382

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



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

29 **58-31b-102. Definitions.**

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

31 (1) "Administrative penalty" means a monetary fine or citation imposed by the division  
32 for acts or omissions determined to be unprofessional or unlawful conduct in accordance with a  
33 fine schedule established by division rule made in accordance with Title 63G, Chapter 3, Utah  
34 Administrative Rulemaking Act, and as a result of an adjudicative proceeding conducted in  
35 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

36 (2) "Applicant" means an individual who applies for licensure or certification under  
37 this chapter by submitting a completed application for licensure or certification and the  
38 required fees to the department.

39 [~~(3)~~] "~~Approved education program~~" means a nursing education program that is  
40 accredited by an accrediting body for nursing education that is approved by the United States  
41 Department of Education.]

42 [~~(4)~~] (3) "Board" means the Board of Nursing created in Section 58-31b-201.

43 [~~(5)~~] (4) "Diagnosis" means the identification of and discrimination between physical  
44 and psychosocial signs and symptoms essential to the effective execution and management of  
45 health care.

46 [~~(6)~~] (5) "Examinee" means an individual who applies to take or does take any  
47 examination required under this chapter for licensure.

48 [~~(7)~~] (6) "Licensee" means an individual who is licensed or certified under this chapter.

49 [~~(8)~~] (7) "Long-term care facility" means any of the following facilities licensed by the  
50 Department of Health pursuant to Title 26, Chapter 21, Health Care Facility Licensing and  
51 Inspection Act:

- 52 (a) a nursing care facility;
- 53 (b) a small health care facility;
- 54 (c) an intermediate care facility for people with an intellectual disability;
- 55 (d) an assisted living facility Type I or II; or
- 56 (e) a designated swing bed unit in a general hospital.

57 [~~(9)~~] (8) "Medication aide certified" means a certified nurse aide who:

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

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

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

63 ~~[(H)]~~ (9) (a) "Practice as a medication aide certified" means the limited practice of  
64 nursing under the supervision, as defined by the division by rule made in accordance with Title  
65 63G, Chapter 3, Utah Administrative Rulemaking Act, of a licensed nurse, involving routine  
66 patient care that requires minimal or limited specialized or general knowledge, judgment, and  
67 skill, to an individual who:

68 (i) is ill, injured, infirm, has a physical, mental, developmental, or intellectual  
69 disability; and

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

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

72 (i) includes:

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

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

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

81 ~~[(H)]~~ (10) "Practice of advanced practice registered nursing" means the practice of  
82 nursing within the generally recognized scope and standards of advanced practice registered  
83 nursing as defined by rule and consistent with professionally recognized preparation and  
84 education standards of an advanced practice registered nurse by a person licensed under this  
85 chapter as an advanced practice registered nurse. "Practice of advanced practice registered  
86 nursing" includes:

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

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

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

- 90 (i) local anesthesia;
- 91 (ii) Schedule III-V controlled substances; and
- 92 (iii) Subject to Section [58-31b-803](#), Schedule II controlled substances; or
- 93 (d) the provision of preoperative, intraoperative, and postoperative anesthesia care and
- 94 related services upon the request of a licensed health care professional by an advanced practice
- 95 registered nurse specializing as a certified registered nurse anesthetist, including:
  - 96 (i) preanesthesia preparation and evaluation including:
    - 97 (A) performing a preanesthetic assessment of the patient;
    - 98 (B) ordering and evaluating appropriate lab and other studies to determine the health of
    - 99 the patient; and
    - 100 (C) selecting, ordering, or administering appropriate medications;
  - 101 (ii) anesthesia induction, maintenance, and emergence, including:
    - 102 (A) selecting and initiating the planned anesthetic technique;
    - 103 (B) selecting and administering anesthetics and adjunct drugs and fluids; and
    - 104 (C) administering general, regional, and local anesthesia;
  - 105 (iii) postanesthesia follow-up care, including:
    - 106 (A) evaluating the patient's response to anesthesia and implementing corrective
    - 107 actions; and
    - 108 (B) selecting, ordering, or administering the medications and studies listed in this
    - 109 Subsection [~~(11)(d)~~] (10)(d);
    - 110 (iv) other related services within the scope of practice of a certified registered nurse
    - 111 anesthetist, including:
      - 112 (A) emergency airway management;
      - 113 (B) advanced cardiac life support; and
      - 114 (C) the establishment of peripheral, central, and arterial invasive lines; and
    - 115 (v) for purposes of this Subsection [~~(11)(d)~~] (10)(d), "upon the request of a licensed
    - 116 health care professional":
      - 117 (A) means a health care professional practicing within the scope of the health care
      - 118 professional's license, requests anesthesia services for a specific patient; and
      - 119 (B) does not require an advanced practice registered nurse specializing as a certified
      - 120 registered nurse anesthetist to obtain additional authority to select, administer, or provide

121 preoperative, intraoperative, or postoperative anesthesia care and services.

122 ~~[(12)]~~ (11) "Practice of nursing" means assisting individuals or groups to maintain or  
123 attain optimal health, implementing a strategy of care to accomplish defined goals and  
124 evaluating responses to care and treatment, and requires substantial specialized or general  
125 knowledge, judgment, and skill based upon principles of the biological, physical, behavioral,  
126 and social sciences. "Practice of nursing" includes:

- 127 (a) initiating and maintaining comfort measures;
- 128 (b) promoting and supporting human functions and responses;
- 129 (c) establishing an environment conducive to well-being;
- 130 (d) providing health counseling and teaching;
- 131 (e) collaborating with health care professionals on aspects of the health care regimen;
- 132 (f) performing delegated procedures only within the education, knowledge, judgment,  
133 and skill of the licensee;
- 134 (g) delegating nursing tasks that may be performed by others, including an unlicensed  
135 assistive personnel; and
- 136 (h) supervising an individual to whom a task is delegated under Subsection ~~[(12)(g)]~~  
137 (11)(g) as the individual performs the task.

138 ~~[(13)]~~ (12) "Practice of practical nursing" means the performance of nursing acts in the  
139 generally recognized scope of practice of licensed practical nurses as defined by division rule  
140 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and as  
141 provided in this Subsection ~~[(13)]~~ (12) by an individual licensed under this chapter as a  
142 licensed practical nurse and under the direction of a registered nurse, licensed physician, or  
143 other specified health care professional as defined by division rule made in accordance with  
144 Title 63G, Chapter 3, Utah Administrative Rulemaking Act. Practical nursing acts include:

- 145 (a) contributing to the assessment of the health status of individuals and groups;
- 146 (b) participating in the development and modification of the strategy of care;
- 147 (c) implementing appropriate aspects of the strategy of care;
- 148 (d) maintaining safe and effective nursing care rendered to a patient directly or  
149 indirectly; and
- 150 (e) participating in the evaluation of responses to interventions.

151 ~~[(14)]~~ (13) "Practice of registered nursing" means performing acts of nursing as

152 provided in this Subsection [~~(14)~~] (13) by an individual licensed under this chapter as a  
153 registered nurse within the generally recognized scope of practice of registered nurses as  
154 defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
155 Rulemaking Act. Registered nursing acts include:

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

167 [~~(15)~~] (14) "Registered nurse apprentice" means an individual licensed under  
168 Subsection 58-31b-301(2)(b) who is learning and engaging in the practice of registered nursing  
169 under the indirect supervision of an individual licensed under:

- 170 (a) Subsection 58-31b-301(2)(c), (e), or (f);
- 171 (b) Chapter 67, Utah Medical Practice Act; or
- 172 (c) Chapter 68, Utah Osteopathic Medical Practice Act.

173 [~~(16)~~] (15) "Routine medications":

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

- 177 (b) is limited to medications that are administered by the following routes:
  - 178 (i) oral;
  - 179 (ii) sublingual;
  - 180 (iii) buccal;
  - 181 (iv) eye;
  - 182 (v) ear;

183 (vi) nasal;  
 184 (vii) rectal;  
 185 (viii) vaginal;  
 186 (ix) skin ointments, topical including patches and transdermal;  
 187 (x) premeasured medication delivered by aerosol/nebulizer; and  
 188 (xi) medications delivered by metered hand-held inhalers.  
 189 ~~[(17)]~~ (16) "Unlawful conduct" means the same as that term is defined in Sections  
 190 58-1-501 and 58-31b-501.

191 ~~[(18)]~~ (17) "Unlicensed assistive personnel" means any unlicensed individual,  
 192 regardless of title, who is delegated a task by a licensed nurse as permitted by division rule  
 193 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the  
 194 standards of the profession.

195 ~~[(19)]~~ (18) "Unprofessional conduct" means the same as that term is defined in  
 196 Sections 58-1-501 and 58-31b-502 and as may be further defined by division rule made in  
 197 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

198 Section 2. Section 58-31b-201 is amended to read:

199 **58-31b-201. Board.**

200 (1) There is created the Board of Nursing that consists of the following 11 members:

- 201 (a) nine nurses in a manner as may be further defined in division rule; and  
 202 (b) two members of the public.

203 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

204 ~~[(3) The board shall carry out the duties and responsibilities in Sections 58-1-202 and~~  
 205 ~~58-1-203 and shall:]~~

206 ~~[(a) (i) recommend to the division minimum standards for educational programs~~  
 207 ~~qualifying a person for licensure or certification under this chapter;]~~

208 ~~[(ii) recommend to the division denial, approval, or withdrawal of approval regarding~~  
 209 ~~educational programs that meet or fail to meet the established minimum standards; and]~~

210 ~~[(iii) designate one of its members on a permanent or rotating basis to:]~~

211 ~~[(A) assist the division in reviewing complaints concerning the unlawful or~~  
 212 ~~unprofessional conduct of a licensee; and]~~

213 ~~[(B) advise the division in its investigation of these complaints.]~~

214 ~~[(b)]~~ (3) The board shall:

215 (a) carry out the duties and responsibilities in Sections [58-1-202](#) and [58-1-203](#);

216 (b) consult with the division regarding the duties described in Section [58-31b-601](#),  
217 including to create minimum performance standards; and

218 (c) designate one member on a permanent or rotating basis to:

219 (i) assist the division in reviewing complaints concerning the unlawful or  
220 unprofessional conduct of an individual licensed under this chapter; and

221 (ii) advise the division in investigating a complaint.

222 (4) A board member who has, under Subsection ~~[(3)(a)(iii);~~ (3)(c), reviewed a  
223 complaint or advised in its investigation may be disqualified from participating with the board  
224 when the board serves as a presiding officer in an adjudicative proceeding concerning the  
225 complaint.

226 Section 3. Section **58-31b-601** is amended to read:

227 **58-31b-601. Minimum standards for nursing programs to qualify graduates --**  
228 **Temporary approval to qualify graduates for licensure -- Minimum standards for**  
229 **medication aide training to qualify persons for certification.**

230 ~~[(1) Except as provided in Subsections (2) and (3), to qualify as an approved education~~  
231 ~~program for the purpose of qualifying graduates for licensure under this chapter, a nursing~~  
232 ~~education program shall be accredited by an accrediting body for nursing education that is~~  
233 ~~recognized by the United States Department of Education.]~~

234 ~~[(2) (a) The division, in consultation with the board, may approve a nursing education~~  
235 ~~program for up to five years, for the purpose of qualifying graduates for licensure under this~~  
236 ~~chapter, if the program:]~~

237 ~~[(i) holds candidacy or is in the process of applying for candidacy for the accreditation~~  
238 ~~described in Subsection (1);]~~

239 ~~[(ii) has been denied initial accreditation after holding candidacy for the accreditation~~  
240 ~~described in Subsection (1); or]~~

241 ~~[(iii) is no longer accredited under Subsection (1); and]~~

242 ~~[(b) has not previously received a term of approval granted by the division.]~~

243 ~~[(3) (a) For a nursing education program that has previously received a term of~~  
244 ~~approval granted under Subsection (2), the division may reapprove the nursing education~~



245 ~~program for the purpose of qualifying graduates for licensure if:]~~

246 ~~[(i) the reapproval is for a period that does not exceed five years; and]~~

247 ~~[(ii) a minimum of 12 months has passed since the day on which the previous term of~~  
248 ~~approval expired.]~~

249 ~~[(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
250 ~~the division, in consultation with the board, shall make rules to implement Subsection (3)(a).]~~

251 ~~[(4)]~~ (1) (a) The division in consultation with the board shall:

252 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
253 develop minimum performance standards for nursing education programs in the state to qualify  
254 graduates for licensure under this chapter; and

255 (ii) except as provided in Subsection (1)(b)(iii), approve a program described in  
256 Subsection (1)(a)(i) if the program meets the minimum performance standards.

257 (b) The division in consultation with the board may:

258 (i) survey nursing education programs;

259 (ii) develop curriculum requirements for nursing education programs; and

260 (iii) exempt a nursing education program from the minimum performance standards for  
261 a period of time determined by the division in order for the program to come into compliance  
262 with the minimum performance standards.

263 (c) The division shall consult with the board before taking any of the following actions:

264 (i) approving a nursing education program;

265 (ii) denying a nursing education program approval;

266 (iii) revoking a nursing education program's approval;

267 (iv) surveying a nursing education program;

268 (v) developing curriculum requirements for nursing education programs; and

269 (vi) exempting a nursing education program from the minimum performance standards  
270 for a period of time determined by the division in order for the program to come into  
271 compliance with the minimum performance standards.

272 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
273 the provisions of this chapter, the division in consultation with the board shall make rules  
274 defining the minimum standards for a medication aide certified training program to qualify a  
275 person for certification under this chapter as a medication aide certified.