

**NURSE ANESTHETIST PRESCRIBING AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to nurse anesthetists.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ clarifies provisions regarding the authority of nurse anesthetists to prescribe;
- ▶ removes provisions related to advance practice registered nurses that do no have prescriptive authority; and
- ▶ makes technical and conforming changes.

**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 2023, Chapters 223, 329

**58-31b-301**, as last amended by Laws of Utah 2022, Chapter 277

**58-31b-803**, as last amended by Laws of Utah 2023, Chapter 223

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

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

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

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

49 (8) "Long-term care facility" means any of the following facilities licensed by the  
50 Department of Health and Human Services pursuant to Title 26B, Chapter 2, Part 2, Health  
51 Care Facility Licensing and Inspection:

- 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) "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 (10) (a) "Practice as a medication aide certified" means the limited practice of nursing  
64 under the supervision, as defined by the division by rule made in accordance with Title 63G,  
65 Chapter 3, Utah Administrative Rulemaking Act, of a licensed nurse, involving routine patient  
66 care that requires minimal or limited specialized or general knowledge, judgment, and skill, to  
67 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 and Human Services by rule  
80 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

81 (11) (a) "The practice of administering anesthesia" means an advanced practice  
82 registered nurse specializing as a certified registered nurse anesthetist selecting, administering,  
83 or providing preoperative, intraoperative, and postoperative anesthesia care and related services  
84 in accordance with Section [58-31b-803](#).

85 (b) "The practice of administering anesthesia" includes:

86 (i) preanesthesia preparation and evaluation including:

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

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

90 (C) selecting, ordering, or administering appropriate medications;  
 91 (ii) anesthesia induction, maintenance, and emergence, including:  
 92 (A) selecting and initiating the planned anesthetic technique;  
 93 (B) selecting and administering anesthetics and adjunct drugs and fluids; and  
 94 (C) administering general, regional, and local anesthesia;  
 95 (iii) postanesthesia follow-up care, including:  
 96 (A) evaluating the patient's response to anesthesia and implementing corrective  
 97 actions; and  
 98 (B) selecting, ordering, or administering the medications and studies listed in this  
 99 subsection; and  
 100 (iv) other related services within the scope of practice of a certified registered nurse  
 101 anesthetist, including:  
 102 (A) emergency airway management;  
 103 (B) advanced cardiac life support; and  
 104 (C) the establishment of peripheral, central, and arterial invasive lines.

105 ~~[(H)]~~ (12) (a) "Practice of advanced practice registered nursing" means the practice of  
 106 nursing within the generally recognized scope and standards of advanced practice registered  
 107 nursing as defined by rule and consistent with professionally recognized preparation and  
 108 education standards of an advanced practice registered nurse by a person licensed under this  
 109 chapter as an advanced practice registered nurse.

110 (b) "Practice of advanced practice registered nursing" includes:  
 111 ~~[(a)]~~ (i) maintenance and promotion of health and prevention of disease;  
 112 ~~[(b)]~~ (ii) diagnosis, treatment, correction, consultation, and referral;  
 113 ~~[(c)]~~ (iii) prescription or administration of prescription drugs or devices including:  
 114 ~~[(i)]~~ (A) local anesthesia; and  
 115 ~~[(ii)]~~ (B) Schedule ~~[H-V]~~ II-V controlled substances; ~~[and]~~ or  
 116 ~~[(iii)]~~ Schedule II controlled substances; or]  
 117 ~~[(d)]~~ (iv) ~~[the provision of preoperative, intraoperative, and postoperative anesthesia~~  
 118 ~~care and related services upon the request of a licensed health care professional by an advanced~~  
 119 ~~practice registered nurse specializing as a certified registered nurse anesthetist, including:]~~ the  
 120 practice of administering anesthesia by an advanced practice registered nurse specializing as a

121 certified registered nurse anesthetist.

122 [~~(i) preanesthesia preparation and evaluation including:~~]

123 [~~(A) performing a preanesthetic assessment of the patient;~~]

124 [~~(B) ordering and evaluating appropriate lab and other studies to determine the health~~  
125 ~~of the patient; and]~~

126 [~~(C) selecting, ordering, or administering appropriate medications;~~]

127 [~~(ii) anesthesia induction, maintenance, and emergence, including:~~]

128 [~~(A) selecting and initiating the planned anesthetic technique;~~]

129 [~~(B) selecting and administering anesthetics and adjunct drugs and fluids; and]~~

130 [~~(C) administering general, regional, and local anesthesia;~~]

131 [~~(iii) postanesthesia follow-up care, including:~~]

132 [~~(A) evaluating the patient's response to anesthesia and implementing corrective~~  
133 ~~actions; and]~~

134 [~~(B) selecting, ordering, or administering the medications and studies listed in this~~  
135 ~~Subsection (11)(d);]~~

136 [~~(iv) other related services within the scope of practice of a certified registered nurse~~  
137 ~~anesthetist, including:~~]

138 [~~(A) emergency airway management;~~]

139 [~~(B) advanced cardiac life support; and]~~

140 [~~(C) the establishment of peripheral, central, and arterial invasive lines; and]~~

141 [~~(v) for purposes of this Subsection (11)(d), "upon the request of a licensed health care~~  
142 ~~professional":]~~

143 [~~(A) means a health care professional practicing within the scope of the health care~~  
144 ~~professional's license, requests anesthesia services for a specific patient; and]~~

145 [~~(B) does not require an advanced practice registered nurse specializing as a certified~~  
146 ~~registered nurse anesthetist to obtain additional authority to select, administer, or provide~~  
147 ~~preoperative, intraoperative, or postoperative anesthesia care and services.]~~

148 [~~(12)] (13) "Practice of nursing" means assisting individuals or groups to maintain or~~  
149 ~~attain optimal health, implementing a strategy of care to accomplish defined goals and~~  
150 ~~evaluating responses to care and treatment, and requires substantial specialized or general~~  
151 ~~knowledge, judgment, and skill based upon principles of the biological, physical, behavioral,~~

152 and social sciences. "Practice of nursing" includes:

- 153 (a) initiating and maintaining comfort measures;
- 154 (b) promoting and supporting human functions and responses;
- 155 (c) establishing an environment conducive to well-being;
- 156 (d) providing health counseling and teaching;
- 157 (e) collaborating with health care professionals on aspects of the health care regimen;
- 158 (f) performing delegated procedures only within the education, knowledge, judgment,
- 159 and skill of the licensee;
- 160 (g) delegating nursing tasks that may be performed by others, including an unlicensed
- 161 assistive personnel; and
- 162 (h) supervising an individual to whom a task is delegated under Subsection [~~(12)~~(g)]
- 163 (13)(g) as the individual performs the task.

164 [~~(13)~~] (14) "Practice of practical nursing" means the performance of nursing acts in the  
165 generally recognized scope of practice of licensed practical nurses as defined by division rule  
166 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and as  
167 provided in this Subsection [~~(13)~~] (14) by an individual licensed under this chapter as a  
168 licensed practical nurse and under the direction of a registered nurse, licensed physician, or  
169 other specified health care professional as defined by division rule made in accordance with  
170 Title 63G, Chapter 3, Utah Administrative Rulemaking Act. Practical nursing acts include:

- 171 (a) contributing to the assessment of the health status of individuals and groups;
- 172 (b) participating in the development and modification of the strategy of care;
- 173 (c) implementing appropriate aspects of the strategy of care;
- 174 (d) maintaining safe and effective nursing care rendered to a patient directly or
- 175 indirectly; and
- 176 (e) participating in the evaluation of responses to interventions.

177 [~~(14)~~] (15) "Practice of registered nursing" means performing acts of nursing as  
178 provided in this Subsection [~~(14)~~] (15) by an individual licensed under this chapter as a  
179 registered nurse within the generally recognized scope of practice of registered nurses as  
180 defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
181 Rulemaking Act. Registered nursing acts include:

- 182 (a) assessing the health status of individuals and groups;

- 183 (b) identifying health care needs;
- 184 (c) establishing goals to meet identified health care needs;
- 185 (d) planning a strategy of care;
- 186 (e) prescribing nursing interventions to implement the strategy of care;
- 187 (f) implementing the strategy of care;
- 188 (g) maintaining safe and effective nursing care that is rendered to a patient directly or
- 189 indirectly;
- 190 (h) evaluating responses to interventions;
- 191 (i) teaching the theory and practice of nursing; and
- 192 (j) managing and supervising the practice of nursing.

193 ~~[(15)]~~ (16) "Registered nurse apprentice" means an individual licensed under  
194 Subsection 58-31b-301(2)(b) who is learning and engaging in the practice of registered nursing  
195 under the indirect supervision of an individual licensed under:

- 196 (a) Subsection 58-31b-301(2)(c)~~[-]~~ or (e)~~[-or (f)]~~;
- 197 (b) Chapter 67, Utah Medical Practice Act; or
- 198 (c) Chapter 68, Utah Osteopathic Medical Practice Act.

199 ~~[(16)]~~ (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) premeasured medication delivered by aerosol/nebulizer; and

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

215 [(+7)] (18) "Unlawful conduct" means the same as that term is defined in Sections  
216 58-1-501 and 58-31b-501.

217 [(+8)] (19) "Unlicensed assistive personnel" means any unlicensed individual,  
218 regardless of title, who is delegated a task by a licensed nurse as permitted by division rule  
219 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the  
220 standards of the profession.

221 [(+9)] (20) "Unprofessional conduct" means the same as that term is defined in  
222 Sections 58-1-501 and 58-31b-502 and as may be further defined by division rule made in  
223 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

225 **58-31b-301. License or certification required -- Classifications.**

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

228 (2) The division shall issue to an individual who qualifies under this chapter a license  
229 or certification in the classification of:

- 230 (a) licensed practical nurse;  
231 (b) registered nurse apprentice;  
232 (c) registered nurse;  
233 (d) advanced practice registered nurse intern;  
234 (e) advanced practice registered nurse; or

235 [~~(f) advanced practice registered nurse - CRNA without prescriptive practice; and~~]  
236 [(+g)] (f) medication aide certified.

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

241 (4) The division shall grant an advanced practice registered nurse license to any  
242 licensed advanced practice registered nurse currently holding prescriptive authority under any  
243 predecessor act.

244 [~~(5) An individual holding a certified registered nurse anesthetist license as of July 1,~~



245 2007, shall be issued an "APRN - CRNA - without prescriptive practice" license.]

246 Section 3. Section **58-31b-803** is amended to read:

247 **58-31b-803. Advanced practice registered nurse prescriptive authority --**  
248 **Certified registered nurse anesthetists.**

249 (1) Except as provided in Subsection (2), a licensed advanced practice registered nurse  
250 may prescribe or administer a Schedule II controlled substance.

251 (2) [~~This section does not apply to an advanced practice registered nurse specializing as~~  
252 ~~a certified registered nurse anesthetist under Subsection 58-31b-102(11)(d)] Subsection (1)  
253 does not require an advanced practice registered nurse specializing as a certified registered  
254 nurse anesthetist to obtain any prescriptive authority to engage in the practice of administering  
255 anesthesia.~~

256 (3) A licensed health care professional, acting within the scope of the health care  
257 professional's license, must request anesthesia services be provided before an advanced  
258 practice registered nurse described in Subsection (2) may engage in the practice of  
259 administering anesthesia.

260 Section 4. **Effective date.**

261 This bill takes effect on May 1, 2024.