

NURSING EDUCATION PROGRAM AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rosemary T. Lesser

Senate Sponsor: _____

LONG TITLE

General Description:

This bill makes amendments related to nursing education programs.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ modifies Board of Nursing duties;
- ▶ 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; and
- ▶ requires the Division of Professional Licensing to post national exam pass rates.

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-201, as last amended by Laws of Utah 2018, Chapter 318

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



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

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

30 **58-31b-102. Definitions.**

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

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

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

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

43 [~~(4)~~] (3) "Board" means the Board of Nursing created in Section **58-31b-201**.

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

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

49 [~~(7)~~] (6) "Licensee" means an individual who is licensed or certified under this chapter.

50 [~~(8)~~] (7) "Long-term care facility" means any of the following facilities licensed by the
51 Department of Health and Human Services pursuant to Title 26B, Chapter 2, Part 2, Health
52 Care Facility Licensing and Inspection:

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

58 [~~(9)~~] (8) "Medication aide certified" means a certified nurse aide who:

- 59 (a) has a minimum of 2,000 hours experience working as a certified nurse aide;
- 60 (b) has received a minimum of 60 hours of classroom and 40 hours of practical training
- 61 that is approved by the division in collaboration with the board, in administering routine
- 62 medications to patients or residents of long-term care facilities; and
- 63 (c) is certified by the division as a medication aide certified.

64 ~~[(10)]~~ (9) (a) "Practice as a medication aide certified" means the limited practice of

65 nursing under the supervision, as defined by the division by rule made in accordance with Title

66 63G, Chapter 3, Utah Administrative Rulemaking Act, of a licensed nurse, involving routine

67 patient care that requires minimal or limited specialized or general knowledge, judgment, and

68 skill, to an individual who:

- 69 (i) is ill, injured, infirm, has a physical, mental, developmental, or intellectual
- 70 disability; and
- 71 (ii) is in a regulated long-term care facility.
- 72 (b) "Practice as a medication aide certified":
- 73 (i) includes:
- 74 (A) providing direct personal assistance or care; and
- 75 (B) administering routine medications to patients in accordance with a formulary and
- 76 protocols to be defined by the division by rule made in accordance with Title 63G, Chapter 3,
- 77 Utah Administrative Rulemaking Act; and
- 78 (ii) does not include assisting a resident of an assisted living facility, a long term care
- 79 facility, or an intermediate care facility for people with an intellectual disability to self
- 80 administer a medication, as regulated by the Department of Health and Human Services by rule
- 81 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

82 ~~[(11)]~~ (10) "Practice of advanced practice registered nursing" means the practice of

83 nursing within the generally recognized scope and standards of advanced practice registered

84 nursing as defined by rule and consistent with professionally recognized preparation and

85 education standards of an advanced practice registered nurse by a person licensed under this

86 chapter as an advanced practice registered nurse. "Practice of advanced practice registered

87 nursing" includes:

- 88 (a) maintenance and promotion of health and prevention of disease;
- 89 (b) diagnosis, treatment, correction, consultation, and referral;

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

121 registered nurse anesthetist to obtain additional authority to select, administer, or provide
122 preoperative, intraoperative, or postoperative anesthesia care and services.

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

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

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

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

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

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

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

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

174 [~~16~~] (15) "Routine medications":

- 175 (a) means established medications administered to a medically stable individual as
176 determined by a licensed health care practitioner or in consultation with a licensed medical
177 practitioner; and
- 178 (b) is limited to medications that are administered by the following routes:
 - 179 (i) oral;
 - 180 (ii) sublingual;
 - 181 (iii) buccal;
 - 182 (iv) eye;

- 183 (v) ear;
- 184 (vi) nasal;
- 185 (vii) rectal;
- 186 (viii) vaginal;
- 187 (ix) skin ointments, topical including patches and transdermal;
- 188 (x) premeasured medication delivered by aerosol/nebulizer; and
- 189 (xi) medications delivered by metered hand-held inhalers.

190 ~~[(17)]~~ (16) "Unlawful conduct" means the same as that term is defined in Sections
 191 58-1-501 and 58-31b-501.

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

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

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

200 **58-31b-201. Board.**

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

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

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

205 ~~[(3) The board shall carry out the duties and responsibilities in Sections 58-1-202 and~~
 206 ~~58-1-203 and shall:]~~

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

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

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

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

214 ~~[(B) advise the division in its investigation of these complaints.]~~
 215 ~~[(b)]~~ (3) The board shall:
 216 (a) carry out the duties and responsibilities in Sections [58-1-202](#) and [58-1-203](#);
 217 (b) consult with the division regarding the duties described in Section [58-31b-601](#); 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 -- Posting requirement.**

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 (d) In accordance with Section [63J-1-504](#), the division may institute a fee to carry out
273 duties described in this Subsection (1).

274 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
275 the provisions of this chapter, the division in consultation with the board shall make rules

276 defining the minimum standards for a medication aide certified training program to qualify a
277 person for certification under this chapter as a medication aide certified.

278 (3) The division shall post each nursing education program's national exam pass rate
279 for the previous five years in a manner that is easily accessible to the public on the division's
280 website.

281 (4) Before December 1 of each year, a nursing education program shall provide to the
282 division and the board the annual report submitted to the nursing education program's national
283 accreditor.

284 Section 4. **Effective date.**

285 This bill takes effect on May 1, 2024.