

1 **ADVANCED PRACTICE REGISTERED NURSE LICENSING**

2 **AMENDMENTS**

3 2017 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Edward H. Redd**

6 Senate Sponsor: _____

7

LONG TITLE

8 **General Description:**

9 This bill amends the Nurse Practice Act.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ grants rulemaking authority to the Division of Occupational and Professional
13 Licensing to make rules allowing an applicant for licensure as an advanced practice
14 registered nurse specializing in psychiatric mental health nursing to complete
15 clinical practice requirements under the supervision of a psychiatrist under certain
16 conditions.
17

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **58-31b-302**, as last amended by Laws of Utah 2014, Chapter 316

25

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

26 Section 1. Section **58-31b-302** is amended to read:
27



28 **58-31b-302. Qualifications for licensure or certification -- Criminal background**
29 **checks.**

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

- 59 licensure.
- 60 (3) An applicant for licensure as a registered nurse shall:
- 61 (a) submit to the division an application form prescribed by the division;
- 62 (b) pay to the division a fee determined under Section 63J-1-504;
- 63 (c) have a high school diploma or its equivalent;
- 64 (d) be in a condition of physical and mental health that will allow the applicant to
- 65 practice safely as a registered nurse;
- 66 (e) have completed an approved registered nursing education program;
- 67 (f) have passed the examinations as required by division rule made in collaboration
- 68 with the board; and
- 69 (g) meet with the board, if requested, to determine the applicant's qualifications for
- 70 licensure.
- 71 (4) Applicants for licensure as an advanced practice registered nurse shall:
- 72 (a) submit to the division an application on a form prescribed by the division;
- 73 (b) pay to the division a fee determined under Section 63J-1-504;
- 74 (c) be in a condition of physical and mental health which will allow the applicant to
- 75 practice safely as an advanced practice registered nurse;
- 76 (d) hold a current registered nurse license in good standing issued by the state or be
- 77 qualified at the time for licensure as a registered nurse;
- 78 (e) (i) have earned a graduate degree in:
- 79 (A) an advanced practice registered nurse nursing education program; or
- 80 (B) a related area of specialized knowledge as determined appropriate by the division
- 81 in collaboration with the board; or
- 82 (ii) have completed a nurse anesthesia program in accordance with Subsection
- 83 (4)(f)(ii);
- 84 (f) have completed:
- 85 (i) course work in patient assessment, diagnosis and treatment, and
- 86 pharmacotherapeutics from an education program approved by the division in collaboration
- 87 with the board; or
- 88 (ii) a nurse anesthesia program which is approved by the Council on Accreditation of
- 89 Nurse Anesthesia Educational Programs;

90 (g) to practice within the psychiatric mental health nursing specialty, demonstrate, as
91 described in division rule, that the applicant, after completion of a doctorate or master's degree
92 required for licensure, is in the process of completing the applicant's clinical practice
93 requirements in psychiatric mental health nursing, including in psychotherapy;

94 (h) have passed the examinations as required by division rule made in collaboration
95 with the board;

96 (i) be currently certified by a program approved by the division in collaboration with
97 the board and submit evidence satisfactory to the division of the certification; and

98 (j) meet with the board, if requested, to determine the applicant's qualifications for
99 licensure.

100 (5) For each applicant for licensure or certification under this chapter:

101 (a) the applicant shall:

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

104 (ii) consent to a fingerprint background check by the Utah Bureau of Criminal
105 Identification and the Federal Bureau of Investigation regarding the application; and

106 (b) the division shall request the Department of Public Safety to complete a Federal
107 Bureau of Investigation criminal background check through the national criminal history
108 system (NCIC) or any successor system.

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

112 (7) (a) (i) Any new nurse license or certification issued under this section shall be
113 conditional, pending completion of the criminal background check.

114 (ii) If the criminal background check discloses the applicant has failed to accurately
115 disclose a criminal history, the license or certification shall be immediately and automatically
116 revoked.

117 (b) (i) Any person whose conditional license or certification has been revoked under
118 Subsection (7)(a) shall be entitled to a postrevocation hearing to challenge the revocation.

119 (ii) The hearing shall be conducted in accordance with Title 63G, Chapter 4,
120 Administrative Procedures Act.

121 (8) (a) If a person has been charged with a violent felony, as defined in Subsection
122 76-3-203.5(1)(c), and, as a result, the person has been convicted, entered a plea of guilty or
123 nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the
124 successful completion of probation:

- 125 (i) the person is disqualified for licensure under this chapter; and
- 126 (ii) (A) if the person is licensed under this chapter, the division:
 - 127 (I) shall act upon the license as required under Section 58-1-401; and
 - 128 (II) may not renew or subsequently issue a license to the person under this chapter; and
- 129 (B) if the person is not licensed under this chapter, the division may not issue a license
130 to the person under this chapter.

131 (b) If a person has been charged with a felony other than a violent felony, as defined in
132 Subsection 76-3-203.5(1)(c), and, as a result, the person has been convicted, entered a plea of
133 guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance
134 pending the successful completion of probation:

- 135 (i) if the person is licensed under this chapter, the division shall determine whether the
136 felony disqualifies the person for licensure under this chapter and act upon the license, as
137 required, in accordance with Section 58-1-401; and
- 138 (ii) if the person is not licensed under this chapter, the person may not file an
139 application for licensure under this chapter any sooner than five years after having completed
140 the conditions of the sentence or plea agreement.

141 (9) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
142 Administrative Rulemaking Act, that allow an applicant fulfilling the clinical practice
143 requirements described in Subsection (4)(g) in a county of the third, fourth, fifth, or sixth class,
144 as designated in Section 17-50-501, to complete part or all clinical practice requirements under
145 the supervision of a psychiatrist, as that term is defined in Section 58-1-111.