

R156. Commerce, Occupational and Professional Licensing.

R156-31b. Nurse Practice Act Rule.

R156-31b-101. Title.

This rule is known as the "Nurse Practice Act Rule".

R156-31b-102. Definitions.

In addition to the definitions in Title 58, Chapter 1, General Rule of the Division of Occupational and Professional Licensing, and Title 58, Chapter 31b, Nurse Practice Act, the following rule definitions supplement the statutory definitions:

R156-31b-301a. LPN License -- Education, Examination, and Experience Requirements.

- (1) An applicant who has never obtained a license in any state or country shall:
- (a) demonstrate that the applicant has successfully completed a PN preclicensing education program that meets the requirements of Section 58-31b-601; and
 - (i) is equivalent to an approved program under Section 58-31b-601; or
 - (ii)(A) has completed an RN preclicensing education program that meets the requirements of Section 58-31b-601; and
 - (B) has taken, but not passed the NCLEX-RN at least one time; or
 - (iv)(A) is enrolled in a registered nurse education program that meets the requirements of Section 58-31b-601; and
 - (B) has completed coursework that is equivalent to the coursework of an accredited practical nurse program;
 - (b) pass the NCLEX-PN examination pursuant to Section R156-31b-301e; and
 - (c) submit to a criminal background check pursuant to Subsection 58-31b-302(5) and Section R156-31b-301g.
- (2) An applicant who holds a current LPN license issued by another country or state shall:
- (a) demonstrate that the license issued by the other jurisdiction ~~[is active and in good standing as of the date of application;]~~ meets the requirements for endorsement in Subsection 58-1-302 (1); and
 - (ii) submit to a criminal background check pursuant to Subsection 58-31b-302(5) and Section R156-31b-301g; or
 - ~~(b) demonstrate that the PN preclicensing education completed by the applicant:~~
 - ~~(i) is equivalent to PN preclicensing education approved in Utah as of the date of the applicant's graduation; and~~
 - ~~(ii) if a foreign education program, meets the requirements outlined in Section R156-31b-301d;~~
 - ~~(c) pass the NCLEX-PN examination pursuant to Section R156-31b-301e; and~~
 - ~~(d) submit to a criminal background check pursuant to Subsection 58-31b-302(5) and Section R156-31b-301g;~~
- demonstrate that the applicant meets all the requirements for an applicant who has never obtained a license in any state or country required by Section 58-31b-302 (2) and this Subsection (1).
- (3) An applicant who holds a current LPN license in an interstate Party state, as defined in Section 58-31e-102 of the Nurse Licensure Compact, shall apply for a license within 90 days of establishing residency in Utah and complete each of the requirements pursuant to Subsection R156-31b-301a(2).
- (4) An applicant who has been licensed previously in Utah, but whose license has expired or lapsed, shall:
- (a) if the applicant has not practiced as a nurse for up to five years, document current compliance with the continuing competency requirements as established in Subsection R156-31b-303(3);
 - (b) if the applicant has not practiced as a nurse for more than five years but less than eight years:
 - (i) pass the NCLEX-PN examination within 60 days following the date of application; or
 - (ii) successfully complete an approved re-entry program;
 - (c) if the applicant has not practiced as a nurse for more than eight years but less than ten years:
 - (i) successfully complete an approved re-entry program; and
 - (ii) pass the NCLEX-PN examination within 60 days following the date of application; or
 - (d) if the applicant has not practiced as a nurse for ten years or more, comply with this Subsection (1).
- (5) An applicant who has been licensed in another state or country, but whose license has expired or lapsed, shall:
- (a) comply with this Subsection (2)(b);
 - (b) comply with this Subsection (4) as applicable; and
 - (c) submit to a criminal background check pursuant to Subsection 58-31b-302(5) and Section R156-31b-301g.

R156-31b-301b. RN License -- Education, Examination, and Experience Requirements.

- (1) An applicant who has never obtained a license in any state or country shall:
- (a) demonstrate that the applicant has successfully completed an RN preclicensing education program that:
 - (i) meets the requirements of Section 58-31b-601; or
 - (ii) is equivalent to an approved program under Section 58-31b-601;
 - (b) pass the NCLEX-RN examination pursuant to Section R156-31b-301e; and
 - (c) submit to a criminal background check pursuant to Sections 58-31b-302 and R156-31b-301g.
- (2) An applicant who holds a current RN license issued by another country or state shall:
- (a) (i) demonstrate that the license issued by the other jurisdiction ~~[is active and in good standing as of the date of application;]~~ meets the requirements for endorsement in Subsection 58-1-302 (1); and (ii) submit to a criminal background check pursuant to Subsection 58-31b-302(5) and Section R156-31b-301g; or
 - (b) ~~(i) demonstrate that the applicant has graduated from an RN preclicensing education program; and~~

~~a foreign education program, demonstrate that the program meets the requirements outlined in Section R156-31b-301d;~~

- ~~(c) — (e) pass the NCLEX-RN examination pursuant to Section R156-31b-301e; and~~
~~(d) submit to a criminal background check pursuant to Sections 58-31b-302 and R156-31b-301g] demonstrate~~
~~that the applicant meets all the requirements for an applicant who has never obtained a license in any state or country required by Section 58-31b-302 (2) and this Subsection (1).~~

- (3) ~~i~~An applicant who holds a current RN license in an interstate Party state shall apply for a license within 90 days of ~~f~~

establishing residency in Utah and complete requirements pursuant to Section R156-31b-301b.

- (4) An applicant who has been licensed previously in Utah, but whose license has expired or lapsed, shall:
- (a) if the applicant has not practiced as a nurse for up to five years, document current compliance with the continuing competency requirements as established in Section R156-31b-303;
- (b) if the applicant has not practiced as a nurse for more than five years but less than eight years:
- (i) pass the NCLEX-RN examination within 60 days following the date of application; or
- (ii) successfully complete an approved re-entry program;
- (c) if the applicant has not practiced as a nurse for more than eight years but less than 10 years:
- (i) successfully complete an approved re-entry program; and
- (ii) pass the NCLEX-RN examination within 60 days following the date of application; or
- (d) if the applicant has not practiced as a nurse for 10 years or more, comply with this Subsection (1).
- (5) An applicant who has been licensed in another state or country, but whose license has expired or lapsed, shall:
- (a) comply with this Subsection (2)(b);
- (b) comply with this Subsection (4) as applicable; and
- (c) submit to a criminal background check pursuant to Sections 58-31b-302 and R156-31b-301g.

R156-31b-301c. APRN License -- Education, Examination, and Experience Requirements.

- (1) An applicant for licensure as an APRN shall:
- (a) demonstrate that the applicant holds a current, active RN license in good standing;
- (b) demonstrate that the applicant has successfully completed an APRN prelicensing education program that meets the requirements of Subsections 58-31b-601(1) and 58-31b-302(4)(e);
- (c) pass a national certification examination for nurse practitioner, clinical nurse specialist, certified nurse midwife, or registered nurse anesthetist pursuant to Section R156-31b-301e, that is administered by a certification body approved by:
- (i) the National Commission for Certifying Agencies; or
- (ii) the Accreditation Board for Specialty Nursing Certification;
- (d) if the applicant specializes in psychiatric mental health nursing, demonstrate that the requirements outlined in this Subsection (2) are met; and
- (e) submit to a criminal background check pursuant to Subsection 58-31b-302(5) and Section R156-31b-301g.
- (2) (a) In accordance with Subsection 58-31b-302(4)(g), the supervised clinical practice requirements in mental health therapy and psychiatric mental health nursing required for an APRN practicing within the psychiatric mental health nursing specialty shall consist of at least 4,000 hours of psychiatric mental health nursing education and clinical practice, including mental health therapy, as follows:
- (i) 1,000 hours shall be credited as a block of time for completion of Clinical Practice Experience in an approved education program in psychiatric mental health nursing, regardless of the number of hours completed by the applicant; and
- (ii) the remaining 3,000 hours shall:
- (A) be completed after passing the applicable national certification examination, and within five years of graduation from an accredited master's or doctoral level educational program;
- (B) include a minimum of 1,000 hours of mental health therapy practice; and
- (C) include at least 2,000 clinical practice hours completed under the supervision of:
- (I) an APRN specializing in psychiatric mental health nursing;
- (II) a licensed mental health therapist as delegated by the supervising APRN; or
- (III) a physician holding active board certification with the American Board of Psychiatry and Neurology, or equivalent as determined by the Division.
- (b) An applicant who obtains all or part of the clinical practice hours outside of Utah may receive credit for that experience by demonstrating that the training completed is equivalent to the training required under this Subsection (2)(a).
- (c) ~~(+)~~ An approved supervisor shall verify the applicant's practice as a licensee engaged in the practice of mental health therapy for at least 4,000 hours in a period of at least two years.
- (d) Duties and responsibilities of a supervisor include:
- (i) maintaining a relationship with the supervisee in which the supervisor is independent from control by the supervisee, and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised;
- (ii) supervising not more than three supervisees unless otherwise approved by the Division in collaboration with the Board; and
- (iii) submitting appropriate documentation to the Division for work completed by the supervisee, including the supervisor's evaluation of the supervisee's competence to practice.
- (3) An applicant who holds a current APRN license issued by another state or country shall:

(a) ~~[(i)] demonstrate that the license issued by the other [state or country is current, active, and in good standing as of the date of application]; jurisdiction meets the requirements for endorsement in Subsection 58-1-302 (1);~~

~~(ii) provide documentation of current national certification as nurse practitioner, clinical nurse specialist, certified nurse midwife, or registered nurse anesthetist pursuant to Section R156-31b-301e, that is administered by a certification body approved by:~~

~~(A) the National Commission for Certifying Agencies; or~~

~~(B) the Accreditation Board for Specialty Nursing Certification; and~~

~~(iii) submit to a criminal background check pursuant to Subsection 58-31b-302(5) and Section R156-31b-301g; or~~

~~(b) demonstrate that the APRN prelicensing education completed by the applicant:~~

~~(i) if completed on or after January 1, 1987:~~

~~(A) is equivalent to APRN prelicensing education approved in Utah as of the date of the applicant's graduation; or~~

~~(B) constitutes a bachelor degree in nursing; and~~

~~(ii) if a foreign education program, meets the requirements outlined in Section R156-31b-301d;~~

~~(c) if the applicant specializes in psychiatric mental health nursing, demonstrate that the applicant has successfully engaged in active practice in psychiatric mental health nursing for at least 4,000 hours in the three-year period immediately preceding the date of application; and~~

~~(d) submit to a criminal background check pursuant to Subsection 58-31b-302(5) and Section R156-31b-301g. applicant meets all the requirements for an applicant who has never obtained a license in any state or country required by Section 58-31b-302 (4) and this Subsection (1).~~

R156-31b-301d. [Foreign] Non-Approved Education Programs.

~~[If an applicant's prelicensing education was completed through a foreign program that does not meet the requirements of Section 58-31b-601, the applicant shall demonstrate:~~

~~(1)(a) within the year preceding the date of the application, the applicant successfully completed the three components of the CGFNS Certification Program and the credentials evaluation service professional report; and~~

~~(b) within five years preceding the date of the application, the applicant met at least one of the following practice requirements:~~

~~(i) completed the nursing education program;~~

~~(ii) worked as a nurse;~~

~~(iii) completed an approved re-entry program; or~~

~~(iv) obtained a baccalaureate, master's or doctorate nursing degree from an accredited nurse education program; or~~

~~(2)(a) during the five years preceding the date of the application, the applicant practiced as a licensed nurse for 6,000 hours in another state or territory of the United States; and~~

~~(b) prior to the date of the application, the applicant achieved a passing score on an English proficiency test satisfying current CGFNS requirements.]~~

~~(1) In accordance with Subsection 58-31b-303 (1)(b), an applicant for licensure as a licensed practical nurse who graduated from a non-approved school shall demonstrate that the nursing program completed by the applicant is equivalent by submitting:~~

~~a. Credentials Evaluation Service Professional Report from CGFNS; or~~

~~b. Documentation of meeting the requirements for endorsement outlined in 58-1-302~~

~~(2) In accordance with Subsection 58-31b-303 (2)(b)(ii), an applicant for licensure as a registered nurse who graduated from a non-approved school shall demonstrate that the license held in another state, territory, or district of the United States meets the requirements of 58-1-302 (1).~~

R156-31b-402. Administrative Penalties.

In accordance with Sections 58-1-501, 58-31b-501, 58-31b-502, 58-31b-502.5, 58-31b-503, Subsection 58-31b-102(1), and Section R156-31b-502, and unless otherwise ordered by the presiding officer, the following fine schedule shall apply:

TABLE

FINE SCHEDULE

VIOLATION	FIRST OFFENSE	SUBSEQUENT OFFENSE
58-1-501(1)(a)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(1)(b)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(1)(c)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(1)(d)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(1)(e)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(1)(f)(i)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(1)(g)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(2)(a)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(2)(b)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(2)(c)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(2)(d)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(2)(e)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(2)(f)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(2)(g)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(2)(h)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(2)(i)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000

58-1-501(2)(j)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(2)(k)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(2)(l)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(2)(m)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-1-501(2)(n)	\$ 250 - \$ 4,000	\$ 4,000 - \$ 8,000
58-1-501(2)(o)	\$ 250 - \$ 4,000	\$ 4,000 - \$ 8,000
58-1-501.5	\$ 250 - \$ 4,000	\$ 4,000 - \$ 8,000
58-1-508(2)	\$ 500 per violation	
58-31b-501(1)	\$ 500 - \$ 4,000	\$ 4,000 - \$ 8,000
58-31b-501(2)	\$ 500 - \$ 4,000	\$ 4,000 - \$ 8,000
58-31b-501(3)	\$ 2,000 - \$ 7,500	\$ 7,500 - \$ 9,500
58-31b-502(1)(a)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(b)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(c)	\$ 4,000 - \$ 8,000	\$ 8,000 - \$10,000
58-31b-502(1)(d)	\$ 2,000 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(e)	\$ 1,000 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(f)	\$ 1,000 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(g)	\$ 1,000 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(h)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(i)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(j)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(k)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(l)	\$ 1,000 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(m)	\$ 1,000 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(n)	double the original	penalty, up to \$20,000

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58-31b-502(1)(o)	\$ 1,000 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(p)	\$ 1,000 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(q)	\$ 1,000 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502(1)(r)	\$ 1,000 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-502.5(1)	\$ 500 - \$ 5,000	\$ 1,500 - \$10,000
Ongoing: \$2,000 per day but not less than the second offense		
58-31b-502.5(2)	\$ 500 - \$ 5,000	\$ 1,500 - \$10,000
Ongoing: \$2,000 per day but not less than the second offense		
58-31b-502.5(3)	\$ 5,000	\$10,000
Ongoing: \$2,000 per day but not less than the second offense		
58-31b-601	\$ 2,000 - \$ 7,500	\$ 7,500 - \$ 9,500
58-31b-801	\$ 1,000 - \$ 5,000	\$ 5,000 - \$10,000
58-31b-803	\$ 1,000 - \$ 5,000	\$ 5,000 - \$10,000
58-37-19	first offense \$250, second offense \$500	
	subsequent offenses	\$1,000
R156-1-501(6)	\$ 500 - \$ 4,000	\$ 4,000 - \$ 8,000
R156-1-501(7)	\$ 500 - \$ 4,000	\$ 4,000 - \$ 8,000
R156-1-501(8)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
R156-1-501(9)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
R156-1-501.1	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
R156-31b-502(1)(a)	\$ 500 - \$ 4,000	\$ 4,000 - \$ 8,000
R156-31b-502(1)(b)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
R156-31b-502(1)(c)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
R156-31b-502(1)(d)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
R156-31b-502(1)(e)	\$ 1,000 - \$ 5,000	\$ 5,000 - \$10,000
R156-31b-502(1)(f)	\$ 500 - \$ 5,000	\$ 5,000 - \$10,000
R156-31b-502(1)(g)	\$ 250 - \$ 1,500	\$ 1,500 - \$10,000
R156-31b-502(1)(h)	\$ 250 - \$ 1,500	\$ 1,500 - \$10,000
R156-31b-502(1)(i)	\$ 250	second offense \$500
	subsequent offenses	\$1,000
R156-31b-502(1)(j)	\$ 250	second offense \$500
	subsequent offenses	\$1,000
R156-31b-501(1)(k)	\$ 1,000 - \$ 5,000	\$ 5,000 - \$10,000
R156-31b-602	\$ 2,000 - \$ 7,500	\$ 7,500 - \$ 9,500
R156-37-502	\$ 1,000	\$ 1,000

\$ 1,000 for each additional violation

Subsequent offenses. Unless a specific fine amount is specified elsewhere, a sanction for an offense subsequent to a second offense shall be the greater of \$10,000 or \$2,000 per day.

KEY: licensing, nurses

Date of Enactment or Last Substantive Amendment: January 8, 2021

Notice of Continuation: January 8, 2018

Authorizing, and Implemented or Interpreted Law: 58-31b-101; 58-1-106(1)(a); 58-1-202(1)(a)