

### 3rd AGENDA

**BOARD OF NURSING**  
**April 10, 2014 – 8:30 a.m.**  
**Room 474 (Fourth Floor)**

Heber M. Wells Building  
160 E. 300 S. Salt Lake City, Utah

*This agenda is subject to change up to 24 hours prior to the meeting.*

**ADMINISTRATIVE BUSINESS:**

1. Sign Per Diem
2. Call Meeting to Order.
3. Review and approve March 27, 2014 minutes

**Please note: The compliance report, report from Committees and probation interviews may result in a closed meeting in accordance with §52-4-205(1)(a).**

**BOARD BUSINESS:**

**9:00 a.m. - 10:30 a.m.** - Informal Agency Action – Tyler Miller  
**10:45 a.m.** - Break  
**11:00 a.m.** - Connie Call, Compliance report  
**11:30 a.m.** - Dusti Hall, review new Order

**LUNCH: 12:00 NOON – 1:00 P.M.:**

**BOARD BUSINESS:**

**1:00 p.m.** –Environmental Scan

- Rules
- Cross Border Nursing Practice
- APRN Compact report
- ANA Talking Points

**1:30 p.m.** – Amy Stone, her request

**NEXT MEETING: May 8, 2014**

Meetings scheduled for the next quarter: June 12, 2014; July 10, 2014 and August 14, 2014.

**Note:** In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify, Dave Taylor, ADA Coordinator, at least three working days prior to the meeting. Division of Occupational & Professional Licensing, 160 East 300 South, Salt Lake City, Utah 84115, 801-530-6628 or toll-free in Utah only 866-275-3675



Closed  
1203  
154-158  
225-237

**SWORN STATEMENT  
SUPPORTING CLOSURE OF BOARD MEETING**

DOPL-FM-010 04/28/2006

I Marquante Brown acted as the presiding member of the Nursing Board, which met on 4-10-2014

Appropriate notice was given of the Board's meeting as required by §52-4-202.

A quorum of the Board was present at the meeting and voted by a \_\_\_\_\_ vote, as detailed in the minutes of the open meeting, to close a portion of the meeting to discuss the following:

- the character, professional competence, or physical or mental health of an individual (52-4-205(1)(a))
- strategy regarding pending or reasonably imminent litigation (§52-4-205(1)(c))
- deployment of security personnel, devices, or systems (§52-4-205(1)(f))
- investigative proceedings regarding allegations of criminal misconduct (§52-4-205(1)(g))

The content of the closed portion of the Board meeting was restricted to a discussion of the matter(s) for which the meeting was closed.

With regard to the closed meeting, the minutes and recording of the open meeting include:

- (a) the date, time, and place of the meeting;
- (b) the names of members present and absent;
- (c) the names of all others present except where such disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting;
- (d) the reason or reasons for holding a closed meeting; and
- (e) the vote either for or against the proposition to hold such a meeting cast by each board member by name.

Pursuant to §52-4-206(5), a sworn statement is required to close a meeting under §52-4-205 (1)(a) or 52-4-205(1)(f), but a record by tape recording or detailed minutes is not required.

A record was not made

A record was made by:

Tape Recording

Detailed Written Minutes

Pursuant to §52-4-206(1), a record by tape recording is required for a meeting closed under §52-4-205(1)(c) or 52-4-205(1)(g), and was made.

Detailed written minutes of the content of a closed meeting although not required, are permitted and were kept of the meeting.

I hereby swear or affirm under penalty of perjury that the above information is true and correct to the best of my knowledge.

Marquante Brown  
Board Chairman or other Presiding Member

4-10-2014  
Date of Signature

Licensure Jurisdiction for Cross-Border Nursing Practice  
Final Talking Points

On March 21, 2014, the American Nurses Association (ANA) convened a Summit to address, *Licensure Jurisdiction for Cross-Border Nursing Practice*, a topic which originated with the 2013 ANA Membership Assembly. The ANA Board chartered Taskforce included representatives from the ANA board, Constituent /State Nurses Association (C/SNA) leadership, regulators and other nursing thought leaders. Taskforce members were charged with a review of the current state of cross-border nursing practice and to make recommendations to the ANA Board of Directors for strategies to move forward with a futuristic view of nursing practice and regulation by September 2014. A sense of high level of urgency was expressed for finding a solution, acknowledging that regulation has not kept pace with nursing practice

Virtual practice has and will continue to grow. A number of other health professions are also facing regulatory challenges when engaged in cross border practice. Although, agreement as to whether the state of practice is where the nurse is located versus the patient was not reached, consensus was achieved with regard to the stakeholders and next steps. The four most significant stakeholders were deemed to be: nurses; consumers; states, in particular nursing regulators; and insurers, with some overlap of interest.

The group engaged in an exercise designed to generate ideas on how to address the issue of cross-border practice. This resulted in many suggestions that focused on a single license model; however, there were significant differences on how best to implement such a model. Other ideas included a more consistent movement toward licensure uniformity; state licensure with a dual option for national licensure with a database; and federal requirements that are state enforced.

In order to continue some forward momentum, the dialogue shifted to focus on challenges associated with uniform requirements that regulate nursing practice. The group had a substantive discussion about criminal background checks, issues associated with impaired practice, mandatory reporting requirements, continued competency and new, emerging areas of nursing practice.

As a final activity, the group discussed some potential next steps that included:

1. Review of uniform licensure requirements, particularly as they pertain to criminal background checks and impaired practice.
2. Identify a regulatory model that could address new, emerging practice areas.
3. Develop a standardized decision tree for determining scope of practice.

May 14

# H.B. 143

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## PSYCHIATRIC NURSE AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Edward H. Redd**

Senate Sponsor: Brian E. Shiozawa

### **LONG TITLE**

#### **General Description:**

This bill amends provisions of the Nurse Practice Act related to advanced practice registered nurse licensing.

#### **Highlighted Provisions:**

This bill:

for an applicant for a license in advanced practice registered nursing in the psychiatric mental health specialty:

removes a provision that requires the applicant to complete the applicant's clinical practice requirements before licensure; and

adds a provision that requires the applicant to complete the applicant's clinical practice requirements before renewal, or, if the applicant is renewing in less than two years, to demonstrate satisfactory progress toward completing the clinical practice requirements; and

makes technical and conforming amendments.

#### **Money Appropriated in this Bill:**

None

#### **Other Special Clauses:**

None

#### **Utah Code Sections Affected:**

AMENDS:

**58-31b-302**, as last amended by Laws of Utah 2011, Chapter 367

**58-31b-305**, as last amended by Laws of Utah 2009, Chapter 183

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

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

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

(1) An applicant for certification as a medication aide shall:

(a) submit an application to the division on a form prescribed by the division;

(b) pay a fee to the division as determined under Section 63J-1-504 ;

(c) have a high school diploma or its equivalent;

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

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

90  
91 (i) course work in patient assessment, diagnosis and treatment, and  
92 pharmacotherapeutics from an education program approved by the division in collaboration  
93 with the board; or  
94 (ii) a nurse anesthesia program which is approved by the Council on Accreditation of  
95 Nurse Anesthesia Educational Programs;  
96 ~~[(g) have successfully completed clinical practice in psychiatric and mental health  
nursing, including psychotherapy as defined by division rule, after completion of a doctorate~~  
of  
97 ~~master's degree required for licensure, to practice within the psychiatric and mental health~~  
98 ~~nursing specialty;]~~  
99 (g) to practice within the psychiatric mental health nursing specialty, demonstrate, as  
100 described in division rule, that the applicant, after completion of a doctorate or master's  
degree  
101 required for licensure, is in the process of completing the applicant's clinical practice  
102 requirements in psychiatric mental health nursing, including in psychotherapy;  
103 (h) have passed the examinations as required by division rule made in collaboration  
104 with the board;  
105 (i) be currently certified by a program approved by the division in collaboration with  
106 the board and submit evidence satisfactory to the division of the certification; and  
107 (j) meet with the board, if requested, to determine the applicant's qualifications for  
108 licensure.  
109 (5) For each applicant for licensure or certification under this chapter:  
110 (a) the applicant shall:  
111 (i) submit fingerprint cards in a form acceptable to the division at the time the  
112 application is filed; and  
113 (ii) consent to a fingerprint background check by the Utah Bureau of Criminal  
114 Identification and the Federal Bureau of Investigation regarding the application; and  
115 (b) the division shall request the Department of Public Safety to complete a Federal  
116 Bureau of Investigation criminal background check through the national criminal history  
117 system (NCIC) or any successor system.  
118 (6) For purposes of conducting the criminal background checks required in Subsection  
119 (5), the division shall have direct access to criminal background information maintained  
120 pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

121  
122 (7) (a) (i) Any new nurse license or certification issued under this section shall be  
123 conditional, pending completion of the criminal background check.  
124 (ii) If the criminal background check discloses the applicant has failed to accurately  
125 disclose a criminal history, the license or certification shall be immediately and  
126 automatically  
127 revoked.  
128 (b) (i) Any person whose conditional license or certification has been revoked under  
129 Subsection (7)(a) shall be entitled to a postrevocation hearing to challenge the revocation.  
130 (ii) The hearing shall be conducted in accordance with Title 63G, Chapter 4,  
131 Administrative Procedures Act.  
132 (8) (a) If a person has been charged with a violent felony, as defined in Subsection  
133 76-3-203.5 (1)(c), and, as a result, the person has been convicted, entered a plea of guilty or  
134 nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the  
135 successful completion of probation:  
136 (i) the person is disqualified for licensure under this chapter; and  
137 (ii) (A) if the person is licensed under this chapter, the division:  
138 (I) shall act upon the license as required under Section 58-1-401 ; and  
(II) may not renew or subsequently issue a license to the person under this chapter; and  
(B) if the person is not licensed under this chapter, the division may not issue a license

139 to the person under this chapter.  
140 (b) If a person has been charged with a felony other than a violent felony, as defined in  
141 Subsection 76-3-203.5 (1)(c), and, as a result, the person has been convicted, entered a plea  
of  
142 guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance  
143 pending the successful completion of probation:  
144 (i) if the person is licensed under this chapter, the division shall determine whether the  
145 felony disqualifies the person for licensure under this chapter and act upon the license, as  
146 required, in accordance with Section 58-1-401 ; and  
147 (ii) if the person is not licensed under this chapter, the person may not file an  
148 application for licensure under this chapter any sooner than five years after having  
completed  
149 the conditions of the sentence or plea agreement.  
150 Section 2. Section **58-31b-305** is amended to read:  
151 **58-31b-305. Term of license -- Expiration -- Renewal.**

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152  
153 (1) The division shall issue each license or certification under this chapter in  
154 accordance with a two-year renewal cycle established by rule. The division may by rule  
extend  
155 or shorten a renewal period by as much as one year to stagger the renewal cycles it  
administers.  
156 ~~[(2) At the time of renewal, the licensee or person certified under this chapter shall~~  
157 ~~show satisfactory evidence of each of the following renewal requirements:]~~  
158 (2) The division shall renew the license of a licensee who, at the time of renewal:  
159 (a) [complete and submit] completes and submits an application for renewal in a form  
160 prescribed by the division [and pay the renewal fee determined];  
161 (b) pays a renewal fee established by the division under Section 63J-1-504 ; and  
162 [(b)] (c) [meet] meets continuing competency requirements as established by rule[;]  
163 [which shall include continuing education requirements for medication aide certified  
164 established by the board and adopted by the division by rule].  
165 (3) In addition to the renewal requirements under Subsection (2), a person licensed as a  
166 advanced practice registered nurse shall be currently certified by a program approved by the  
that  
167 division in collaboration with the board and submit evidence satisfactory to the division of  
168 qualification or if licensed prior to July 1, 1992, meet the requirements established by rule.  
169 (4) In addition to the requirements described in Subsections (2) and (3), an advanced  
of  
170 practice registered nurse licensee specializing in psychiatric mental health nursing who, as  
171 the day on which the division originally issued the licensee's license had not completed the  
172 division's clinical practice requirements in psychiatric and mental health nursing, shall, to  
173 qualify for renewal:  
174 (a) if renewing less than two years after the day on which the division originally issued  
175 the license, demonstrate satisfactory progress toward completing the clinical practice  
176 requirements; or  
177 (b) have completed the clinical practice requirements.  
178 (4) (5) Each license or certification automatically expires on the expiration date  
shown on the license or certification unless renewed in accordance with Section 58-1-308 .