

**Arizona State Board of Nursing
Substantive Policy Statement**

**Administrative Violation: Administrative Penalty Practicing on
Expired or Without a License**

Revised September 25, 2020

This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on the regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedures Act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes Section 41-1033 for a review of the statement. (A.R.S. § 41-1091 (B))

32-1663.01. Administrative violations; administrative penalty

- A. The board may sanction any of the following as an administrative violation rather than as unprofessional conduct and may impose an administrative penalty of not more than one thousand dollars for any of the following:
 - 1. Failing to timely renew a nursing license or nursing assistant license while continuing to practice nursing or engage in activities or duties regulated by this chapter related to nursing.
 - 2. Failing to notify the board in writing within thirty days after a change in address.
 - 3. Failing to renew nursing, licensed nursing assistant or certified nursing assistant program approval and continuing to operate the program.
 - 4. If the board adopts a substantive policy statement pursuant to section 41-1091, practicing nursing without a license.
- B. A regulated party who fails to pay an administrative penalty as prescribed by this section or to establish a schedule for payment as prescribed pursuant to section 32-1606, subsection A, paragraph 6 within thirty days after notification commits an act of unprofessional conduct and is subject to disciplinary action.

Purpose: To define the administrative penalty for practicing nursing without a current, valid license.

Policy:

- 1. Applicants whose license/certificate have expired and are applying for renewal of their license/certificate, shall complete an "Invalid License/Certificate Questionnaire" when submitting a renewal application,
 - a. If renewal applicants indicate on the questionnaire that they have worked after the expiration of their expired license/certificate, a copy of the application will be given to the Board's Complaints/Investigations Department.
 - b. If applicants are in employment positions requiring current licensure/certification, the administrative penalty will be assessed according to the fee schedule.
- 2. Otherwise qualified applicants who have practiced in this state prior to receiving nursing licensure or certification, and without intent to deceive or circumvent the licensure requirement, will be considered for an administrative violation and penalty.
 - a. The investigative case and findings will be reviewed with the Executive Director, or, in his/her absence, the Executive Director's designee.
 - b. If approved by the Executive Director/designee, applicants may be offered a proposed consent agreement for administrative penalty to resolve the matter. Upon meeting all

licensure/certification requirements, signing a consent agreement, & payment of fine, Board staff may issue a license/certificate.

- c. If the applicant declines to sign the consent agreement, a disciplinary proceeding may be initiated, and a notice of charges may be issued. If approved by the Executive Director/designee, a temporary license/certificate may be issued in special circumstances.
- d. Board staff shall place the applicant's name on the agenda of the next scheduled Board meeting, for Board ratification.

No. of Months	RN/LPN Amount of Administrative Penalty (Other Fees May Apply if Worked on Lapsed/Expired & without a License)	Referral of Employer to DHS
1 - 2	\$100.00	NO
3 - 4	\$100.00	YES
5 - 8	\$200.00	YES
9 - 12	\$300.00	YES
13 or more	\$500.00	YES

No. of Months Unlicensed	APRN Amount of Administrative Penalty	Referral of Employer to DHS
1 - 2	\$250.00	NO
3 - 4	\$250.00	YES
5 - 8	\$300.00	YES
9 - 12	\$500.00	YES
13 or more	\$1,000.00	YES

No. of Years Unlicensed/ Uncertified	LNA/UCNA (LNA equivalent) Amount of Administrative Penalty	Referral of Employer to DHS
1	\$25.00	NO
2	\$50.00	YES
3	\$75.00	YES
4	\$100.00	YES