

RULE CHANGES 2014

R4-19-101. Definitions

Definitions, pertinent to Article 8, of “certified medication assistant” and “secure examination” were added. The definition of “admission cohort” was amended to allow for open-entry/exit programs. The definition of “dual relationship” was amended to include a patient’s family. The definitions of “preceptorship” and “preceptor” were amended to include LPN programs that use preceptors for clinical experiences under R4-19-206 (E). Several definitions were amended to include Certified Medication Assistant programs. The definitions of “regionally accredited,” “NATCEP” and “traineeship” were deleted as the terms are no longer used in Chapter 19. The definition of “nursing practice” was deleted because it conflicts with statutory definitions of registered and practical nursing in A.R.S. §32-1601.

R4-19-217. Distance Learning Nursing Programs; Out-of-State Nursing Programs

The Board amended this section to be consistent with statutory exemption for licensure of out-of-state faculty in distance learning programs.

ARTICLE 8.

The Arizona State Board of Nursing retitled, amended and adopted new Sections in Article 8 for the following reasons:

1. To adopt rules for the certification of medication assistants under A.R.S. § 32-1650;
2. To update current rules for nursing assistant programs;
3. To update certification requirements consistent with other Board processes;

4. To add further clarity to regulations governing nursing assistants and medication assistants; and
5. To incorporate changes identified in the 5 year rule report on Article 8 approved by the Governor's Regulatory Review Council on April 6, 2010. Two changes anticipated in the 5 year rule report were not added to this rulemaking. The Board anticipated adding language to R4-19-806 regarding foreign educated nurses taking the nursing assistant exam. Such language was not deemed necessary as foreign educated nurses are currently allowed to take the exam under a provision of subsection (B)(4), "or otherwise meets educational requirements for a registered or practical nursing license in Arizona". Additionally it was anticipated that the Board would include questions regarding substance use disorder on the CNA application. After analysis of our current experience regarding the regulatory benefit of this question as applied to the licensed nurse population, this provision was not included in the rulemaking.

R4-19-801. Common Standards for Certified Nursing Assistant (CNA) and Certified Medication Assistant Training Programs (CMA)

This new Section replaces the standards for nursing assistant training programs and incorporates standards that will be common to nursing assistant and medication assistant programs. Changes to the current nursing assistant program standards include the following: 1) a program shall not operate unless it has both a coordinator and instructor; 2) a program shall not advertise before approval; 3) all students must be registered with the testing vendor within 14 days of the program start; 4) programs must collect anonymous student evaluations; 5) programs must have an evaluation plan that takes into account student evaluations, pass rates on the state exam, attrition, grievances and program policies; 6) prospective students must be screened for ability to read and do simple math; 7) all programs must administer a secure comprehensive examination to students; 8) instructors

must document each student's clinical performance for each clinical day; 9) programs must have first time pass rates on the manual skills and written exam not less than 20% points below the state average; and 10) on-line instruction is considered innovative and requires an application for an innovative program. The Board is proposing these amendments to protect consumers from programs that offer little or no instruction, use unqualified instructors, admit students before approval and admit students who cannot read, write or speak English. Other amendments are for the purpose of promoting program improvement such as evaluation elements, a secure final exam, registering students to track attrition and a passing standard on the state exam.

R4-19-802. CNA Program Standards

This new Section details the requirements that are specific to CNA programs. In order to preserve student safety and protect students financially, CNA programs that are not accredited or approved by another entity, must have a surety bond and a fire inspection. The Board expanded opportunities for persons with a background in health care to complete a shortened, advanced placement option in a CNA program. CNA program instructor qualifications were amended to require one year of full-time RN employment in direct patient care. The Board is clarifying that 20 hours of clinical time in a long-term care facility must be in actual care of residents and not in orientation, conferencing and other learning activities. Conferencing and orientation may be accounted for in the total 40 clinical hours. The Board also included a list of required supplies and added provisions for consolidated programs that were previously only addressed in policy. Other provisions are identical to previous requirements for CNA programs.

R4-19-803. Certified Medication Assistant Program Requirements

The Board is establishing this new Section to augment A.R.S. §§32-1650 through 1650.07 effective July 29, 2010. The Board was exempt from rulemaking for five years under the original statutory provisions. This rulemaking establishes instructor qualifications and duties, classroom and clinical requirements, required resources and curriculum.

R4-19-804. Initial Approval and Renewal of Approval of Training Programs

This new Section combines two previous separate Sections on initial approval and renewal of approval. New requirements include the prohibition against conducting classes and advertising programs before approval, a self-assessment checklist that must accompany the application, and enrollment of at least 10 students for each two-year renewal period.

R4-19-805. Deficiencies and Rescission of Program Approval, Unprofessional Program Conduct, Voluntary Termination, Disciplinary Action, and Reinstatement

The Board amended and retitled this Section to change the period for correcting deficiencies to six months rather than three months from the date of graduation of the next class. Since programs vary in length, the previous standard allowed some programs many months or even years to correct a deficiency, while others had weeks. Due to increasing complaints of unethical and unsafe instruction on the part of nursing assistant program personnel, and based on legal advice and consultation with stakeholders, the Board added a subsection regarding acts that would be considered unprofessional program conduct. The Board also added provisions for voluntary surrender of approval and revocation of approval with prohibitions against opening a new program within 2 years of surrender or revocation respectively. Other amendments to this Section were made to improve clarity, conciseness or understandability. For example, voluntary termination of a program was clarified as were the requirements for re-issuance of approval.

R4-19-806. Nursing Assistant and Certified Medication Assistant by Examination.

The Board amended and retitled this Section to include the statutory requirements for CMA certification and legal presence in the United States. The Board adopted qualifications for individuals to certify without taking an approved course. Those qualifications include individuals with work or health education experiences that the Board considered equivalent to the curriculum in an approved CNA or CMA program. The Board clarified that the CNA examination must be passed within 2 years of completing the educational requirements and the CMA examination must be passed within one year of completing the educational requirements. The Board is issuing dual certification to CMAs for both CNA and CMA. Other amendments were made to improve clarity, conciseness or understandability.

R4-19-807. Nursing Assistant and Medication Assistant Certification by Endorsement

The Board amended and retitled this Section to include provisions for endorsement of medication assistants. Other amendments were made to improve clarity, conciseness or understandability.

R4-19-808. Fees Related to Certified Medication Assistant

This new Section establishes the fees for CMA certification.

R4-19-809. Nursing Assistant and Medication Assistant Certificate Renewal

The Board amended and retitled this Section incorporate CMA certificate renewal, delete the requirement to produce documents related to employment, and specify that if a certificate was disciplined by probation, revocation, denial, surrender or suspension in another jurisdiction, an investigation would be conducted before their certificate would be renewed. Other amendments were made to improve clarity, conciseness or understandability.

R4-19-810. Certified Nursing Assistant Register

The Board amended this Section to improve clarity, conciseness or understandability.

R4-19-811. Application for Duplicate Certificate

The Board amended this Section to improve clarity, conciseness or understandability and to incorporate electronic submission of documents.

R4-19-812. Change of Name or Address

The Board amended this Section to improve clarity, conciseness or understandability and to incorporate electronic submission of documents.

R4-19-813. Performance of Nursing Assistant Tasks; Performance of Medication Assistant Tasks

The Board re-titled and amended this Section to improve clarity and understandability and to incorporate provisions for medication assistant tasks.

R4-19-814. Standards of Conduct for Certified Nursing Assistants and Certified Medication Assistants

The Board amended and retitled this Section to incorporate provisions for CMAs and improve clarity and understandability. The Board added the following provisions to the subsection on unprofessional conduct: failing to report abuse or neglect, soliciting or selling goods or services to a patient, and not responding to a written request from the Board.

R4-19-815. Reissuance or Subsequent Issuance of a Nursing Assistant or Medication Assistant Certificate

The Board retitled and amended this Section to incorporate medication assistant. Other amendments were made to improve clarity, conciseness or understandability.