

NURSE APPRENTICE LICENSING ACT

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill creates a license for registered nurse apprentices.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ allows the Division of Occupational and Professional Licensing to issue a license for a registered nurse apprentice;
- ▶ creates requirements for the license; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 26-4-2**, as last amended by Laws of Utah 2021, Chapter 297
- 26-61a-104**, as last amended by Laws of Utah 2020, Chapter 12
- 58-31b-102**, as last amended by Laws of Utah 2021, Chapter 263
- 58-31b-301**, as last amended by Laws of Utah 2007, Chapter 57
- 58-31b-302**, as last amended by Laws of Utah 2018, Chapter 318
- 58-31b-303**, as last amended by Laws of Utah 2006, Chapter 291
- 58-31b-304**, as last amended by Laws of Utah 2009, Chapter 183

30 **75-2a-103**, as last amended by Laws of Utah 2021, Chapter 223

31 ENACTS:

32 **58-31b-306.1**, Utah Code Annotated 1953

33

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

35 Section 1. Section **26-4-2** is amended to read:

36 **26-4-2. Definitions.**

37 As used in this chapter:

38 (1) "Dead body" [~~is as~~] means the same as that term is defined in Section **26-2-2**.

39 (2) (a) "Death by violence" means death that resulted by the decedent's exposure to
40 physical, mechanical, or chemical forces[~~, and~~].

41 (b) "Death by violence" includes death [~~which~~] that appears to have been due to
42 homicide, death [~~which~~] that occurred during or in an attempt to commit rape, mayhem,
43 kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats
44 of violence, assault with a dangerous weapon, assault with intent to commit any offense
45 punishable by imprisonment for more than one year, arson punishable by imprisonment for
46 more than one year, or any attempt to commit any of the foregoing offenses.

47 (3) "Immediate relative" means an individual's spouse, child, parent, sibling,
48 grandparent, or grandchild.

49 (4) "Health care professional" means any of the following while acting in a
50 professional capacity:

51 (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
52 58, Chapter 68, Utah Osteopathic Medical Practice Act;

53 (b) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
54 Act; or

55 (c) an advance practice registered nurse licensed under Subsection
56 **58-31b-301(2)**[~~(d)~~](e).

57 (5) "Medical examiner" means the state medical examiner appointed pursuant to

58 Section 26-4-4 or a deputy appointed by the medical examiner.

59 (6) "Medical examiner record" means:

60 (a) all information that the medical examiner obtains regarding a decedent; and

61 (b) reports that the medical examiner makes regarding a decedent.

62 (7) "Regional pathologist" means a trained pathologist licensed to practice medicine
63 and surgery in the state, appointed by the medical examiner pursuant to Subsection 26-4-4(3).

64 (8) "Sudden death while in apparent good health" means apparently instantaneous
65 death without obvious natural cause, death during or following an unexplained syncope or
66 coma, or death during an acute or unexplained rapidly fatal illness.

67 (9) "Sudden infant death syndrome" means the death of a child who was thought to be
68 in good health or whose terminal illness appeared to be so mild that the possibility of a fatal
69 outcome was not anticipated.

70 (10) "Suicide" means death caused by an intentional and voluntary act of an individual
71 who understands the physical nature of the act and intends by such act to accomplish
72 self-destruction.

73 (11) "Unattended death" means a death that occurs more than 365 days after the day on
74 which a health care professional examined or treated the deceased individual for any purpose,
75 including writing a prescription.

76 (12) (a) "Unavailable for postmortem investigation" means that a dead body is:

77 (i) transported out of state;

78 (ii) buried at sea;

79 (iii) cremated;

80 (iv) processed by alkaline hydrolysis; or

81 (v) otherwise made unavailable to the medical examiner for postmortem investigation
82 or autopsy.

83 (b) "Unavailable for postmortem investigation" does not include embalming or burial
84 of a dead body pursuant to the requirements of law.

85 (13) "Within the scope of the decedent's employment" means all acts reasonably

86 necessary or incident to the performance of work, including matters of personal convenience
87 and comfort not in conflict with specific instructions.

88 Section 2. Section **26-61a-104** is amended to read:

89 **26-61a-104. Qualifying condition.**

90 (1) By designating a particular condition under Subsection (2) for which the use of
91 medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively
92 state that:

93 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
94 treatment for the condition; or

95 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.

96 (2) For the purposes of this chapter, each of the following conditions is a qualifying
97 condition:

98 (a) HIV or acquired immune deficiency syndrome;

99 (b) Alzheimer's disease;

100 (c) amyotrophic lateral sclerosis;

101 (d) cancer;

102 (e) cachexia;

103 (f) persistent nausea that is not significantly responsive to traditional treatment, except
104 for nausea related to:

105 (i) pregnancy;

106 (ii) cannabis-induced cyclical vomiting syndrome; or

107 (iii) cannabinoid hyperemesis syndrome;

108 (g) Crohn's disease or ulcerative colitis;

109 (h) epilepsy or debilitating seizures;

110 (i) multiple sclerosis or persistent and debilitating muscle spasms;

111 (j) post-traumatic stress disorder that is being treated and monitored by a licensed

112 mental health therapist, as that term is defined in Section [58-60-102](#), and that:

113 (i) has been diagnosed by a healthcare provider or mental health provider employed or

114 contracted by the United States Veterans Administration, evidenced by copies of medical
115 records from the United States Veterans Administration that are included as part of the
116 qualified medical provider's pre-treatment assessment and medical record documentation; or
117 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of
118 the patient, by a provider who is:

- 119 (A) a licensed board-eligible or board-certified psychiatrist;
- 120 (B) a licensed psychologist with a master's-level degree;
- 121 (C) a licensed clinical social worker with a master's-level degree; or
- 122 (D) a licensed advanced practice registered nurse who is qualified to practice within
123 the psychiatric mental health nursing speciality and who has completed the clinical practice
124 requirements in psychiatric mental health nursing, including in psychotherapy, in accordance
125 with Subsection 58-31b-302~~(4)~~(5)(g);
- 126 (k) autism;
- 127 (l) a terminal illness when the patient's remaining life expectancy is less than six
128 months;
- 129 (m) a condition resulting in the individual receiving hospice care;
- 130 (n) a rare condition or disease that:
 - 131 (i) affects less than 200,000 individuals in the United States, as defined in Section 526
132 of the Federal Food, Drug, and Cosmetic Act; and
 - 133 (ii) is not adequately managed despite treatment attempts using:
 - 134 (A) conventional medications other than opioids or opiates; or
 - 135 (B) physical interventions;
 - 136 (o) pain lasting longer than two weeks that is not adequately managed, in the qualified
137 medical provider's opinion, despite treatment attempts using:
 - 138 (i) conventional medications other than opioids or opiates; or
 - 139 (ii) physical interventions; and
 - 140 (p) a condition that the Compassionate Use Board approves under Section 26-61a-105,
141 on an individual, case-by-case basis.

142 Section 3. Section **58-31b-102** is amended to read:

143 **58-31b-102. Definitions.**

144 In addition to the definitions in Section **58-1-102**, as used in this chapter:

145 (1) "Administrative penalty" means a monetary fine or citation imposed by the division
146 for acts or omissions determined to be unprofessional or unlawful conduct in accordance with a
147 fine schedule established by division rule made in accordance with Title 63G, Chapter 3, Utah
148 Administrative Rulemaking Act, and as a result of an adjudicative proceeding conducted in
149 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

150 (2) "Applicant" means an individual who applies for licensure or certification under
151 this chapter by submitting a completed application for licensure or certification and the
152 required fees to the department.

153 (3) "Approved education program" means a nursing education program that is
154 accredited by an accrediting body for nursing education that is approved by the United States
155 Department of Education.

156 (4) "Board" means the Board of Nursing created in Section **58-31b-201**.

157 (5) "Diagnosis" means the identification of and discrimination between physical and
158 psychosocial signs and symptoms essential to the effective execution and management of
159 health care.

160 (6) "Examinee" means an individual who applies to take or does take any examination
161 required under this chapter for licensure.

162 (7) "Licensee" means an individual who is licensed or certified under this chapter.

163 (8) "Long-term care facility" means any of the following facilities licensed by the
164 Department of Health pursuant to Title 26, Chapter 21, Health Care Facility Licensing and
165 Inspection Act:

- 166 (a) a nursing care facility;
- 167 (b) a small health care facility;
- 168 (c) an intermediate care facility for people with an intellectual disability;
- 169 (d) an assisted living facility Type I or II; or

- 170 (e) a designated swing bed unit in a general hospital.
- 171 (9) "Medication aide certified" means a certified nurse aide who:
- 172 (a) has a minimum of 2,000 hours experience working as a certified nurse aide;
- 173 (b) has received a minimum of 60 hours of classroom and 40 hours of practical training
- 174 that is approved by the division in collaboration with the board, in administering routine
- 175 medications to patients or residents of long-term care facilities; and
- 176 (c) is certified by the division as a medication aide certified.
- 177 (10) (a) "Practice as a medication aide certified" means the limited practice of nursing
- 178 under the supervision, as defined by the division by rule made in accordance with Title 63G,
- 179 Chapter 3, Utah Administrative Rulemaking Act, of a licensed nurse, involving routine patient
- 180 care that requires minimal or limited specialized or general knowledge, judgment, and skill, to
- 181 an individual who:
- 182 (i) is ill, injured, infirm, has a physical, mental, developmental, or intellectual
- 183 disability; and
- 184 (ii) is in a regulated long-term care facility.
- 185 (b) "Practice as a medication aide certified":
- 186 (i) includes:
- 187 (A) providing direct personal assistance or care; and
- 188 (B) administering routine medications to patients in accordance with a formulary and
- 189 protocols to be defined by the division by rule made in accordance with Title 63G, Chapter 3,
- 190 Utah Administrative Rulemaking Act; and
- 191 (ii) does not include assisting a resident of an assisted living facility, a long term care
- 192 facility, or an intermediate care facility for people with an intellectual disability to self
- 193 administer a medication, as regulated by the Department of Health by rule made in accordance
- 194 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 195 (11) "Practice of advanced practice registered nursing" means the practice of nursing
- 196 within the generally recognized scope and standards of advanced practice registered nursing as
- 197 defined by rule and consistent with professionally recognized preparation and education

198 standards of an advanced practice registered nurse by a person licensed under this chapter as an
199 advanced practice registered nurse. "Practice of advanced practice registered nursing" includes:

- 200 (a) maintenance and promotion of health and prevention of disease;
- 201 (b) diagnosis, treatment, correction, consultation, and referral;
- 202 (c) prescription or administration of prescription drugs or devices including:
 - 203 (i) local anesthesia;
 - 204 (ii) Schedule III-V controlled substances; and
 - 205 (iii) Subject to Section 58-31b-803, Schedule II controlled substances; or
 - 206 (d) the provision of preoperative, intraoperative, and postoperative anesthesia care and
207 related services upon the request of a licensed health care professional by an advanced practice
208 registered nurse specializing as a certified registered nurse anesthetist, including:
 - 209 (i) preanesthesia preparation and evaluation including:
 - 210 (A) performing a preanesthetic assessment of the patient;
 - 211 (B) ordering and evaluating appropriate lab and other studies to determine the health of
212 the patient; and
 - 213 (C) selecting, ordering, or administering appropriate medications;
 - 214 (ii) anesthesia induction, maintenance, and emergence, including:
 - 215 (A) selecting and initiating the planned anesthetic technique;
 - 216 (B) selecting and administering anesthetics and adjunct drugs and fluids; and
 - 217 (C) administering general, regional, and local anesthesia;
 - 218 (iii) postanesthesia follow-up care, including:
 - 219 (A) evaluating the patient's response to anesthesia and implementing corrective
220 actions; and
 - 221 (B) selecting, ordering, or administering the medications and studies listed in this
222 Subsection (11)(d); ~~and~~
 - 223 (iv) other related services within the scope of practice of a certified registered nurse
224 anesthetist, including:
 - 225 (A) emergency airway management;

226 (B) advanced cardiac life support; and
227 (C) the establishment of peripheral, central, and arterial invasive lines; and
228 (v) for purposes of this Subsection (11)(d), "upon the request of a licensed health care
229 professional":

230 (A) means a health care professional practicing within the scope of the health care
231 professional's license, requests anesthesia services for a specific patient; and

232 (B) does not require an advanced practice registered nurse specializing as a certified
233 registered nurse anesthetist to obtain additional authority to select, administer, or provide
234 preoperative, intraoperative, or postoperative anesthesia care and services.

235 (12) "Practice of nursing" means assisting individuals or groups to maintain or attain
236 optimal health, implementing a strategy of care to accomplish defined goals and evaluating
237 responses to care and treatment, and requires substantial specialized or general knowledge,
238 judgment, and skill based upon principles of the biological, physical, behavioral, and social
239 sciences. "Practice of nursing" includes:

- 240 (a) initiating and maintaining comfort measures;
- 241 (b) promoting and supporting human functions and responses;
- 242 (c) establishing an environment conducive to well-being;
- 243 (d) providing health counseling and teaching;
- 244 (e) collaborating with health care professionals on aspects of the health care regimen;
- 245 (f) performing delegated procedures only within the education, knowledge, judgment,
246 and skill of the licensee;
- 247 (g) delegating nursing tasks that may be performed by others, including an unlicensed
248 assistive personnel; and
- 249 (h) supervising an individual to whom a task is delegated under Subsection (12)(g) as
250 the individual performs the task.

251 (13) "Practice of practical nursing" means the performance of nursing acts in the
252 generally recognized scope of practice of licensed practical nurses as defined by division rule
253 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and as

254 provided in this Subsection (13) by an individual licensed under this chapter as a licensed
255 practical nurse and under the direction of a registered nurse, licensed physician, or other
256 specified health care professional as defined by division rule made in accordance with Title
257 63G, Chapter 3, Utah Administrative Rulemaking Act. Practical nursing acts include:

- 258 (a) contributing to the assessment of the health status of individuals and groups;
- 259 (b) participating in the development and modification of the strategy of care;
- 260 (c) implementing appropriate aspects of the strategy of care;
- 261 (d) maintaining safe and effective nursing care rendered to a patient directly or
262 indirectly; and
- 263 (e) participating in the evaluation of responses to interventions.

264 (14) "Practice of registered nursing" means performing acts of nursing as provided in
265 this Subsection (14) by an individual licensed under this chapter as a registered nurse within
266 the generally recognized scope of practice of registered nurses as defined by division rule made
267 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act. Registered
268 nursing acts include:

- 269 (a) assessing the health status of individuals and groups;
- 270 (b) identifying health care needs;
- 271 (c) establishing goals to meet identified health care needs;
- 272 (d) planning a strategy of care;
- 273 (e) prescribing nursing interventions to implement the strategy of care;
- 274 (f) implementing the strategy of care;
- 275 (g) maintaining safe and effective nursing care that is rendered to a patient directly or
276 indirectly;
- 277 (h) evaluating responses to interventions;
- 278 (i) teaching the theory and practice of nursing; and
- 279 (j) managing and supervising the practice of nursing.

280 (15) "Registered nurse apprentice" means an individual licensed under Subsection
281 58-31b-301(2)(b) who is learning and engaging in the practice of registered nursing under the

282 indirect supervision of an individual licensed under:

283 (a) Subsection 58-31b-301(2)(c), (e), or (f);

284 (b) Chapter 67, Utah Medical Practice Act; or

285 (c) Chapter 68, Utah Osteopathic Medical Practice Act.

286 [~~15~~] (16) "Routine medications":

287 (a) means established medications administered to a medically stable individual as
288 determined by a licensed health care practitioner or in consultation with a licensed medical
289 practitioner; and

290 (b) is limited to medications that are administered by the following routes:

291 (i) oral;

292 (ii) sublingual;

293 (iii) buccal;

294 (iv) eye;

295 (v) ear;

296 (vi) nasal;

297 (vii) rectal;

298 (viii) vaginal;

299 (ix) skin ointments, topical including patches and transdermal;

300 (x) premeasured medication delivered by aerosol/nebulizer; and

301 (xi) medications delivered by metered hand-held inhalers.

302 [~~16~~] (17) "Unlawful conduct" means the same as that term is defined in Sections
303 58-1-501 and 58-31b-501.

304 [~~17~~] (18) "Unlicensed assistive personnel" means any unlicensed individual,
305 regardless of title, who is delegated a task by a licensed nurse as permitted by division rule
306 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the
307 standards of the profession.

308 [~~18~~] (19) "Unprofessional conduct" means the same as that term is defined in
309 Sections 58-1-501 and 58-31b-502 and as may be further defined by division rule made in

310 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

311 Section 4. Section **58-31b-301** is amended to read:

312 **58-31b-301. License or certification required -- Classifications.**

313 (1) A license is required to engage in the practice of nursing, except as specifically
314 provided in Sections [58-1-307](#) and [58-31b-308](#).

315 (2) The division shall issue to [~~a person~~] an individual who qualifies under this chapter
316 a license or certification in the classification of:

317 (a) licensed practical nurse;

318 (b) registered nurse apprentice;

319 [~~(b)~~] (c) registered nurse;

320 [~~(c)~~] (d) advanced practice registered nurse intern;

321 [~~(d)~~] (e) advanced practice registered nurse;

322 [~~(e)~~] (f) advanced practice registered nurse - CRNA without prescriptive practice; and

323 [~~(f)~~] (g) medication aide certified.

324 (3) An individual holding an advanced practice registered nurse license as of July 1,
325 1998, who cannot document the successful completion of advanced course work in patient
326 assessment, diagnosis and treatment, and pharmacotherapeutics, may not prescribe and shall be
327 issued an "APRN - without prescriptive practice" license.

328 (4) The division shall grant an advanced practice registered nurse license to any
329 licensed advanced practice registered nurse currently holding prescriptive authority under any
330 predecessor act [~~on July 1, 1998~~].

331 (5) An individual holding a certified registered nurse anesthetist license as of July 1,
332 2007, shall be issued an "APRN - CRNA - without prescriptive practice" license.

333 Section 5. Section **58-31b-302** is amended to read:

334 **58-31b-302. Qualifications for licensure or certification -- Criminal background**
335 **checks.**

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

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

- 338 (b) pay a fee to the division as determined under Section [63J-1-504](#);
- 339 (c) have a high school diploma or its equivalent;
- 340 (d) have a current certification as a nurse aide, in good standing, from the Department
341 of Health;
- 342 (e) have a minimum of 2,000 hours of experience within the two years prior to
343 application, working as a certified nurse aide in a long-term care facility;
- 344 (f) obtain letters of recommendation from a long-term care facility administrator and
345 one licensed nurse familiar with the applicant's work practices as a certified nurse aide;
- 346 (g) be in a condition of physical and mental health that will permit the applicant to
347 practice safely as a medication aide certified;
- 348 (h) have completed an approved education program or an equivalent as determined by
349 the division in collaboration with the board;
- 350 (i) have passed the examinations as required by division rule made in collaboration
351 with the board; and
- 352 (j) meet with the board, if requested, to determine the applicant's qualifications for
353 certification.
- 354 (2) An applicant for licensure as a licensed practical nurse shall:
 - 355 (a) submit to the division an application in a form prescribed by the division;
 - 356 (b) pay to the division a fee determined under Section [63J-1-504](#);
 - 357 (c) have a high school diploma or its equivalent;
 - 358 (d) be in a condition of physical and mental health that will permit the applicant to
359 practice safely as a licensed practical nurse;
 - 360 (e) have completed an approved practical nursing education program or an equivalent
361 as determined by the board;
 - 362 (f) have passed the examinations as required by division rule made in collaboration
363 with the board; and
 - 364 (g) meet with the board, if requested, to determine the applicant's qualifications for
365 licensure.

366 (3) An applicant for a registered nurse apprentice license shall:
367 (a) submit to the division an application form prescribed by the division;
368 (b) pay to the division a fee determined under Section 63J-1-504;
369 (c) have a high school diploma or its equivalent;
370 (d) be in a condition of physical and mental health that will allow the applicant to
371 practice safely as a registered nurse apprentice;
372 (e) as determined by an approved registered nursing education program, be:
373 (i) in good standing with the program; and
374 (ii) in the last semester, quarter, or competency experience;
375 (f) have written permission from the program in which the applicant is enrolled; and
376 (g) meet with the board, if requested, to determine the applicant's qualifications for
377 licensure.

378 ~~[(3)]~~ (4) An applicant for licensure as a registered nurse shall:
379 (a) submit to the division an application form prescribed by the division;
380 (b) pay to the division a fee determined under Section 63J-1-504;
381 (c) have a high school diploma or its equivalent;
382 (d) be in a condition of physical and mental health that will allow the applicant to
383 practice safely as a registered nurse;
384 (e) have completed an approved registered nursing education program;
385 (f) have passed the examinations as required by division rule made in collaboration
386 with the board; and
387 (g) meet with the board, if requested, to determine the applicant's qualifications for
388 licensure.

389 ~~[(4)]~~ (5) Applicants for licensure as an advanced practice registered nurse shall:
390 (a) submit to the division an application on a form prescribed by the division;
391 (b) pay to the division a fee determined under Section 63J-1-504;
392 (c) be in a condition of physical and mental health which will allow the applicant to
393 practice safely as an advanced practice registered nurse;

- 394 (d) hold a current registered nurse license in good standing issued by the state or be
- 395 qualified at the time for licensure as a registered nurse;
- 396 (e) (i) have earned a graduate degree in:
- 397 (A) an advanced practice registered nurse nursing education program; or
- 398 (B) a related area of specialized knowledge as determined appropriate by the division
- 399 in collaboration with the board; or
- 400 (ii) have completed a nurse anesthesia program in accordance with Subsection
- 401 ~~[(4)]~~(5)(f)(ii);
- 402 (f) have completed:
- 403 (i) course work in patient assessment, diagnosis and treatment, and
- 404 pharmacotherapeutics from an education program approved by the division in collaboration
- 405 with the board; or
- 406 (ii) a nurse anesthesia program which is approved by the Council on Accreditation of
- 407 Nurse Anesthesia Educational Programs;
- 408 (g) to practice within the psychiatric mental health nursing specialty, demonstrate, as
- 409 described in division rule, that the applicant, after completion of a doctorate or master's degree
- 410 required for licensure, is in the process of completing the applicant's clinical practice
- 411 requirements in psychiatric mental health nursing, including in psychotherapy;
- 412 (h) have passed the examinations as required by division rule made in collaboration
- 413 with the board;
- 414 (i) be currently certified by a program approved by the division in collaboration with
- 415 the board and submit evidence satisfactory to the division of the certification; and
- 416 (j) meet with the board, if requested, to determine the applicant's qualifications for
- 417 licensure.
- 418 ~~[(5)]~~ (6) For each applicant for licensure or certification under this chapter except an
- 419 applicant under Subsection 58-31b-301(2)(b):
- 420 (a) the applicant shall:
- 421 (i) submit fingerprint cards in a form acceptable to the division at the time the

422 application is filed; and

423 (ii) consent to a fingerprint background check conducted by the Bureau of Criminal
424 Identification and the Federal Bureau of Investigation regarding the application;

425 (b) the division shall:

426 (i) in addition to other fees authorized by this chapter, collect from each applicant
427 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal
428 Identification is authorized to collect for the services provided under Section 53-10-108 and the
429 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
430 obtaining federal criminal history record information;

431 (ii) submit from each applicant the fingerprint card and the fees described in this
432 Subsection [~~(5)~~] (6)(b) to the Bureau of Criminal Identification; and

433 (iii) obtain and retain in division records a signed waiver approved by the Bureau of
434 Criminal Identification in accordance with Section 53-10-108 for each applicant; and

435 (c) the Bureau of Criminal Identification shall, in accordance with the requirements of
436 Section 53-10-108:

437 (i) check the fingerprints submitted under Subsection [~~(5)~~] (6)(b) against the applicable
438 state and regional criminal records databases;

439 (ii) forward the fingerprints to the Federal Bureau of Investigation for a national
440 criminal history background check; and

441 (iii) provide the results from the state, regional, and nationwide criminal history
442 background checks to the division.

443 [~~(6)~~] (7) For purposes of conducting the criminal background checks required in
444 Subsection [~~(5)~~] (6), the division shall have direct access to criminal background information
445 maintained pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

446 [~~(7)~~] (8) (a) (i) Any new nurse license or certification issued under this section shall be
447 conditional, pending completion of the criminal background check.

448 (ii) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the
449 criminal background check discloses the applicant has failed to accurately disclose a criminal

450 history, the license or certification shall be immediately and automatically revoked upon notice
451 to the licensee by the division.

452 (b) (i) [~~A person~~] An individual whose conditional license or certification has been
453 revoked under Subsection [~~(7)~~] (8)(a) is entitled to a postrevocation hearing to challenge the
454 revocation.

455 (ii) A postrevocation hearing shall be conducted in accordance with Title 63G, Chapter
456 4, Administrative Procedures Act.

457 [~~(8)~~] (9) If [~~a person~~] an individual has been charged with a violent felony, as defined
458 in Subsection 76-3-203.5(1)(c), and, as a result, the [~~person~~] individual has been convicted,
459 entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo contendere held
460 in abeyance pending the successful completion of probation, the [~~person~~] individual is
461 disqualified for licensure under this chapter and:

462 (a) if the [~~person~~] individual is licensed under this chapter, the division:

463 (i) shall act upon the license as required under Section 58-1-401; and

464 (ii) may not renew or subsequently issue a license to the [~~person~~] individual under this
465 chapter; and

466 (b) if the [~~person~~] individual is not licensed under this chapter, the division may not
467 issue a license to the [~~person~~] individual under this chapter.

468 [~~(9)~~] (10) If [~~a person~~] an individual has been charged with a felony other than a
469 violent felony, as defined in Subsection 76-3-203.5(1)(c), and, as a result, the [~~person~~]
470 individual has been convicted, entered a plea of guilty or nolo contendere, or entered a plea of
471 guilty or nolo contendere held in abeyance pending the successful completion of probation, the
472 division shall determine whether the felony disqualifies the [~~person~~] individual for licensure
473 under this chapter and act upon the license, as required, in accordance with Section 58-1-401.

474 [~~(10)~~] (11) The division may not disseminate outside of the division any criminal
475 history record information that the division obtains from the Bureau of Criminal Identification
476 or the Federal Bureau of Investigation under the criminal background check requirements of
477 this section.

478 Section 6. Section **58-31b-303** is amended to read:

479 **58-31b-303. Qualifications for licensure -- Graduates of nonapproved nursing**
480 **programs.**

481 An applicant for licensure as a practical nurse or registered nurse who is a graduate of a
482 nursing education program not approved by the division in collaboration with the board must
483 comply with the requirements of this section.

484 (1) An applicant for licensure as a licensed practical nurse shall:

485 (a) meet all requirements of Subsection **58-31b-302**(2), except Subsection (2)(e); and

486 (b) produce evidence acceptable to the division and the board that the nursing
487 education program completed by the applicant is equivalent to the minimum standards
488 established by the division in collaboration with the board for an approved licensed practical
489 nursing education program.

490 (2) An applicant for licensure as a registered nurse shall:

491 (a) meet all requirements of Subsection **58-31b-302**~~[(3)]~~(4), except Subsection ~~[(3)]~~
492 ~~(4)~~(e); and

493 (b) (i) pass the Commission on Graduates of Foreign Nursing Schools (CGFNS)
494 Examination; or

495 (ii) produce evidence acceptable to the division and the board that the applicant is
496 currently licensed as a registered nurse in one of the states, territories, or the District of
497 Columbia of the United States and has passed the NCLEX-RN examination.

498 Section 7. Section **58-31b-304** is amended to read:

499 **58-31b-304. Qualifications for admission to the examinations.**

500 (1) To be admitted to the examinations required for certification as a medication aide
501 certified, ~~[a person]~~ an individual shall:

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

503 (b) pay a fee as determined by the division under Section **63J-1-504**; and

504 (c) meet all requirements of Subsection **58-31b-302**(1), except ~~[the passing of the~~
505 ~~examination]~~ Subsection (1)(i).

506 (2) To be admitted to the examinations required for licensure as a practical nurse, [a
507 person] an individual shall:

- 508 (a) submit an application form prescribed by the division;
- 509 (b) pay a fee as determined by the division under Section 63J-1-504; and
- 510 (c) meet all requirements of Subsection 58-31b-302(2), except Subsection (2)(f).

511 (3) To be admitted to the examinations required for licensure as a registered nurse, [a
512 person] an individual shall:

- 513 (a) submit an application form prescribed by the division;
- 514 (b) pay a fee as determined by the division under Section 63J-1-504; and
- 515 (c) meet all the requirements of Subsection 58-31b-302~~(3)~~(4), except Subsection
516 ~~(3)~~(4)(f).

517 Section 8. Section 58-31b-306.1 is enacted to read:

518 **58-31b-306.1. Registered nurse apprentice license.**

519 (1) The division shall issue a registered nurse apprentice license to an individual who
520 meets the qualifications under Subsection 58-31b-302(3).

521 (2) Unless the division extends the license for a specified period of time by written
522 notification provided to the individual, the license expires on the earlier of:

- 523 (a) one year from the day on which the license is issued;
- 524 (b) after the division receives notice from the examination agency that the individual
525 failed to take or pass the examinations described in Subsection 58-31b-302(4)(f), the day on
526 which the division notifies the applicant that the license is expired; or
- 527 (c) the day on which the division issues the individual a license as a registered nurse.

528 (3) A license described in Subsection (1) is:

- 529 (a) valid only in Utah; and
- 530 (b) not an eligible license under Chapter 31e, Nurse Licensure Compact - Revised.
- 531 (4) The division may make rules to administer the license described in Subsection (1)

532 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

533 Section 9. Section 75-2a-103 is amended to read:

534 **75-2a-103. Definitions.**

535 As used in this chapter:

536 (1) "Adult" means [~~a person~~] an individual who is:

537 (a) at least 18 years of age; or

538 (b) an emancipated minor.

539 (2) "Advance health care directive":

540 (a) includes:

541 (i) a designation of an agent to make health care decisions for an adult when the adult
542 cannot make or communicate health care decisions; or

543 (ii) an expression of preferences about health care decisions;

544 (b) may take one of the following forms:

545 (i) a written document, voluntarily executed by an adult in accordance with the
546 requirements of this chapter; or547 (ii) a witnessed oral statement, made in accordance with the requirements of this
548 chapter; and

549 (c) does not include a POLST order.

550 (3) "Agent" means [~~a person~~] an adult designated in an advance health care directive to
551 make health care decisions for the declarant.552 (4) "APRN" means [~~a person~~] an individual who is:

553 (a) certified or licensed as an advance practice registered nurse under Subsection

554 58-31b-301(2)(~~d~~)(e);

555 (b) an independent practitioner;

556 (c) acting under a consultation and referral plan with a physician; and

557 (d) acting within the scope of practice for that [~~person~~] individual, as provided by law,
558 rule, and specialized certification and training in that [~~person's~~] individual's area of practice.559 (5) "Best interest" means that the benefits to the person resulting from a treatment
560 outweigh the burdens to the person resulting from the treatment, taking into account:

561 (a) the effect of the treatment on the physical, emotional, and cognitive functions of the

562 person;

563 (b) the degree of physical pain or discomfort caused to the person by the treatment or
564 the withholding or withdrawal of treatment;

565 (c) the degree to which the person's medical condition, the treatment, or the
566 withholding or withdrawal of treatment, result in a severe and continuing impairment of the
567 dignity of the person by subjecting the person to humiliation and dependency;

568 (d) the effect of the treatment on the life expectancy of the person;

569 (e) the prognosis of the person for recovery with and without the treatment;

570 (f) the risks, side effects, and benefits of the treatment, or the withholding or
571 withdrawal of treatment; and

572 (g) the religious beliefs and basic values of the person receiving treatment, to the extent
573 these may assist the decision maker in determining the best interest.

574 (6) "Capacity to appoint an agent" means that the adult understands the consequences
575 of appointing a particular person as agent.

576 (7) "Declarant" means an adult who has completed and signed or directed the signing
577 of an advance health care directive.

578 (8) "Default surrogate" means the adult who may make decisions for an individual
579 when either:

580 (a) an agent or guardian has not been appointed; or

581 (b) an agent is not able, available, or willing to make decisions for an adult.

582 (9) "Emergency medical services provider" means a person [~~who~~] that is licensed,
583 designated, or certified under Title 26, Chapter 8a, Utah Emergency Medical Services System
584 Act.

585 (10) "Generally accepted health care standards":

586 (a) is defined only for the purpose of:

587 (i) this chapter and does not define the standard of care for any other purpose under
588 Utah law; and

589 (ii) enabling health care providers to interpret the statutory form set forth in Section

590 75-2a-117; and

591 (b) means the standard of care that justifies a provider in declining to provide life
592 sustaining care because the proposed life sustaining care:

593 (i) will not prevent or reduce the deterioration in the health or functional status of [~~a~~
594 ~~person~~] an individual;

595 (ii) will not prevent the impending death of [~~a person~~] an individual; or

596 (iii) will impose more burden on the [~~person~~] individual than any expected benefit to
597 the person.

598 (11) "Health care" means any care, treatment, service, or procedure to improve,
599 maintain, diagnose, or otherwise affect [~~a person's~~] an individual's physical or mental
600 condition.

601 (12) "Health care decision":

602 (a) means a decision about an adult's health care made by, or on behalf of, an adult, that
603 is communicated to a health care provider;

604 (b) includes:

605 (i) selection and discharge of a health care provider and a health care facility;

606 (ii) approval or disapproval of diagnostic tests, procedures, programs of medication,
607 and orders not to resuscitate; and

608 (iii) directions to provide, withhold, or withdraw artificial nutrition and hydration and
609 all other forms of health care; and

610 (c) does not include decisions about an adult's financial affairs or social interactions
611 other than as indirectly affected by the health care decision.

612 (13) "Health care decision making capacity" means an adult's ability to make an
613 informed decision about receiving or refusing health care, including:

614 (a) the ability to understand the nature, extent, or probable consequences of health
615 status and health care alternatives;

616 (b) the ability to make a rational evaluation of the burdens, risks, benefits, and
617 alternatives of accepting or rejecting health care; and

618 (c) the ability to communicate a decision.

619 (14) "Health care facility" means:

620 (a) a health care facility as defined in Title 26, Chapter 21, Health Care Facility
621 Licensing and Inspection Act; and

622 (b) private offices of physicians, dentists, and other health care providers licensed to
623 provide health care under Title 58, Occupations and Professions.

624 (15) "Health care provider" [~~is as~~] means the same as that term is defined in Section
625 [78B-3-403](#), except that [it] "health care provider" does not include an emergency medical
626 services provider.

627 (16) (a) "Life sustaining care" means any medical intervention, including procedures,
628 administration of medication, or use of a medical device, that maintains life by sustaining,
629 restoring, or supplanting a vital function.

630 (b) "Life sustaining care" does not include care provided for the purpose of keeping [a
631 ~~person~~] an individual comfortable.

632 (17) "Minor" means [~~a person~~] an individual who:

633 (a) is under 18 years old; and

634 (b) is not an emancipated minor.

635 (18) "Physician" means a physician and surgeon or osteopathic surgeon licensed under
636 Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical
637 Practice Act.

638 (19) "Physician assistant" means [~~a person~~] an individual licensed as a physician
639 assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

640 (20) "POLST order" means an order, on a form designated by the Department of Health
641 under Section [75-2a-106](#)[~~(5)(a)~~], that gives direction to health care providers, health care
642 facilities, and emergency medical services providers regarding the specific health care
643 decisions of the [~~person~~] individual to whom the order relates.

644 (21) "Reasonably available" means:

645 (a) readily able to be contacted without undue effort; and

646 (b) willing and able to act in a timely manner considering the urgency of the
647 circumstances.

648 (22) "Substituted judgment" means the standard to be applied by a surrogate when
649 making a health care decision for an adult who previously had the capacity to make health care
650 decisions, which requires the surrogate to consider:

651 (a) specific preferences expressed by the adult:

652 (i) when the adult had the capacity to make health care decisions; and

653 (ii) at the time the decision is being made;

654 (b) the surrogate's understanding of the adult's health care preferences;

655 (c) the surrogate's understanding of what the adult would have wanted under the
656 circumstances; and

657 (d) to the extent that the preferences described in Subsections (22)(a) through (c) are
658 unknown, the best interest of the adult.

659 (23) "Surrogate" means a health care decision maker who is:

660 (a) an appointed agent;

661 (b) a default surrogate under the provisions of Section [75-2a-108](#); or

662 (c) a guardian.