

Senate Study Bill 1097 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED BOARD OF NURSING
BILL)

A BILL FOR

1 An Act relating to persons and activities regulated by the
2 board of nursing.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 125.2, subsection 11, Code 2015, is
2 amended to read as follows:

3 11. *“Psychiatric advanced registered nurse practitioner”*
4 means an individual currently licensed as a registered nurse
5 under chapter 152 or 152E who holds a national certification
6 in psychiatric mental health care and who is ~~registered with~~
7 licensed by the board of nursing as an advanced registered
8 nurse practitioner.

9 Sec. 2. Section 135G.1, subsection 1, Code 2015, is amended
10 to read as follows:

11 1. *“Advanced registered nurse practitioner”* means a person
12 currently licensed as a registered nurse under chapter 152 or
13 152E who is ~~registered with~~ licensed by the board of nursing as
14 an advanced registered nurse practitioner.

15 Sec. 3. Section 147.107, subsection 8, Code 2015, is amended
16 to read as follows:

17 8. Notwithstanding subsection 1, but subject to the
18 limitations contained in subsections 2 and 3, a registered
19 nurse who is licensed ~~and registered~~ as an advanced registered
20 nurse practitioner ~~and who qualifies for and is registered~~
21 ~~in a recognized nursing specialty~~ may prescribe substances
22 or devices, including controlled substances or devices, if
23 the nurse is engaged in the practice of a nursing specialty
24 regulated under rules adopted by the board of nursing in
25 consultation with the board of medicine and the board of
26 pharmacy.

27 Sec. 4. Section 152.1, Code 2015, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 01. *“Advanced registered nurse practitioner”*
30 means a person who is currently licensed as a registered nurse
31 under chapter 152 or 152E who is licensed by the board of
32 nursing as an advanced registered nurse practitioner.

33 Sec. 5. Section 152.1, subsection 4, paragraph c, Code 2015,
34 is amended to read as follows:

35 *c.* Make the pronouncement of death for a patient whose death

1 is anticipated if the death occurs in a licensed hospital, a
2 licensed health care facility, a Medicare-certified home health
3 agency, a Medicare-certified hospice program or facility, or
4 an assisted living facility or residential care facility,
5 with notice of the death to a physician ~~and in accordance~~
6 ~~with any directions of a physician,~~ advanced registered nurse
7 practitioner, or physician assistant.

8 Sec. 6. Section 152.1, subsection 5, unnumbered paragraph
9 1, Code 2015, is amended to read as follows:

10 The "*practice of nursing*" means the practice of a registered
11 nurse, ~~or~~ a licensed practical nurse, or an advanced registered
12 nurse practitioner. It does not mean any of the following:

13 Sec. 7. Section 152.1, subsection 5, paragraph b, Code 2015,
14 is amended to read as follows:

15 b. The performance of nursing services by an unlicensed
16 student enrolled in a nursing education program if performance
17 is part of the course of study. Individuals who have been
18 licensed as registered nurses, ~~or~~ licensed practical or
19 vocational nurses, or advanced registered nurse practitioners
20 in any state or jurisdiction of the United States are not
21 subject to this exemption.

22 Sec. 8. Section 152.1, subsection 6, paragraph e, Code 2015,
23 is amended to read as follows:

24 e. Make the pronouncement of death for a patient whose death
25 is anticipated if the death occurs in a licensed hospital, a
26 licensed health care facility, a Medicare-certified home health
27 agency, a Medicare-certified hospice program or facility, an
28 assisted living facility, or a residential care facility,
29 with notice of the death to a physician ~~and in accordance~~
30 ~~with any directions of a physician,~~ advanced registered nurse
31 practitioner, or physician assistant.

32 Sec. 9. Section 152.4, Code 2015, is amended to read as
33 follows:

34 **152.4 Appropriations.**

35 The board may apply appropriated funds to:

1 1. The administration and enforcement of the provisions of
2 this chapter and ~~of chapter~~ chapters 147, 152E, and 272C.

3 2. The elevation of the standards of the schools of nursing.

4 3. The promotion of educational and professional standards
5 of nurses in this state.

6 4. The collection, analysis, and dissemination of nursing
7 workforce data.

8 Sec. 10. Section 152.5, Code 2015, is amended to read as
9 follows:

10 **152.5 Education programs — ~~record checks.~~**

11 1. All programs preparing a person to be a registered nurse
12 or a licensed practical nurse shall be approved by the board.
13 The board shall not recognize a program unless it:

14 a. Is of recognized standing.

15 b. Has provisions for adequate physical and clinical
16 facilities and other resources with which to conduct a sound
17 education program.

18 c. Requires, for graduation of a registered nurse applicant,
19 the completion of at least a two academic year course of study.

20 d. Requires, for graduation of a licensed practical nurse
21 applicant, the completion of at least a one academic year
22 course of study as prescribed by the board.

23 2. All advanced postlicense formal academic nursing
24 education programs shall also be approved by the board.

25 ~~3. a. For the purposes of this subsection:~~

26 ~~(1) "Nursing program" means a nursing program that is~~
27 ~~approved by the board pursuant to subsection 1 or 2.~~

28 ~~(2) "Student" means a person applying for, enrolled in,~~
29 ~~or returning to the clinical education component of a nursing~~
30 ~~program.~~

31 ~~b. A nursing program may access the single contact~~
32 ~~repository established pursuant to section 135C.33 as necessary~~
33 ~~for the nursing program to initiate record checks of students.~~

34 ~~c. A nursing program shall request that the department~~
35 ~~of public safety perform a criminal history check and the~~

~~1 department of human services perform child and dependent adult
2 abuse record checks in this state on the nursing program's
3 students.~~

~~4 d. If a student has a criminal record or a record of founded
5 child or dependent adult abuse, upon request of the nursing
6 program, the department of human services shall perform an
7 evaluation to determine whether the record warrants prohibition
8 of the person's involvement in a clinical education component
9 of a nursing program involving children or dependent adults.
10 The department of human services shall utilize the criteria
11 provided in section 135C.33 in performing the evaluation and
12 shall report the results of the evaluation to the nursing
13 program. The department of human services has final authority
14 in determining whether prohibition of the person's involvement
15 in a clinical education component is warranted.~~

16 Sec. 11. NEW SECTION. 152.5A Student record checks.

17 1. For the purposes of this section:

18 a. "Nursing program" means a nursing program that is
19 approved by the board pursuant to section 152.5.

20 b. "Student" means a person applying for, enrolled in, or
21 returning to the clinical education component of a nursing
22 program.

23 2. A nursing program may access the single contact
24 repository established pursuant to section 135C.33 as necessary
25 for the nursing program to initiate record checks of students.

26 3. A nursing program shall request that the department
27 of public safety perform a criminal history check and the
28 department of human services perform child and dependent adult
29 abuse record checks in this state on the nursing program's
30 students.

31 4. If a student has a criminal record or a record of founded
32 child or dependent adult abuse, upon request of the nursing
33 program, the department of human services shall perform an
34 evaluation to determine whether the record warrants prohibition
35 of the person's involvement in a clinical education component

1 of a nursing program involving children or dependent adults.
2 The department of human services shall utilize the criteria
3 provided in section 135C.33 in performing the evaluation and
4 shall report the results of the evaluation to the nursing
5 program. The department of human services has final authority
6 in determining whether prohibition of the person's involvement
7 in a clinical education component is warranted.

8 Sec. 12. Section 152.6, Code 2015, is amended to read as
9 follows:

10 **152.6 Licenses — professional abbreviations.**

11 The board may license a natural person to practice as a
12 registered nurse, ~~or~~ as a licensed practical nurse, or as an
13 advanced registered nurse practitioner. However, only a person
14 currently licensed as a registered nurse in this state may use
15 that title and the letters "R.N." after the person's name; only
16 a person currently licensed as a licensed practical nurse in
17 this state may use that title and the letters "L.P.N." after
18 the person's name; and only a person currently licensed as an
19 advanced registered nurse practitioner may use that title and
20 the letters "A.R.N.P." after the person's name. For purposes
21 of this section, "*currently licensed*" includes persons licensed
22 in another state and recognized for licensure in this state
23 pursuant to the nurse licensure compact contained in section
24 152E.1 or pursuant to the advanced practice registered nurse
25 compact contained in section 152E.3.

26 Sec. 13. Section 152.7, Code 2015, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 1A. An applicant to be licensed as an
29 advanced registered nurse practitioner shall have the following
30 qualifications:

31 a. Hold a current license as a registered nurse.

32 b. Satisfactory completion of a formal advanced practice
33 educational program of study in a nursing specialty area
34 approved by the board.

35 c. Hold an advanced level certification by a recognized

1 national certifying body.

2 Sec. 14. Section 152.10, subsection 2, paragraph h,
3 subparagraph (2), Code 2015, is amended to read as follows:

4 (2) The board may, upon probable cause, request a
5 licensee to submit to an appropriate medical examination by
6 a designated ~~physician~~ health care provider. If requested
7 by the licensee, the licensee may also designate a ~~physician~~
8 health care provider for an independent medical examination.
9 ~~The reasonable costs of such examinations and medical reports~~
10 ~~to the board shall be paid by the board.~~ Refusal or failure
11 of a licensee to complete such examinations shall constitute
12 an admission of any allegations relating to such condition.
13 All objections shall be waived as to the admissibility of
14 the examining ~~physicians'~~ health care provider's testimony
15 or examination reports on the grounds that they constitute
16 privileged communication. The medical testimony or examination
17 reports shall not be used against a registered nurse, ~~or~~
18 licensed practical nurse, or advanced registered nurse
19 practitioner in another proceeding and shall be confidential.
20 At reasonable intervals, a registered nurse, ~~or~~ licensed
21 practical nurse, or advanced registered nurse practitioner
22 shall be afforded an opportunity to demonstrate that the
23 registered nurse, or licensed practical nurse, or advanced
24 registered nurse practitioner can resume the competent practice
25 of nursing with reasonable skill and safety to patients.

26 Sec. 15. Section 225C.6, subsection 4, paragraph c,
27 subparagraph (1), Code 2015, is amended to read as follows:

28 (1) A comprehensive set of wraparound services for persons
29 who have had or are at imminent risk of having acute or
30 crisis mental health symptoms that do not permit the persons
31 to remain in or threatens removal of the persons from their
32 home and community, but who have been determined by a mental
33 health professional and a licensed health care professional,
34 subject to the professional's scope of practice, not to need
35 inpatient acute hospital services. For the purposes of this

1 subparagraph, "*mental health professional*" means the same as
2 defined in section 228.1 and "*licensed health care professional*"
3 means a person licensed under chapter 148 to practice medicine
4 and surgery or osteopathic medicine and surgery, an advanced
5 registered nurse practitioner licensed under chapter 152 or
6 152E ~~and registered with the board of nursing~~, or a physician
7 assistant licensed to practice under the supervision of a
8 physician as authorized in chapters 147 and 148C.

9 Sec. 16. Section 228.1, subsection 6, paragraph b, Code
10 2015, is amended to read as follows:

11 b. The individual holds a current Iowa license if
12 practicing in a field covered by an Iowa licensure law and is
13 a psychiatrist, an advanced registered nurse practitioner who
14 holds a national certification in psychiatric mental health
15 care ~~registered~~ licensed by the board of nursing, a physician
16 assistant practicing under the supervision of a psychiatrist,
17 or an individual who holds a doctorate degree in psychology and
18 is licensed by the board of psychology.

19 Sec. 17. Section 229.1, subsection 13, Code 2015, is amended
20 to read as follows:

21 13. "*Psychiatric advanced registered nurse practitioner*"
22 means an individual currently licensed as a registered nurse
23 under chapter 152 or 152E who holds a national certification
24 in psychiatric mental health care and who is ~~registered with~~
25 licensed by the board of nursing as an advanced registered
26 nurse practitioner.

27 Sec. 18. Section 231B.21, subsection 2, paragraph a, Code
28 2015, is amended to read as follows:

29 a. If administration of medications is delegated to
30 the elder group home by the tenant or tenant's legal
31 representative, the medications shall be administered by
32 a registered nurse, licensed practical nurse, ~~or~~ advanced
33 registered nurse practitioner licensed ~~or registered~~
34 in Iowa, or by the individual to whom such licensed or
35 registered individuals may properly delegate administration of

1 medications.

2 Sec. 19. Section 231C.16A, subsection 2, paragraph a, Code
3 2015, is amended to read as follows:

4 a. If administration of medications is delegated to the
5 program by the tenant or tenant's legal representative, the
6 medications shall be administered by a registered nurse,
7 licensed practical nurse, ~~or~~ advanced registered nurse
8 practitioner licensed ~~or registered~~ in Iowa, or by the
9 individual to whom such licensed or registered individuals may
10 properly delegate administration of medications.

11 Sec. 20. Section 231D.13A, subsection 2, paragraph a, Code
12 2015, is amended to read as follows:

13 a. If administration of medications is delegated to
14 the program by the participant or the participant's legal
15 representative, the medications shall be administered by
16 a registered nurse, licensed practical nurse, ~~or~~ advanced
17 registered nurse practitioner licensed ~~or registered~~
18 in Iowa, or by the individual to whom such licensed or
19 registered individuals may properly delegate administration of
20 medications.

21 Sec. 21. Section 235A.15, subsection 2, paragraph c,
22 subparagraph (14), Code 2015, is amended to read as follows:

23 (14) To a nursing program that is approved by the state
24 board of nursing under section 152.5, if the data relates to a
25 record check performed pursuant to section ~~152.5~~ 152.5A.

26 Sec. 22. Section 235B.6, subsection 2, paragraph e,
27 subparagraph (12), Code 2015, is amended to read as follows:

28 (12) A nursing program that is approved by the state board
29 of nursing under section 152.5, if the information relates to a
30 record check performed pursuant to section ~~152.5~~ 152.5A.

31 Sec. 23. Section 321.186, subsection 4, Code 2015, is
32 amended to read as follows:

33 4. A physician licensed under chapter 148, an advanced
34 registered nurse practitioner licensed under chapter 152 ~~and~~
35 ~~registered with the board of nursing~~, a physician assistant

1 licensed under chapter 148C, or an optometrist licensed under
2 chapter 154 may report to the department the identity of a
3 person who has been diagnosed as having a physical or mental
4 condition which would render the person physically or mentally
5 incompetent to operate a motor vehicle in a safe manner. The
6 physician, advanced registered nurse practitioner, physician
7 assistant, or optometrist shall make reasonable efforts
8 to notify the person who is the subject of the report, in
9 writing. The written notification shall state the nature of
10 the disclosure and the reason for the disclosure. A physician,
11 advanced registered nurse practitioner, physician assistant, or
12 optometrist making a report under this section shall be immune
13 from any liability, civil or criminal, which might otherwise
14 be incurred or imposed as a result of the report. A physician,
15 advanced registered nurse practitioner, physician assistant,
16 or optometrist has no duty to make a report or to warn third
17 parties with regard to any knowledge concerning a person's
18 mental or physical competency to operate a motor vehicle in
19 a safe manner. Any report received by the department from a
20 physician, advanced registered nurse practitioner, physician
21 assistant, or optometrist under this section shall be kept
22 confidential. Information regulated by chapter 141A shall be
23 subject to the confidentiality provisions and remedies of that
24 chapter.

25 Sec. 24. Section 514F.6, subsection 2, paragraph a, Code
26 2015, is amended to read as follows:

27 a. *“Advanced registered nurse practitioner”* means a licensed
28 ~~nurse who is also registered to practice in an advanced role~~
29 person currently licensed as a registered nurse under chapter
30 152 or 152E who is licensed by the board of nursing as an
31 advanced registered nurse practitioner.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to persons and activities regulated by the

1 board of nursing.

2 The bill revises several references to advanced registered
3 nurse practitioners throughout the Code. Currently, the Code
4 refers to advanced registered nurse practitioners as people
5 "registered" as such with the state board of nursing. The
6 bill replaces the term "registered" with "licensed" in such
7 references.

8 The bill defines "advanced registered nurse practitioner" as
9 a person currently licensed as a registered nurse under Code
10 chapter 152 or 152E who is licensed by the board of nursing as
11 an advanced registered nurse practitioner.

12 The bill includes the role of an advanced registered nurse
13 practitioner in the term "practice of nursing" along with the
14 roles of registered nurses and licensed practical nurses.
15 Individuals who have been licensed as advanced registered nurse
16 practitioners in any state are not covered by an exemption to
17 the "practice of nursing" that applies to unlicensed nursing
18 students.

19 The bill allows licensed practical nurses and registered
20 nurses to make pronouncements of death by reporting such
21 information to advanced registered nurse practitioners or
22 physician assistants.

23 The bill allows the state board of nursing to apply
24 appropriated funds to the administration of Code chapter
25 152E, nurse and advanced practice registered nurse licensure
26 compacts, and Code chapter 272C, regulation of licensed
27 professions and occupations. The bill also allows the state
28 board of nursing to apply appropriated funds to the collection,
29 analysis, and dissemination of nursing workforce data.

30 The bill requires that an applicant to be an advanced
31 registered nurse practitioner must hold a current license as
32 a registered nurse, have satisfactorily completed a formal
33 advanced practice educational program of study in a nursing
34 specialty area approved by the board, and hold an advanced
35 level certification by a recognized national certifying body.

1 Currently, if someone licensed by the state board of
2 nursing is unable to practice nursing with reasonable skill
3 and safety due to illness, substance abuse, or a mental or
4 physical condition, the board may request the person to submit
5 to a medical examination at the board's expense. The bill
6 eliminates the requirement that the board pay for such an exam.
7 Code section 152.10 currently allows the board of nursing to
8 require a licensee to submit to a medical examination performed
9 by a physician prior to revoking or suspending the licensee's
10 license. The bill replaces the term "physician" with "health
11 care provider". The bill adds advanced registered nurse
12 practitioners to a limitation on these examination reports that
13 currently applies to registered nurses and licensed practical
14 nurses. The bill also allows advanced registered nurse
15 practitioners to demonstrate their ability to resume practicing
16 their profession, a practice currently allowed for registered
17 nurses and licensed practical nurses.