

[Ariz. Rev. Stat. §§ 32-1601 through 32-1611.]

§§ 32-1601 through 32-1611: Nursing – Board of Nursing

§ 32-1601. Definitions.

In this chapter, unless the context otherwise requires:

1. "Absolute discharge from the sentence" means completion of any sentence, including imprisonment, probation, parole, community supervision or any form of court supervision.
2. "Appropriate health care professional" means a licensed health care professional whose scope of practice, education, experience, training and accreditation are appropriate for the situation or condition of the patient who is the subject of a consultation or referral.
3. "Approval" means that a regulated training or educational program to prepare persons for licensure, certification or registration has met standards established by the board.
4. "Board" means the Arizona state board of nursing.
5. "Certified nurse midwife" means a registered nurse who:
 - (a) Is certified by the board.
 - (b) Has completed a nurse midwife education program approved or recognized by the board and educational requirements prescribed by the board by rule.
 - (c) Holds a national certification as a certified nurse midwife from a national certifying body recognized by the board.
 - (d) Has an expanded scope of practice in the provision of health care services for women from adolescence to beyond menopause, including antepartum, intrapartum, postpartum, reproductive, gynecologic and primary care, for normal newborns during the first twenty-eight days of life and for men for the treatment of sexually transmitted diseases. The expanded scope of practice under this subdivision includes:
 - (i) Assessing patients, synthesizing and analyzing data and understanding and applying principles of health care at an advanced level.
 - (ii) Managing the physical and psychosocial health care of patients.
 - (iii) Analyzing multiple sources of data, identifying alternative possibilities as to the nature of a health care problem and selecting, implementing and evaluating appropriate treatment.

(iv) Making independent decisions in solving complex patient care problems.

(v) Diagnosing, performing diagnostic and therapeutic procedures and prescribing, administering and dispensing therapeutic measures, including legend drugs, medical devices and controlled substances, within the scope of the certified nurse midwife practice after meeting requirements established by the board.

(vi) Recognizing the limits of the nurse's knowledge and experience by consulting with or referring patients to other appropriate health care professionals if a situation or condition occurs that is beyond the knowledge and experience of the nurse or if the referral will protect the health and welfare of the patient.

(vii) Delegating to a medical assistant pursuant to section 32-1456.

(viii) Performing additional acts that require education and training as prescribed by the board and that are recognized by the nursing profession as proper to be performed by a certified nurse midwife.

6. "Certified nursing assistant" means a person who is registered on the registry of nursing assistants pursuant to this chapter to provide or assist in the delivery of nursing or nursing-related services under the supervision and direction of a licensed nursing staff member. Certified nursing assistant does not include a person who:

(a) Is a licensed health care professional.

(b) Volunteers to provide nursing assistant services without monetary compensation.

(c) Is a licensed nursing assistant.

7. "Certified registered nurse" means a registered nurse who has been certified by a national nursing credentialing agency recognized by the board.

8. "Certified registered nurse anesthetist" means a registered nurse who meets the requirements of section 32-1634.03 and who practices pursuant to the requirements of section 32-1634.04.

9. "Clinical nurse specialist" means a registered nurse who:

(a) Is certified by the board as a clinical nurse specialist.

(b) Holds a graduate degree with a major in nursing and completes educational requirements as prescribed by the board by rule.

(c) Is nationally certified as a clinical nurse specialist or, if certification is not available, provides proof of competence to the board.

(d) Has an expanded scope of practice based on advanced education in a clinical nursing specialty that includes:

(i) Assessing clients, synthesizing and analyzing data and understanding and applying nursing principles at an advanced level.

(ii) Managing directly and indirectly a client's physical and psychosocial health status.

(iii) Analyzing multiple sources of data, identifying alternative possibilities as to the nature of a health care problem and selecting appropriate nursing interventions.

(iv) Developing, planning and guiding programs of care for populations of patients.

(v) Making independent nursing decisions to solve complex client care problems.

(vi) Using research skills and acquiring and applying critical new knowledge and technologies to nursing practice.

(vii) Prescribing and dispensing durable medical equipment.

(viii) Consulting with or referring a client to other health care providers based on assessment of the client's health status and needs.

(ix) Facilitating collaboration with other disciplines to attain the desired client outcome across the continuum of care.

(x) Performing additional acts that require education and training as prescribed by the board and that are recognized by the nursing profession as proper to be performed by a clinical nurse specialist.

(xi) Prescribing, ordering and dispensing pharmacological agents subject to the requirements and limits specified in section 32-1651.

10. "Conditional license" or "conditional approval" means a license or approval that specifies the conditions under which the regulated party is allowed to practice or to operate and that is prescribed by the board pursuant to section 32-1644 or 32-1663.

11. "Delegation" means transferring to a competent individual the authority to perform a selected nursing task in a designated situation in which the nurse making the delegation retains accountability for the delegation.

12. "Disciplinary action" means a regulatory sanction of a license, certificate or approval pursuant to this chapter in any combination of the following:

(a) A civil penalty for each violation of this chapter, not to exceed \$1,000 for each violation.

(b) Restitution made to an aggrieved party.

- (c) A decree of censure.
 - (d) A conditional license or a conditional approval that fixed a period and terms of probation.
 - (e) Limited licensure.
 - (f) Suspension of a license, a certificate or an approval.
 - (g) Voluntary surrender of a license, a certificate or an approval.
 - (h) Revocation of a license, a certificate or an approval.
13. "Health care institution" has the same meaning prescribed in section 36-401.
14. "Licensed nursing assistant" means a person who is licensed pursuant to this chapter to provide or assist in the delivery of nursing or nursing-related services under the supervision and direction of a licensed nursing staff member. Licensed nursing assistant does not include a person who:
- (a) Is a licensed health care professional.
 - (b) Volunteers to provide nursing assistant services without monetary compensation.
 - (c) Is a certified nursing assistant.
15. "Licensee" means a person who is licensed pursuant to this chapter or in a party state as defined in section 32-1668.
16. "Limited license" means a license that restricts the scope or setting of a licensee's practice.
17. "Medication order" means a written or verbal communication given by a certified registered nurse anesthetist to a health care professional to administer a drug or medication, including controlled substances.
18. "Practical nurse" means a person who holds a practical nurse license issued pursuant to this chapter or pursuant to a multistate compact privilege and who practices practical nursing as defined in this section.
19. "Practical nursing" includes the following activities that are performed under the supervision of a physician or a registered nurse:
- (a) Contributing to the assessment of the health status of individuals and groups.
 - (b) Participating in the development and modification of the strategy of care.
 - (c) Implementing aspects of the strategy of care within the nurse's scope of practice.

- (d) Maintaining safe and effective nursing care that is rendered directly or indirectly.
 - (e) Participating in the evaluation of responses to interventions.
 - (f) Delegating nursing activities within the scope of practice of a practical nurse.
 - (g) Performing additional acts that require education and training as prescribed by the board and that are recognized by the nursing profession as proper to be performed by a practical nurse.
20. "Presence" means within the same health care institution or office as specified in section 32-1634.04, subsection A, and available as necessary.
21. "Registered nurse" or "professional nurse" means a person who practices registered nursing and who holds a registered nurse license issued pursuant to this chapter or pursuant to a multistate compact privilege.
22. "Registered nurse practitioner" means a registered nurse who:
- (a) Is certified by the board.
 - (b) Has completed a nurse practitioner education program approved or recognized by the board and educational requirements prescribed by the board by rule.
 - (c) If applying for certification after July 1, 2004, holds national certification as a nurse practitioner from a national certifying body recognized by the board.
 - (d) Has an expanded scope of practice within a specialty area that includes:
 - (i) Assessing clients, synthesizing and analyzing data and understanding and applying principles of health care at an advanced level.
 - (ii) Managing the physical and psychosocial health status of patients.
 - (iii) Analyzing multiple sources of data, identifying alternative possibilities as to the nature of a health care problem and selecting, implementing and evaluating appropriate treatment.
 - (iv) Making independent decisions in solving complex patient care problems.
 - (v) Diagnosing, performing diagnostic and therapeutic procedures, and prescribing, administering and dispensing therapeutic measures, including legend drugs, medical devices and controlled substances within the scope of registered nurse practitioner practice on meeting the requirements established by the board.
 - (vi) Recognizing the limits of the nurse's knowledge and experience by consulting with or referring patients to other appropriate health care professionals if a situation or condition occurs that is beyond the knowledge and experience of the nurse or if the referral will protect the health and welfare of the patient.

(vii) Delegating to a medical assistant pursuant to section 32-1456.

(viii) Performing additional acts that require education and training as prescribed by the board and that are recognized by the nursing profession as proper to be performed by a nurse practitioner.

23. "Registered nursing" includes the following:

(a) Diagnosing and treating human responses to actual or potential health problems.

(b) Assisting individuals and groups to maintain or attain optimal health by implementing a strategy of care to accomplish defined goals and evaluating responses to care and treatment.

(c) Assessing the health status of individuals and groups.

(d) Establishing a nursing diagnosis.

(e) Establishing goals to meet identified health care needs.

(f) Prescribing nursing interventions to implement a strategy of care.

(g) Delegating nursing interventions to others who are qualified to do so.

(h) Providing for the maintenance of safe and effective nursing care that is rendered directly or indirectly.

(i) Evaluating responses to interventions.

(j) Teaching nursing knowledge and skills.

(k) Managing and supervising the practice of nursing.

(l) Consulting and coordinating with other health care professionals in the management of health care.

(m) Performing additional acts that require education and training as prescribed by the board and that are recognized by the nursing profession as proper to be performed by a registered nurse.

24. "Registry of nursing assistants" means the nursing assistants registry maintained by the board pursuant to the omnibus budget reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330), as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360; 102 Stat. 683).

25. "Regulated party" means any person or entity that is licensed, certified, registered, recognized or approved pursuant to this chapter.

26. "Unprofessional conduct" includes the following, whether occurring in this state or elsewhere:

- (a) Committing fraud or deceit in obtaining, attempting to obtain or renewing a license or a certificate issued pursuant to this chapter.
- (b) Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.
- (c) Aiding or abetting in a criminal abortion or attempting, agreeing or offering to procure or assist in a criminal abortion.
- (d) Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public.
- (e) Being mentally incompetent or physically unsafe to a degree that is or might be harmful or dangerous to the health of a patient or the public.
- (f) Having a license, certificate, permit or registration to practice a health care profession denied, suspended, conditioned, limited or revoked in another jurisdiction and not reinstated by that jurisdiction.
- (g) Wilfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter.
- (h) Committing an act that deceives, defrauds or harms the public.
- (i) Failing to comply with a stipulated agreement, consent agreement or board order.
- (j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter.
- (k) Failing to report to the board any evidence that a registered or practical nurse or a nursing assistant is or may be:
 - (i) Incompetent to practice.
 - (ii) Guilty of unprofessional conduct.
 - (iii) Mentally or physically unable to safely practice nursing or to perform nursing-related duties. A nurse who is providing therapeutic counseling for a nurse who is in a drug rehabilitation program is required to report that nurse only if the nurse providing therapeutic counseling has personal knowledge that patient safety is being jeopardized.
- (l) Failing to self-report a conviction for a felony or undesignated offense within ten days after the conviction.
- (m) Cheating or assisting another to cheat on a licensure or certification examination.

§ 32-1602. Board of nursing; member terms; immunity.

A. The Arizona state board of nursing is established consisting of eleven members who are appointed by the governor. Six members shall be registered nurses, including at least one registered nurse practitioner, clinical nurse specialist or certified registered nurse anesthetist. One member shall be a nursing assistant or a nursing assistant educator. Two members shall represent the public and two members shall be licensed practical nurses. Members shall be appointed for a term of five years, to begin and end on June 30.

B. Before appointment by the governor, a prospective member of the board shall submit a full set of fingerprints to the governor for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.

C. On or before May 1 each year and at any other time a vacancy on the board occurs, the governor shall make an appointment or appointments to the board. Appointment to fill a vacancy other than by expiration shall be for the unexpired term. A person shall not serve more than two consecutive terms as a member of the board.

D. The governor may remove any person from the board for neglect of any duty imposed by law or for incompetency or unprofessional or dishonorable conduct.

E. A board member's term automatically ends:

1. On the death of the member.
2. On the member's written resignation submitted to the board president or to the governor.
3. On the member's failure to attend three consecutive board meetings.

F. A board member who acts within the scope of board duties, without malice and in the reasonable belief that the member's action is warranted by law is not subject to civil liability.

§ 32-1603. Qualifications of board members.

A. Each registered nurse member of the board shall:

1. Be a resident of the state.
2. Be a graduate of an approved registered nursing program.
3. Be licensed as a registered nurse in this state.
4. Have had at least five years' experience in nursing following graduation, including executive, supervisory or teaching experience in nursing education or nursing service.

5. Have been actively engaged in the practice of nursing or nursing activities for at least three years preceding the appointment.

B. Each licensed practical nurse member of the board shall:

1. Be a resident of this state.
2. Be a graduate of an approved practical nursing program.
3. Be licensed as a licensed practical nurse in this state.
4. Have had at least five years' experience in practical nursing following graduation.
5. Have been actively engaged in the practice of nursing for at least three years preceding the appointment.

C. Each public member of the board shall be a person who:

1. Is not licensed pursuant to chapter 7, 8, 11, 13, 14, 15.1, 16, 17, 18, 19, 19.1, 21, 25 or 29 of this title or this chapter as an individual health care provider.
2. Is not an employee of any health care institution licensed pursuant to title 36, chapter 4 or any authorized insurer providing disability insurance coverage in this state.
3. Does not have a financial interest as a provider in the delivery of health care services.

D. Each licensed nursing assistant or certified nursing assistant member of the board shall either:

1. Be a licensed nursing assistant or a certified nursing assistant pursuant to this chapter and currently practice or have practiced within three years before initial appointment to the board.
2. Within one year before appointment to the board, have been employed as an instructor or coordinator in an approved licensed nursing assistant or certified nursing assistant training program.

E. For at least three years preceding appointment to the board, each registered nurse practitioner or clinical nurse specialist member shall be certified pursuant to this chapter and actively practicing as a registered nurse practitioner, actively engaged in a clinical nurse specialist practice or teaching.

F. Each member of the board shall take and subscribe to the oath prescribed by law for state officers, which shall be filed with the secretary of state.

§ 32-1604. Compensation.

Members of the board are eligible to receive compensation not to exceed two hundred dollars per day for each day spent in the discharge of their duties and all expenses necessarily and properly incurred in attending meetings.

§ 32-1605. Organization; meetings.

A. The board shall annually elect from its membership a president, vice-president and secretary who assume office the following January and serve a term of one year. Officers may be elected for and serve more than one term. The board shall also appoint and employ an executive director, who is not a member of the board, and other employees necessary to carry on the work of the board.

B. The board shall hold meetings it deems necessary to transact its business. A majority of the board, including one officer, constitutes a quorum.

§ 32-1605.01. Executive director; compensation; powers; duties.

A. Subject to title 41, chapter 4, article 4, the board shall appoint an executive director who is not a member of the board. The executive director is eligible to receive compensation set by the board within the range determined under section 38-611.

B. The executive director or the executive director's designee shall:

1. Perform the administrative duties of the board.
2. Subject to title 41, chapter 4, article 4, employ personnel needed to carry out the functions of the board.
3. Issue and renew temporary and permanent licenses, certificates and prescribing or dispensing authority.
4. Issue single state and multistate licenses pursuant to this chapter to applicants who are not under investigation and who meet the qualifications for licensure prescribed in this chapter.
5. Perform other duties as directed by the board.
6. Register certified nursing assistants and maintain a registry of licensed nursing assistants and certified nursing assistants.
7. On behalf of the board, enter into stipulated agreements with a licensee for the confidential treatment, rehabilitation and monitoring of chemical dependency. A licensee who materially fails to comply with a program requirement shall be reported to the board and terminated from the confidential program. Any records of a licensee who is terminated from a confidential program are no longer confidential or exempt from the public records law. Notwithstanding any law to the contrary, stipulated agreements are not public records if the following conditions are met:

- (a) The licensee voluntarily agrees to participate in the confidential program.
- (b) The licensee complies with all treatment requirements or recommendations, including participation in alcoholics anonymous or an equivalent twelve step program and nurse support group.
- (c) The licensee refrains from the practice of nursing until the return to nursing has been approved by the treatment program and the executive director or the executive director's designee.
- (d) The licensee complies with all monitoring requirements of the stipulated agreement, including random bodily fluid testing.
- (e) The licensee's nursing employer is notified of the licensee's chemical dependency and participation in the confidential program and is provided a copy of the stipulated agreement.

8. Approve nursing assistant training programs that meet the requirements of this chapter.

C. If the board adopts a substantive policy statement pursuant to section 41-1091 and the executive director or designee reports all actions taken pursuant to this subsection to the board at the next regular board meeting, the executive director or designee may:

- 1. Dismiss a complaint pursuant to section 32-1664 if the complainant does not wish to address the board and either there is no evidence substantiating the complaint or, after conducting an investigation, there is insufficient evidence that the regulated party violated this chapter or a rule adopted pursuant to this chapter.
- 2. Enter into a stipulated agreement with the licensee or certificate holder for the treatment, rehabilitation and monitoring of the licensee's or certificate holder's abuse or misuse of a chemical substance.
- 3. Close complaints resolved through settlement.
- 4. Issue letters of concern.
- 5. In lieu of a summary suspension hearing, enter into a consent agreement if there is sufficient evidence that the public health, safety or welfare imperatively requires emergency action.

D. The executive director may accept the voluntary surrender of a license, certificate or approval to resolve a pending complaint that is subject to disciplinary action. The voluntary surrender or revocation of a license, certificate or approval is a disciplinary action, and the board shall report this action if required by federal law.

§ 32-1606. Powers and duties of board.

A. The board may:

- 1. Adopt and revise rules necessary to carry into effect this chapter.

2. Publish advisory opinions regarding registered and practical nursing practice and nursing education.
 3. Issue limited licenses or certificates if it determines that an applicant or licensee cannot function safely in a specific setting or within the full scope of practice.
 4. Refer criminal violations of this chapter to the appropriate law enforcement agency.
 5. Establish a confidential program for monitoring licensees who are chemically dependent and who enroll in rehabilitation programs that meet the criteria established by the board. The board may take further action if the licensee refuses to enter into a stipulated agreement or fails to comply with its terms. In order to protect the public health and safety, the confidentiality requirements of this paragraph do not apply if the licensee does not comply with the stipulated agreement.
 6. On the applicant's or regulated party's request, establish a payment schedule with the applicant or regulated party.
 7. Provide education regarding board functions.
 8. Collect or assist in collecting workforce data.
 9. Adopt rules to conduct pilot programs consistent with public safety for innovative applications in nursing practice, education and regulation.
 10. Grant retirement status on request to retired nurses who are or were licensed under this chapter, who have no open complaint or investigation pending against them and who are not subject to discipline.
 11. Accept and spend federal monies and private grants, gifts, contributions and devises to assist in carrying out the purposes of this chapter. These monies do not revert to the state general fund at the end of the fiscal year.
- B. The board shall:
1. Approve regulated training and educational programs that meet the requirements of this chapter and rules adopted by the board.
 2. By rule, establish approval and reapproval processes for nursing and nursing assistant training programs that meet the requirements of this chapter and board rules.
 3. Prepare and maintain a list of approved nursing programs to prepare registered and practical nurses whose graduates are eligible for licensing under this chapter as registered nurses or as practical nurses if they satisfy the other requirements of this chapter and board rules.
 4. Examine qualified registered and practical nurse applicants.

5. License and renew the licenses of qualified registered and practical nurse applicants and licensed nursing assistants who are not qualified to be licensed by the executive director.
6. Adopt a seal, which the executive director shall keep.
7. Keep a record of all proceedings.
8. For proper cause, deny or rescind approval of a regulated training or educational program for failure to comply with this chapter or the rules of the board.
9. Adopt rules to approve credential evaluation services that evaluate the qualifications of applicants who graduated from an international nursing program.
10. Determine and administer appropriate disciplinary action against all regulated parties who are found guilty of violating this chapter or rules adopted by the board.
11. Perform functions necessary to carry out the requirements of nursing assistant and nurse aide training and competency evaluation program as set forth in the omnibus budget reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330), as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360; 102 Stat. 683). These functions shall include:
 - (a) Testing and registering certified nursing assistants.
 - (b) Testing and licensing licensed nursing assistants.
 - (c) Maintaining a list of board-approved training programs.
 - (d) Maintaining a registry of nursing assistants for all certified nursing assistants and licensed nursing assistants.
 - (e) Assessing fees.
12. Adopt rules establishing those acts that may be performed by a registered nurse practitioner or certified nurse midwife, except that the board does not have authority to decide scope of practice relating to abortion as defined in section 36-2151.
13. Adopt rules that prohibit registered nurse practitioners, clinical nurse specialists or certified nurse midwives from dispensing a schedule II controlled substance that is an opioid, except for an implantable device or an opioid that is for medication-assisted treatment for substance use disorders.
14. Adopt rules establishing educational requirements to certify school nurses.
15. Publish copies of board rules and distribute these copies on request.

16. Require each applicant for initial licensure or certification to submit a full set of fingerprints to the board for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.
 17. Except for a licensee who has been convicted of a felony that has been designated a misdemeanor pursuant to section 13-604, revoke a license of a person, revoke the multistate licensure privilege of a person pursuant to section 32-1669 or not issue a license or renewal to an applicant who has one or more felony convictions and who has not received an absolute discharge from the sentences for all felony convictions three or more years before the date of filing an application pursuant to this chapter.
 18. Establish standards to approve and reapprove nurse practitioner and clinical nurse specialist programs and provide for surveys of nurse practitioner and clinical nurse specialist programs as it deems necessary.
 19. Provide the licensing authorities of health care institutions, facilities and homes with any information the board receives regarding practices that place a patient's health at risk.
 20. Limit the multistate licensure privilege of any person who holds or applies for a license in this state pursuant to section 32-1668.
 21. Adopt rules to establish competency standards for obtaining and maintaining a license.
 22. Adopt rules to qualify and certify clinical nurse specialists.
 23. Adopt rules to approve and reapprove refresher courses for nurses who are not currently practicing.
 24. Maintain a list of approved medication assistant training programs.
 25. Test and certify medication assistants.
 26. Maintain a registry and disciplinary record of medication assistants who are certified pursuant to this chapter.
 27. Adopt rules to establish the requirements for a clinical nurse specialist to prescribe and dispense drugs and devices consistent with section 32-1651 and within the clinical nurse specialist's population or disease focus.
- C. The board may conduct an investigation on receipt of information that indicates that a person or regulated party may have violated this chapter or a rule adopted pursuant to this chapter. Following the investigation, the board may take disciplinary action pursuant to this chapter.
- D. The board may limit, revoke or suspend the privilege of a nurse to practice in this state granted pursuant to section 32-1668.

E. Failure to comply with any final order of the board, including an order of censure or probation, is cause for suspension or revocation of a license or a certificate.

F. The president or a member of the board designated by the president may administer oaths in transacting the business of the board.

§ 32-1608. Examinations; notice.

The board shall contract with a private entity to conduct licensure and nursing assistant registration examinations. The board shall require as part of this contract that the entity provide notice of the examination procedure to applicants.

§ 32-1609. Register of licenses and registrations; change of address.

A. The executive director shall keep a register of licenses and registrations for each person who holds an Arizona nursing license or who is a licensed nursing assistant or a certified nursing assistant that includes the following:

1. Each person's current address.
2. Licenses, certificates and registrations granted or revoked.

B. The register shall be open during office hours to public inspection.

C. Each regulated person shall notify the board in writing within thirty days after each change in the person's address.

§ 32-1611. Board of nursing fund.

A. Before the end of each month, pursuant to sections 35-146 and 35-147, the board shall deposit ten per cent of all monies received by the board from fees pursuant to section 32-1643 in the state general fund and deposit the remaining ninety per cent in the board of nursing fund.

B. Monies deposited in the board of nursing fund are subject to section 35-143.01.

C. Monies from civil penalties received pursuant to section 32-1606 shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.