

**PROPOSED REGULATION OF THE
STATE BOARD OF NURSING**

LCB File No. R114-13

AUTHORITY: §§1-4 and 6-19, NRS 632.120 and 632.237; §5, NRS 632.120 and 632.345.

A REGULATION relating to nursing;

Section 1. Chapter 632 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *Each advanced practice registered nurse shall maintain a portfolio which must include, without limitation:*

- 1. A copy of each license the advanced practice registered nurse holds;*
- 2. A copy of the license issued by the Board pursuant to NAC 632.2595, if any;*
- 3. A copy of the policy of professional liability insurance required pursuant to section 3 of this regulation;*
- 4. A list of the each location where the advanced practice registered nurse:*
 - (a) Currently practices at; and*
 - (b) Practiced at within the immediately preceding 2 years;*
- 5. Any national certifications or other certifications which the advanced practice registered nurse has received;*
- 6. The protocols required pursuant to NRS 632.237, if an advanced practice registered nurse is authorized to prescribe a controlled substance listed in schedule II, and that advanced practice registered nurse does not have at least 2 years or 2,000 hours of clinical experience;*
- 7. A copy of the continuing education the advanced practice registered nurse has completed in the immediately preceding 4 years;*

8. Copies of transcripts of the advanced practice registered nurse’s records from the program of training required by NAC 632.260 and any other educational institutions; and

9. An attestation which states that the advanced practice registered nurse will not practice outside the scope of his or her education and role, population of focus or clinical specialty.

Sec. 3. *Each advanced practice registered nurse who is not otherwise covered under a policy of professional liability insurance shall maintain a policy of professional liability insurance.*

Sec. 4. NAC 632.020 is hereby amended to read as follows:

NAC 632.020 “Advanced practitioner of nursing” means a registered professional nurse who has specialized skill, knowledge and experience obtained from an organized formal program of training and who is authorized in special conditions as set forth in NAC 632.255 to 632.295, inclusive, *and sections 2 and 3 of this regulation*, to provide designated services in addition to those which a registered nurse is authorized to perform.

Sec. 5. NAC 632.190 is hereby amended to read as follows:

NAC 632.190 The following fees are established:

1. For a registered nurse:

Application for a temporary license	\$50.00
Application for a license	100.00
NCLEX Verification or the National Disciplinary Data	
Bank Verification	5.00

Application for certification <i>a license</i> as an advanced practitioner of nursing	200.00
Fee for examination on law relating to pharmacy for advanced practitioner of nursing	150.00
Application for certification as a certified registered nurse anesthetist	200.00
Biennial fee for renewal of certification <i>a license</i> as an advanced practitioner of nursing or a <i>certification as a</i> certified registered nurse anesthetist	200.00
2. For a practical nurse:	
Application for a temporary license	\$50.00
Application for a license	90.00
NCLEX Verification or the National Disciplinary Data Bank Verification	5.00
3. For a registered nurse or practical nurse:	
Biennial renewal fee	\$100.00
Duplicate license	30.00
Fee for the reinstatement of a license	100.00
Proctoring an examination	150.00
4. For a nursing assistant:	
Application for a certificate	\$50.00
Biennial renewal fee	50.00
Duplicate certificate	\$30.00

Manual skills certification examination	90.00
Approval of proctors for manual skills certification examination	50.00
Approval of training programs:	
If using model curriculum	250.00
If using alternate curriculum	250.00
Annual approval of instructors of training programs	100.00
Annual fee for review of training programs	100.00
5. Validation of licensure or certification:	
For a registered nurse	\$25.00
For a licensed practical nurse	25.00
For a nursing assistant	25.00
6. Survey and evaluation of school of practical nursing, or school and course of professional nursing	\$150.00 per day
7. Miscellaneous:	
For duplicating the records of the Board	\$0.60 per page
For taking disciplinary action against a licensee	Actual costs, including the costs incurred which are related to any assistance received from the Office of the Attorney General.
For monitoring a licensee who has been placed on probation	Actual costs

For submission of fingerprints of a person to the Department of Public Safety for review and forwarding to the Federal Bureau of Investigation for a report of the person's criminal history	Actual costs as specified by the Department of Public Safety and the Federal Bureau of Investigation
For taking fingerprints	\$15.00

Sec. 6. NAC 632.255 is hereby amended to read as follows:

NAC 632.255 An advanced practitioner of nursing may perform the following acts in addition to the functions of a registered nurse if the advanced practitioner of nursing is properly prepared and the acts are currently within the standard of practice for his or her *role, population of focus and* clinical specialty : ~~and appear in his or her protocols;~~

1. Systematically assess the health status of persons and families by:

(a) Taking, recording and interpreting medical histories and performing physical examinations; and

(b) Performing or initiating selected diagnostic procedures.

2. Based on information obtained in the assessment of a person's health, manage the care of selected persons and families with common, acute, recurrent or long-term health problems.

Management may include:

(a) Initiation of a program of treatment;

(b) Evaluation of responses to health problems and programs of treatment;

(c) Informing a person or family of the status of the patient's health and alternatives for care;

(d) Evaluation of compliance with a program of treatment agreed upon by the person or family and the advanced practitioner of nursing;

(e) Modification of programs of treatment based on the response of the person or family to treatment;

(f) Referral to appropriate providers of health care; and

(g) Commencement of care required to stabilize a patient's condition in an emergency . ~~until a physician can be consulted.~~

3. Any other act if:

(a) The advanced practitioner of nursing is certified to perform that act by an organization recognized by the Board;

(b) The performance of the act was taught in the program of education attended by the advanced practitioner of nursing;

(c) The performance of the act was taught in a comprehensive program of instruction successfully completed by the advanced practitioner of nursing, which included clinical experience;

(d) The act is within the scope of practice of an advanced practitioner of nursing as determined by the Board; or

(e) The advanced practitioner of nursing is trained to perform that act by a physician or another advanced practitioner of nursing and the act:

(1) Has been described as being performed by an advanced practitioner of nursing in two or more national nursing publications, national nursing practice guidelines or national standards for nursing practice, or any combination thereof, which are listed in the Cumulative Index to

Nursing and Allied Health Literature, as adopted by reference in NAC 632.110; or

(2) Has been individually approved by the Board.

Sec. 7. NAC 632.256 is hereby amended to read as follows:

NAC 632.256 1. An advanced practitioner of nursing shall maintain accurate records documenting all physical findings concerning a patient, the diagnosis and treatment, and any prescriptions written for a patient for whom the advanced practitioner of nursing provides care.

2. A system of quality assurance must be in place . ~~and set forth in protocols.~~

3. All the records must be available for review by the Board. Any review will be conducted in accordance with the laws relating to the confidentiality of medical records.

Sec. 8. NAC 632.257 is hereby amended to read as follows:

632.257 1. An applicant for a ~~certificate of recognition~~ *license* as an advanced practitioner of nursing will be authorized to issue written prescriptions for controlled substances, poisons, dangerous drugs and devices only if he:

(a) Is authorized to do so by the Board;

(b) Submits an application for authority to issue written prescriptions for controlled substances, poisons, dangerous drugs or devices to the Board; and

(c) Has successfully completed:

(1) A program that complies with the requirements set forth in paragraph (a) of subsection 1 of NAC 632.260 and includes an advanced course in pharmacotherapeutics; or

(2) A program of academic study that:

(I) Is approved by the Board;

(II) Consists of at least 2 semester credits or an equivalent number of quarter credits in advanced pharmacotherapeutics; and

(III) Is completed within the 2 years immediately preceding the date the application is submitted to the Board.

2. In addition to the information contained in the application for a ~~certificate of recognition~~ *license* as an advanced practitioner of nursing, an applicant who completes, before June 1, 2005, a program designed to prepare an advanced practitioner of nursing and who does not hold a master's or doctorate degree with a major in nursing ~~for a related health field approved by the Board~~ must, in his application for authority to write a prescription for controlled substances, poisons, dangerous drugs and devices, include documentation of 1,000 hours of active practice prescribing medication in the immediately preceding 2 years as an advanced practitioner of nursing . ~~under the direct supervision of a collaborating physician. The documentation must consist of a signed statement from the collaborating physician indicating to the Board that the applicant is competent to prescribe those classes of drugs listed in his protocols.~~

3. Except as otherwise provided in subsection 4, if an advanced practitioner of nursing who is authorized to prescribe certain controlled substances, poisons, dangerous drugs and devices changes his *role, population of focus or* clinical specialty, he must submit an application to the Board for authority to prescribe those controlled substances, poisons, dangerous drugs and devices which are currently within the standard of practice in that *role, population of focus or* clinical specialty. In addition to the information contained in an application submitted pursuant to this subsection, an advanced practitioner of nursing who completes, before June 1, 2005, a program designed to prepare an advanced practitioner of nursing and who does not hold a master's or doctorate degree with a major in nursing ~~for a related health field approved by the~~

~~Board~~ must include in his application documentation of 1,000 hours of active practice prescribing medication in the new *role, population of focus or* clinical specialty as an advanced practitioner of nursing . ~~under the direct supervision of a collaborating physician.~~

4. An advanced practitioner of nursing who:

(a) Is authorized to prescribe certain controlled substances, poisons, dangerous drugs and devices; and

(b) Changes his *role, population of focus or* clinical specialty to a *role, population of focus or* clinical specialty that is substantially similar to his former *role, population of focus or* clinical specialty, is not required to submit to the Board the application required pursuant to subsection 3 if the Board has authorized him to prescribe controlled substances, poisons, dangerous drugs and devices in the practice of his former *role, population of focus or* clinical specialty.

Sec. 9. NAC 632.2595 is hereby amended to read as follows:

632.2595 1. The State Board of Nursing will issue a ~~certificate~~ *license* to dispense controlled substances, poisons, dangerous drugs and devices to an advanced practitioner of nursing if the practitioner:

(a) Successfully completes an examination administered by the State Board of Nursing on Nevada law relating to pharmacy; and

(b) Submits to the State Board of Nursing his or her affidavit verifying that he or she has made application with the State Board of Pharmacy for a certificate of registration.

2. An advanced practitioner of nursing who receives a certificate of registration from the State Board of Pharmacy shall, upon receipt, submit a copy of the certificate to the State Board of Nursing.

Sec. 10. NAC 632.2597 is hereby amended to read as follows:

632.2597 1. The Board will issue a ~~{certificate of recognition}~~ *license* as an advanced practitioner of nursing authorizing the holder of the ~~{certificate}~~ *license* to practice ~~{as:}~~ *in the following roles:*

- (a) A ~~{certified}~~ nurse midwife;
- (b) ~~{A nurse psychotherapist;}~~
- ~~{e}~~ A ~~{certified}~~ nurse practitioner;
- ~~{d}~~ *(c)* A clinical nurse specialist; or
- ~~{e}~~ *(d)* Any combination thereof.

2. An applicant for a ~~{certificate of recognition}~~ *license* as an advanced practitioner of nursing must submit to the Board documentation of completion of the educational requirements set forth in:

- (a) NAC 632.260, to practice as a ~~{certified}~~ nurse midwife or a ~~{certified}~~ nurse practitioner;
- or*
- (b) ~~{NAC 632.062 and 632.260, to practice as a nurse psychotherapist; or}~~
 - ~~{e}~~ NAC 632.260 and 632.300, to practice as a clinical nurse specialist.

3. If an applicant wishes to obtain a ~~{certificate of recognition}~~ *license* as an advanced practitioner of nursing to practice in more than one role listed in subsection 1, the applicant must submit to the Board the documentation required pursuant to subsection 2 for each role for which he or she seeks a ~~{certificate of recognition}~~ *license*.

4. An applicant who wishes to obtain a ~~{certificate of recognition}~~ *license* as an advanced practitioner of nursing to practice as a nurse practitioner or a clinical nurse specialist ~~{may}~~ *must*

request that the Board issue the ~~{certificate}~~ *license* to specify the ~~{clinical specialty}~~ *population of focus* of the applicant within the specific role. *The Board recognizes the following populations of focus:*

- (a) Women’s health or gender specific health;*
- (b) Family health and caring for a person across his or her lifespan;*
- (c) Mental health;*
- (d) Adult health;*
- (e) Gerontology;*
- (f) Pediatrics;*
- (g) Neonatal; and*
- (h) Any other population of focus approved by the Board.*

5. ~~{If an applicant makes a request pursuant to subsection 4, the}~~ *An* applicant must submit to the Board documentation of completion of the educational requirements prescribed by the Board for the ~~{clinical specialty}~~ *population of focus* for the specific role for which ~~{certification}~~ *the license* is requested.

Sec. 11. NAC 632.260 is hereby amended to read as follows:

NAC 632.260 is hereby amended to read as follows:

632.260 1. An applicant for a ~~{certificate of recognition}~~ *license* as an advanced practitioner of nursing must:

- (a) Have completed a program designed to prepare an advanced practitioner of nursing which must:

(1) Be at least 1 academic year in length, ~~including at least 4 months of~~ *which must include, without limitation, didactic* instruction ~~in the classroom~~ and clinical experience with a qualified physician or advanced practitioner of nursing;

(2) Be accredited or approved by an organization approved by the Board to accredit or approve those programs;

(3) Include an advanced course in the following areas of study:

(I) The assessment of the health of patients;

(II) Pathophysiology; and

(III) The preparation for practice as an advanced practitioner of nursing;

(4) Include a concentration of courses ~~in at least one clinical specialty;~~ *for preparation in a specific role or population of focus;*

(5) Include clinical experience that requires the student to integrate the knowledge and skills that are taught in the program and emphasizes the ~~clinical specialty~~ *specific role or population of focus* chosen by the student; and

(6) Include training in making clinical decisions, including, but not limited to, diagnosing health conditions and providing appropriate care.

(b) Present evidence to the Board that:

(1) Within 2 years before the date of his or her application, the applicant completed a program to prepare an advanced practitioner of nursing; or

(2) He or she will complete 1,000 hours of practice, without the privilege of writing prescriptions, under the supervision of a qualified physician or ~~certified~~ *licensed* advanced practitioner of nursing, within a time specified by the Board.

(c) If previously licensed or certified as an advanced practitioner of nursing in another state or jurisdiction, have maintained the licensure or certification in good standing and complied with the requirements for continuing education of that state or jurisdiction.

(d) If the applicant completes a program designed to prepare an advanced practitioner of nursing on or after July 1, 1992, but before June 1, 2005:

(1) Be certified as an advanced practitioner of nursing by a nationally recognized certification agency; and

(2) Hold a bachelor's degree in nursing from an accredited school.

(e) If the applicant completes a program designed to prepare an advanced practitioner of nursing on or after June 1, 2005, but before July 1, 2014, hold a master's *or doctorate* degree in nursing . ~~for in a related health field approved by the Board.~~

(f) If the applicant completes a program designed to prepare an advanced practitioner of nursing on or after July 1, 2014:

(1) Hold a master's or doctorate degree in nursing or in a related health field approved by the Board; and

(2) Be certified as an advanced practitioner of nursing by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence or any other nationally recognized certification agency approved by the Board.

2. A student enrolled in a formal educational program for an advanced practitioner of nursing may perform the functions of an advanced practitioner of nursing, except writing prescriptions, if he or she does so under the supervision of a licensed physician or a ~~certified~~ *licensed* advanced practitioner of nursing. The student must hold a license as a registered nurse in this State.

Sec. 12. NAC 632.265 is hereby amended to read as follows:

NAC 632.265 A nurse registered in this State who wishes to obtain a ~~certificate of recognition~~ *license* as an advanced practitioner of nursing must submit the following for the approval of the Board:

1. An application on forms provided by the Board.
2. The documentation required pursuant to NAC 632.2597.
3. Any other information deemed relevant by the Board.

Sec. 13. NAC 632.285 is hereby amended to read as follows:

NAC 632.385 An advanced practitioner of nursing shall immediately:

1. Submit to the Board a new application for a ~~certificate of recognition~~ *license* if there is any change in his or her ~~clinical specialty;~~ *role or population of focus;* and
2. Notify the Board in writing of any change in *the* location ~~set forth in the agreement for its approval and shall submit a new agreement if the Board so requires.~~ *of his or her practice.*

Sec. 14. NAC 632.290 is hereby amended to read as follows:

NAC 632.290 1. The ~~certificate~~ *license* issued to an advanced practitioner of nursing expires at the same time as a license for a registered nurse.

2. An advanced practitioner of nursing may renew his or her ~~certificate~~ *license* by renewing his or her license ~~to practice as a registered nurse,~~ submitting the information required to renew a ~~certificate~~ *license as an advanced practice registered nurse* and submitting the fee for renewal of the ~~certificate.~~ *license as an advanced practice registered nurse.*

Sec. 15. NAC 632.291 is hereby amended to read as follows:

632.291 1. When he or she renews his or her ~~certificate,~~ *license*, an advanced practitioner of nursing must submit, on forms supplied by the Board:

(a) An attestation that the advanced practitioner of nursing:

(1) Has not been named as a defendant in any malpractice suits;

(2) Has never had his or her clinical privileges limited, suspended or revoked; and

(3) Has completed satisfactorily 45 hours of continuing education directly related to his or her *role, population of focus or* clinical specialty which may include the requirements for continuing education for renewal of a license for a registered nurse.

(b) If the advanced practitioner of nursing completes a program designed to prepare an advanced practitioner of nursing on or after July 1, 2014, proof that the advanced practitioner of nursing has maintained certification as an advanced practitioner of nursing by an entity described in subparagraph (2) of paragraph (f) of subsection 1 of NAC 632.260.

(c) Any other information required by the Board.

2. If an advanced practitioner of nursing attests in the affirmative to subparagraphs (1) and (2) of paragraph (a) of subsection 1, a temporary ~~certificate,~~ *license* may be issued until the next meeting of the Board.

3. The Board will perform random audits of advanced practitioners of nursing to ensure compliance with the continuing education requirements of this section and ~~compliance with the protocols established by the collaborating physician pursuant to subsection 2 of NRS 632.237,~~ *the portfolio required pursuant to section 2 of this regulation.*

4. If audited by the Board, an advanced practitioner of nursing shall submit:

(a) Proof that he or she has completed the continuing education described in paragraph (a) of subsection 1 during the 24 months which immediately precede the most recent birthday of the advanced practitioner of nursing by presenting to the Board authenticated photocopies of original certificates of completion or computer printouts from approved providers of continuing education. A certificate of completion must include, without limitation:

- (1) The title of the course;
- (2) The name of the provider of the course;
- (3) The name of the body which approved the course;
- (4) The date on which the course was presented;
- (5) The name and certificate of recognition number of the advanced practitioner of

nursing; and

- (6) The number of contact hours earned in the course.

~~(b) The written agreement entered into between the advanced practitioner of nursing and the collaborating physician which identifies the medical, therapeutic or corrective measures the advanced practitioner of nursing will perform in collaboration with the physician.~~

~~(c) The protocols signed by the collaborating physician who collaborates with the advanced practitioner of nursing.~~

~~(d)~~ *The portfolio required pursuant to section 2 of this regulation.*

(c) Proof that the advanced practitioner of nursing has maintained ~~certification~~ *a license* as an advanced practitioner of nursing pursuant to NAC 632.2597.

5. An advanced practitioner of nursing shall retain documentation of completion of the requirements for continuing education for at least 4 years.

Sec. 16. NAC 632.292 is hereby amended to read as follows:

NAC 632.292 An advanced practitioner of nursing must submit to the Board a written notification that he or she wishes his or her ~~certificate of recognition~~ *license* to be placed on inactive status.

Sec. 17. NAC 632.293 is hereby amended to read as follows:

NAC 632.293 If an advanced practitioner of nursing has not engaged in at least ~~800~~ *1,000* hours of practice during the previous 5 years, or wishes to return from inactive to active status, the advanced practitioner of nursing must submit to the Board an application to renew his or her practice which includes evidence that:

1. He or she has satisfactorily completed the continuing education required for that period; and
2. He or she has entered into an agreement with a ~~collaborating~~ *licensed* physician or an advanced practitioner of nursing ~~who is in the same medical specialty~~ which provides that the practice of the applicant will be closely supervised by that physician or advanced practitioner of nursing for a period of ~~800~~ *1,000* hours.

Sec. 18. NAC 632.295 is hereby amended to read as follows:

NAC 632.295 1. The Board may deny the issuance or renewal of, or suspend or revoke a ~~certificate of recognition~~ *license* as an advanced practitioner of nursing after a hearing if it finds that an advanced practitioner of nursing has:

(a) Performed tasks beyond those permitted pursuant to this chapter or otherwise authorized by the Board, or breached ~~{an approval agreement or}~~ a protocol ~~{;}~~ *with a collaborating physician;*

(b) Been negligent in performing services for patients;

(c) Impersonated a physician or permitted others to represent to the public that he or she is a physician;

~~{(d) Represented himself or herself as able to practice without a collaborating physician;~~

~~—(e)}~~ Violated any provision or failed to meet any requirement of this chapter;

~~{(f)}~~ *(e)* Made, or caused to be made, a false, fraudulent or forged statement or representation to procure or attempt to procure a ~~{certificate of recognition}~~ *license* as an advanced practitioner of nursing;

~~{(g)}~~ *(f)* Violated any statute or regulation relating to prescribing, dispensing or administering any controlled substance, poison, dangerous drug or device; ~~{or}~~

~~{(h)}~~ *(g)* Failed to perform nursing functions in a manner consistent with established or customary standards ~~{;}~~ *or*

(h) Failed to maintain the portfolio required pursuant to section 2 of this regulation.

2. Any licensed practical nurse or registered nurse who:

(a) Uses the title “advanced practitioner of nursing” or any similar title or who acts as an advanced practitioner of nursing without having obtained a ~~{certificate}~~ *license* pursuant to this section; or

(b) Prescribes or dispenses, without authority, controlled substances, poisons, dangerous drugs or devices,

→is guilty of unprofessional conduct.

3. *As used in this section:*

(a) “Collaborating physician” means a person licensed to practice medicine in this State who is responsible for conferring with the advanced practice registered nurse concerning the advanced practice registered nurse’s prescription of controlled substances.

(b) “Protocol” means the written directions for the prescription of controlled substances that the advanced practice registered nurse and collaborating physician have agreed upon.

Sec. 19. NAC 632.038, 632.062, 632.072 and 632.2555 are hereby repealed

TEXT OF REPEALED SECTIONS

NAC 632.038 “Collaborating physician” defined. (NRS 632.120) “Collaborating physician” means a person licensed to practice medicine in Nevada who is responsible for conferring with an advanced practitioner of nursing concerning the advanced practitioner's performance of designated medical services.

NAC 632.062 “Nurse psychotherapist” defined. (NRS 632.120) “Nurse psychotherapist” means a registered professional nurse who has, at a minimum, a master's degree in psychiatric or mental health nursing, counseling, social work or psychology.

NAC 632.072 “Protocol” defined. (NRS 632.120) “Protocol” means the written directions for assessment and management of medical conditions that the advanced practitioner of nursing and collaborating physician have agreed upon as a basis for their practice.

NAC 632.2555 Requirements for protocol. (NRS 632.120, 632.237) A protocol must:

1. Reflect the ongoing collaborative relationship between the advanced practitioner of nursing and the physician;
2. Reflect the current practice of the advanced practitioner of nursing;
3. Reflect established national or customary standards for his or her medical specialty;
4. Be maintained at the place of his or her practice; and
5. Be available for review by the Board.