

LCB FILE NO. R196-07

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

EXPLANATION – matter in *italics* is new,
matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: NRS 632.120

A REGULATION relating to nursing; adopting a regulation that protects the title of “nurse”.

Section 1. NAC 632.____ is hereby adopted as follows:

Titles and abbreviations for Licensed Nurses.

- A. Unless otherwise permitted by this Chapter, only those persons who hold a license to practice nursing in this state shall have the right to use the following title abbreviations:*
- 1. Title: “Registered Nurse” and the abbreviation “RN.”*
 - 2. Title: “Licensed Practical Nurse” and the abbreviation “LPN.”*
 - 3. Title: “Advanced Practitioner of Nursing” and the abbreviation “APN.”*
- B. Unless otherwise permitted by this Chapter, it is unlawful for any person to use the title “Nurse”, “Registered Nurse”, “Licensed Practical Nurse”, “Advanced Practitioner of Nursing”, or their abbreviations, or any other title that would lead a person to believe the individual is a licensed nurse.*

Section 2. *Titles and abbreviations for temporary licenses.*

Any person who has been approved as an applicant for licensure and has been granted a temporary license shall have the right to use the titles and abbreviations designated by this chapter.

AUTHORITY: NRS 632.120

A REGULATION relating to nursing; amending the definition of the term “Contact hour.”

Section 2. NAC 632.040 is hereby amended as follows:

NAC 632.040 “Contact hour” defined.

“Contact hour” means ~~50~~ 60 minutes of participation in a course of continuing education.

AUTHORITY: NRS 632.120

A REGULATION relating to nursing; amending the definition of the term “Nurse Midwife.”

Section 3. NAC 632.0605 is hereby amended as follows:

NAC 632.0605 “Nurse midwife” defined.

“Nurse midwife” means a registered professional nurse who has completed an organized formal program of training in the area of pregnancy, childbirth, the postpartum period, care of the newborn, ~~and the~~ family planning and *the* gynecological *and primary health* needs of women.

AUTHORITY: NRS 632.120, 632.140, 632.160, 632.270, 632.280, 632.2852

A REGULATION relating to nursing; amending the requirements for obtaining a license or certificate without examination

Section 4. NAC 632.170 is hereby amended as follows:

NAC 632.170 Qualifications for license or certificate without examination.

In addition to the requirements set forth in NAC 632.173, to be licensed without examination:

1. An applicant for a license to practice as a registered nurse must:
 - (a) Have completed a course of study in an accredited school of professional nursing. If the applicant graduated on or after January 1, 1952, he must have theory and clinical experience in medical-surgical nursing, maternal and child health nursing, and mental health and psychiatric nursing.
 - (b) ~~Hold a current license in good standing from another state or foreign country which was issued by a recognized legal agency.~~
 - ~~(c)~~ Submit to the Board:
 - (1) A completed application;
 - (2) A complete set of his fingerprints; and
 - (3) The appropriate fee.
2. An applicant for a license to practice as a licensed practical nurse must:
 - (a) Have graduated from high school or passed the general educational development test.
 - (b) Have completed a course of study in an accredited school of practical or vocational nursing. If the applicant graduated on or after January 1, 1952, he must have theory and clinical experience in medical-surgical nursing and maternal-child nursing, including mental health concepts.
 - (c) ~~Hold a current license in good standing from another state or country which was issued by a recognized legal agency.~~
 - ~~(d)~~ Submit to the Board:
 - (1) A completed application;
 - (2) A complete set of his fingerprints; and
 - (3) The appropriate fee.
3. An applicant for certification to practice as a nursing assistant must:
 - (a) Submit to the Board a completed application accompanied by a complete set of his fingerprints; and
 - (b) Request and confirm receipt by the Board of verification from the appropriate agency that he holds a current certificate to practice as a nursing assistant.

AUTHORITY: NRS 632.120; 632.345

A REGULATION relating to nursing; adopting a new fee for the cost of capturing and transmitting fingerprints to the Nevada Department of Public Safety and the Federal Bureau of Investigation.

Section 5. NAC 632.190 is hereby amended as follows:

NAC 632.190 Fees.

1. For a registered nurse:

| | |
|--|--------|
| Application for a license..... | 100.00 |
| NCLEX Verification or the National Disciplinary Data Bank Verification..... | 5.00 |
| Application for certification 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 as an advanced practitioner of nursing or a certified registered nurse anesthetist..... | 200.00 |

2. For a practical nurse:

| | |
|--|-------|
| 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 |
| <i>Manual Skills</i> Certification examination..... | 90.00 |
| Approval of proctors for 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 |
| Proctoring an examination..... | 150.00 |

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 cost 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 Nevada Department of Public Safety for review and forwarding to the Federal Bureau of Investigation for a criminal history report..... Actual cost as specified by DPS/FBI*
 - For capture of fingerprints.....\$15.00*

AUTHORITY: NRS 632.120, 632.342
 A REGULATION relating to nursing; amending the requirements for renewal of a nursing assistant certificate.

Section 6. NAC 632.193 is hereby amended as follows:
NAC 632.193 Renewal of certificate.

1. To renew his certificate, a nursing assistant must submit to the Board:
 - (a) Documentation of completion of 24 hours of continuing training in the previous 2 years by submitting a photocopy of a certificate of completion; and
 - (b) Except as otherwise provided in subsection 5, documentation of completion of at least ~~[400]~~ 40 hours of employment as a nursing assistant under the direct supervision of a registered nurse or licensed practical nurse during the 2 years immediately preceding the date of the renewal of the certificate.
2. The certificate of completion must include:
 - (a) The name of the participant;
 - (b) The name of the training program;
 - (c) The number of hours of the training program;
 - (d) The name and signature of the instructor who taught the training program; and
 - (e) The date and location of the training program.
3. To be satisfactory to the Board a training program must relate to standards of care in nursing and must be one of the following:
 - (a) Training in the facility in which the nursing assistant works;
 - (b) An academic study;
 - (c) A workshop approved by the Board;
 - (d) An extension course approved by the Board; or

(e) Home study.

4. A medical facility, educational institution or other organization that offers a training program must keep a record of the information required pursuant to subsection 2 for at least 4 years.

5. ~~[A nursing assistant who resides in a county whose population is less than 10,000 may replace some of the hours of employment required pursuant to paragraph (b) of subsection 1 with hours deemed equivalent by the Board.~~

~~—6.]~~ *Upon audit, [F]the documentation*] required pursuant to paragraph (b) of subsection 1 must be a letter written by the employer of the nursing assistant on the stationery of the employer or on a form prescribed by the Board and must include:

(a) The name of the nursing assistant;

(b) The name of the employer;

(c) ~~[The number of hours the nursing assistant was employed by the employer as a nursing assistant.]~~ *The nursing assistant provided nursing or nursing-related services for monetary compensation since their last renewal by the Board under the direct supervision of a registered nurse or licensed practical nurse; and*

(d) ~~[A statement signed by the chief nurse of the employer which states that the hours of employment completed by the nursing assistant were completed under the direct supervision of a registered nurse or licensed practical nurse; and~~

~~—(e)]~~ Any other information the Board may require for the renewal of the certificate.

AUTHORITY: NRS 632.120; 632.237

A REGULATION relating to nursing; amending the documentation and protocols necessary for an advanced practitioner of nursing to issue written prescriptions for controlled substances, poisons, dangerous drugs and devices.

Section 7. NAC 632.257 is hereby amended as follows:

NAC 632.257 Authorization to issue written prescriptions for controlled substances, poisons, dangerous drugs and devices.

1. An applicant for a certificate of recognition 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 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 degree with a major in nursing or 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 in the immediately preceding 2 years as an advanced practitioner of nursing under 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 medical 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 medical practice in that 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 degree with a major in nursing or a related health field approved by the Board must include in his application documentation of 1,000 hours of active practice in the new medical specialty as an advanced practitioner of nursing under 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 medical specialty to a medical specialty that is substantially similar to his former medical 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 medical specialty.

AUTHORITY: NRS 632.120; 632.430; 632.440

A REGULATION relating to nursing; amending the requirements necessary for a nurse to act as faculty at a program for the education of nurses.

Section 8. NAC 632.675 is hereby amended as follows:

NAC 632.675 Faculty: General requirements.

1. A program of nursing must have a competent and stable faculty. The majority of the members of the faculty must be full-time employees.

2. Of the faculty who are hired after August 13, 2004:

(a) At least 75 percent of the members must hold at least a master's degree with a major in nursing and have completed training which is related to the area of teaching of the member; and

(b) Except as otherwise provided in subsection 3, the remainder of such members, if any, must hold at least:

(1) A master's degree with a major in nursing;

(2) A bachelor's degree with a major in nursing and a master's degree in a field related to nursing; or

(3) A graduate degree from an accredited school of nursing as defined in NRS 632.011.

3. The Executive Director of the Board may, for good cause shown, waive the requirements of paragraph (b) of subsection 2.

4. *A program of nursing may hire as an instructor for clinical practice a person who holds a bachelor's degree in nursing and has at least 5 years of nursing experience in patient care. As used in this section, "instructor for clinical practice" means a registered nurse whose primary role is educating prelicensure nursing students in a skills laboratory or practice site.*

5. The members of the faculty shall develop and evaluate the curriculum and the educational practices of the program.

~~6~~ 6. Except as otherwise provided in this subsection, in courses relating to the care of patients, there must be at least one member of the faculty for every eight students. The Executive Director of the Board may, upon a showing of good cause, waive the requirement.

~~7~~ 7. A program of nursing that uses the personnel of a clinical facility as preceptors to instruct the clinical experience of students must require:

(a) Each preceptor to have clinical expertise and to have demonstrated competence in the specialty of the students whom he will instruct;

(b) Each preceptor to be approved by the faculty of the program of nursing;

(c) The faculty of the program of nursing to provide to each preceptor an orientation concerning the roles and responsibilities of students, members of the faculty and preceptors; and

(d) The faculty of the program of nursing to develop written objectives and provide a copy of those objectives to each preceptor,

before the preceptor begins his instruction of the students.

~~8~~ 8. In addition to the requirements set forth in subsection 6, a program of nursing that uses the personnel of a clinical facility as preceptors to instruct the clinical experience of students:

(a) Must ensure that each preceptor is assigned to instruct not more than two students at the same time;

(b) Must designate a member of the faculty to serve as a liaison between the preceptor and each student who participates in the clinical experience;

(c) Must require that each preceptor be present in the clinical facility and available to the students at all times when the students provide nursing services to patients; and

(d) May use a preceptor to reinforce basic nursing skills or to teach nursing skills which build on the basic nursing skills that the students have acquired.

~~9~~ 9. There must be at least one qualified administrator for each department or division of the program.

~~10~~ 10. If a university or college offers a program of nursing for more than one level of preparation, there must be one person who is responsible for each such level.

AUTHORITY: NRS 632.120, 632.430, 632.440

A REGULATION relating to nursing; clarifying the requirements for curriculum for programs for the education of nurses.

Section 9. NAC 632.685 is hereby amended as follows:

NAC 632.685 Curriculum; awarding of credits.

1. The curriculum of a program of nursing must:

(a) Reflect the philosophy and objectives of the program; ~~and~~

(b) Be based on a rationale that ensures sufficient preparation for the safe and effective practice of nursing~~[-]~~;

(c) Contain theory and clinical experiences that must be sequential and integrated throughout the nursing education program.

2. Credits for courses must be awarded appropriately.

AUTHORITY: NRS 632.120, 632.2856

A REGULATION relating to nursing; amending the requirement that a registered nurse administer the program for the education of nursing assistants.

Section 10. NAC 632.726 is hereby amended as follows:

NAC 632.726 Determinations required before approval. Before the Board approves a training program for nursing assistants, it will determine if the program will be:

1. Administered as required by law and the provisions of this chapter.
2. Administered by a *registered nurse* ~~{person}~~ who has the qualifications required by the Federal Government and is qualified to maintain the records required by NAC 632.790.
3. Coordinated by a person who has the qualifications required by the Federal Government and is qualified to perform the duties set forth in NAC 632.785.

AUTHORITY: NRS 632.120, 632.2856

A REGULATION relating to nursing; amending the requirement that a registered nurse coordinate a program for the education of nursing assistants.

Section 11. NAC 632.785 is hereby amended as follows:

NAC 632.785 Duties of coordinator of approved program.

The *registered nurse* coordinator of an approved program shall:

1. Assist with the development of the budget of the program.
2. Assist with the development of procedures for admission to the program.
3. Select and supervise such number of qualified instructors as is necessary to carry out the program.
4. Obtain adequate educational facilities for training, including areas to practice nursing skills.
5. Obtain adequate clinical facilities for training.
6. Provide each trainee with instructional materials during those hours in which they can be put to maximum use.
7. Plan an orientation program for trainees at each clinical facility used for training. The time spent for orientation may not be included in the 75 hours required for training.
8. Ensure that each trainee is clearly identified as a trainee in a manner which is easily recognizable to each patient, member of a patient's family, visitor or member of the medical staff with whom the trainee works.
9. Develop a system of maintaining permanent records which are essential to the operation of the program, including:
 - (a) The current and final records of each trainee, which may include a list of the duties to be performed and the skills to be learned in the program, with notations of satisfactory or

unsatisfactory performance, the date of the performance and the name of the supervising instructor.

(b) The current records of the activities of the program.

(c) The records of each instructor.

Records maintained pursuant to this subsection must be retained by the coordinator of the approved program for at least 4 years after the date on which the record was created.

10. Develop written policies for admission to, continuance in, and dismissal and withdrawal from the program.

11. Report to the academic administrator of the Board the name of each trainee who satisfactorily completes the program within 30 days after the completion of the program.

12. Submit annual reports on forms provided by the Board containing information required by the Board.

AUTHORITY: NRS 632.120; 632.320

A REGULATION relating to nursing; amending the requirement that a nurse not discriminate based on a patient's sexual orientation. Also, a pattern of behavior that is below the standard of care will be considered as unprofessional conduct.

Section 12. NAC 632.890 is hereby amended as follows:

NAC 632.890 Unprofessional conduct.

The Board will consider the following acts, among others, by a licensee or holder of a certificate as unprofessional conduct:

1. Discriminating on the basis of race, religious creed, color, national origin, age, disability, ancestry, *sexual orientation*, or sex in the rendering of nursing services.

2. Performing acts beyond the scope of the practice of nursing.

3. Assuming duties and responsibilities within the practice of nursing without adequate training.

4. Assuming duties and responsibilities within the practice of nursing if competency is not maintained, or the standards of competence are not satisfied, or both.

5. Disclosing the contents of the examination for licensure or certification, or soliciting, accepting or compiling information regarding the contents of the examination before, during or after its administration.

6. Assigning or delegating functions, tasks or responsibilities of licensed or certified persons to unqualified persons.

7. Failing to supervise a person to whom functions of nursing are delegated or assigned, if responsible for supervising that person.

8. Failing to safeguard a patient from the incompetent, abusive or illegal practice of any person.

9. Practicing nursing while, with or without good cause, his physical, mental or emotional condition impairs his ability to act in a manner consistent with established or customary nursing standards, or both.

10. Practicing nursing, if any amount of alcohol or a controlled substance or dangerous drug that is not legally prescribed is present in the body of the nurse or nursing assistant as determined by a test of the blood, saliva, breath, hair or urine of the nurse or nursing assistant given while the nurse or nursing assistant is on duty.

11. Having present in the body of the nurse or nursing assistant, alcohol or a controlled substance or dangerous drug that is not legally prescribed during a test of the blood, saliva, breath, hair or urine of the nurse or nursing assistant given as a condition of employment.
12. Failing to respect and maintain a patient's right to privacy.
13. Violating a patient's confidentiality.
14. Performing or offering to perform the functions of a licensee or holder of a certificate by false representation or under a false or an assumed name.
15. Failing to report the gross negligence of a licensee or holder of a certificate in the performance of his duties or a violation of the provisions of this chapter or chapter 632 of NRS.
16. Failing to document properly the administration of a controlled substance, including, but not limited to:
 - (a) Failing to document the administration of a controlled substance on the Controlled Substance Administration Record, the patient's Medication Administration Record and the Nursing Progress Notes, including the patient's response to the medication;
 - (b) Documenting as wastage a controlled substance and taking that controlled substance for personal or other use;
 - (c) Failing to document the wastage of a controlled substance that was not legally administered to a patient;
 - (d) Soliciting the signature on any record of a person as a witness to the wastage of a controlled substance when that person did not witness the wastage; or
 - (e) Signing any record as a witness attesting to the wastage of a controlled substance which he did not actually witness.
17. Soliciting services or soliciting or borrowing money, materials or other property, or any combination thereof, from a:
 - (a) Patient;
 - (b) Family member of a patient;
 - (c) Person with significant personal ties to a patient, whether or not related by blood; or
 - (d) Legal representative of a patient.
18. Diverting supplies, equipment or drugs for personal or unauthorized use.
19. Aiding, abetting or assisting any person in performing any acts prohibited by law.
20. Inaccurate recording, falsifying or otherwise altering or destroying records.
21. Obtaining, possessing, furnishing or administering prescription drugs to any person, including himself, except as directed by a person authorized by law to prescribe drugs.
22. Leaving an assignment without properly notifying the appropriate personnel or abandoning a patient in need of care.
23. Exploiting a patient for financial gain or offering, giving, soliciting or receiving fees or gifts for the referral of a:
 - (a) Patient;
 - (b) Family member of a patient;
 - (c) Person with significant personal ties to a patient, whether or not related by blood; or
 - (d) Legal representative of a patient.
24. Failing to collaborate with other members of a health care team as necessary to meet the health needs of a patient.
25. Failing to observe the conditions, signs and symptoms of a patient, to record the information or to report significant changes to the appropriate persons.

26. Failing to abide by any state or federal statute or regulation relating to the practice of nursing.

27. Failing to perform nursing functions in a manner consistent with established or customary standards.

28. Causing a patient physical, mental or emotional harm by taking direct or indirect actions or failing to take appropriate actions.

29. Engaging in sexual contact with a patient or client.

30. Failing as a chief nurse to:

(a) Institute standards of nursing practice so that safe and effective nursing care is provided to patients;

(b) Institute standards of competent organizational management and management of human resources so that safe and effective nursing care is provided to patients; or

(c) Create a safe and effective environment, including the failure to assess the knowledge, skills and ability of a licensee or holder of a certificate and determine his competence to carry out the requirements of his job.

31. Failing to report the unauthorized practice of nursing.

32. Endangering the safety of the general public, patients, clients or coworkers by making actual or implied threats of violence or carrying out an act of violence.

33. Abusing or neglecting a patient.

34. Misappropriating the property of a patient.

35. Failing to comply with a condition, limitation or restriction which has been placed on his license or certificate.

36. Engaging in the practice of nursing or performing the services of a nursing assistant without a license or certificate issued pursuant to the provisions of this chapter and chapter 632 of NRS.

37. Displaying a license, certificate, diploma or permit, or a copy of a license, certificate, diploma or permit, which has been fraudulently purchased, issued, counterfeited or materially altered.

38. Engaging in any other unprofessional conduct with a patient or client that the Board determines is outside the professional boundaries generally considered acceptable in the profession.

39. Engaging a pattern of conduct that demonstrates failure to exercise the knowledge, skills and abilities using the methods ordinarily exercised by a reasonable and prudent nurse to maintain public protection.