

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

LCB File No. R113-11

May 18, 2012

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-11, NRS 632.120 and 632.237; §12, NRS 632.120 and 632.343.

A REGULATION relating to nursing; revising provisions governing advanced practitioners of nursing; removing the expiration of the approval of a course of continuing education; and providing other matters properly relating thereto.

Section 1. NAC 632.255 is hereby amended to read as follows:

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 *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. 2. NAC 632.2555 is hereby amended to read as follows:

632.2555 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~~ *clinical* specialty;
4. Be maintained at the place of his or her practice; and
5. Be available for review by the Board.

Sec. 3. NAC 632.257 is hereby amended to read as follows:

632.257 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 *or doctorate* 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 *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 ~~medical~~ *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 ~~medical~~ practice in that *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 or 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 ~~medical~~ *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 ~~medical~~ *clinical* specialty to a ~~medical~~ *clinical* specialty that is substantially similar to his former ~~medical~~ *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 ~~medical~~ *clinical* specialty.

Sec. 4. NAC 632.259 is hereby amended to read as follows:

632.259 An advanced practitioner of nursing may only prescribe controlled substances, poisons, dangerous drugs or devices which are currently within the standard of practice in his or her identified ~~medical~~ *clinical* specialty.

Sec. 5. NAC 632.2597 is hereby amended to read as follows:

632.2597 1. The Board will issue a certificate of recognition as an advanced practitioner of nursing ~~[in one or more of the following areas of practice:]~~ *authorizing the holder of the certificate to practice as:*

- (a) ~~Nurse~~ *A certified nurse* midwife;
- (b) ~~Nurse~~ *A nurse* psychotherapist;
- (c) ~~Nurse~~ *A certified nurse* practitioner; ~~or~~

(d) ~~[Clinical]~~ *A clinical* nurse specialist ~~[.]~~; *or*

(e) *Any combination thereof.*

2. An applicant for a certificate of recognition 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;

(b) NAC 632.062 and 632.260, to practice as a nurse psychotherapist; or

(c) NAC 632.260 and 632.300, to practice as a clinical nurse specialist.

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

4. An applicant who wishes to obtain a certificate of recognition as an advanced practitioner of nursing to practice as a nurse practitioner or a clinical nurse specialist may request that the Board issue the certificate to specify ~~[:~~

~~—(a) The area of practice; and~~

~~—(b) The medical specialty or] the clinical specialty ~~[:~~~~

~~↪] of the applicant ~~[.] within the specific role.~~~~

5. If an applicant makes a request pursuant to subsection 4, the applicant must submit to the Board documentation of completion of the educational requirements prescribed by the Board for the ~~[medical specialty or] clinical specialty for~~ *the specific role for* which certification is requested.

Sec. 6. NAC 632.260 is hereby amended to read as follows:

632.260 1. An applicant for a certificate of recognition 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 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 ~~medical~~ *clinical* specialty;

(5) Include clinical experience that requires the student to integrate the knowledge and skills that are taught in the program and emphasizes the ~~medical~~ *clinical* specialty chosen by the student; and

(6) Include training in making clinical decisions, including, but not limited to, diagnosing ~~medical~~ *health* conditions and providing appropriate ~~medical~~ 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 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 ~~or~~, *but before June 1, 2005:*

(1) Be certified as an advanced practitioner of nursing by a nationally recognized certification agency; ~~or~~ *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 degree in nursing or 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 advanced practitioner of nursing. The student ~~;~~

~~—(a) ~~Must~~ *must* hold a license as a registered nurse in this State . ~~;~~ and~~

~~—(b) Shall notify the Board in writing of the agreement concerning the practice between the student and the supervisor.]~~

Sec. 7. NAC 632.265 is hereby amended to read as follows:

632.265 ~~{}]~~ A nurse registered in this State who wishes to obtain a certificate of recognition 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.

~~{}]~~ ~~An agreement signed by the applicant and a collaborating physician whose scope of practice includes the medical specialty of the applicant. The agreement must identify the medical, therapeutic or corrective measures the advanced practitioner will perform in collaboration with the physician. The measures must have been included in the advanced practitioner's basic educational program or the advanced practitioner must have successfully completed a comprehensive educational program approved by the Board that prepares him or her to perform those measures.~~

~~—(c) Protocols signed by the collaborating physician, any other collaborating physician who will collaborate with the applicant in his or her absence, and the applicant.~~

~~—(d) A statement signed by the collaborating physician that the applicant has demonstrated proficiency in the functions for which he or she is seeking authority to perform as an advanced practitioner of nursing.~~

~~—(e)~~ 2. The documentation required pursuant to NAC 632.2597.

~~{(f)}~~ 3. Any other information deemed relevant by the Board.

~~{2.—If an applicant has an agreement with more than one collaborating physician, the applicant must submit the documentation required pursuant to subsection 1 for each such physician.~~

~~—3.—Upon the receipt of a completed application, a temporary certificate of recognition as an advanced practitioner of nursing may be issued to an applicant for the length of time specified by the Board. A temporary certificate does not authorize the holder to write a prescription or dispense medication.]~~

Sec. 8. NAC 632.285 is hereby amended to read as follows:

632.285 An advanced practitioner of nursing shall immediately:

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

Sec. 9. NAC 632.290 is hereby amended to read as follows:

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

2. ~~{An}~~ *In addition to renewing his or her license as a registered nurse, an* advanced practitioner of nursing ~~{may}~~ *must* renew his or her certificate ~~{by renewing his or her license,}~~

by submitting the information required *pursuant to NAC 632.291* to renew a certificate and submitting the fee for renewal of the certificate.

Sec. 10. NAC 632.291 is hereby amended to read as follows:

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

~~{1.}~~ **(a)** An attestation that ~~{:~~

~~—(a) He or she has} *the advanced practitioner of nursing:*~~

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

~~—(b) He or she has}~~

(2) Has never had his or her clinical privileges limited, suspended or revoked ~~{:~~

~~→ If an advanced practitioner of nursing attests in the affirmative to paragraphs (a) and (b), a temporary certificate may be issued until the next Board meeting.~~

~~—2.— Proof that the advanced practitioner of nursing has} ; **and**~~

(3) Has completed satisfactorily 45 hours of continuing education directly related to his or her ~~{area of specialization}~~ **clinical specialty** which may include the requirements for continuing education for renewal of a license for a registered nurse . ~~{:~~

~~—3.}~~ **(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 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.

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) Proof that the advanced practitioner of nursing has maintained certification 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. 11. NAC 632.293 is hereby amended to read as follows:

632.293 If an advanced practitioner of nursing has not engaged in at least 800 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 physician or an advanced practitioner of nursing who is in the same ~~medical~~ *clinical* 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~~ *at least 1,000* hours.

Sec. 12. NAC 632.355 is hereby amended to read as follows:

632.355 1. A course of continuing education shall be deemed to be approved by the Board if the course:

- (a) Meets the requirements of NRS 632.343; and
- (b) Is provided by:
 - (1) A provider approved by the Board;

- (2) A national nursing organization;
- (3) An academic institution;
- (4) A provider of continuing education that is recognized by another board of nursing; or
- (5) A provider of continuing education that is recognized by the regulatory body of a related discipline that approves courses of continuing education.

2. Each provider shall employ a coordinator and shall notify the Board of the name of its coordinator. A coordinator shall hold a current license as a registered nurse in Nevada and is responsible for ensuring that:

(a) The contents of the course of continuing education meet the national standards for the continuing education of nurses;

(b) The course incorporates principles of instruction which are specifically designed to facilitate learning by adult students; and

(c) The certificates of completion which are provided to the successful participants of the course are accurate and comply with the requirements set forth in NAC 632.340.

3. The Board will review all courses offered for the completion of the requirements for continuing education by:

(a) Considering each application to the Board for approval to act as a provider of continuing education;

(b) Maintaining a list of all providers approved by the Board; and

(c) Investigating any complaint regarding a course of continuing education.

4. The Board will perform random audits of courses of continuing education. For the purposes of an audit by the Board, a provider shall maintain a description of the contents of a course of continuing education, a list of the persons who attended the course and copies of the

certificates of completion provided to the participants of the course for at least 4 years after the course was presented. If a provider or its coordinator fails to reflect the national requirements for the continuing education of nurses in its business practices, the Board will remove the provider from the list of providers approved by the Board.

~~[5. Approval of a course of continuing education by the Board expires on the date specified by the Board or on July 31 of the year after the date on which the course is deemed approved.]~~