

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

LCB File No. R105-14

December 10, 2014

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption and Amendment of
Regulations of the Nevada State Board of Nursing

The Nevada State Board of Nursing will hold a public hearing during the Nevada State Board of Nursing meeting at 8:30 a.m., on Wednesday, January 14, 2015, at the Tuscany Suites, 255 E. Flamingo Road, Las Vegas, Nevada 89169. The purpose of the hearing is to receive comments from all interested persons regarding the adoption and amendment of regulations that pertain to chapter 632 of the Nevada Administrative Code, LCB File No. R105-14.

The following information is provided pursuant to the requirements of NRS 233B.0603.

1. The notice of intent to act upon a regulation required pursuant to NRS 233B.060 must:

(a) Include:

1. A statement of the need for and purpose of the proposed regulation.

The proposed regulation is needed because prescription drugs are being abused in the State of Nevada, and the Nevada State Board of Nursing will utilize all available means to remedy this abuse problem.

The purpose of the proposed regulation is to require Advanced Practice Registered Nurses to sign up for the Prescription Monitoring Program, which is a valuable tool for any Nevada health care professional.

2. If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

The proposed regulation is not a temporary regulation.

3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

A copy of this notice and the proposed permanent regulation to be adopted and amended will be on file to be inspected and copied at the Nevada State Board of Nursing offices located at 5011

Meadowood Mall Way, Suite 300, Reno, Nevada 89502 and 4220 S. Maryland Parkway, Building B, Suite 300, Las Vegas, Nevada 89119 during normal business hours. Text of the proposed regulation may also be inspected online at www.nevadanursingboard.org or <http://www.leg.state.nv.us/register/2014Register/R105-14P.pdf>.

4. A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:
 - (I) Both adverse and beneficial effects; and

Any adverse effects of the proposed regulation would be the time and energy spent by a prescriber registering and then accessing the Prescription Monitoring Report prior to writing prescriptions. Any adverse effects of the proposed regulation would be offset by the beneficial effects of the proposed regulation which would include safer prescribing practices.

- (II) Both immediate and long-term effects.

The immediate and long-term effects of the proposed regulation would be safer prescribing practices by Nevada Advanced Practice Registered Nurses, and greater protection for Nevada citizens receiving prescriptions.

5. A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The methods used by the Nevada State Board of Nursing in determining the impact on a small business include discussing the requirements with Nevada Advanced Practice Registered Nurses. Although the Nevada State Board of Nursing licenses nurses and not small businesses, some nurses may own their own small businesses and the possible impact on those businesses was researched.

6. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no cost to the Nevada State Board of Nursing for enforcement of the proposed regulation.

7. A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed regulation does not overlap or duplicate a regulation of other state or local governmental agencies, but rather closely parallels a regulation of the Nevada State Board of Pharmacy. Specifically, NRS 639.23507 requires a practitioner to obtain a patient utilization report before writing a prescription in certain circumstances. This proposed regulation contains specific requirements for Nevada Advanced Practice Registered Nurses.

The proposed regulation does not overlap or duplicate a federal regulation.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required pursuant to federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.

10. The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

Persons wishing to comment upon the proposed action of the Nevada State Board of Nursing may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to the Nevada State Board of Nursing office at 5011 Meadowood Mall Way, Suite 300, Reno, Nevada, 89502 or by email to nursingboard@nsbn.state.nv.us. Written submissions must be received by the Board no later than December 31, 2014 at 5:00 p.m. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

- (b) If the proposed regulation is a temporary regulation, state each address at which the text of the proposed regulation may be inspected and copied.

The proposed regulation is not a temporary regulation.

- (c) Include an exact copy of the provisions of subsection 2 of NRS 233B.064.

1. An agency shall not adopt, amend or repeal a permanent regulation until it has received from the Legislative Counsel the approved or revised text of the regulation in the form to be adopted. The agency shall immediately notify the Legislative Counsel in writing of the date of adoption of each regulation adopted.
2. Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption

- (d) Include a statement indicating whether the regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish a new fee or increase an existing fee.

(e) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the agency for that purpose.

A copy of this notice has been mailed to all persons who have requested in writing that they be placed upon the Nevada State Board of Nursing's mailing list.

(f) Be submitted to the Legislative Counsel Bureau for inclusion in the Register of Administrative Regulations created pursuant to NRS 233B.0653. The publication of a notice of intent to act upon a regulation in the Register does not satisfy the requirements for notice set forth in paragraph (e).

A copy of this notice has been submitted to the Legislative Counsel Bureau for inclusion in the Register of Administrative Regulations created pursuant to NRS 233B.0653.

The notice of hearing has been posted at the following locations:

Nevada State Board of Nursing	Reno, NV
Nevada State Board of Nursing	Las Vegas, NV
Churchill County Library	Fallon, NV
Douglas County Library	Minden, NV
Elko County Library	Elko, NV
Eureka Brach Library	Eureka, NV
Humboldt County Library	Winnemucca, NV
Battle Mountain Library	Battle Mountain, NV
Lincoln County Library	Pioche, NV
Lyon County Library	Yerington, NV
Mineral County Library	Hawthorne, NV
Ormsby Public Library	Carson City, NV
Pershing County Library	Lovelock, NV
Goldfield Public Library	Goldfield, NV
Tonopah Public Library	Tonopah, NV
White Pine County Library	Ely, NV