

**NEVADA STATE BOARD OF NURSING
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE R61-22**

1. A clear and concise explanation of the need for the adopted regulation.

This regulation is necessary to allow certain Licensed Practical Nurses (LPN) to practice to the fullest extent of their training and education. One way to help alleviate the nursing shortage is to remove any obstacles to practice based upon old practice models. The system for the delivery of health care has changed. The education of LPNs has changed. The proposed regulation will bring the regulations regarding LPN practice into conformity with current LPN education and training.

2. A description of how public comment was solicited, a summary of public response and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notices of workshop and notices of intent to act upon the regulation were sent by U.S. Mail and email to all persons who were known to have an interest in nursing practices, including nursing delegation. These documents were also made available at the website of the Nevada State Board of Nursing www.nevadanursingboard.org, mailed to all county libraries in Nevada and posted at the following locations:

Nevada State Board of Nursing
5011 Meadowood Mall Way
Suite 300
Reno, NV 89502

Nevada State Board of Nursing
4220 S. Maryland Parkway
Building B, Suite 300
Las Vegas, NV 89119

In summary, the public response was supportive of the regulation. The comments from the general public were supportive because the regulation would now allow LPNs to practice to the fullest extent of their education. Public comment from one organization, National Nurses United, was not supportive of the regulation changes based upon their assertion that there is no nursing shortage and that increased delegation to LPNs is unnecessary if there is proper staffing.

Interested persons may obtain a copy of the summary of the public comments by accessing the Nevada State Board of Nursing's website where all the information regarding the regulatory process can be found. Additionally, any interested person can call or drop by either of the Board's offices to discuss the regulation or look at any of the written minutes of the meetings, workshops, and hearings on the regulation.

3. The number of persons who:

- (a) Attended each hearing:** September 21, 2022 – 2 persons attended the hearing
July 27, 2022 – 5 persons attended the workshop
- (b) Testified at each hearing:** September 21, 2022 – 2 persons testified

July 27, 2022 – 5 persons testified at the workshop

(c) Submitted to the agency written comments: National Nurses United/ Michelle Mahan submitted written comments.

On September 21, 2022, the Nevada State Board of Nursing conducted a hearing and adopted the proposed regulation as written. Two persons, Michelle Mahan and Kathleen Mohn, attended the Hearing and provided verbal testimony.

On July 27, 2022, a workshop was held to solicit comments from interested persons on the proposed regulation. Five persons attended that workshop: Michelle Mahan, National Nurses United; Kaitlin McDaniel, National Nurses Organization Committee–National Nurses United; Carmen Comsti, National Nurses Organization Committee–National Nurses United; Cynthia Roberts, Nurse; and Kathleen Mohn, LPN instructor attended and provided verbal statements regarding of the regulation.

- 4. **A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3.**

In this age of attending board meetings, workshops, and regulation hearings virtually, it is almost impossible to determine who is attending the meeting if the person mutes their microphone and turns off their camera. Then, if a person wishes to make a verbal statement, that person unmutes their microphone and makes the statement. Only then, can it be determined who that person is, and what kind of statement will be made. Telephone numbers and email addresses are not required to attend the open meeting and are rarely provided.

Here are the people that provided positive comments during this process:

Michelle Mahan	National Nurses United
Kaitlin McDaniel	National Nurses Organization Committee–National Nurses United
Carmen Comsti	National Nurses Organization Committee–National Nurses United
Cynthia Roberts	Nurse
Kathleen Mohn	LPN instructor

- 5. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Public comments were solicited from businesses that might employ LPNs. The comments received were in support of the regulation. Public Comments were solicited from health care facilities in the same way that comments were solicited from the general public, with the exception that comments were directly sought from the Nevada Hospital Association (NHA).

Interested persons may obtain a copy of the summary of the public comments sought from businesses by accessing the Nevada State Board of Nursing's website where all the information regarding the regulatory process can be found. Additionally, any interested person can call or drop by either of the Board's offices to discuss the regulation, or look at any of the written minutes of the meetings, workshops, and hearings on the regulation

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The original language approved by the Board was submitted to the Legislative Counsel Bureau. Although refined by the Legislative Counsel Bureau, the language did not materially change the meaning and intent of the original language. Therefore, the Board adopted it without change.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

(1) The estimated economic effect of the adopted regulation on the businesses which it is to regulate.

(a) Both adverse and beneficial effects.

Adverse Effects

The Nevada State Board of Nursing does not anticipate any adverse economic impact from this regulation on businesses it is to regulate, and none has been brought to the attention of the Board.

Beneficial Effects

The beneficial effects of this regulation on businesses it is to regulate will be that health care tasks and patient care responsibilities may now be delegated to LPNs. This regulation should allow LPNs to accomplish more tasks and therefore allow Registered Nurses (RN) to also accomplish more tasks after delegating tasks to LPNs.

(b) Both immediate and long-term effects.

Immediate Effects

The Immediate Effects of the regulation would be is to protect public health and safety, by increasing the number of tasks that LPN may accomplish.

Long-Term Effects

The long-term effects would be the same as the Immediate Effects of the regulation.

(2) The estimated economic effect of the adopted regulation on the public.

- (c) Both adverse and beneficial effects.

Adverse Effects

The Nevada State Board of Nursing does not anticipate any adverse economic impact from this regulation on the public and none has been brought to the attention of the Board.

Beneficial Effects

The beneficial effects of this regulation on the public will be that health care tasks and patient care responsibilities may now be delegated to LPNs. This regulation should allow LPNs to accomplish more tasks and therefore allow Registered Nurses to also accomplish more tasks after delegating tasks to LPNs. This means the public should receive better health care because the complex process of providing health care to the public will be spread across more licensees, thereby allowing more time to be spent with the patients by LPNs and RNs.

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

Immediate Effects

The Immediate Effects of the regulation on the public would be the public should receive better health care because the complex process of providing health care to the public will be spread across more licensees.

Long-Term Effects

The long-term effects would be the same as the Immediate Effects of the regulation.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the Nevada State Board of Nursing for enforcement of this regulation.

9. A description of any regulations of other state or government 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 name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulation duplicates.

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

There are no federal regulations that apply.

11. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**
This regulation does not provide a new fee or increase an existing fee.