

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

LCB File No. R029-97

August 19, 1997

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

AUTHORITY: §§2-4, NRS 632.120; §5, NRS 632.120, 632.270 and 632.2852; §6 and §7, NRS 632.120; §8, NRS 632.120, 632.270 and 632.2852; §§9-12, NRS 632.120; §13, NRS 632.120 and 632.2856; §14, NRS 632.120 and 632.320.

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. *“Nursing assistant” has the meaning ascribed to it in NRS 632.0166.*

Sec. 3. *1. After June 1, 1998, to renew a certificate to practice as a nursing assistant, the certificate holder must have worked at least 500 hours as a certified nursing assistant under the direct supervision of a registered nurse or licensed practical nurse during the preceding 2 years.*

2. Before a certificate to practice nursing may be renewed pursuant to subsection 1, the certificate holder must submit a written document from his employer on the letterhead of his employer or on a form provided by the board that includes:

- (a) The title of the position held by the certificate holder while employed by the employer;*
- (b) The name of the employer of the certificate holder;*
- (c) The total number of hours that the certificate holder has worked for the employer;*
- (d) A signed attestation of a chief nurse that the certificate holder worked under the direct supervision of a registered nurse or licensed practical nurse;*

(e) Any additional documents that support the application for renewal of the certificate to practice as a nursing assistant; and

(f) Any additional information required by the board.

Sec. 4. NAC 632.010 is hereby amended to read as follows:

632.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 632.015 to 632.101, inclusive, *and section 2 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 5. NAC 632.155 is hereby amended to read as follows:

632.155 1. An application must be completed and filed in the office of the board at least 4 ~~[weeks]~~ *months* before the date of the examination.

2. The application must be accompanied by:

(a) ~~[Two identical photographs]~~ *A 2-inch by 2-inch photograph* of the applicant taken within the preceding 2 years;

(b) A complete set of the applicant's fingerprints; and

(c) The appropriate fee.

3. Examinations will be offered at least once a year at a time and place determined by the board.

4. The candidate must write the first examination ~~[offered after filing an application.]~~ *within 90 days after receiving authorization from the board to write the examination.*

Sec. 6. NAC 632.160 is hereby amended to read as follows:

632.160 1. An interim permit ~~[without a fee]~~ may be issued to the applicant ~~[at the time the application is filed. This permit allows the applicant]~~ *pursuant to NRS 632.305* to practice as a ~~[licensed nurse () registered nurse or licensed practical nurse ()]~~ under *the direct* supervision

[until such time as the examination results are received and a permanent license is] of a registered nurse for not more than 2 months after the date on which the interim permit is issued.

2. If it is determined that satisfactory proof of an applicant's ability to read, write and speak English as required by NAC 632.180 is not evident, [no] *the board will not issue an* interim permit [will be issued.] *to the applicant.*

Sec. 7. NAC 632.165 is hereby amended to read as follows:

632.165 1. An applicant for licensing as a registered nurse or as a practical nurse may [rewrite] *write* the examination [twice. The fee for rewriting must be paid before the deadline date for each filing.] *four times.*

2. If the applicant is unsuccessful on the second attempt, *before he may write the examination for the third time*, he must present *to the board* a plan [,] *of study*, acceptable to the board, for preparation to [rewrite] *write* the examination.

3. If the applicant is unsuccessful on the third attempt, *he must repeat* courses in nursing theory [must be repeated] in a nursing program approved by the board before [the applicant may rewrite] *he may write* the examination for the fourth time.

Sec. 8. NAC 632.170 is hereby amended to read as follows:

632.170 [To] *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 *2-inch by 2-inch* photograph of himself taken within the preceding 2 years;
- (3) A complete set of his fingerprints; and
- (4) 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 *2-inch by 2-inch* photograph of himself taken within the preceding 2 years;
- (3) A complete set of his fingerprints; and
- (4) The appropriate fee.

3. An applicant for certification to practice as a nursing assistant must:

(a) Submit to the board:

- (1) A completed application accompanied by a complete set of his fingerprints; and

(2) A 2-inch by 2-inch photograph of himself taken within the preceding 2 years.

(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.

Sec. 9. NAC 632.192 is hereby amended to read as follows:

632.192 1. Two months before the expiration of each license or certificate, the board will mail to the person authorized to practice as a registered nurse, licensed practical nurse or nursing assistant, at his address of record, a form to apply for the renewal of his license or certificate.

The application for renewal must be received in the office of the board on or before the end of the business day on which the authorization to practice expires.

2. The board will find that the holder of the license or certificate has made sufficient application for renewal of the authorization to practice if:

(a) The application for renewal is:

(1) Truthful, accurate and complete, and made on the form supplied by the board.

(2) Accompanied by payment of the required fee. If the fee is paid in a form other than cash, it must be made on an account with a sufficient amount of money for payment of the instrument.

(3) Accompanied by proof that the requirement of continuing education is met.

(4) Accompanied by a complete set of the applicant's fingerprints, if *[the renewal is the first renewal of the license or certificate after June 21, 1994.] so required by the board.*

(5) Accompanied by proof that the licensee has satisfied the requirements of subsection 4, if the application is for renewal of a license and the licensee has not practiced nursing during the immediately preceding 5-year period.

(6) Accompanied by the documentation required pursuant to section 3 of this regulation, if the application is for the renewal of a certificate to practice as a nursing assistant after June 1, 1998.

(b) The applicant attests that he has committed no act which could subject his application to denial nor developed any condition which may interfere with his ability to practice in a safe and effective manner.

3. If an application does not meet the requirements of subsection 2, the staff of the board will not renew the license or certificate. The applicant may apply for reinstatement, appear before the board, or both. If a timely application to appear before the board is made, the staff may issue a temporary license or certificate which remains valid until the board hears the case and makes a determination. If the license or certificate is not renewed because the applicant paid the required fee with an instrument written on an account with an insufficient amount of money for payment of the instrument, the staff may require the payment of a late fee and a fee to cover the administrative cost of handling the instrument.

4. An applicant for renewal of a license who has not practiced nursing during the immediately preceding 5-year period must complete a course or program approved by the board if he has otherwise satisfied the requirements for renewal set forth in this chapter and chapter 632 of NRS. The board may issue to the applicant a temporary license [*which remains valid until the applicant completes*] *for not more than 4 months after the date on which it was issued for the purpose of completing* the course or program in which he is enrolled. Upon submission of evidence of completion of the course or program, the board will issue to the applicant a permanent license if he has satisfied the requirements of subsection 2.

5. An original license or certificate is valid for the period from the date of issuance to the licensee's or certificate holder's second birthday after issuance. Thereafter each license or certificate will expire biennially on the licensee's or certificate holder's birthday. In a leap year the license or certificate of a licensee or certificate holder born on February 29 expires on February 28.

Sec. 10. NAC 632.211 is hereby amended to read as follows:

632.211 1. The board will appoint a committee to advise and report to the board on matters related to complaints concerning the practice of nursing and standards of practice. The committee will consist of at least 25 persons who are knowledgeable in areas of specialized practice, a member of the board and a member of the board's staff, who shall serve as chair of the committee.

2. The board will appoint a committee to advise and report to the board on matters related to the establishment of state standards of nursing practice. The committee will consist of at least 10 persons who are knowledgeable in all areas of general nursing practice in Nevada and trends in national nursing practice, and a member of the board's staff, who shall serve as chair of the committee.

3. The board will appoint a committee to advise and report to the board on matters related to this chapter and chapter 632 of NRS as they relate to national standards for nursing practice to this state. The committee will consist of at least eight persons who are knowledgeable of this chapter and chapter 632 of NRS, and a member of the board's staff, who shall serve as chair of the committee.

4. The board will appoint a committee, consisting of at least seven persons, to advise and report to the board on matters related to this chapter and chapter 632 of NRS as they relate to licensees and holders of certificates maintaining competency through:

- (a) Academic education, including continuing education; and
- (b) Acquisition of new knowledge, skills and abilities.

5. *The board will appoint a committee to advise and report to the board on matters related to advanced practitioners of nursing. The committee will consist of seven persons who are knowledgeable in all areas concerning advanced practitioners of nursing.*

6. Each person appointed to a committee pursuant to this section, other than a member of the board or the board's staff, serves as a volunteer.

Sec. 11. NAC 632.232 is hereby amended to read as follows:

632.232 A licensed practical nurse shall contribute to the plan of care established for a patient by recording and reporting to the appropriate person his observations, [assessments] *collected data* and activities relating to the physical and mental condition of the patient, including any symptoms which may indicate a change in the patient's status.

Sec. 12. NAC 632.242 is hereby amended to read as follows:

632.242 1. A licensed practical nurse may *collect data and* perform a skill, [assessment,] intervention or other duty in addition to those taught in an educational program for practical nurses if:

- (a) He has at least 1,500 hours of clinical experience in nursing after receiving his license.
- (b) The *collection of data or* performance of the additional skill, [assessment,] intervention or other duty is within the authorized scope of practice of a licensed practical nurse in this state.

(c) In *collecting data and* performing the additional skill, [assessment,] intervention or other duty he follows the applicable written procedures and policies approved by the medical staff, the nursing administration and the administration of the employing agency.

(d) Before *collecting data or* performing the skill, [assessment,] intervention or other duty he submits to his employer proof that he:

(1) Has completed a comprehensive program of study and supervised clinical practice which was approved by the board on or after January 1, 1986;

(2) Has completed a comprehensive program of study and supervised clinical practice from another state; or

(3) Has acquired the additional knowledge, skill and ability.

2. The licensed practical nurse and his employer shall each maintain evidence of:

(a) The original documentation and demonstration of the acquired knowledge, skill and ability; and

(b) Annual verification of the nurse's continued competency regarding that knowledge, skill and ability through annual recertification or records of annual evaluations documenting satisfactory repeated performances of the knowledge, skill and ability in the nurse's area of practice.

3. For the purposes of paragraph (b) of subsection 1, *collection of data and* a skill, [assessment,] intervention or other duty is within the authorized scope of practice of a licensed practical nurse if it has been described as being performed by a licensed practical nurse in two or more national nursing publications, national nursing practice guidelines or national standards for nursing practice, or any combination thereof, which:

(a) Are listed in the annual Cumulative Index to Nursing and Allied Health Literature that was most recently approved by the board; or

(b) Have been individually approved by the board.

Sec. 13. NAC 632.770 is hereby amended to read as follows:

632.770 [An] 1. *Except as otherwise provided in subsection 2, an approved program must not have less than 1 instructor for each 15 trainees to instruct nursing skills, laboratory practice or clinical practice.*

2. The provisions of this section do not apply to any lecture portion of an approved program sponsored by an institution of post-secondary education that is not part of a demonstration, or clinical or laboratory study.

Sec. 14. NAC 632.890 is hereby amended to read as follows:

632.890 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 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 [which] *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 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 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.
- [12.] 13. Violating a patient's confidentiality.
- [13.] 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.
- [14.] 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 chapter 632 of NRS or this chapter.

[15.] 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.

[16.] 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.

[17.] 18. Diverting supplies, equipment or drugs for personal or unauthorized use.

[18.] 19. Aiding, abetting or assisting any person in performing any acts prohibited by law.

[19.] 20. Inaccurate recording, falsifying or otherwise altering or destroying records.

[20.] 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.

[21.] 22. Leaving an assignment without properly notifying the appropriate personnel or abandoning a patient in need of care.

[22.] 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.

[23.] 24. Failing to collaborate with other members of a health care team as necessary to meet the health needs of a patient.

[24.] 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.

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

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

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

[28.] 29. Engaging in sexual contact with a patient or client.

[29.] 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.

[30.] 31. Failing to report the unauthorized practice of nursing.

[31.] 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.

[32.] 33. Abusing or neglecting a patient.

[33.] 34. Misappropriating the property of a patient.

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

[35.] 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.

[36.] 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.