

LCB File No. R073-98

**NOTICE OF INTENT TO ACT UPON A REGULATION
OF THE NEVADA STATE BOARD OF NURSING**

The Nevada State Board of Nursing will hold a public hearing, receive comments from all interested persons regarding the adoption, amendment or repeal of regulations.

This hearing will be conducted at 9:00 a.m. on Friday, June 5, 1998, at the Washoe County District Health Department, South Meeting Room, 1001 E. Ninth, Reno, Nevada.

The information on the following is provided on the attachment pursuant to the requirements of NRS 233B.060:

NAC 632.192 Expiration and renewal of license or certificate.

Amended to require 400 hours of proof of employment for nursing assistant in two years prior to renewal as outlined in NAC 632.193

NAC 632.193 Renewal of certificate: Continuing training.

Amended to require documentation of 400 hours of proof of employment for nursing assistant in two years prior to renewal.

The purpose of this amendment is to implement NRS 632.342(2.d) which states, the board shall renew a certificate if the applicant submits documentation of employment as a nursing assistant during the 2 years immediately preceding the date of the renewal. The need for this statute and a specific number of employment hours is to ensure on-going competency. The number of hours developed by the CAN Advisory Committee was originally set at 500 but was later amended by the Board to 400 hours at the 12/4/98 public hearing.

Testimony from the October 21, 1997 public workshop from a representative of the home health industry stated that rural CNA's as employees of home health agencies would not be able to complete 500 hours in two years therefore making the CNA unavailable for employment. Testimony from the October 23, 1997 public workshop from a representative of the long term care industry stated support for the 500 hours. The estimated economic effect of the regulation on the public is neither adverse or beneficial immediately or in the long-term.

There will be no additional cost to the agency for enforcement of the amended regulation.

There is no duplication or overlap with any other local, state, or federal agencies.

The regulation is required pursuant to federal law, 42CFR Ch. Iv subsection 483. The federal law requires a CAN to be removed from the nurse aide registry if they have performed no nursing or nursing-related services for a period of 24 consecutive months. The federal law does not specify a set number of hours.

The amendment does not establish a new fee or increases an existing fee.

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, 1755 E. Plumb Lane, Suite 260, Reno, Nevada 89502. Written submissions must be received by the Nevada State Board of Nursing at least 5 days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State board of Nursing may proceed immediately to act upon any written submissions.

A copy of this notice and the amendments and additions to the regulations will be on file at the State Library, 100 Stewart Street, Carson City, Nevada. Additional copies will be available at the Reno and Las Vegas offices of the Nevada State Board of Nursing for inspecting and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and in incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted at the following locations:

Nevada State Board of Nursing
Reno and Las Vegas

Nevada County Courthouses:

Carson City Clerk
Clark County
Elko County

Mineral County
Washoe County
White Pine County District Court

Nevada Public Libraries:

Churchill County Library
Douglas County Library
Elko County Library
Esmeralda County
Eureka Branch Library
Battle Mtn Branch Library
Goldfield Public Library
Humboldt County Library
LV - Clark County Library
Lincoln County Library

Lyon County Library
Mineral County Library
Ormsby Public Library
Pershing County Library
Storey County Library
Tonopah Public Library
Washoe County Library
White Pine County library
Nevada State Library

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

The regulation changes to NAC 632.192 and NAC 632.193 were approved in wording and concept by the Nevada State Board of Nursing on September 11, 1997. Public workshops were held in Las Vegas, Nevada on October 21, 1997 and in Reno, Nevada on October 23, 1997. A public hearing was held in Reno, Nevada on December 4, 1997.

NAC 632.192 and NAC 632.193 amended as follows:

AUTHORITY: §§1, 2, NRS 632.120.

Section 1. 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.

(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 NAC 632.193), if the application is for the renewal of a certificate to practice as a nursing assistant.

(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 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. 2. NAC 632.193 is hereby amended to read as follows:

632.193 1. To renew his certificate, a nursing assistant must submit [documentation] 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 [to the board.]; and

(b) *Documentation of completion of at least 400 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 4 years.

5. *The documentation required pursuant to paragraph (b) of subsection 1 must be a letter written by the employer of the nursing assistant on the stationary 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;*

(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.

Sec. 3. This regulation becomes effective on June 1, 1998.