

LCB File No. R063-08

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

NOTICE OF INTENT TO ACT UPON A REGULATION

**NOTICE OF WORKSHOP AND 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 workshop at 10:00 a.m., on April 17, 2008, at the Nevada State Board of Nursing offices in Reno and Las Vegas, Nevada, connected by videoconference. The addresses of those offices are: Reno: 5011 Meadowood Mall Way, Suite 300, Reno, Nevada 89502; Las Vegas; 2500 W. Sahara Avenue, Suite 207, Las Vegas, Nevada 89102.

The Nevada State Board of Nursing will hold a public hearing at 8:30 a.m., on May 23, 2008, at the Nevada State Board of Nursing board meeting held in Las Vegas, Nevada. The address of that hearing is Tuscan Suites, 255 E. Flamingo Road, Las Vegas, Nevada 89109.

The purpose of the public 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.

The following regulations will be adopted, amended or repealed:

NAC 632.105; 632.340; 632.450, 632.540, 632.600; 632.605; 632.615; 632.640; 632.660; 632.665; 632.680; 632.690; 632.695; 632.703, 632.890.

The following information is provided pursuant to the requirements of NRS 233B.0603(1)(a):

1. The need for and the purpose of the proposed regulation or amendment.

632.105: The proposed change to NAC 632.105 is needed to provide clarification for the definition of “in the process of obtaining accreditation”.

632.340: The proposed change to NAC 632.340 is needed to update the types of documentation acceptable to prove attendance at continuing education.

632.450: The proposed change to NAC 632.450 is needed to provide a more up to date list of persons who can delegate to a licensed practical nurse.

632.540: The proposed change to NAC 632.540 is needed to remove unnecessary requirements of continuing education.

632.600: The proposed change to NAC 632.600 is needed to explain more fully the steps to full approval for a nursing education program.

632.605: The proposed change to NAC 632.605 is needed to clarify type of accreditation, budget and credit transfer information needed on an application for a nursing program and will help Nevada students make informed choices on nursing educational programs.

632.615: The proposed change to NAC 632.615 is needed to identify the importance that Nevada schools of nursing curriculums are consistent with national nursing education standards.

632.640: The proposed change to NAC 632.640 is needed give LPN nursing programs the opportunity to be licensed by Nevada Commission on Post Secondary Education creates an opportunity for private LPN nursing education.

632.660: The proposed change to NAC 632.660 is needed clarify educational experiences needed by an administrator of a nursing education program to provide better leadership for Nevada schools of nursing.

632.665: The proposed change to NAC 632.665 is needed to identify the responsible nurse for safety notification to NSBN and to ensure development of nursing faculty for better nursing education.

632.680: The proposed change to NAC 632.680 is needed for students to have clear rights to understand the process of policy change and notification of students by nursing faculty.

632.690: The proposed change to NAC 632.690 is needed reduce cumbersome wording for LPN education. The RN requirements for education are updated for technology, regulation and evidenced based nursing practice which will result in better nurses for Nevada.

632.695: The proposed change to NAC 632.695 is needed so that amount of clinical nursing education is not changed without a NSBN review for effect on the quality of nursing education.

632.703: The proposed change to NAC 632.703 is needed to clarify that innovative nursing education programs need NSBN approval for clinical education in Nevada.

632.890: The proposed change to NAC 632.890 is needed because abuse and neglect are very different types of unprofessional conduct. An amendment separating abuse and neglect into separate examples of unprofessional conduct would provide greater clarity to nurses.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed amendment to the regulations are attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public:

- (a) Both adverse and beneficial effects.

There will be no adverse economic effect of these regulations on the businesses which it is to regulate (nurses) or the public. The change of the regulations will benefit the nurses to be regulated and the public by providing clarification to the regulations.

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

These changes will have immediate and long-term beneficial effects through the clarification of the regulations.

4. The methods used by the Nevada State Board of Nursing in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608 include:

The method used by the Board in determining the impact on a small business was to examine whether or not the practice of the nurses the Board regulates will have their practice impacted. On the whole, the nurse's practice will not be impacted to any degree that a small business would feel an impact.

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

There will be no cost incurred by the board for enforcement of these regulation amendments.

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

The Nevada State Board of Nursing is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

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

The Nevada State Board of Nursing is not aware of these regulations being required by federal law.

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

The Nevada State Board of Nursing is not aware of any similar federal regulations of the same activity in which the state regulations are more stringent.

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

An interested person may present their views may appear at the scheduled public workshop and hearing or may address their comments, data, views, or arguments in written form to the Nevada State Board of Nursing, 5011 Meadowood Mall Way, Suite 300, Reno, Nevada 89502, or at the e-mail address: nursingboard@nsbn.state.nv.us. Written submissions must be received by the Board by April 16, 2008 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.

The following information is provided pursuant to the requirements of NRS 233B.0603(1)(b):

The text of the proposed regulations may be inspected and copied at either of the offices of the Nevada State Board of Nursing.

The addresses of those offices are: Reno: 5011 Meadowood Mall Way, Suite 300, Reno, Nevada 89502; Las Vegas; 2500 W. Sahara Avenue, Suite 207, Las Vegas, Nevada 89102.

Additionally, a copy of this notice and the regulations to be adopted and amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted and amended will be available in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of each regulation will include the entire text of any section of the Nevada Administrative Code which is proposed for amendment or repeal. This notice and the text of the proposed regulation 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 of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

The following information is provided pursuant to the requirements of NRS 233B.0603(1)(c):

An exact copy of subsection 2 of NRS 233B.064 reads: 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.

The following information is provided pursuant to the requirements of NRS 233B.0603(1)(d):

Whether the proposed regulation establishes a new fee or increases an existing fee.

These regulations do not provide a new or increase of fees.

The following information is provided pursuant to the requirements of NRS 233B.0603(1)(e):

A copy of this notice of intent to act upon a regulation has been mailed to all persons who have requested in writing that they be placed upon a mailing list, which has been kept by the Nevada State Board of Nursing for this purpose.

The following information is provided pursuant to the requirements of NRS 233B.0603(1)(f):

A copy of this notice of intent to act upon a regulation has been submitted to the Legislative Counsel Bureau for inclusion in the Register of Administrative Regulations.

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

Nevada State Board of Nursing
5011 Meadowood Mall Way, Suite 300
Reno, Nevada
Washoe County

Nevada State Board of Nursing
2500 W. Sahara Ave., Suite 207
Las Vegas, Nevada
Clark County

State Library and Archives
100 North Stewart Street
Carson City, Nevada 89701

Churchill County Library
553 South Maine Street
Fallon, NV 89406

Douglas County Library
P.O. Box 337
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Eureka Branch Library
P.O. BOX 293
Eureka, NV 89316

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89404

Battle Mountain Library
(Lander County)
P.O. Box 141
Battle Mountain, NV 89820

Lincoln County Library
P.O. Box 330
Pioche, NV 89043

Mineral County Library
P.O. Box 1390
Hawthorne, NV 89415

Pershing County Library
P.O. Box 781
Lovelock, NV 89419

Goldfield Public Library
(Esmeralda County)
P.O. Box 430
Goldfield, NV 89013

White Pine County Library
Courthouse Plaza
Ely, NV 89301

Lyon County Library
20 Nevin Way
Yerington, NV 89447

Ormsby Public Library
900 North Roop Street
Carson City, NV 89701

Storey County Library
P.O. Box 14
Virginia City, NV 89440

Tonopah Public Library
(Nye County)
P.O. Box 449
Tonopah, NV 89049

LCB File No. R063-08

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

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

AUTHORITY: NRS 632.120

A REGULATION relating to nursing.

Section 1. NAC 632.105 is hereby amended as follows:

NAC 632.105 “In the process of obtaining accreditation” defined for chapter 632 of NRS.

As used in chapter 632 of NRS, the term “in the process of obtaining accreditation” means a *provisionally* approved school of practical nursing or a *provisionally* approved school of professional nursing that has applied for accreditation from a nationally recognized association or an agency authorized by law to accredit such schools which has been approved by the Board.

AUTHORITY: NRS 632.120, 632.343

A REGULATION relating to nursing.

Section 2. NAC 632.340 is hereby adopted as follows:

NAC 632.340 Attestation of compliance, audits of nurses: certificates of completion.

1. Each nurse shall attest to his compliance with the requirements for continuing education at the time for the renewal of his license. The attestation must be made on forms provided by the Board.

2. The Board will perform random audits of nurses for compliance with the requirements for continuing education.

3. If audited by the Board, a nurse shall prove that he has participated in 30 contact hours of continuing education during the 24 months which immediately precede the nurse’s most recent birthday by presenting authenticated photocopies of original certificates of completion to the Board. A certificate of completion *or a computer print*

out from an approved continuing education provider must include:

- (a) The title of the course;
- (b) The name of the provider of the course;

- (c) The name of the body which approved the course;
- (d) The date on which the course was presented;
- (e) The name and license number of the nurse; and
- (f) The number of contact hours earned in the course.

4. A nurse shall retain ~~[an original certificate of completion]~~ *documentation of completion of the required continuing education* for 4 years.

5. A nurse shall permanently retain documentation of completion of the required bioterrorism course.

AUTHORITY: NRS 632.120

A REGULATION relating to nursing.

Section 3. NAC 632.450 is hereby amended as follows:

NAC 632.450 Procedures delegable to licensed practical nurses.

1. A licensed practical nurse who has completed a course in intravenous therapy approved by the Board pursuant to NAC 632.242 and who acts pursuant to a written order *issued by an advanced practitioner of nursing, a licensed physician, a licensed physician's assistant, a licensed dentist or a licensed podiatric physician* ~~[of a physician]~~ and under the immediate supervision of a physician, physician assistant or registered nurse may:

(a) Start peripheral intravenous therapy using devices which act like needles and are not longer than 3 inches;

(b) Introduce one or more solutions of electrolytes, nutrients or vitamins;

(c) Piggyback solutions of electrolytes, nutrients and vitamins;

(d) Administer any of the following medications by adding a solution by piggyback:

(1) Antibiotics;

(2) Steroids; and

(3) Histamine H2 receptor antagonists;

(e) Administer fluid from a container which is properly labeled and contains antibiotics, steroids or histamine H2 receptor antagonists that were added by a pharmacist or a registered nurse designated by the pharmacist;

(f) Flush locks;

(g) Except as otherwise provided in paragraph (h), administer fluid by continuous or intermittent infusion through a peripheral device which uses a mechanism to control the flow;

(h) Administer fluid to a patient with a temporary central venous catheter by continuous or intermittent infusion through a peripheral device which uses an electronic mechanism to control the flow;

(i) Discontinue peripheral intravenous catheters which are not longer than 3 inches; and

(j) Change a central venous catheter dressing.

2. In addition to the procedures set forth in subsection 1, a licensed practical nurse who has completed a course in intravenous therapy approved by the Board pursuant to NAC 632.242 and who acts pursuant to a written order of a physician and under the direct supervision of a registered nurse may assist the registered nurse in the intravenous administration of blood and blood products by collecting data and performing simple nursing tasks related to that administration of blood or blood products.

AUTHORITY: NRS 632.120

A REGULATION relating to nursing.

Section 4. NAC 632.540 is hereby amended as follows:

NAC 632.540 Certificate of recognition: Expiration and renewal.

1. A certificate of recognition as a certified registered nurse anesthetist expires biennially upon expiration of the holder's license as a registered nurse.

2. A certificate of recognition as a certified registered nurse anesthetist will be renewed upon:

(a) Submission of evidence of the renewal of a current license as a registered nurse in Nevada;

(b) Submission of evidence of current certification as a nurse anesthetist from the Council on Certification of Nurse Anesthetists or the Council on Recertification of Nurse Anesthetists; and

(c) Except as otherwise provided in subsection 3, documentation of 45 contact hours of continuing education related to practice as a nurse anesthetist~~[, 15 hours of which must concern pharmacology in relation to the practice as an anesthetist].~~

3. If the national recertification occurs within 1 year before the nurse anesthetist's birthday, the Board will consider it sufficient evidence of:

- (a) The successful completion of 40 contact hours of continuing education related to practice as a nurse anesthetist; and
- (b) Validation of his professional practice during the previous 2 years.

AUTHORITY: NRS 632.120, 632.430, 632.440

A REGULATION relating to nursing.

Section 5. NAC 632.600 is hereby amended as follows:

NAC 632.600 Definitions.

As used in NAC 632.600 to 632.711, inclusive, unless the context otherwise requires:

1. “Conditional approval” means approval, with conditions or restrictions, granted by the Board to a program of nursing which does not meet the standards for curriculum established by the Board.
2. “Full approval” means approval granted by the Board to a program of nursing if it meets the standards established by the Board and the requirements of law.
3. “Provisional approval” means approval granted by the Board to a program of nursing which has not graduated its first class and demonstrated eligibility for full approval.
4. *“Candidate for provisional approval” means the approval granted by the Board upon initial review of a complete nursing program application which demonstrates sufficient documentation that the program has met the legal requirements of a nursing program in Nevada pending the results of a site survey to validate the information in the nursing program application.*

AUTHORITY: NRS 632.120, 632.430, 632.440

A REGULATION relating to nursing.

Section 6. NAC 632.605 is hereby amended as follows:

NAC 632.605 Submission of application and statement of intent to establish program.

1. A university or college which wishes to establish a program of nursing in this State must submit an application to the Board. The Board will prescribe the form for the application.
2. The administrator of the program shall submit to the Board, at least 6 months before the program is offered, a statement of intent which must include:

- (a) Proof that the program is approved by the system of universities or community colleges of the state in which it is accredited;
- (b) The results of a survey which demonstrates the need for the program of nursing;
- (c) The results of a survey which demonstrates the need for the program of nursing;
- (d) The type of *nursing* program which will be offered;
- (e) The name, *address* and *status of the* accreditation of the institution offering the *nursing program*.
- (f) The relationship of the program of nursing to that institution;
- (g) Evidence of budgetary support *including a notarized accounting statement that conforms to generalized accounting standards which documents funding sufficient to initiate and sustain a nursing education program*.
- (h) The projected enrollment;
- (i) Evidence that a sufficient number of qualified members of the faculty are available to conduct the program;
- (j) A description of the proposed clinical facilities to be used;
- (k) The resources available at the site of the program;
- (l) The proposed schedule for beginning the program; and
- (m) Any additional information requested by the Board.
- (n) A statement on the transferability of credits to other institutions of higher learning in Nevada.*

AUTHORITY: NRS 632.120, 632.430, 632.440

A REGULATION relating to nursing.

Section 7. NAC 632.615 is hereby amended as follows:

NAC 632.615 Provisional approval: Requirements for application.

A university or college may apply for provisional approval of a program of nursing offered by the university or college if:

1. A qualified administrator is at the site and there are sufficient qualified members of the faculty to begin the program;
2. A written proposal for the program, developed in accordance with the *national nursing* standards for nursing education approved by the Board, has been submitted to the Board; and

3. A visit to the facilities has been conducted by the Board.

AUTHORITY: NRS 632.120, 632.430, 632.440

A REGULATION relating to nursing.

Section 8. NAC 632.640 is hereby amended as follows:

NAC 632.640 Requirements for approval.

1. A program of nursing offered by a university or college must:
 - (a) Be an integral part of the university or college *or be licensed by Nevada Commission on Post-secondary Education if an LPN program;*
 - (b) Adopt statements of purpose, philosophy and objectives which are consistent with those of the institution offering the program;
 - (c) Be organized with clearly defined lines of authority, areas of responsibility and channels of communication;
 - (d) Allow the members of the faculty to participate in the determination of academic policies and procedures and the development and evaluation of the curriculum; and
 - (e) Allow students to participate in the evaluation of the curriculum and other aspects of the program to which they may be able to contribute.
2. The policies and procedures of the program of nursing must be in writing *and include patient safety during clinical experiences.*

AUTHORITY: NRS 632.120, 632.430, 632.440

A REGULATION relating to nursing.

Section 9. NAC 632.660 is hereby amended as follows:

NAC 632.660 Administrator: Qualifications.

1. Each administrator of a program of nursing must:
 - (a) Be licensed to practice as a registered nurse in this State; and
 - (b) Have at least 5 years of experience as a registered nurse, ~~2~~ 3 of which must be teaching in ~~[an accredited program of]~~ a nursing *program accredited by the National League for Nursing Accrediting Commission or the Commission for Collegiate Nursing Education .*

2. The administrator of a program of nursing which grants a bachelor's degree in nursing must have a master's degree with a major in nursing and a doctorate degree in nursing or a related field from an accredited school.

3. The administrator of a program of nursing which grants an associate degree in nursing must have a master's degree in nursing from an accredited school.

4. The administrator of a program of practical nursing must have a master's degree in nursing from an accredited school.

AUTHORITY: NRS 632.120, 632.430, 632.440

A REGULATION relating to nursing.

Section 10. NAC 632.665 is hereby amended as follows:

NAC 632.665 Administrator: Duties.

1. The administrator of a program of nursing shall:

(a) Devote a sufficient amount of time to administer the program;

(b) Prepare and administer the budget for the program; ~~and~~

(c) Notify the Board of any substantial change in the program or its administration;

(d) Notify the board of any sentinel event.

(e) Devote sufficient time to faculty development and faculty mentoring programs.

2. The instructional duties of the administrator of a program of nursing must be consistent with the scope of his administrative duties.

AUTHORITY: NRS 632.120, 632.430, 632.440

A REGULATION relating to nursing.

Section 11. NAC 632.680 is hereby amended as follows:

NAC 632.680 Students: Admission; policies.

1. The requirements for admission to a program of nursing must be clearly stated. The number of students enrolled in the program of nursing must be determined by the number of members of the faculty and the availability of clinical learning experiences.

2. Students who seek admission to a program of nursing by transferring from a program of nursing from another accredited school of nursing or who seek readmission for the completion of

a program must comply with the requirements for admission which are effective at the time of the transfer or readmission.

3. All policies concerning students must be in writing *and include the processes for revision of policies and communication of those revisions to students.*

4. The administrator of a program of nursing shall establish a policy for the resolution of complaints and disputes concerning students.

AUTHORITY: NRS 632.120, 632.430, 632.440

A REGULATION relating to nursing.

Section 12. NAC 632.690 is hereby amended as follows:

NAC 632.690 Requirements for instruction; records of evaluation of curriculum.

1. A program of nursing which educates practical nurses must include instruction in the following areas of nursing:

(a) Care provided to persons who require ~~surgery~~ *medical and surgical care*

~~[(b) Care provided to persons who do not require surgery]~~

~~[(e)]~~ (b) Maternal and child health; and

~~[(d)]~~ (c) Mental health;

2. A program of nursing which educates registered nurses must include instruction relating to:

(a) Basic principles of biology, *microbiology*, psychology, ~~and~~ sociology, *mathematics*; *therapeutic communication* and

(b) The theory and practice of nursing, including, without limitation, the attainment, intervention and maintenance of physical and mental health and the prevention of illness ~~for persons and groups of persons~~ *across the lifespan, in a variety of clinical settings. Education should include evidenced based nursing practice and technological skills commensurate with delivering safe patient care.*

(c) *Courses must include professional values, boundaries and ethics. The Nevada Nurse Practice Act must be taught along with the role of regulation and accreditation in healthcare and patient safety.*

3. Courses relating to theory and clinical experience must be taught in a concurrent or sequential manner.

4. The administrator of a program of nursing shall prepare and maintain records of the evaluation of the curriculum by members of the faculty and students enrolled in the program.

AUTHORITY: NRS 632.120, 632.430, 632.440

A REGULATION relating to nursing.

Section 13. NAC 632.703 is hereby amended as follows:

NAC 632.695 Substantial revision of curriculum. If the curriculum of a program of nursing is substantially revised, the administrator of the program shall submit the revision to the Board for approval at least 4 months before the revision is effective. A substantial revision means:

1. A reorganization of the curriculum;
2. A revision of the length of the program;
3. A revision of the objectives of the program; or
4. Any revision of the curriculum of a program that affects the ability of the program to comply with the requirements of chapter 632 of NRS.

5. A revision of the type and amount of clinical experience approved

The term does not include a change in the order in which courses must be taken.

AUTHORITY: NRS 632.120, 632.430, 632.440

A REGULATION relating to nursing.

Section 14. NAC 632.703 is hereby amended as follows:

NAC 632.703 Reports by program which conducts portion of its program in Nevada; visits to determine eligibility for approval.

1. A program of nursing which conducts a portion of its program in Nevada shall submit to the Board a report, on a form provided by the Board, which includes:

(a) Proof of its current accreditation or approval by the state in which the program originates or by any applicable national *nursing* accreditation body;

(b) All correspondence received within the preceding year from the accrediting body or bodies; and

(c) Evidence satisfactory to the Board that the portion of the program conducted in Nevada is conducted in compliance with the provisions of this chapter and chapter 632 of NRS relating to conducting a program of nursing.

2. The administrator of the program of nursing shall:

(a) Notify the Board in writing of any adverse action taken against the program by the accrediting body or bodies within 30 days after the action is taken; and

(b) Complete and submit an annual school report on forms provided by the Board.

3. The Board may conduct a complete visit to the program of nursing to determine its eligibility for approval at any time, or may accept all or part of the survey and findings on accreditation from the state in which the program originates.

4. Online and nontraditional prelicensure nursing programs must have Board approval to provide clinical instruction in Nevada.

AUTHORITY: NRS 632.120, 632.320

A REGULATION relating to nursing.

Section 15. NAC 632.890 is hereby amended as follows:

NAC 632.890 Unprofessional conduct.

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 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, hair 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, hair 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.

13. Violating a patient's confidentiality.

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.

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 this chapter or chapter 632 of NRS.

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.

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.

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

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

20. Inaccurate recording, falsifying or otherwise altering or destroying records.

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.

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

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.

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

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.

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

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

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

29. Engaging in sexual contact with a patient or client.

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.

31. Failing to report the unauthorized practice of nursing.

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.

33. Abusing ~~for neglecting~~ a patient.

34. *Neglecting a patient.*

~~34~~ 35. Misappropriating the property of a patient.

~~35~~ 36. Failing to comply with a condition, limitation or restriction which has been placed on his license or certificate.

~~36~~ 37. 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.

~~37~~ 38. 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~~ 39. 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.