

LCB File No. R002-10

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

NEVADA STATE BOARD OF NURSING

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January 4, 2010

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 February 23, 2010, 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 9:00 a.m., on March 17, 2010, at the Nevada State Board of Nursing board meeting held in Reno, Nevada. The address of that hearing is the Tamarack Junction, 13101 S. Virginia Street, Reno, Nevada 89511.

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The following regulations will be adopted, amended or repealed: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.____, 632.105; 632.192, 632.195, 632.226, 632.260, 632.265, 632.291, 632.450.

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.

632.____: The proposed adoption of NAC 632.____ is needed to provide a definition of the term "school nurse".

632.105: The proposed change to NAC 632.105 is needed to provide clarification to the defined term “In the process of obtaining accreditation”.

632.192: The proposed change to NAC 632.192 is needed to provide clarification to the license or certificate holder during the process of renewal of the license or certificate.

632.195: The proposed change to NAC 632.195 is needed because, as of January 1, 2010, the Nevada State Board of Nursing will no longer be issuing “hard card” licenses or certificates. The Board will no longer be issuing “hard card” licenses or certificates because those “hard cards” are subject to fraud. Also, the Board provides an online verification of licensure or certification on its website should any nurse, employer, or agency need to verify licensure or certification.

632.226: The proposed change to NAC 632.226 is needed to provide clarification and support for the proposition that a “School Nurse” is a protected title in Nevada.

632.260: The proposed change to NAC 632.260 is needed because the Nevada State Board of Nursing has chosen to adhere to the national trend of requiring all future Advanced Practitioners of Nursing to be certified by a nationally recognized certification agency.

632.265: The proposed change to NAC 632.265 is needed because the Nevada State Board of Nursing has chosen to adhere to the national trend of requiring all future Advanced Practitioners of Nursing to be certified by a nationally recognized certification agency.

632.291: The proposed change to NAC 632.291 is needed because the Nevada State Board of Nursing has chosen to adhere to the national trend of requiring all future Advanced Practitioners of Nursing to be certified by a nationally recognized certification agency.

632.450: The proposed change to NAC 632.450 is needed to provide clarification for the procedures delegable to licensed practical nurses.

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 regulations are not temporary regulations.

3. If the proposed regulations 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.

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.

4. 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.

5. 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.

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 the enforcement of these proposed regulation.

7. 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.

8. 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.

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 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.

10. 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 March 1, 2010 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 proposed regulations are permanent regulations and not temporary regulations.

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.

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

Lyon County Library
20 Nevin Way
Yerington, NV 89447

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

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. R002-10

**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.____ is hereby adopted as follows:

NAC 632.____ “School Nurse” defined.

“School Nurse” means a specialized practice of professional nursing that advances the well-being, academic success, and life-long achievement of students. To that end, school nurses facilitate positive student responses to normal development; promote health and safety; intervene with actual and potential health problems; provide case management services; and actively collaborate with others to build student and family capacity for adaptation, self management, self advocacy, and learning, and who is qualified by the Commission on Professional Standards in Education as required by NRS 391.207.

AUTHORITY: NRS 632.120

A REGULATION relating to nursing.

Section 2. 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 an approved school of practical nursing or an 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]~~ *the National League for Nursing Accrediting Commission or the Commission on Collegiate Nursing Education.*

AUTHORITY: NRS 632.120, 632.341, 632.342

A REGULATION relating to nursing.

Section 4. NAC 632.192 is hereby amended as follows:

NAC 632.192 Expiration and renewal of license or certificate.

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]~~ *Each nurse or certified nursing assistant is responsible for renewing her license/certificate prior to the expiration of the license/certificate. The paper renewal form or the electronic renewal information must be received* 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 *or by a valid debit or credit card.*

(3) Accompanied by ~~[proof]~~ *an attestation* that the requirement of continuing education is met.

(4) Accompanied by a complete set of the applicant's fingerprints, if 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]~~ *an attestation* 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.

(c) The Board will renew the license or certificate upon receipt of the requirements in this subsection.

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]~~ *for not more than six months or until the Board* 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 *refresher* license for not more than 6 months after the date on which it was issued for the *sole* 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

6. All applicants for renewal of a license or certificate shall utilize the Board's website for online renewal unless other circumstances require them to complete a paper form. The staff may require the payment of a fee to cover the administrative cost of processing the paper renewal form.

AUTHORITY: NRS 632.120

A REGULATION relating to nursing.

Section 3. NAC 632.195 is hereby amended as follows:

NAC 632.195 Duplicate license or certificate.

~~[If a license or certificate is lost, a duplicate may be issued if the licensee or holder of the certificate submits to the Board a notarized affidavit on a form provided by the Board, accompanied by the fee for a duplicate license or certificate.]~~

AUTHORITY: NRS 632.120,

A REGULATION relating to nursing.

Section 5. NAC 632.226 is hereby amended as follows:

NAC 632.226 Employment as school nurse: Duties; delegation of nursing care; requirements for administering medication to pupils.

1. A registered nurse who is employed as a ~~[school nurse]~~ *School Nurse* shall direct and provide school nursing services.

2. In carrying out a plan of nursing care for a pupil with special needs pursuant to NRS 391.208, a registered nurse who is employed as a ~~[school nurse]~~ *School Nurse* may delegate nursing care to a qualified person.

3. A ~~[school nurse]~~ *School Nurse* may delegate only those duties of nursing care that the Board has approved. The Board will maintain a list of the duties it has approved for delegation and provide a copy of the list to a ~~[school nurse]~~ *School Nurse* or member of the general public upon request.

4. A licensed practical nurse who is employed by a school district to provide nursing care in a school may not delegate nursing ~~[care]~~ *services* or assign duties relating to ~~[that]~~ *the* care to another person.

5. A ~~[school nurse]~~ *School Nurse* shall develop safe and effective procedures for the administration of medication to pupils that comply with nationally recognized standards and the laws of this State.

6. A ~~[school nurse]~~ *School Nurse* may not administer medication to a pupil or delegate that duty to another person unless:

(a) He has obtained written authorization from the parent or legal guardian of the pupil to administer the medication;

(b) The medication is labeled; and

(c) He verifies that the medication has been prescribed and dispensed by a person authorized to do so pursuant to chapter 453, 454 or 639 of NRS or the laws of another state or the District of Columbia.

7. A record of the medication administered to a pupil must be maintained at the school the pupil attends. The ~~{school-nurse}~~ *School Nurse* shall indicate in the record each time he, or a person to whom he delegated the duty, administers medication to the pupil.

8. As used in this section, “qualified person” means a person who is:

(a) Certified or licensed by this State to provide nursing care to a pupil;

(b) Willing to provide nursing care to a pupil and who the ~~{school-nurse}~~ *School Nurse* has determined has the knowledge and skill to provide that nursing care to the pupil in a safe and effective manner; or

(c) Except as otherwise provided in this paragraph, exempt from the requirement of obtaining a license to practice nursing pursuant to subsection 1 of NRS 632.340 and whom the parent or legal guardian of the pupil designates as a person who may provide nursing care to the pupil. A parent or legal guardian may not designate a person who is employed by the school district in which the pupil attends school as a person who may provide nursing care to the pupil.

AUTHORITY: NRS 632.120, 632.237

A REGULATION relating to nursing.

Section 6. NAC 632.260 is hereby amended as follows:

NAC 632.260 Qualifications for certificate of recognition; practice by student.

1. An applicant for a certificate of recognition as an advanced practitioner of nursing must:

(a) Have completed a program designed to prepare an advanced practitioner of nursing which must:

(1) Be at least 1 academic year in length, including at least 4 months of instruction in the classroom and clinical experience with a qualified physician or advanced practitioner of nursing;

(2) Be accredited or approved by an organization approved by the Board to accredit or approve those programs;

(3) Include an advanced course in the following areas of study:

(I) The assessment of the health of patients;

(II) Pathophysiology; and

(III) The preparation for practice as an advanced practitioner of nursing;

(4) Include a concentration of courses in at least one medical specialty;

(5) Include clinical experience that requires the student to integrate the knowledge and skills that are taught in the program and emphasizes the medical specialty chosen by the student; and

(6) Include training in making clinical decisions, including, but not limited to, diagnosing medical conditions and providing appropriate ~~medical~~ care.

(b) Present evidence to the Board that:

(1) Within 2 years before the date of his application, he completed a program to prepare an advanced practitioner of nursing; or

(2) He will complete 1,000 hours of practice, without the privilege of writing prescriptions, under the supervision of a qualified physician or certified advanced practitioner of nursing, within a time specified by the Board.

(c) If previously licensed or certified as an advanced practitioner of nursing in another state or jurisdiction, have maintained the licensure or certification in good standing and complied with the requirements for continuing education of that state or jurisdiction.

(d) If the applicant completes a program designed to prepare an advanced practitioner of nursing on or after July 1, 1992:

(1) Be certified as an advanced practitioner of nursing by a nationally recognized certification agency; or

(2) Hold a bachelor's degree in nursing from an accredited school.

(e) If the applicant completes a program designed to prepare an advanced practitioner of nursing on or after June 1, 2005, hold a master's degree in nursing or in a related health field approved by the Board.

(f) If the applicant completes a program designed to prepare an advanced practitioner of nursing on or after June 1, 2014, be certified as an advanced practitioner of nursing by a nationally recognized certification agency.

2. A student enrolled in a formal educational program for an advanced practitioner of nursing may perform the functions of an advanced practitioner of nursing, except writing prescriptions, if

he does so under the supervision of a licensed physician or a certified advanced practitioner of nursing. The student:

(a) Must hold a license as a registered nurse in this State; and

(b) Shall notify the Board in writing of the agreement concerning the practice between the student and the supervisor.

AUTHORITY: NRS 632.120, 632.237

A REGULATION relating to nursing.

Section 7. NAC 632.265 is hereby amended as follows:

NAC 632.265 Certificate of recognition: Submission of application and other documents; temporary certificate.

1. A nurse registered in this State who wishes to obtain a certificate of recognition as an advanced practitioner of nursing must submit the following for the approval of the Board:

(a) An application on forms provided by the Board.

(b) An agreement signed by the applicant and a collaborating physician whose scope of practice includes the medical specialty of the applicant. The agreement must identify the medical, therapeutic or corrective measures the advanced practitioner will perform in collaboration with the physician. The measures must have been included in the advanced practitioner's basic educational program or the advanced practitioner must have successfully completed a comprehensive educational program approved by the Board that prepares him to perform those measures.

(c) Protocols signed by the collaborating physician, any other collaborating physician who will collaborate with the applicant in his absence, and the applicant.

(d) A statement signed by the collaborating physician that the applicant has demonstrated proficiency in the functions for which he is seeking authority to perform as an advanced practitioner of nursing.

(e) The documentation required pursuant to NAC 632.2597.

(f) Evidence of current national certification from a program nationally accredited by the American Board of Nursing Specialties or the National Commission for Certifying Agencies that measures the advanced practitioner of nursing core, role and population-focused

competencies, unless the applicant completed a program designed to prepare an advanced practitioner of nursing before June 1, 2014.

~~(f)~~ (g) Any other information deemed relevant by the Board.

2. If an applicant has an agreement with more than one collaborating physician, he must submit the documentation required pursuant to subsection 1 for each such physician.

3. Upon the receipt of a completed application, a temporary certificate of recognition as an advanced practitioner of nursing may be issued to an applicant for the length of time specified by the Board. A temporary certificate does not authorize the holder to write a prescription or dispense medication.

AUTHORITY: NRS 632.120, 632.237

A REGULATION relating to nursing.

Section 8. NAC 632.291 is hereby amended as follows:

NAC 632.291 Certificate of recognition: Requirements for renewal; issuance of temporary certificate.

When he renews his certificate, an advanced practitioner of nursing must submit, on forms supplied by the Board:

1. An attestation that:

(a) He has not been named as a defendant in any malpractice suits; and

(b) He has never had his clinical privileges limited, suspended or revoked.

↪ If an advanced practitioner of nursing attests in the affirmative to paragraphs (a) and (b), a temporary certificate may be issued until the next Board meeting.

2. Proof that he has completed satisfactorily 45 hours of continuing education directly related to his area of specialization which may include the requirements for continuing education for renewal of a license for a registered nurse.

3. *If an advanced practitioner of nursing completed a program designed to prepare an advanced practitioner of nursing after June 1, 2014, that advanced practitioner of nursing must submit proof that he has maintained certification through a national certification program described in NAC 632.265.*

~~(3)~~ 4. Any other information required by the Board

AUTHORITY: NRS 632.120

A REGULATION relating to nursing.

Section 9. 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 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.

(g) Withdraw blood from a peripherally inserted central catheter.

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.