

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

LCB File No. R002-10

February 3, 2010

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

AUTHORITY: §§1, 2 and 7-9, NRS 632.120; §§3-6, NRS 632.120 and 632.237.

A REGULATION relating to nursing; revising provisions governing licensing and certification, including renewal of a license or certificate; defining the term “school nurse;” revising provisions governing advanced practitioners of nursing; revising provisions relating to procedures delegable to licensed practical nurses; and providing other matters properly relating thereto.

Section 1. NAC 632.192 is hereby amended to read as follows:

632.192 1. ~~[Two months] Each licensee or holder of a certificate who wishes to renew his license or certificate must submit an application for renewal of the license or certificate to the Board 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]~~ the license or certificate. The application for renewal must be received ~~[in the office of]~~ by 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 *licensee or* holder of the ~~[license or]~~ certificate has made sufficient application for renewal of the authorization to practice *and will renew that person's license or certificate* 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 ~~H~~ 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~~ **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.
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 the applicant makes~~ a timely application to appear before the Board, ~~is made,~~ the staff may issue a temporary license or certificate which remains valid **for not more than 6 months after the date on which the temporary license or certificate was issued or** 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 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.

Sec. 2. NAC 632.226 is hereby amended to read as follows:

632.226 1. A ~~a registered nurse who is employed as a~~ school nurse **who is a registered 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 **who is a registered nurse** may delegate nursing care to a qualified person.

3. A 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 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] such** care to another person.

5. A 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 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 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”]**:

(a) **“Qualified”** person means a person who is:

[(a)] (1) Certified or licensed by this State to provide nursing care to a pupil;

~~(b)~~ (2) Willing to provide nursing care to a pupil and who the 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)~~ (3) Except as otherwise provided in this ~~paragraph,~~ *subparagraph*, 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.

(b) "School nurse" means a licensee who is qualified pursuant to NRS 391.207 and the regulations adopted pursuant thereto to serve as a school nurse and who is serving in that capacity.

Sec. 3. NAC 632.260 is hereby amended to read as follows:

NEW FIRST
PARALLEL
SECTION

632.260 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] *Except as otherwise provided in paragraph (e), 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.

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.

Sec. 4. NAC 632.260 is hereby amended to read as follows:

NEW
SECOND
PARALLEL
SECTION

632.260 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 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) Except as otherwise provided in paragraph (e) ~~H~~ or (f), 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~~ *Except as otherwise provided in paragraph (f), 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:

- (1) Hold a master's degree in nursing or in a related health field approved by the Board; and*
- (2) Be certified as an advanced practitioner of nursing by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successors, or any other nationally recognized certification agency approved by the Board.*

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.

Sec. 5. NAC 632.265 is hereby amended to read as follows:

632.265 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) *If the applicant completed a program designed to prepare an advanced practitioner of nursing on or after June 1, 2014, proof of current certification as an advanced practitioner of nursing from an agency described in paragraph (f) of subsection 1 of NAC 632.260.*
- (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.

Sec. 6. NAC 632.291 is hereby amended to read as follows:

632.291 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 the advanced practitioner of nursing completed a program designed to prepare an advanced practitioner of nursing on or after June 1, 2014, proof that the advanced practitioner of nursing has maintained certification by an agency described in paragraph (f) of subsection 1 of NAC 632.260.*
 4. Any other information required by the Board.
- Sec. 7.** NAC 632.450 is hereby amended to read as follows:
- 632.450 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 assistant, a licensed dentist or a licensed podiatric 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) ***Withdraw blood from a peripherally inserted central venous catheter;***
- (j) Discontinue peripheral intravenous catheters which are not longer than 3 inches; and
- ~~(k)~~ 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.

Sec. 8. NAC 632.195 is hereby repealed.

Sec. 9. 1. This section and sections 1, 2, 3, 7 and 8 of this regulation become effective on the date on which this regulation is filed by the Legislative Counsel with the Secretary of State.

2. Sections 4, 5 and 6 of this regulation become effective on June 1, 2014.

TEXT OF REPEALED SECTION

632.195 Duplicate license or certificate. (NRS 632.120) 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.