

**REVISED ADOPTED REGULATION OF
THE STATE BOARD OF NURSING**

LCB File No. R002-10

Effective August 13, 2010

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

AUTHORITY: §§1-4, NRS 632.120.

A REGULATION relating to nursing; revising provisions governing licensing and certification, including renewal of a license or certificate; revising provisions governing school nurses; 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 or her 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 ~~[]~~ *or by a valid debit or credit card.*

(3) Accompanied by proof 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 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]~~ *If the applicant makes an* 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.]~~ *for not more than 6 months after the date on which the temporary license or certificate was issued.* 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 ~~[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]~~ *services* 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~~ *services* in a school may not delegate nursing ~~care~~ *services* or assign duties relating to ~~that care~~ *such services* 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~~ *services* to a pupil;

~~(b)~~ (2) Willing to provide nursing ~~care~~ *services* to a pupil and who the school nurse has determined has the knowledge and skill to provide ~~that nursing care~~ *the nursing services* to the pupil in a safe and effective manner; or

~~[(e)]~~ (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]~~ *services* 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]~~ *services* to the pupil.

(b) "School nurse" means a licensee who is qualified as set forth in subsection 2 of NRS 391.207 and the regulations adopted pursuant thereto as a school nurse and who is serving in that capacity.

Sec. 3. 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)~~ (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. 4. NAC 632.195 is hereby repealed.

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.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB File No. R002-10**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 632.

INFORMATIONAL STATEMENT

- 1(a) A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

The Nevada State Board of Nursing (“Board”) solicited public comment in a variety of ways. First, although not required under NRS Chapter 233B, the Board put the proposed regulation changes on Board agendas to discuss the concept and wording of any changes. Then, the Board complied with NRS Chapter 233B by providing notice of the workshop and hearing. Additionally, Board staff has announced the opportunity for, and the Board’s desire to receive public comment on all regulation changes at every Board committee meeting and at every speaking engagement.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon a regulation were sent by U.S. Mail to persons who were known to have an interest in the subject of nursing as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada State Board of Nursing , www.nursingboard.state.nv.us , mailed to all county libraries in Nevada and 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

A summary of the public response would be, in a word, positive. Although the Board can certainly make the tough choices about changing regulations to better protect the public, none of the adopted regulations were controversial. This group of adopted regulations was generally proposed by nurses to better the practice of nursing and also better protect the public.

The Nevada State Board of Nursing held a public workshop on February 23, 2010, at the Nevada State Board of Nursing offices in Reno and Las Vegas, Nevada, connected by videoconference.

The Board then held a public hearing on March 17, 2010, at the Nevada State Board of Nursing board meeting held in Reno, Nevada.

Then, after receiving the proposed amendment of the regulations back from the Legislative Counsel Bureau, the Board then held a public hearing on May 21, 2010, at the Nevada State Board of Nursing board meeting held in Las Vegas, Nevada.

After comments were received at the Legislative Commission meeting on July 21, 2010, the Board was allowed to withdraw the LCB file. The Board deleted some of the proposed regulations and at a Board meeting on August 9, 2010, the Board adopted the amended LCB File No. R002-10.

A copy of the summary of public response to the proposed regulation may be obtained from the Nevada State Board of Nursing offices located at 5011 Meadowood Mall Way, Suite 300, Reno, Nevada and at 2500 W. Sahara Ave., Suite 207, Las Vegas, Nevada, or email nursingboard@nsbn.state.nv.us.

(b) The number of persons who:

- (1) Attended each hearing:** Seven persons attended the public workshop and one person attended the hearings on these regulations.
- (2) Testified at each hearing:** Six persons testified at the public workshop and one person testified the hearings on these regulations.
- (3) Submitted to the agency written comments:** No one submitted written comments to the Board in regards to these regulations.

(c) A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comment was solicited from businesses in the same way that comment was solicited from individuals.

An explanation of how an interested person may obtain a copy of the summary of public response would be to go to the Nevada State Board of Nursing's website. Also, a summary of the public response was available at the workshop and hearing.

(d) If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

After receiving the proposed amendment of the regulations back from the Legislative Counsel Bureau, the Board then held a public hearing on May 21, 2010, at the Nevada State Board of Nursing board meeting held in Las Vegas, Nevada.

After comments were received at the Legislative Commission meeting on July 21, 2010, the Board was allowed to withdraw the LCB file. The Board deleted some of the proposed regulations and at a Board meeting on August 9, 2010, the Board adopted the amended LCB File No. R002-10.

- (e) **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (1) Both adverse and beneficial effects; and

The Board sought to amend seven regulations. One, NAC 632.195 (Duplicate license or certificate) will be deleted. So, there is no adverse or beneficial economic impact. The remaining amended regulations clarify definitions or titles, or clarify requirements for licensure or certifications. So, there are no adverse or beneficial economic impacts on nurses or the public.

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

There will be no immediate and long-term effects on the nurses or the public because the amended regulations merely clarify definitions or titles, or clarify requirements for licensure or certifications.

- (f) **The estimated cost to the agency for enforcement of the proposed regulation.**

There is no cost to the agency for enforcement of the proposed regulations.

- (g) **A description of any regulations of other state or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, 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.

- (h) **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

These regulations are not more stringent than a federal regulation that regulates the same activity.

- (i) **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

No new or increase of fees are sought here.