

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

LCB File No. R126-17

November 9, 2017

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

AUTHORITY: §1, NRS 632.120, as amended by section 1 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1738.

A REGULATION relating to mental health; revising regulations governing the training necessary for an advanced practice registered nurse to be authorized to complete certain evaluations, examinations, petitions and certificates concerning the mental condition of certain persons; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes certain persons to file: (1) an application for the emergency admission of a person alleged to be a person with mental illness to a mental health facility or hospital; and (2) a petition for the involuntary court-ordered admission of a person alleged to be a person with mental illness to a mental health facility or to a program of community-based or outpatient services. (NRS 433A.160, as amended by section 14 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1748; NRS 433A.200, as amended by section 15 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1749)

With certain exceptions, existing law requires an application for the emergency admission of a person alleged to be a person with a mental illness and a petition for the involuntary court-ordered admission of a person to a mental health facility or to a program of community-based or outpatient services to be accompanied by a certificate stating that the person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others if not admitted to such a facility or program. The certificate may be obtained from a licensed psychologist, physician, physician assistant under the supervision of a psychiatrist, a clinical social worker with certain psychiatric training and experience, an advanced practice registered nurse with certain psychiatric training and experience or an accredited agent of the Department of Health and Human Services who has examined the person and made that determination. (NRS 433A.170, 433A.200, as amended by section 15 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1749)

Existing law authorizes a licensed physician on the medical staff of a mental health facility or hospital to release a person alleged to be a person with mental illness who has been admitted on an emergency basis upon the completion of a certificate by a licensed physician on the medical staff of the facility or hospital, a physician assistant under the supervision of a

psychiatrist, a psychologist, a clinical social worker with certain psychiatric training and experience, an advanced practice registered nurse with certain psychiatric training and experience or an accredited agent of the Department of Health and Human Services who has examined the person and concluded that the person is not a person with a mental illness. (NRS 433A.195)

Senate Bill No. 227 of the 79th Session of the Nevada Legislature: (1) expands the list of persons who are authorized to evaluate a person upon the emergency admission of the person to a mental health facility or hospital to include an advanced practice registered nurse who has obtained certain psychiatric training and experience; and (2) authorizes such an advanced practice registered nurse to complete certain other evaluations, examinations and petitions related to an involuntary court-ordered admission, transfer or early release of a person with mental illness. (Section 1 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1738; Sections 14-22 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at pages 1748-53)

Existing law requires the State Board of Nursing to adopt regulations prescribing the psychiatric training and experience necessary before an advanced practice registered nurse may complete any of the evaluations, examinations, petitions or certificates previously described. (NRS 632.120, as amended by section 1 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1738) Existing regulations set forth the training and experience necessary for an advanced practice registered nurse to be qualified to complete such certificates. (Section 1 of LCB File No. R105-15) This regulation: (1) adds to these existing regulations references to the evaluations, examinations and petitions which Senate Bill No. 227 authorizes an advanced practice registered nurse to complete; and (2) specifies a type of postgraduate certificate that qualifies a nurse to complete such evaluations, examinations, petitions and certificates.

Section 1. Section 1 of LCB File No. R105-15 is hereby amended to read as follows:

An advanced practice registered nurse is authorized to make *the evaluations described in NRS 433A.160, as amended by section 14 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1748*, the certifications described in NRS 433A.170, 433A.195 and 433A.200, as amended by ~~sections 1, 7, 2 and 4, respectively,~~ *section 15* of Senate Bill No. ~~7,~~ *227*, chapter ~~496,~~ *318*, Statutes of Nevada ~~2015,~~ *2017*, at ~~pages 2991, 2992 and 2993,~~ *page 1749*, and the examination described in *NRS 433A.240, as amended by section 17 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1750*, and *NRS 433A.430, as amended by section 20 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1753*, and to execute the petition described in *NRS 433A.210, as amended by section 16 of*

Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1750, if the advanced practice registered nurse has:

1. Been issued a license by the Board to practice as an advanced practice registered nurse with a population of focus in mental health;
2. Been issued a license by the Board to practice as an advanced practice registered nurse in a role as a clinical nurse specialist with an area of clinical specialty in psychiatric and mental health nursing; or
3. ~~{Completed}~~ *Received a* postgraduate ~~{education that has been approved by the Board or has completed additional nursing preparation in which the advanced practice registered nurse gained knowledge, judgment and skills specifically related to}~~ *certificate in* psychiatric and mental health nursing ~~{that the Board determines is substantially equivalent to the knowledge, judgment and skills of an advanced practice registered nurse who has the qualifications set forth in subsection 1 or 2.}~~ *from an institution accredited by a national accrediting organization recognized by the Board.*