

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

LCB File No. R035-23

October 9, 2023

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

AUTHORITY: § 1, NRS 632.120, 632.140, 632.270 and 632.2852; § 2, NRS 632.120, 632.2852 and 632.292; § 3, NRS 632.120, 632.140, 632.2852 and 632.292; § 4, NRS 632.120, 632.140, 632.160, 632.270 and 632.280; § 5, NRS 632.120 and 632.345; § 6, NRS 632.120, 632.341 and 632.342; §§ 7 and 8, NRS 632.120, 632.2351 and 632.237; § 9, NRS 632.120 and 632.237; § 10, NRS 632.120, 632.430 and 632.440 and section 1 of Assembly Bill No. 401, chapter 42, Statutes of Nevada 2023, at page 193.

A REGULATION relating to nursing; revising the requirements for applicants for certain licenses or certificates issued by the State Board of Nursing; eliminating certain fees charged by the Board; revising provisions relating to advanced practice registered nurses who are authorized to prescribe controlled substances, poisons, dangerous drugs and devices; eliminating the requirement that an advanced practice registered nurse immediately notify the Board of any change in the location of the practice of the advanced practice registered nurse; revising provisions governing the ratio of faculty members to students in certain courses provided by a program of nursing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes qualifications for the issuance of a license to practice professional or practical nursing. With limited exception, among other requirements, to qualify for such a license, an applicant must: (1) write and pass the examination for licensure required by the State Board of Nursing; and (2) meet any other qualifications prescribed in regulations of the Board. (NRS 632.140, 632.150, 632.270, 632.280) Existing regulations require a candidate to write the first examination within 90 days after receiving authorization from the Board. (NAC 632.155) **Section 1** of this regulation removes this requirement.

Existing law requires an applicant for licensure or certification by the Board to submit a complete set of fingerprints to the Board. (NRS 632.344) Existing regulations authorize certain applicants for licensure or certification by the Board to submit two completed fingerprint cards in lieu of a complete set of fingerprints. (NAC 632.155, 632.167, 632.170, 632.192) **Sections 1-3 and 6** of this regulation remove this authorization, thereby requiring an applicant for licensure or certification by the Board to submit a complete set of fingerprints to the Board.

Existing law requires certain applicants for a license to practice as a practical nurse to pass an examination testing the applicant's proficiency in reading, writing and speaking English. (NRS 632.280) Existing regulations prescribe certain examinations acceptable to the Board for purposes of satisfying this requirement. (NAC 632.180) **Section 4** of this regulation removes the examination given by the Commission on Graduates of Foreign Nursing Schools from the list of examinations acceptable to the Board for purposes of demonstrating proficiency in reading, writing and speaking English.

Existing law requires the Board to establish a schedule of fees and charges for certain items relating to licensure or certification by the Board. (NRS 632.345) Existing regulations prescribe this schedule of fees and charges. (NAC 632.190) **Section 5** of this regulation revises the schedule of fees and charges by eliminating: (1) the fee for an examination on law relating to pharmacy; (2) the fee for NCLEX Verification or the National Disciplinary Data Bank Verification; (3) certain fees relating to proctoring an examination; and (4) the fee for taking fingerprints.

Existing regulations prescribe separate fees for the approval of a training program for a nursing assistant or medication aide - certified that uses model curriculum and a training program that uses alternate curriculum. (NAC 632.190) **Section 5** eliminates this distinction, thereby establishing a single fee for the approval of a training program for a nursing assistant or medication aide - certified, regardless of whether the program uses model curriculum or alternate curriculum.

Existing law authorizes an advanced practice registered nurse to prescribe controlled substances, poisons, dangerous drugs and devices if the advanced practice registered nurse is authorized to do so by the State Board of Nursing and obtains a certificate of registration from the State Board of Pharmacy. (NRS 639.2351) Existing regulations require the State Board of Nursing to issue a license to dispense controlled substances, poisons, dangerous drugs and devices to an advanced practice registered nurse who meets certain requirements. (NAC 632.2595) **Section 8** of this regulation instead requires the State Board of Nursing to: (1) authorize an advanced practice registered nurse who meets certain requirements to dispense controlled substances, poisons, dangerous drugs and devices; and (2) notify the State Board of Pharmacy of any such authorization. **Section 7** of this regulation makes a conforming change related to the authorization provided by the State Board of Nursing pursuant to **section 8**. **Section 9** of this regulation eliminates the requirement that an advanced practice registered nurse immediately notify the State Board of Nursing of any change in the location of the practice of the advanced practice registered nurse.

Assembly Bill No. 401 (A.B. 401) of the 2023 Legislative Session: (1) authorizes an approved school of practical nursing or an approved school of professional nursing to determine the appropriate ratio of faculty members to students, provided that such a ratio does not exceed 1 member of the faculty for every 12 students; and (2) prohibits the State Board of Nursing from imposing requirements that are more stringent than these requirements. (Section 1 of Assembly Bill No. 401, chapter 42, Statutes of Nevada 2023, at page 193) Existing regulations provide that, in courses relating to the care of patients, there must be at least 1 member of the faculty for every 8 students. Existing regulations also authorize the Executive Director of the Board to waive this requirement for good cause shown. (NAC 632.675) **Section 10** of this regulation revises these requirements by: (1) increasing the acceptable ratio of faculty members to students to 1 member of the faculty for every 12 students, in accordance with A.B. No. 401; and (2) removing the authority of the Executive Director to waive this requirement.

Section 1. NAC 632.155 is hereby amended to read as follows:

632.155 1. An application must be completed and filed in the office of the Board.

2. The application must be accompanied by:

- (a) A complete set of the applicant's fingerprints ; ~~for two completed fingerprint cards;~~ and
- (b) The appropriate fee.

~~3. The candidate must write the first examination within 90 days after receiving authorization from the Board to write the examination.~~

Sec. 2. NAC 632.167 is hereby amended to read as follows:

632.167 1. A trainee who receives an application for certification to practice as a nursing assistant or a medication aide - certified must submit to the Board the completed application.

2. The application must be accompanied by:

(a) A copy of a certificate or transcript received by the applicant upon the completion of an approved program or an approved program for medication aides - certified, as applicable.

(b) The appropriate fee.

(c) A complete set of the applicant's fingerprints . ~~for two completed fingerprint cards.~~

Sec. 3. NAC 632.170 is hereby amended to read as follows:

632.170 To be licensed without examination:

1. An applicant for a license to practice as a registered nurse must:

(a) Have completed a course of study in an accredited school of professional nursing. If the applicant graduated on or after January 1, 1952, he or she must have theory and clinical experience in medical-surgical nursing, maternal and child health nursing, and mental health and psychiatric nursing.

(b) Submit to the Board:

- (1) A completed application;
 - (2) A complete set of his or her fingerprints ; ~~for two completed fingerprint cards;~~ and
 - (3) The appropriate fee.
2. An applicant for a license to practice as a licensed practical nurse must:
- (a) Have graduated from high school or passed the general educational development test.
 - (b) Have completed a course of study in an accredited school of practical or vocational nursing. If the applicant graduated on or after January 1, 1952, he or she must have theory and clinical experience in medical-surgical nursing and maternal-child nursing, including mental health concepts.
 - (c) Hold a current license in good standing from another state or country which was issued by a recognized legal agency.
 - (d) Submit to the Board:
 - (1) A completed application;
 - (2) A complete set of his or her fingerprints ; ~~for two completed fingerprint cards;~~ and
 - (3) The appropriate fee.
3. An applicant for certification to practice as a nursing assistant or a medication aide - certified must:
- (a) Submit to the Board a completed application accompanied by a complete set of his or her fingerprints ; ~~for two completed fingerprint cards;~~ and
 - (b) Request and confirm receipt by the Board of verification from the appropriate agency that he or she holds a current certificate to practice as a nursing assistant or a medication aide - certified, as applicable.

Sec. 4. NAC 632.180 is hereby amended to read as follows:

632.180 1. After an application for a license is filed by a graduate of a program outside of the United States who holds a license from another jurisdiction in the United States, the applicant's credentials will be reviewed by the Board and eligibility for licensure established. Translations must be paid for by the applicant. The ability to read, write and speak English must be shown by proof that the applicant has satisfactorily passed:

- (a) The State Board Test Pool Examination;
- (b) The National Council Licensure Examination; *or*
- (c) ~~The examination given by the Commission on Graduates of Foreign Nursing Schools; or~~
- ~~(d)~~ Another test of competency in English acceptable to the Board.

2. All graduates of programs in professional nursing outside of the United States who graduated on or after January 1, 1952, must have completed courses of study in the theory and clinical practice in medical nursing, surgical nursing, obstetric nursing, nursing of children and psychiatric nursing and must pass a licensing test in each of these areas. Deficiencies may be removed by participation in an accredited program in nursing or as determined by the Board.

3. All graduates of programs in practical nursing outside of the United States who graduated on or after January 1, 1952, must have completed courses of study in the theory and clinical practice in medical nursing, surgical nursing, obstetric nursing, nursing of children and principles of mental health. Deficiencies may be removed by participation in an accredited program in nursing or as determined by the Board.

Sec. 5. NAC 632.190 is hereby amended to read as follows:

632.190 The following fees are established:

1. For a registered nurse:

Application for a license	\$100.00
NCLEX Verification or the National Practitioner Data Bank Verification	5.00
Application for a license to practice as an advanced practice registered nurse	200.00
Fee for examination on law relating to pharmacy for an advanced practice registered nurse.....	150.00
Application for certification as a certified registered nurse anesthetist	200.00
Biennial fee for renewal of a license to practice as an advanced practice registered nurse or certification as a registered nurse anesthetist.....	200.00

2. For a practical nurse:

Application for a license	\$90.00
NCLEX Verification or the National Disciplinary Data Bank Verification.....	5.00

3. For a registered nurse or practical nurse:

Biennial renewal fee.....	\$100.00
Fee for the reinstatement of a license.....	100.00
Proctoring an examination.....	150.00

4. For a nursing assistant or medication aide - certified:

Application for a certificate.....	\$50.00
Biennial renewal fee.....	50.00
Manual skills certification examination	90.00
{Approval of proctors for manual skills certification examination.....}	50.00}
Approval of training programs {	
—If using model curriculum	250.00
—If using alternate curriculum}	250.00
Annual approval of instructors of training programs	100.00
Annual fee for review of training programs.....	100.00

5. Validation of licensure or certification:

For a registered nurse	\$25.00
For a licensed practical nurse	25.00
For a nursing assistant or medication aide - certified.....	25.00

6. Survey and evaluation of school of practical nursing, or school and course

of professional nursing	\$150.00
	per day,
	per consultant

7. Miscellaneous:

For duplicating the records of the Board.....	\$0.60 per page
For taking disciplinary action against a licensee.....	Actual costs, including the costs incurred which are related to any assistance received from the Office of the Attorney General.
For monitoring a licensee who has been placed on probation	Actual costs
For submission of fingerprints of a person to the Department of Public Safety for review and forwarding to the Federal Bureau of Investigation for a report of the person's criminal history	Actual costs as specified by the Department of Public Safety and the Federal Bureau of Investigation
For taking fingerprints	15.00

Sec. 6. NAC 632.192 is hereby amended to read as follows:

632.192 1. 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 the license or certificate. The application for renewal must be received 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 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 . ~~for two completed fingerprint cards, 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 attestation required pursuant to NAC 632.193, if the application is for the renewal of a certificate to practice as a nursing assistant or medication aide - certified.

(b) The applicant attests that he or she committed no act which could subject his or her application to denial nor developed any condition which may interfere with his or her 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. If the applicant makes an application to appear before the Board, 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. 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 the applicant 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 the applicant 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 or she 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. 7. NAC 632.2563 is hereby amended to read as follows:

632.2563 Each advanced practice registered nurse shall maintain a portfolio, which must include, without limitation:

1. A copy of each license relating to nursing that the advanced practice registered nurse holds;

2. A copy of the ~~License~~ *authorization* issued by the Board pursuant to NAC 632.2595, if applicable;
3. A copy of the policy of professional liability insurance required pursuant to NAC 632.2567;
4. A list of all locations at which the advanced practice registered nurse:
 - (a) Currently practices; and
 - (b) Has practiced within the 2 years immediately preceding his or her most recent application for a license or renewal of a license to practice as an advanced practice registered nurse;
5. Evidence of any national certifications or other certifications relating to nursing which the advanced practice registered nurse has received;
6. The protocol required by paragraph (b) of subsection 3 of NRS 632.237, if the advanced practice registered nurse prescribes a controlled substance listed in schedule II and does not have the experience described in paragraph (a) of subsection 3 of NRS 632.237;
7. Proof of the hours of continuing education that the advanced practice registered nurse has completed in the 4 years immediately preceding his or her most recent application for a license or renewal of a license to practice as an advanced practice registered nurse;
8. Copies of the transcripts from the program completed by the advanced practice registered nurse as required pursuant to NAC 632.260 and from any other institution of higher education attended by the advanced practice registered nurse; and
9. An attestation which states that the advanced practice registered nurse will not practice outside the scope of his or her education, role or population of focus.

Sec. 8. NAC 632.2595 is hereby amended to read as follows:

632.2595 ~~{;}~~ The State Board of Nursing will ~~{issue a license}~~ *authorize an advanced practice registered nurse* to dispense controlled substances, poisons, dangerous drugs and devices ~~{to an advanced practice registered nurse}~~ if the advanced practice registered nurse ~~{~~
~~—(a) Successfully}~~ *successfully* completes an examination administered by the State Board of Nursing on Nevada law relating to pharmacy . ~~{; and~~
~~—(b) Submits to the}~~ *The* State Board of Nursing ~~{his or her affidavit verifying that he or she has made application with}~~ *will promptly notify* the State Board of Pharmacy ~~{for a certificate of registration.~~
~~—2.— An advanced practice registered nurse who receives a certificate of registration from the State Board of Pharmacy shall, upon receipt, submit a copy of the certificate to the State Board of Nursing.}~~ *of any such authorization.*

Sec. 9. NAC 632.285 is hereby amended to read as follows:

632.285 An advanced practice registered nurse shall immediately ~~{~~
~~—1.— Submit}~~ *submit* to the Board a new application for a license if there is any change in his or her role or population of focus . ~~{; and~~
~~—2.— Notify the Board in writing of any change in the location of the practice of the advanced practice registered nurse.}~~

Sec. 10. NAC 632.675 is hereby amended to read as follows:

632.675 1. A program of nursing must have a competent and stable faculty. The majority of the members of the faculty must be full-time employees.

2. Of the faculty who are hired after August 13, 2004:

(a) At least 75 percent of the members must hold at least a master's degree with a major in nursing and have completed training which is related to the area of teaching of the member; and

(b) Except as otherwise provided in subsection 3, the remainder of such members, if any, must hold at least:

- (1) A master's or doctoral degree with a major in nursing;
- (2) A bachelor's degree with a major in nursing and a master's or doctoral degree in a field related to nursing; or
- (3) A graduate degree from an accredited school of nursing as defined in NRS 632.011.

3. The Executive Director of the Board may, for good cause shown, waive the requirements of paragraph (b) of subsection 2.

4. The members of the faculty shall develop and evaluate the curriculum and the educational practices of the program.

5. ~~{Except as otherwise provided in this subsection, in}~~ *In* courses relating to the care of patients, there must be at least ~~{one}~~ *1* member of the faculty for every ~~{eight}~~ *12* students. ~~{The Executive Director of the Board may, upon a showing of good cause, waive the requirement.}~~

6. A program of nursing that uses the personnel of a clinical facility as preceptors to instruct the clinical experience of students must require:

- (a) Each preceptor to have clinical expertise and to have demonstrated competence in the specialty of the students whom he or she will instruct;
- (b) Each preceptor to be approved by the faculty of the program of nursing;
- (c) The faculty of the program of nursing to provide to each preceptor an orientation concerning the roles and responsibilities of students, members of the faculty and preceptors; and
- (d) The faculty of the program of nursing to develop written objectives and provide a copy of those objectives to each preceptor,
↪ before the preceptor begins his or her instruction of the students.

7. In addition to the requirements set forth in subsection 6, a program of nursing that uses the personnel of a clinical facility as preceptors to instruct the clinical experience of students:

(a) Must ensure that each preceptor is assigned to instruct not more than two students at the same time;

(b) Must designate a member of the faculty to serve as a liaison between the preceptor and each student who participates in the clinical experience;

(c) Must require that each preceptor be present in the clinical facility and available to the students at all times when the students provide nursing services to patients; and

(d) May use a preceptor to reinforce basic nursing skills or to teach nursing skills which build on the basic nursing skills that the students have acquired.

8. There must be at least one qualified administrator for each department or division of the program.

9. If a university or college offers a program of nursing for more than one level of preparation, there must be one person who is responsible for each such level.