
SENATE BILL NO. 361—SENATOR SPEARMAN, FORD, PARKS,
KIHUEN, WOODHOUSE; ATKINSON, DENIS, MANENDO AND
SEGERBLOM

MARCH 16, 2015

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to health care facilities that employ nurses. (BDR 40-18)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 7-12, 21-23)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to health care; requiring certain health care facilities to establish a staffing plan that provides adequate staffing; providing nurse-to-patient ratios for use in such a staffing plan; authorizing such a health care facility to deviate from the staffing requirements under certain circumstances; requiring certain health care facilities to develop a description of specified responsibilities, to post a notification relating to staffing and to provide specified training; revising the membership and duties of the staffing committees of certain hospitals; revising provisions relating to the training and licensing of nurses and certified nursing assistants; providing administrative penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires hospitals, but not other health care facilities, which are
- 2 located in a county whose population is 100,000 or more (currently Clark and
- 3 Washoe Counties) and which are licensed to have more than 70 beds to establish a
- 4 staffing committee. (NRS 449.242) Existing law also requires health care facilities,
- 5 including, without limitation, hospitals, which are located in a county whose
- 6 population is 100,000 or more and which are licensed to have more than 70 beds to:
- 7 (1) develop and make available to the Division of Public and Behavioral Health of
- 8 the Department of Health and Human Services a documented staffing plan; and (2)



9 establish written policies pursuant to which a licensed nurse or certified nursing
10 assistant may refuse or object to a work assignment. (NRS 449.2421, 449.2423) As
11 a technical matter, **section 6** of this bill moves the limiting language regarding
12 counties whose population is 100,000 or more from the various individual sections
13 to one location in **section 6**. This is not a substantive change.

14 **Section 21** of this bill retains the existing requirement that hospitals, but not
15 other health care facilities, must establish a staffing committee if the hospital is one
16 which is located in a county whose population is 100,000 or more and which is
17 licensed to have more than 70 beds. **Section 21** then expressly requires the other
18 health care facilities which are located in a county whose population is 100,000 or
19 more and which are licensed to have more than 70 beds to perform the functions
20 which would otherwise be performed by a staffing committee. **Section 21** also: (1)
21 revises the membership of a staffing committee; (2) revises the duties of a staffing
22 committee; and (3) provides for the removal of personally identifying information
23 from the information provided to a staffing committee by the Division.

24 **Section 7** of this bill requires each health care facility in a county whose
25 population is 100,000 or more and which is licensed to have more than 70 beds or,
26 if applicable, its staffing committee, to develop a description of certain job
27 responsibilities and the responsibilities of the administration of the facility relating
28 to staffing. **Section 8** of this bill requires the documented staffing plan for such a
29 health care facility to include certain ratios of the maximum number of patients that
30 may be assigned to a direct care nurse, licensed practical nurse or certified nursing
31 assistant in each unit in the facility, and also allows certain of those ratios to be
32 adjusted under certain circumstances. **Section 22** of this bill allows such a health
33 care facility or, if applicable, its staffing committee, to include in a documented
34 staffing plan nurse-to-patient staffing ratios that are more protective of patients than
35 those required by **section 8**. **Section 9** of this bill requires such a health care facility
36 to post in specified locations a notification describing such ratios. **Section 10** of this
37 bill requires such a health care facility to provide specified training to each licensed
38 nurse and certified nursing assistant employed by the facility.

39 **Section 11** of this bill allows a health care facility lawfully to give a licensed
40 nurse or certified nursing assistant a work assignment which exceeds the ratios
41 included in the facility's documented staffing plan under certain circumstances,
42 which includes the consent of the affected licensed nurse or certified nursing
43 assistant. **Section 12** of this bill imposes requirements on a health care facility that
44 gives a licensed nurse or certified nursing assistant a work assignment which
45 exceeds the ratios included in the facility's documented staffing plan without the
46 consent of the affected licensed nurse or certified nursing assistant.

47 **Section 13** of this bill requires the Division to develop certain forms, including,
48 without limitation, forms related to nurse-to-patient staffing ratios. **Sections 14 and**
49 **15** of this bill authorize the Division to impose certain administrative penalties on a
50 health care facility that violates certain requirements relating to staffing.

51 **Sections 25-27** of this bill require an applicant for a license as a professional
52 nurse or practical nurse or for a certificate as a nursing assistant to provide written
53 evidence under oath that the applicant understands his or her rights and duties to
54 refuse or object to a work assignment. **Sections 30 and 31** of this bill impose
55 similar requirements on the renewal of such a license or certificate. **Sections 28, 32**
56 **and 33** of this bill require that the standards and curricula for training programs for
57 nursing assistants and schools of practical nursing or professional nursing
58 prescribed by the State Board of Nursing include training relating to the rights and
59 duties of nursing assistants or nurses to refuse or object to a work assignment.
60 **Section 29** of this bill creates grounds for disciplinary action against certain nurses
61 who violate provisions of law relating to the staffing of health care facilities.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 449 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 15, inclusive, of this
3 act.

4 **Sec. 2.** *“Acuity system” means an established measurement*
5 *system or method which:*

6 1. *Predicts the requirements for nursing care for a patient*
7 *based on the severity of the illness of the patient, the need for*
8 *specialized equipment and technology, the intensity of nursing*
9 *interventions required and the complexity of clinical nursing*
10 *judgment required to design, carry out and evaluate the plan for*
11 *nursing care for the patient;*

12 2. *Details the amount of daily nursing care required both in*
13 *the number of nurses and in the skill mix of nursing personnel*
14 *required for each patient in a unit;*

15 3. *Is stated in terms that can be readily used and understood*
16 *by the direct care nursing staff; and*

17 4. *Takes into consideration the services for nursing care*
18 *provided by health care employees other than licensed nurses.*

19 **Sec. 3.** *“Direct care nurse” means a registered nurse who*
20 *has principal responsibility to oversee or carry out medical*
21 *regimens or nursing care for one or more patients.*

22 **Sec. 4.** *“Skill mix” means the totality of particular nursing*
23 *skills that are necessary to provide adequate care to a patient in a*
24 *unit of a health care facility.*

25 **Sec. 5.** *“Staffing level” means the actual numerical nurse-to-*
26 *patient ratio by licensed nurse classification within a unit.*

27 **Sec. 6.** *The provisions of NRS 449.241 to 449.2428,*
28 *inclusive, and sections 2 to 15, inclusive, of this act apply only in a*
29 *county whose population is 100,000 or more.*

30 **Sec. 7.** 1. *As a condition of licensure, each health care*
31 *facility which is licensed to have more than 70 beds or, if the*
32 *health care facility is a hospital which is licensed to have more*
33 *than 70 beds, the staffing committee of the hospital, shall develop*
34 *a description of:*

35 (a) *The general responsibilities of licensed nurses, certified*
36 *nursing assistants, nurse administrators and supervisors and any*
37 *other personnel of the health care facility who are directly*
38 *responsible for caring for a patient;*

39 (b) *The specific responsibilities of the employees described in*
40 *paragraph (a) for each unit within the health care facility; and*



1 (c) *The responsibilities of the administration of the health care*
2 *facility relating to the documented staffing plan of the health care*
3 *facility.*

4 2. *The description required to be developed pursuant to*
5 *subsection 1 must be provided to each employee as soon as*
6 *practicable after its adoption or revision, but in no event later than*
7 *30 days after adoption or revision.*

8 **Sec. 8. 1.** *Except as otherwise provided in this section,*
9 *subsection 3 of NRS 449.2421 or section 14 of this act, a*
10 *documented staffing plan must include the following ratios of the*
11 *maximum number of patients that may be assigned to a direct care*
12 *nurse in each unit in the health care facility:*

13 (a) *A ratio of one direct care nurse to one patient in each:*

- 14 (1) *Operating room; and*
15 (2) *Trauma emergency unit.*

16 (b) *A ratio of one direct care nurse to two patients in each:*

- 17 (1) *Critical care unit;*
18 (2) *Intensive care unit;*
19 (3) *Labor and delivery unit; and*
20 (4) *Postanesthesia unit.*

21 (c) *A ratio of one direct care nurse to three patients in each:*

- 22 (1) *Antepartum unit;*
23 (2) *Emergency room;*
24 (3) *Pediatric unit;*

25 (4) *Intermediate unit, commonly known as a step-down*
26 *unit; and*

27 (5) *Telemetry unit.*

28 (d) *A ratio of one direct care nurse to four patients in each:*

- 29 (1) *Intermediate care nursery; and*
30 (2) *Medical, surgical and acute care psychiatric unit.*

31 (e) *A ratio of one direct care nurse to five patients in each*
32 *rehabilitation unit.*

33 (f) *A ratio of one direct care nurse to six patients in each:*

- 34 (1) *Postpartum unit, including units providing care to not*
35 *more than three couplets; and*
36 (2) *Nursery for well babies.*

37 (g) *Such other ratios, as determined by the Board, for any*
38 *units not otherwise identified in this subsection, including, without*
39 *limitation, psychiatric units in health care facilities other than*
40 *hospitals that provide acute care.*

41 2. *A nurse, including, without limitation, a nurse*
42 *administrator or supervisor, who does not have principal*
43 *responsibility for caring for a patient, as would a direct care*
44 *nurse, must not be included in the calculation of any nurse-to-*
45 *patient ratios established pursuant to subsection 1.*



1 3. A health care facility:

2 (a) Shall adjust its minimum staffing ratios to provide
3 additional direct care nurses as needed to ensure that each unit
4 within the health care facility is adequately staffed in accordance
5 with an acuity system approved pursuant to NRS 449.242; and

6 (b) May adjust its minimum staffing ratios to provide for fewer
7 direct care nurses if:

8 (1) The reduction in the number of direct care nurses will
9 not harm the patients assigned to the remaining direct care
10 nurses; and

11 (2) The adjustment is made in accordance with the acuity
12 system approved pursuant to NRS 449.242.

13 4. A health care facility that includes a licensed practical
14 nurse or a certified nursing assistant in the nursing staff of a unit
15 of the health care facility must include in its documented staffing
16 plan the following ratios for the maximum number of patients that
17 may be assigned to a licensed practical nurse or a certified
18 nursing assistant in the unit:

19 (a) A ratio of one licensed practical nurse to six patients in any
20 unit.

21 (b) A ratio of one certified nursing assistant to eight patients in
22 any unit.

23 5. The provisions of this section do not apply to a health care
24 facility if:

25 (a) The documented staffing plan for the health care facility:

26 (1) Is developed by a joint labor-management committee or
27 pursuant to a collective bargaining agreement with the
28 appropriate recognized bargaining unit; and

29 (2) Includes a provision for the enforcement of the
30 documented staffing plan and the resolution of any dispute
31 concerning the documented staffing plan that authorizes either
32 side to call for binding arbitration of the dispute; or

33 (b) The health care facility has established a joint labor-
34 management committee to resolve issues related to staffing ratios
35 pursuant to which either side is authorized to request binding
36 arbitration or, if the joint labor-management committee is
37 established pursuant to a collective bargaining agreement, the
38 bargaining unit is authorized to issue a notice of intent to strike
39 pursuant to the terms of the collective bargaining agreement in
40 lieu of binding arbitration.

41 ➔ For the purposes of this subsection, a joint labor-management
42 committee must be composed of equal numbers of management
43 and nonmanagement employees of the health care facility who are
44 appointed by management and selected by the nonmanagement



1 *employees, respectively, or selected pursuant to a collective*
2 *bargaining agreement.*

3 **Sec. 9.** 1. *As a condition of licensure, each health care*
4 *facility which is licensed to have more than 70 beds shall post a*
5 *notification describing the applicable nurse-to-patient staffing*
6 *ratios for each unit:*

7 (a) *At the nurses' station in the unit; and*

8 (b) *At a prominent location within the unit for viewing by*
9 *licensed nurses, certified nursing assistants, patients and members*
10 *of the public.*

11 2. *Each notification posted pursuant to this section must*
12 *include contact information for the Division and for a*
13 *representative of the health care facility who can answer questions*
14 *and document concerns regarding the staffing ratios.*

15 **Sec. 10.** 1. *Each health care facility which is licensed to*
16 *have more than 70 beds shall provide annual training to each*
17 *licensed nurse and certified nursing assistant employed by the*
18 *health care facility concerning:*

19 (a) *If the health care facility is a hospital, the powers and*
20 *duties of the staffing committee of the hospital;*

21 (b) *The minimum nurse-to-patient staffing ratios required by*
22 *section 8 of this act and the actual staffing ratios included in the*
23 *documented staffing plan for the health care facility; and*

24 (c) *The right of the licensed nurse or certified nursing*
25 *assistant to refuse or file an objection to a work assignment and*
26 *how such a refusal or objection relates to his or her professional*
27 *obligations pursuant to chapter 632 of NRS.*

28 2. *The training required pursuant to this section must be:*

29 (a) *Provided in language which is easily understandable;*

30 (b) *Provided during the paid working hours of the licensed*
31 *nurses and certified nursing assistants; and*

32 (c) *Accompanied by electronic copies of the information*
33 *provided in the training.*

34 3. *The health care facility shall require each licensed nurse*
35 *and certified nursing assistant who attends the training provided*
36 *pursuant to subsection 1 to sign the form prescribed by the*
37 *Division pursuant to section 13 of this act stating that he or she*
38 *has been informed about the training materials, including, without*
39 *limitation, the right to refuse or object to a work assignment.*

40 **Sec. 11.** 1. *A health care facility may lawfully assign a*
41 *licensed nurse or certified nursing assistant a work assignment*
42 *that involves providing direct care for more patients than*
43 *authorized by the documented staffing plan for the health care*
44 *facility only if:*



1 (a) *The provision of direct care to a greater number of patients*
2 *than authorized by the documented staffing plan will not harm the*
3 *patients assigned to the licensed nurse or certified nursing*
4 *assistant;*

5 (b) *The licensed nurse or certified nursing assistant consents*
6 *in writing to the work assignment;*

7 (c) *The licensed nurse or certified nursing assistant has not*
8 *refused or objected to the work assignment subsequent to*
9 *consenting to the work assignment, as described in subsection 5 of*
10 *NRS 449.2423; and*

11 (d) *The chief administrative nurse for the health care facility*
12 *or, in his or her absence, the house supervisor or other licensed*
13 *nurse responsible for the administration of nursing services,*
14 *completes a form which includes, without limitation:*

15 (1) *The name and signature of the licensed nurse or*
16 *certified nursing assistant with the consent in writing required by*
17 *paragraph (b);*

18 (2) *The name and signature of the chief administrative*
19 *nurse, house supervisor or other licensed nurse responsible for the*
20 *administration of nursing services; and*

21 (3) *A statement of the reason that the work assignment does*
22 *not comply with the nurse-to-patient staffing ratio prescribed by*
23 *the documented staffing plan.*

24 2. *A licensed nurse or certified nursing assistant who receives*
25 *a work assignment that involves providing direct care for more*
26 *patients than authorized by the documented staffing plan for the*
27 *health care facility may refuse to consent to the work assignment*
28 *for any reason authorized by law, including, without limitation,*
29 *solely because the work assignment would require the licensed*
30 *nurse or certified nursing assistant to provide direct care for more*
31 *patients than authorized by the documented staffing plan.*

32 3. *The administration of a health care facility shall not*
33 *pressure, coerce, intimidate or in any other way retaliate against a*
34 *licensed nurse or certified nursing assistant who refuses to*
35 *consent to a work assignment pursuant to subsection 2.*

36 4. *A health care facility shall:*

37 (a) *Ensure that its chief administrative nurse and each house*
38 *supervisor or other licensed nurse responsible for the*
39 *administration of nursing services follows the procedures*
40 *described by this section;*

41 (b) *Retain a copy of each form completed pursuant to this*
42 *section for at least 2 years;*

43 (c) *Make the copy of each form retained pursuant to*
44 *paragraph (b) available for inspection by the Division and the*
45 *State Board of Nursing upon request; and*



1 (d) If the health care facility has established a staffing
2 committee pursuant to NRS 449.242, provide to the staffing
3 committee a copy of each form retained pursuant to
4 paragraph (b).

5 **Sec. 12. 1.** If a health care facility assigns a licensed nurse
6 or certified nursing assistant a work assignment that involves
7 providing direct care for more patients than authorized by the
8 documented staffing plan for the health care facility without
9 obtaining the consent of the licensed nurse or certified nursing
10 assistant pursuant to section 11 of this act, the chief administrative
11 nurse, house supervisor or other licensed nurse responsible for the
12 administration of nursing services who gives the work assignment
13 shall complete a form which includes, without limitation:

14 (a) The date on which the work assignment was made;

15 (b) The name of the licensed nurse or certified nursing
16 assistant who was given the work assignment;

17 (c) The name and signature of the chief administrative nurse,
18 house supervisor or other licensed nurse responsible for the
19 administration of nursing services who gave the work assignment;
20 and

21 (d) A statement of the reason that the work assignment does
22 not comply with the nurse-to-patient staffing ratio prescribed by
23 the documented staffing plan.

24 2. A health care facility shall:

25 (a) Ensure that its chief administrative nurse and each house
26 supervisor or other licensed nurse responsible for the
27 administration of nursing services follows the procedures
28 described by this section;

29 (b) Retain a copy of each form completed pursuant to this
30 section for at least 2 years;

31 (c) Make the copy of each form retained pursuant to
32 paragraph (b) available for inspection by the Division and the
33 State Board of Nursing upon request; and

34 (d) If the health care facility has established a staffing
35 committee pursuant to NRS 449.242, provide to the staffing
36 committee a copy of each form retained pursuant to
37 paragraph (b).

38 3. When determining whether to renew the license of or
39 impose an administrative penalty against a health care facility, the
40 Division may consider the number of times that a health care
41 facility has made an assignment pursuant to this section of a
42 licensed nurse or certified nursing assistant to a work assignment
43 that involves providing direct care for more patients than
44 authorized by the documented staffing plan for the health care



1 *facility without obtaining the consent of the licensed nurse or*
2 *certified nursing assistant.*

3 **Sec. 13.** *The Division shall develop such uniform forms to*
4 *carry out the provisions of NRS 449.241 to 449.2428, inclusive,*
5 *and sections 2 to 15, inclusive, of this act as it determines are*
6 *appropriate, including, without limitation, forms to be used by:*

7 1. *Licensed nurses and certified nursing assistants to refuse*
8 *or object to a work assignment.*

9 2. *Licensed nurses and certified nursing assistants to*
10 *acknowledge receipt of the annual training required by section 10*
11 *of this act.*

12 3. *Health care facilities to document a deviation pursuant to*
13 *section 11 or 12 of this act from the nurse-to-patient staffing ratios*
14 *contained in its documented staffing plan.*

15 **Sec. 14.** 1. *If, after an investigation, the Division*
16 *determines that a health care facility has unlawfully deviated from*
17 *the nurse-to-patient staffing ratios contained in its documented*
18 *staffing plan six or more times within a period of 1 year, the*
19 *Division shall:*

20 (a) *Place the health care facility on probation for a period of*
21 *not more than 1 year;*

22 (b) *Closely monitor the health care facility for any additional*
23 *violations of NRS 449.241 to 449.2428, inclusive, and sections 2 to*
24 *15, inclusive, of this act; and*

25 (c) *Impose a plan to take corrective action within a time*
26 *specified.*

27 2. *The Division may establish a nurse-to-patient staffing ratio*
28 *for a health care facility that is on probation pursuant to*
29 *subsection 1 which is more protective of patients than the ratio*
30 *included in the documented staffing plan for the health care*
31 *facility.*

32 **Sec. 15.** *If the Division determines that a health care facility*
33 *has violated any provision of NRS 449.241 to 449.2428, inclusive,*
34 *and sections 2 to 15, inclusive, of this act, the Division may:*

35 1. *Suspend or revoke the license of the health care facility*
36 *pursuant to NRS 449.160.*

37 2. *Impose an administrative fine:*

38 (a) *If the health care facility has violated any requirements*
39 *relating to staffing set forth in NRS 449.241 to 449.2428,*
40 *inclusive, and sections 2 to 15, inclusive, of this act, of \$15,000 per*
41 *day, per violation, for each day that the violation occurs or*
42 *continues.*

43 (b) *If the health care facility has failed to post the notification*
44 *required by section 9 of this act, of \$1,000 for each day that the*
45 *notification is not posted as required.*



1 (c) *If the health care facility has violated any provision of NRS*
2 *449.2423, of \$15,000 per violation.*

3 **Sec. 16.** NRS 449.030 is hereby amended to read as follows:

4 449.030 1. No person, state or local government or agency
5 thereof may operate or maintain in this State any medical facility or
6 facility for the dependent without first obtaining a license therefor as
7 provided in NRS 449.030 to 449.2428, inclusive ~~§~~, *and sections 2*
8 *to 15, inclusive, of this act.*

9 2. Unless licensed as a facility for hospice care, a person, state
10 or local government or agency thereof shall not operate a program
11 of hospice care without first obtaining a license for the program
12 from the Board.

13 **Sec. 17.** NRS 449.0301 is hereby amended to read as follows:

14 449.0301 The provisions of NRS 449.030 to 449.2428,
15 inclusive, *and sections 2 to 15, inclusive, of this act* do not apply to:

16 1. Any facility conducted by and for the adherents of any
17 church or religious denomination for the purpose of providing
18 facilities for the care and treatment of the sick who depend solely
19 upon spiritual means through prayer for healing in the practice of
20 the religion of the church or denomination, except that such a
21 facility shall comply with all regulations relative to sanitation and
22 safety applicable to other facilities of a similar category.

23 2. Foster homes as defined in NRS 424.014.

24 3. Any medical facility or facility for the dependent operated
25 and maintained by the United States Government or an agency
26 thereof.

27 **Sec. 18.** NRS 449.160 is hereby amended to read as follows:

28 449.160 1. The Division may deny an application for a
29 license or may suspend or revoke any license issued under the
30 provisions of NRS 449.030 to 449.2428, inclusive, *and sections 2 to*
31 *15, inclusive, of this act* upon any of the following grounds:

32 (a) Violation by the applicant or the licensee of any of the
33 provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, *and*
34 *sections 2 to 15, inclusive, of this act*, or of any other law of this
35 State or of the standards, rules and regulations adopted thereunder.

36 (b) Aiding, abetting or permitting the commission of any illegal
37 act.

38 (c) Conduct inimical to the public health, morals, welfare and
39 safety of the people of the State of Nevada in the maintenance and
40 operation of the premises for which a license is issued.

41 (d) Conduct or practice detrimental to the health or safety of the
42 occupants or employees of the facility.

43 (e) Failure of the applicant to obtain written approval from the
44 Director of the Department of Health and Human Services as
45 required by NRS 439A.100 or as provided in any regulation adopted



1 pursuant to NRS 449.001 to 449.430, inclusive, *and sections 2 to*
2 *15, inclusive, of this act* and 449.435 to 449.965, inclusive, if such
3 approval is required.

4 (f) Failure to comply with the provisions of NRS 449.2486.

5 2. In addition to the provisions of subsection 1, the Division
6 may revoke a license to operate a facility for the dependent if, with
7 respect to that facility, the licensee that operates the facility, or an
8 agent or employee of the licensee:

9 (a) Is convicted of violating any of the provisions of
10 NRS 202.470;

11 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
12 244.360, 244.3603 or 268.4124; or

13 (c) Is ordered by the appropriate governmental agency to correct
14 a violation of a building, safety or health code or regulation but fails
15 to correct the violation.

16 3. The Division shall maintain a log of any complaints that it
17 receives relating to activities for which the Division may revoke the
18 license to operate a facility for the dependent pursuant to subsection
19 2. The Division shall provide to a facility for the care of adults
20 during the day:

21 (a) A summary of a complaint against the facility if the
22 investigation of the complaint by the Division either substantiates
23 the complaint or is inconclusive;

24 (b) A report of any investigation conducted with respect to the
25 complaint; and

26 (c) A report of any disciplinary action taken against the facility.

27 ➤ The facility shall make the information available to the public
28 pursuant to NRS 449.2486.

29 4. On or before February 1 of each odd-numbered year, the
30 Division shall submit to the Director of the Legislative Counsel
31 Bureau a written report setting forth, for the previous biennium:

32 (a) Any complaints included in the log maintained by the
33 Division pursuant to subsection 3; and

34 (b) Any disciplinary actions taken by the Division pursuant to
35 subsection 2.

36 **Sec. 19.** NRS 449.163 is hereby amended to read as follows:

37 449.163 1. In addition to the payment of the amount required
38 by NRS 449.0308, if a medical facility or facility for the dependent
39 violates any provision related to its licensure, including any
40 provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, *and*
41 *sections 2 to 15, inclusive, of this act* or any condition, standard or
42 regulation adopted by the Board, the Division, in accordance with
43 the regulations adopted pursuant to NRS 449.165, may:

44 (a) Prohibit the facility from admitting any patient until it
45 determines that the facility has corrected the violation;



1 (b) Limit the occupancy of the facility to the number of beds
2 occupied when the violation occurred, until it determines that the
3 facility has corrected the violation;

4 (c) If the license of the facility limits the occupancy of the
5 facility and the facility has exceeded the approved occupancy,
6 require the facility, at its own expense, to move patients to another
7 facility that is licensed;

8 (d) ~~Impose~~ *Except as otherwise provided in section 15 of this*
9 *act, impose* an administrative penalty of not more than \$1,000 per
10 day for each violation, together with interest thereon at a rate not to
11 exceed 10 percent per annum; and

12 (e) Appoint temporary management to oversee the operation of
13 the facility and to ensure the health and safety of the patients of the
14 facility, until:

15 (1) It determines that the facility has corrected the violation
16 and has management which is capable of ensuring continued
17 compliance with the applicable statutes, conditions, standards and
18 regulations; or

19 (2) Improvements are made to correct the violation.

20 2. ~~FF~~ *Except as otherwise provided in section 15 of this act, if*
21 a violation by a medical facility or facility for the dependent relates
22 to the health or safety of a patient, an administrative penalty
23 imposed pursuant to paragraph (d) of subsection 1 must be in a total
24 amount of not less than \$1,000 and not more than \$10,000 for each
25 patient who was harmed or at risk of harm as a result of the
26 violation.

27 3. If the facility fails to pay any administrative penalty imposed
28 pursuant to paragraph (d) of subsection 1, the Division may:

29 (a) Suspend the license of the facility until the administrative
30 penalty is paid; and

31 (b) Collect court costs, reasonable attorney's fees and other
32 costs incurred to collect the administrative penalty.

33 4. The Division may require any facility that violates any
34 provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, *and*
35 *sections 2 to 15, inclusive, of this act* or any condition, standard or
36 regulation adopted by the Board to make any improvements
37 necessary to correct the violation.

38 5. Any money collected as administrative penalties pursuant to
39 paragraph (d) of subsection 1 must be accounted for separately and
40 used to administer and carry out the provisions of NRS 449.001 to
41 449.430, inclusive, *and sections 2 to 15, inclusive, of this act* and
42 449.435 to 449.965, inclusive, and to protect the health, safety, well-
43 being and property of the patients and residents of facilities in
44 accordance with applicable state and federal standards.



1 **Sec. 20.** NRS 449.241 is hereby amended to read as follows:
2 449.241 As used in NRS 449.241 to 449.2428, inclusive, *and*
3 *sections 2 to 15, inclusive, of this act*, unless the context otherwise
4 requires, the words and terms defined in NRS 449.2413 to
5 449.2418, inclusive, *and sections 2 to 5, inclusive, of this act* have
6 the meanings ascribed to them in those sections.

7 **Sec. 21.** NRS 449.242 is hereby amended to read as follows:
8 449.242 1. Each hospital ~~located in a county whose~~
9 ~~population is 100,000 or more and~~ which is licensed to have more
10 than 70 beds shall establish a staffing committee to develop a
11 written policy as required pursuant to NRS 449.2423 , *the*
12 *descriptions as required pursuant to section 7 of this act* and a
13 documented staffing plan as required pursuant to NRS 449.2421.
14 The *hospital shall determine the number of members of the*
15 *staffing committee* ~~must consist of:~~ , *which must be apportioned*
16 *as follows:*

17 (a) ~~Not less than one-half~~ *One-third* of the total members of
18 the staffing committee ~~from the~~ *must be employed as* licensed
19 nursing staff ~~and~~ *who provide direct patient care at the hospital*
20 *and are selected by the licensed nursing staff who provide direct*
21 *patient care at the hospital;*

22 (b) *One-third of the total members of the staffing committee*
23 *must be employed as* certified nursing assistants *or mental health*
24 *technicians, if applicable,* who ~~are providing~~ *provide* direct
25 patient care at the hospital ~~;~~ *and are selected by the certified*
26 *nursing assistants and mental health technicians, if applicable,*
27 *who provide direct patient care at the hospital;* and

28 ~~(b) Not less than one-half~~
29 (c) *One-third* of the total members of the staffing committee
30 *must be* appointed by the administration of the hospital.

31 2. In developing the written policy *as required pursuant to*
32 *NRS 449.2423, the descriptions as required pursuant to section 7*
33 *of this act* and the *documented* staffing plan ~~;~~ *as required*
34 *pursuant to NRS 449.2421,* the staffing committee shall *obtain and*
35 consider ~~;~~ *without limitation, the* *all applicable information*
36 *available to the staffing committee. Specifically, the staffing*
37 *committee shall obtain and consider:*

38 (a) *The* information , *if any,* received pursuant to paragraph (b)
39 of subsection ~~5~~ 6 of NRS 449.2423 regarding requests to be
40 relieved of a work assignment, refusals of a work assignment and
41 objections to a work assignment ~~;~~ ;

42 (b) *The* information , *if any,* received pursuant to paragraph
43 (d) of subsection 4 of section 11 of this act regarding lawful
44 *deviations from the staffing plan;*



1 (c) *The information, if any, received pursuant to paragraph (d)*
2 *of subsection 2 of section 12 of this act regarding deviations from*
3 *the staffing plan without the consent of the licensed nurse or*
4 *certified nursing assistant; and*

5 (d) *From the Division, any information not otherwise*
6 *described in this subsection regarding deficiencies in staffing at*
7 *the hospital or complaints regarding staffing at the hospital.*

8 3. *As part of developing the documented staffing plan*
9 *pursuant to subsection 2, the staffing committee shall approve an*
10 *acuity system for use in adjusting staffing ratios pursuant to*
11 *subsection 3 of section 8 of this act.*

12 4. *The staffing committee of a hospital shall meet at least*
13 *quarterly.*

14 ~~4.~~ *The meetings of the staffing committee must be*
15 *scheduled at times which are convenient for a majority of each*
16 *group of members of the staffing committee selected or appointed*
17 *pursuant to subsection 1.*

18 5. *At least once per year, the staffing committee shall obtain*
19 *and consider all applicable information available to the staffing*
20 *committee, including, without limitation, the information*
21 *described in subsection 2 and use the information to reconsider*
22 *and revise, as appropriate, the written policy, the descriptions and*
23 *the documented staffing plan developed pursuant to subsection 2,*
24 *including, without limitation, the acuity system approved pursuant*
25 *to subsection 3. As part of this reconsideration, the staffing*
26 *committee shall determine whether there are any systemic*
27 *problems relating to staffing at the hospital and whether any such*
28 *problems are being addressed by the hospital.*

29 6. *The Division shall provide to a staffing committee the*
30 *information requested by the staffing committee in accordance*
31 *with this section, except that the Division shall remove from that*
32 *information any personally identifying information.*

33 7. *Each hospital that is required to establish a staffing*
34 *committee pursuant to this section shall prepare a written report*
35 *concerning the establishment of the staffing committee, the*
36 *activities and progress of the staffing committee and a determination*
37 *of the efficacy of the staffing committee. The hospital shall submit*
38 *the report on or before December 31 of each:*

39 (a) *Even-numbered year to the Director of the Legislative*
40 *Counsel Bureau for transmission to the next regular session of the*
41 *Legislature.*

42 (b) *Odd-numbered year to the Legislative Committee on Health*
43 *Care.*

44 8. *Each health care facility which is licensed to have more*
45 *than 70 beds and which is not a hospital shall develop a written*



1 *policy as required pursuant to NRS 449.2423, the descriptions as*
2 *required pursuant to section 7 of this act and a documented*
3 *staffing plan as required pursuant to NRS 449.2421, and perform*
4 *all other functions required of a staffing committee pursuant to*
5 *this section. As part of developing the staffing plan, the health*
6 *care facility shall approve an acuity system for use in adjusting*
7 *staffing ratios pursuant to subsection 3 of section 8 of this act.*

8 **Sec. 22.** NRS 449.2421 is hereby amended to read as follows:

9 449.2421 1. As a condition of ~~[licensing,]~~ *licensure*, a health
10 care facility ~~[located in a county whose population is 100,000 or~~
11 ~~more and]~~ which is licensed to have more than 70 beds shall make
12 available to the Division a written policy adopted pursuant to NRS
13 449.2423, *the descriptions as required pursuant to section 7 of this*
14 *act*, a documented staffing plan and a written certification that the
15 written policy and the documented staffing plan are adequate to
16 meet the needs of the patients of the health care facility. The
17 documented staffing plan must include, without limitation:

18 (a) A detailed written plan setting forth:

19 (1) The number, skill mix and classification of licensed
20 nurses required in each unit in the health care facility, which must
21 take into account the experience of the clinical and nonclinical
22 support staff with whom the licensed nurses collaborate, supervise
23 or otherwise delegate assignments; and

24 (2) The number of certified nursing assistants required in
25 each unit in the health care facility;

26 (b) A description of the types of patients who are treated in each
27 unit, including, without limitation, the type of care required by the
28 patients;

29 (c) A description of the activities in each unit, including, without
30 limitation, discharges, transfers and admissions;

31 (d) A description of the size and geography of each unit;

32 (e) A description of any specialized equipment and technology
33 available for each unit;

34 (f) Any foreseeable changes in the size or function of each unit;
35 and

36 (g) Protocols for adequately staffing the health care facility:

37 (1) In the event of an emergency, including, without
38 limitation, mass casualties and a significant change in the acuity or
39 number of patients;

40 (2) If applicable, in circumstances when a significant number
41 of patients are diverted from another facility; and

42 (3) If a licensed nurse or certified nursing assistant is absent
43 or refuses a work assignment pursuant to NRS 449.2423.



1 2. A documented staffing plan must provide sufficient
2 flexibility to allow for adjustments based upon changes in a unit of
3 the health care facility.

4 3. *A documented staffing plan must include either the nurse-*
5 *to-patient staffing ratios described in section 8 of this act or nurse-*
6 *to-patient staffing ratios which have more nurses per patient and*
7 *are more protective of patients than described in section 8 of this*
8 *act.*

9 4. The health care facility shall ensure that it is staffed in
10 accordance with the documented staffing plan.

11 5. *The administration of the health care facility shall review*
12 *its documented staffing plan with all affected staff on a quarterly*
13 *basis. The health care facility must maintain a record of each*
14 *review for at least 7 years and make the records available upon*
15 *request to the Division.*

16 **Sec. 23.** NRS 449.2423 is hereby amended to read as follows:

17 449.2423 1. As a condition of licensure, a health care facility
18 ~~[which is located in a county whose population is 100,000 or more~~
19 ~~and]~~ which is licensed to have more than 70 beds must adopt and
20 disseminate to each licensed nurse and certified nursing assistant
21 employed by the health care facility a written policy that sets forth
22 the circumstances under which a licensed nurse or certified nursing
23 assistant may refuse or object to a work assignment.

24 2. The written policy concerning work assignments must, at a
25 minimum, allow a licensed nurse or certified nursing assistant to:

26 (a) Refuse a work assignment for any reason for refusal set forth
27 in paragraph (b) of subsection 1 of NRS 449.205; and

28 (b) File an objection to a work assignment if the work
29 assignment violates any provision of NRS 449.241 to 449.2428,
30 inclusive ~~[,]~~, *and sections 2 to 15, inclusive, of this act.*

31 3. For the purposes of refusing a work assignment pursuant to
32 paragraph (a) of subsection 2, the written policy concerning work
33 assignments must contain:

34 (a) Reasonable requirements for prior notice to the supervisor of
35 the licensed nurse or certified nursing assistant of the request by the
36 licensed nurse or certified nursing assistant to be relieved of the
37 work assignment, including, without limitation, the reasons
38 supporting the request;

39 (b) Reasonable requirements which provide, if feasible, an
40 opportunity for the supervisor to review a request by the licensed
41 nurse or certified nursing assistant to be relieved of the work
42 assignment, including any specific conditions supporting the
43 request, and based upon that review:

44 (1) Relieve the licensed nurse or certified nursing assistant of
45 the work assignment as requested; or



1 (2) Deny the request; and

2 (c) A process pursuant to which a licensed nurse or certified
3 nursing assistant may exercise his or her right to refuse a work
4 assignment if the supervisor does not approve the request to be
5 relieved of the work assignment if:

6 (1) The supervisor failed to approve the request without
7 proposing a remedy or, if a remedy is proposed, the proposed
8 remedy would be inadequate or untimely;

9 (2) The process for filing a complaint with the Division or
10 any other appropriate regulatory entity, including any investigation
11 that would be required, would be untimely to address the concerns
12 of the licensed nurse or certified nursing assistant in refusing a work
13 assignment; and

14 (3) The licensed nurse or certified nursing assistant in good
15 faith believes that the work assignment meets the conditions
16 established in the written policy justifying refusal.

17 4. For the purposes of objecting to a work assignment pursuant
18 to paragraph (b) of subsection 2, the written policy concerning work
19 assignments must contain:

20 (a) A process for a licensed nurse or certified nursing assistant
21 to file an objection with the health care facility, but still accept the
22 work assignment despite the objection; and

23 (b) A requirement that the health care facility respond to the
24 objection as soon as practicable, but not later than 45 days after
25 receiving the objection.

26 5. *In addition to the requirements of subsections 3 and 4, the*
27 *written policy concerning work assignments must contain an*
28 *additional process to allow a licensed nurse or certified nursing*
29 *assistant, in an expedited manner, to refuse a work assignment or*
30 *file an objection to a work assignment, whichever the licensed*
31 *nurse or certified nursing assistant decides is appropriate, when*
32 *the licensed nurse or certified nursing assistant previously*
33 *accepted the assignment and, as a result of a change in*
34 *circumstances, the licensed nurse or certified nursing assistant*
35 *subsequently has a valid reason to refuse or object to the work*
36 *assignment pursuant to subsection 2.*

37 6. The health care facility shall:

38 (a) Maintain records for at least 2 years of each request to be
39 relieved of a work assignment, each refusal of a work assignment
40 and each objection to a work assignment that is filed with the health
41 care facility pursuant to the written policy adopted pursuant to this
42 section;

43 (b) If the health care facility has established a staffing
44 committee pursuant to NRS 449.242, provide to the staffing
45 committee:



1 (1) The number of requests to be relieved of a work
2 assignment and refusals of a work assignment made by a licensed
3 nurse or a certified nursing assistant at the health care facility
4 pursuant to this section;

5 (2) The number of objections to a work assignment filed by a
6 licensed nurse or a certified nursing assistant at the health care
7 facility pursuant to this section; and

8 (3) An explanation of how the health care facility addressed
9 the requests, refusals and objections; and

10 (c) Ensure that the health care facility complies with the written
11 policy adopted pursuant to this section.

12 ***7. The Division may investigate any claim of retaliation***
13 ***against a licensed nurse or certified nursing assistant for refusing***
14 ***or objecting to a work assignment.***

15 ***8. The Division shall adopt any regulations determined by the***
16 ***Division to be necessary to specify additional requirements for a***
17 ***written policy adopted pursuant to this section.***

18 **Sec. 24.** NRS 449.2428 is hereby amended to read as follows:

19 449.2428 For each health care facility ~~[which is located in a~~
20 ~~county whose population is 100,000 or more and]~~ which is licensed
21 to have more than 70 beds, the Division shall:

22 1. Ensure the general compliance of the health care facility
23 with the provisions of NRS 449.241 to 449.2428, inclusive, ***and***
24 ***sections 2 to 15, inclusive, of this act,*** including, without limitation,
25 those provisions relating to documented staffing plans and written
26 policies adopted pursuant to NRS 449.2423; and

27 2. Adopt such regulations as are necessary or appropriate to
28 carry out the provisions of this section.

29 **Sec. 25.** NRS 632.140 is hereby amended to read as follows:

30 632.140 1. Every applicant for a license to practice as a
31 professional nurse in the State of Nevada must submit to the Board
32 written evidence under oath that the applicant:

- 33 (a) Is of good moral character.
34 (b) Is in good physical and mental health.
35 (c) Has completed a course of study in:

36 (1) An accredited school of professional nursing and holds a
37 diploma therefrom; or

38 (2) An approved school of professional nursing in the
39 process of obtaining accreditation and holds a diploma therefrom.

40 (d) ***Understands his or her rights and duties to refuse or object***
41 ***to a work assignment.***

42 (e) Meets such other reasonable preliminary qualification
43 requirements as the Board may from time to time prescribe.



1 2. Each applicant must remit the fee required by this chapter
2 with the application for a license to practice as a professional nurse
3 in this State.

4 **Sec. 26.** NRS 632.270 is hereby amended to read as follows:

5 632.270 Each applicant for a license to practice as a practical
6 nurse must submit to the Board written evidence, under oath, that
7 the applicant:

8 1. Is of good moral character.

9 2. Has a high school diploma or its equivalent as determined by
10 the State Board of Education.

11 3. Is at least 18 years of age.

12 4. Has:

13 (a) Successfully completed the prescribed course of study in an
14 accredited school of practical nursing or an accredited school of
15 professional nursing, and been awarded a diploma by the school;

16 (b) Successfully completed the prescribed course of study in an
17 approved school of practical nursing in the process of obtaining
18 accreditation or an approved school of professional nursing in the
19 process of obtaining accreditation, and been awarded a diploma by
20 the school; or

21 (c) Been registered or licensed as a registered nurse under the
22 laws of another jurisdiction.

23 5. *Understands his or her rights and duties to refuse or object*
24 *to a work assignment.*

25 6. Meets any other qualifications prescribed in regulations of
26 the Board.

27 **Sec. 27.** NRS 632.2852 is hereby amended to read as follows:

28 632.2852 1. An applicant for a certificate to practice as a
29 nursing assistant must submit to the Board written evidence under
30 oath that the applicant:

31 (a) Is of good moral character;

32 (b) Is in good physical and mental health;

33 (c) Is at least 16 years of age; ~~and~~

34 (d) *Understands his or her rights and duties to refuse or object*
35 *to a work assignment; and*

36 (e) Meets such other reasonable requirements as the Board
37 prescribes.

38 2. An applicant may be certified by examination if the
39 applicant:

40 (a) Submits a completed written application and the fee required
41 by this chapter;

42 (b) Completes a training program approved by the Board and
43 supplies a certificate of completion from the program;

44 (c) Passes the certification examination approved by the Board;
45 and



1 (d) Has not committed any acts which would be grounds for
2 disciplinary action if committed by a nursing assistant, unless the
3 Board determines that sufficient restitution has been made or the act
4 was not substantially related to nursing.

5 3. An applicant who is licensed or certified as a nursing
6 assistant in another state may be certified by endorsement if the
7 applicant:

8 (a) Submits a completed written application and the fee required
9 by this chapter;

10 (b) Submits proof of successful completion of a training
11 program approved by the appropriate agency of another state;

12 (c) Has passed a certification examination approved by the
13 Board to be equivalent to the examination required in this State; and

14 (d) Has not committed any acts which would be grounds for
15 disciplinary action if committed by a nursing assistant, unless the
16 Board determines that sufficient restitution has been made or the act
17 was not substantially related to nursing.

18 4. The Board shall issue a certificate to practice as a nursing
19 assistant to each applicant who meets the requirements of this
20 section.

21 **Sec. 28.** NRS 632.2856 is hereby amended to read as follows:

22 632.2856 1. The training program required for certification
23 as a nursing assistant must consist of 75 hours of instruction. The
24 program must include no less than 60 hours of theory and learning
25 skills in a laboratory setting.

26 2. Except as otherwise provided in this subsection, the
27 instructor of the program must be a registered nurse with:

28 (a) Three years of nursing experience which includes direct care
29 of patients and supervision and education of members of the staff;
30 and

31 (b) Proof of successful completion of training for instructors
32 which has been approved by the Board.

33 ↪ The Board may approve a licensed practical nurse as an instructor
34 if the Board determines that requiring instruction by a registered
35 nurse would create a hardship.

36 3. Except as otherwise provided in NRS 622.090, upon
37 completion of the program, a nursing assistant trainee must pass a
38 test in theory with an overall score of 80 percent and a test of skills
39 on a pass or fail basis. The test of skills must be given by a
40 registered nurse. If the nursing assistant trainee fails either of the
41 tests, the nursing assistant trainee must repeat the training in the
42 areas in which he or she was deficient before taking the certification
43 examination.

44 4. In a program which is based in a facility, a nursing assistant
45 trainee may only perform those tasks he or she has successfully



1 completed in the training program, and must perform those tasks
2 under the direct supervision of a registered nurse or a licensed
3 practical nurse.

4 5. The Board shall adopt regulations not inconsistent with law:

5 (a) Specifying the scope of the training program and the
6 required components of the program **[H]**, *which must include,*
7 *without limitation, training relating to the rights and duties of a*
8 *nursing assistant to refuse or object to a work assignment;*

9 (b) Establishing standards for the approval of programs and
10 instructors; and

11 (c) Designating the basic nursing services which a nursing
12 assistant may provide upon certification.

13 6. Any medical facility, educational institution or other
14 organization may provide a training program if the program meets
15 the requirements set forth in this chapter and in the regulations of
16 the Board, and is approved by the Board. Such a program must be
17 administered through:

18 (a) The Nevada System of Higher Education;

19 (b) A program for career and technical education approved by
20 the State Board for Career and Technical Education;

21 (c) A public school in this State; or

22 (d) Any other nationally recognized body or agency authorized
23 by law to accredit or approve such programs.

24 7. An educational institution or agency that administers a
25 training program shall:

26 (a) Develop or approve the curriculum for training provided in
27 its service district;

28 (b) Manage the training program; and

29 (c) Work with medical and other facilities to carry out the
30 requirements of paragraphs (a) and (b).

31 **Sec. 29.** NRS 632.320 is hereby amended to read as follows:

32 632.320 1. The Board may deny, revoke or suspend any
33 license or certificate applied for or issued pursuant to this chapter, or
34 take other disciplinary action against a licensee or holder of a
35 certificate, upon determining that the licensee or certificate holder:

36 (a) Is guilty of fraud or deceit in procuring or attempting to
37 procure a license or certificate pursuant to this chapter.

38 (b) Is guilty of any offense:

39 (1) Involving moral turpitude; or

40 (2) Related to the qualifications, functions or duties of a
41 licensee or holder of a certificate,

42 ➔ in which case the record of conviction is conclusive evidence
43 thereof.



1 (c) Has been convicted of violating any of the provisions of
2 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
3 inclusive.

4 (d) Is unfit or incompetent by reason of gross negligence or
5 recklessness in carrying out usual nursing functions.

6 (e) Uses any controlled substance, dangerous drug as defined in
7 chapter 454 of NRS, or intoxicating liquor to an extent or in a
8 manner which is dangerous or injurious to any other person or
9 which impairs his or her ability to conduct the practice authorized
10 by the license or certificate.

11 (f) Is a person with mental incompetence.

12 (g) Is guilty of unprofessional conduct, which includes, but is
13 not limited to, the following:

14 (1) Conviction of practicing medicine without a license in
15 violation of chapter 630 of NRS, in which case the record of
16 conviction is conclusive evidence thereof.

17 (2) Impersonating any applicant or acting as proxy for an
18 applicant in any examination required pursuant to this chapter for
19 the issuance of a license or certificate.

20 (3) Impersonating another licensed practitioner or holder of a
21 certificate.

22 (4) Permitting or allowing another person to use his or her
23 license or certificate to practice as a licensed practical nurse,
24 registered nurse, nursing assistant or medication aide - certified.

25 (5) Repeated malpractice, which may be evidenced by claims
26 of malpractice settled against the licensee or certificate holder.

27 (6) Physical, verbal or psychological abuse of a patient.

28 (7) Conviction for the use or unlawful possession of a
29 controlled substance or dangerous drug as defined in chapter 454 of
30 NRS.

31 (h) Has willfully or repeatedly violated the provisions of this
32 chapter. The voluntary surrender of a license or certificate issued
33 pursuant to this chapter is prima facie evidence that the licensee or
34 certificate holder has committed or expects to commit a violation of
35 this chapter.

36 (i) Is guilty of aiding or abetting any person in a violation of this
37 chapter.

38 (j) Has falsified an entry on a patient's medical chart concerning
39 a controlled substance.

40 (k) Has falsified information which was given to a physician,
41 pharmacist, podiatric physician or dentist to obtain a controlled
42 substance.

43 (l) Has knowingly procured or administered a controlled
44 substance or a dangerous drug as defined in chapter 454 of NRS that



1 is not approved by the United States Food and Drug Administration,
2 unless the unapproved controlled substance or dangerous drug:

3 (1) Was procured through a retail pharmacy licensed
4 pursuant to chapter 639 of NRS;

5 (2) Was procured through a Canadian pharmacy which is
6 licensed pursuant to chapter 639 of NRS and which has been
7 recommended by the State Board of Pharmacy pursuant to
8 subsection 4 of NRS 639.2328; or

9 (3) Is marijuana being used for medical purposes in
10 accordance with chapter 453A of NRS.

11 (m) Has been disciplined in another state in connection with a
12 license to practice nursing or a certificate to practice as a nursing
13 assistant or medication aide - certified, or has committed an act in
14 another state which would constitute a violation of this chapter.

15 (n) Has engaged in conduct likely to deceive, defraud or
16 endanger a patient or the general public.

17 (o) Has willfully failed to comply with a regulation, subpoena or
18 order of the Board.

19 (p) Has operated a medical facility at any time during which:

20 (1) The license of the facility was suspended or revoked; or

21 (2) An act or omission occurred which resulted in the
22 suspension or revocation of the license pursuant to NRS 449.160.

23 ➤ This paragraph applies to an owner or other principal responsible
24 for the operation of the facility.

25 *(q) Has, while serving as a chief administrative nurse, house
26 supervisor or other licensed nurse responsible for the
27 administration of nursing services in a health care facility:*

28 *(1) Given a work assignment that unlawfully exceeds the
29 nurse-to-patient staffing ratio required for the appropriate unit of
30 the health care facility; or*

31 *(2) Failed to follow the requirements of section 11 or 12 of
32 this act.*

33 2. For the purposes of this section, a plea of guilty or
34 guilty but mentally ill or a plea of nolo contendere constitutes a
35 conviction of an offense. The Board may take disciplinary action
36 pending the appeal of a conviction.

37 3. A licensee or certificate holder is not subject to disciplinary
38 action solely for administering auto-injectable epinephrine pursuant
39 to a valid order issued pursuant to NRS 630.374 or 633.707.

40 *4. As used in this section, "health care facility" has the
41 meaning ascribed to it in NRS 449.2414.*

42 **Sec. 30.** NRS 632.341 is hereby amended to read as follows:

43 632.341 1. Every nurse licensed under the provisions of this
44 chapter must renew his or her license biennially on a date or
45 according to a schedule of dates prescribed by regulation of the



1 Board. If the date or schedule is changed, the Board may prorate the
2 required fee.

3 2. *A licensee who applies for the renewal of his or her license*
4 *must submit a signed statement acknowledging that the licensee*
5 *understands his or her rights and duties to refuse or object to a*
6 *work assignment.*

7 3. A licensee who fails to renew a license may have the license
8 reinstated by completing an application for renewal, submitting
9 payment of the reinstatement fee in addition to the renewal fee and
10 submitting all information required to complete the reinstatement.

11 ~~[3.]~~ 4. Upon written request to the Board, a licensee in good
12 standing may cause his or her name and license to be transferred to
13 an inactive list, and the licensee may not practice nursing during the
14 time the license is inactive and no renewal fee accrues. If an inactive
15 licensee desires to resume the practice of nursing, the Board, except
16 as otherwise provided in subsection ~~[4.]~~ 5, shall renew the license
17 upon demonstration, if deemed necessary by the Board, that the
18 licensee is then qualified and competent to practice, and upon
19 completion of an application and payment of the current fee for
20 biennial renewal of the license.

21 ~~[4.]~~ 5. The Board may:

22 (a) Issue a temporary license to an applicant for the renewal or
23 reinstatement of a license pending final action by the Board upon
24 the application.

25 (b) After a hearing, refuse to renew or reinstate the license of
26 any person who, at any time since the most recent renewal of the
27 license or the issuance of the original license if it has not been
28 renewed, has been out of compliance with the requirements of this
29 chapter.

30 **Sec. 31.** NRS 632.342 is hereby amended to read as follows:

31 632.342 1. The certificate of a nursing assistant or
32 medication aide - certified must be renewed biennially on the date of
33 the certificate holder's birthday.

34 2. The Board shall renew a certificate if the applicant:

35 (a) Submits a completed written application and the fee required
36 by this chapter;

37 (b) Submits documentation of completion of continuing training,
38 as required by the Board, in the previous 24 months;

39 (c) Has not committed any acts which are grounds for
40 disciplinary action, unless the Board determines that sufficient
41 restitution has been made or the act was not substantially related to
42 nursing;

43 (d) Submits documentation of employment as a nursing assistant
44 or medication aide - certified during the 2 years immediately
45 preceding the date of the renewal; ~~[and]~~



1 (e) *If the applicant holds a certificate as a nursing assistant,*
2 *submits a signed statement acknowledging that the applicant*
3 *understands his or her rights and duties to refuse or object to a*
4 *work assignment; and*

5 (f) Submits all information required to complete the renewal.

6 ↪ The training program completed pursuant to paragraph (b) must
7 be approved by the Board.

8 3. Failure to renew the certificate results in forfeiture of the
9 right to practice unless the nursing assistant or medication aide -
10 certified qualifies for the issuance of a new certificate.

11 4. Renewal of a certificate becomes effective on the date on
12 which:

13 (a) The application is filed;

14 (b) The renewal fee is paid; or

15 (c) All information required to complete the renewal is
16 submitted,

17 ↪ whichever occurs latest.

18 **Sec. 32.** NRS 632.430 is hereby amended to read as follows:

19 632.430 1. ~~The~~ *Except as otherwise provided in this*
20 *subsection, the* Board may prescribe standards and curricula for
21 schools of practical nursing, visit, survey and approve those schools,
22 and remove those schools from a list of approved schools of nursing
23 for just cause. *The Board must require that the standards and*
24 *curricula of each approved school include training relating to the*
25 *rights and duties of a practical nurse to refuse or object to a work*
26 *assignment.*

27 2. A school of practical nursing in this State must be:

28 (a) An accredited school of practical nursing; or

29 (b) An approved school of practical nursing in the process of
30 obtaining accreditation.

31 **Sec. 33.** NRS 632.440 is hereby amended to read as follows:

32 632.440 1. The Board shall prescribe curricula and standards
33 for schools and courses of professional nursing ~~H~~, *which must*
34 *include, without limitation, training relating to the rights and*
35 *duties of a nurse to refuse or object to a work assignment.* The
36 Board shall provide for surveys of such schools and courses at such
37 times as it may deem necessary. It shall approve such schools and
38 courses as meet the requirements of this chapter and of the Board. It
39 shall evaluate and approve courses for affiliation with approved
40 schools of nursing in this State or with schools of nursing which
41 have applied for such approval.

42 2. A school of professional nursing in this State must be:

43 (a) An accredited school of professional nursing; or

44 (b) An approved school of professional nursing in the process of
45 obtaining accreditation.



1 **Sec. 34.** The provisions of subsection 1 of NRS 218D.380 do
2 not apply to any provision of this act which adds or revises a
3 requirement to submit a report to the Legislature.

4 **Sec. 35.** The provisions of NRS 354.599 do not apply to any
5 additional expenses of a local government that are related to the
6 provisions of this act.

7 **Sec. 36.** This act becomes effective:

8 1. Upon passage and approval for the purposes of adopting
9 regulations and performing any other preparatory administrative
10 tasks necessary to carry out the provisions of this act; and

11 2. On October 1, 2015, for all other purposes.

