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A.B. 204

ASSEMBLY BILL NO. 204—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF BOARD OF NURSING)

FEBRUARY 11, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to nursing. (BDR 54-405)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to nursing; eliminating the civil liability of members of the state board of nursing under certain circumstances; revising the definitions of “nursing assistant,” “practice of practical nursing” and “practice of professional nursing”; expanding the definition of “practice of nursing” to include the direct and indirect provision of care; making various changes concerning disciplinary action against a licensee or a holder of a certificate; increasing the permissible fees that may be charged by the board; revising provisions governing the approval of schools of nursing; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 632 of NRS is hereby amended by adding thereto
- 2 the provisions set forth as sections 2, 3 and 4 of this act.
- 3 **Sec. 2.** *“Approved school of nursing” means a school of nursing*
- 4 *that is approved by the board as meeting the standards for nursing*
- 5 *education established by the board pursuant to NRS 632.430 to 632.470,*
- 6 *inclusive.*
- 7 **Sec. 3.** *“System for the delivery of health care” means a licensed*
- 8 *medical facility as defined in NRS 449.0151, or other organization that*
- 9 *provides organized nursing services.*
- 10 **Sec. 4.** *A member of the board or an employee or agent of the board*
- 11 *is not liable in a civil action for any act performed in good faith and*
- 12 *within the scope of the duties of the board pursuant to the provisions of*
- 13 *this chapter.*

1 **Sec. 5.** NRS 632.010 is hereby amended to read as follows:
2 632.010 As used in this chapter, unless the context otherwise requires,
3 the words and terms defined in NRS 632.011 to 632.019, inclusive, *and*
4 *sections 2 and 3 of this act* have the meanings ascribed to them in those
5 sections.

6 **Sec. 6.** NRS 632.011 is hereby amended to read as follows:
7 632.011 “Accredited school of nursing” means a school of nursing
8 which is accredited by ~~{the board or another body or}~~ *a nationally*
9 *recognized association or an* agency authorized by law to accredit or
10 approve schools of nursing in the state in which the school is located.

11 **Sec. 7.** NRS 632.0166 is hereby amended to read as follows:

12 632.0166 1. “Nursing assistant” means a person who, under the
13 direction of a licensed nurse , ~~{and for compensation,}~~
14 restorative services and basic nursing services which are directed at the
15 safety, comfort, personal hygiene, basic mental health and protection of
16 patients and the protection of ~~{patients’ rights.}~~ *the rights of patients.*

17 2. The term does not include a person who is employed by this state or
18 under contract with this state to provide, or assist in the provision of,
19 personal care of other persons if he does not primarily perform acts that are
20 within the authorized scope of practice of a nursing assistant.

21 **Sec. 8.** NRS 632.0169 is hereby amended to read as follows:

22 632.0169 1. “Practice of nursing” means ~~{the general}~~ :

23 *(a) The direct provision of care, including, without limitation:*

24 *(1) General* observation, diagnosis and treatment of changes in a
25 person’s health ~~{;}~~ ;

26 *(2) Promoting optimal health;*

27 *(3) Assisting persons or groups to attain and maintain optimal*
28 *health by planning and implementing a strategy of care to accomplish*
29 *defined goals; and*

30 *(4) Evaluating responses to such care and treatment.*

31 *(b) The indirect provision of care, including, without limitation:*

32 *(1) Teaching, administering, managing and supervising the*
33 *practice of nursing;*

34 *(2) Delegating the direct provision of care;*

35 *(3) Collaborating and consulting with families, communities,*
36 *systems for the delivery of health care, other health care professionals*
37 *and other persons involved in the management of health care to provide*
38 *a continuum of care; and*

39 *(4) Research related to the practice of nursing that is conducted by*
40 *a nurse who is licensed pursuant to the provisions of this chapter.*

2. The term does not include acts of medical diagnosis or prescription of therapeutic or corrective measures, except as authorized by specific statute.

Sec. 9. NRS 632.017 is hereby amended to read as follows:

632.017 "Practice of practical nursing" means the performance ~~for~~ ~~compensation~~ of selected acts in the care of the ill, injured or infirm under the direction of a registered professional nurse, an advanced practitioner of nursing, a licensed physician, a licensed dentist or a licensed podiatric physician, not requiring the substantial specialized skill, judgment and knowledge required in professional nursing.

Sec. 10. NRS 632.018 is hereby amended to read as follows:

632.018 "Practice of professional nursing" means the performance ~~for~~ ~~compensation~~ of any act in the observation, care and counsel of the ill, injured or infirm, in the maintenance of health or prevention of illness of others, in the supervision and teaching of other personnel, in the administration of medications and treatments as prescribed by an advanced practitioner of nursing, a licensed physician, a licensed dentist or a licensed podiatric physician, requiring substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social science, but does not include acts of medical diagnosis or prescription of therapeutic or corrective measures.

Sec. 11. NRS 632.080 is hereby amended to read as follows:

632.080 1. The compensation of the members of the board must be fixed by the board, but may not exceed \$80 for each day spent by each member in the discharge of his official duties.

~~2. [The compensation of the members of the advisory council on continuing education for nurses must be fixed by the board, but may not exceed \$60 for each day spent by each member in the discharge of his official duties.~~

~~3.]~~ While engaged in the discharge of his official duties, each member and employee of the board ~~[and each member of the advisory committee on continuing education]~~ is entitled to receive a per diem allowance and travel expenses at a rate fixed by the board. The rate must not exceed the rate provided for state officers and employees generally.

~~[4.]~~ 3. All compensation, per diem allowances and travel expenses of the members and employees of the board ~~[and members of the advisory council on continuing education]~~ must be paid out of the money of the board.

Sec. 12. NRS 632.100 is hereby amended to read as follows:

632.100 1. The board shall make and keep a ~~[full and]~~ complete record of all its proceedings, including ~~[a]~~ , **without limitation:**

1 (a) A file of all applications for licenses and certificates under this
2 chapter, together with the action of the board upon each application ~~{, and~~
3 ~~including a}~~ ;

4 (b) A register of all nurses licensed and all nursing assistants certified in
5 this state ~~{,}~~ ; and

6 (c) *Documentation of any disciplinary action taken by the board*
7 *against a licensee or holder of a certificate.*

8 2. The board shall maintain in its main office a public docket or other
9 record in which it shall record, from time to time as made, the rulings or
10 decisions upon all complaints filed with it, and all investigations instituted
11 by it in the first instance, upon or in connection with which any hearing
12 has been had, or in which the licensee or holder of a certificate charged has
13 made no defense.

14 3. At least semiannually, the board shall publish a list of the names
15 ~~{and addresses of persons licensed or certified by it under the provisions of~~
16 ~~this chapter, and}~~ of all applicants ~~{,}~~ *whose applications were denied*
17 *within the immediately preceding year and all* licensees and holders of
18 certificates ~~{whose licenses or certificates have been refused, suspended or~~
19 ~~revoked within 1}~~ *who were the subject of disciplinary action within the*
20 *immediately preceding* year, together with such other information relative
21 to the enforcement of the provisions of this chapter as it may deem of
22 interest to the public.

23 **Sec. 13.** NRS 632.120 is hereby amended to read as follows:

24 632.120 1. The board shall:

25 (a) Adopt regulations establishing reasonable standards:

26 (1) For the denial, renewal, suspension and revocation of, and the
27 placement of conditions, limitations and restrictions upon, a license to
28 practice professional or practical nursing ~~{,}~~ *or a certificate to practice as a*
29 *nursing assistant.*

30 (2) Of professional conduct for the practice of nursing.

31 (3) For prescribing and dispensing controlled substances and
32 dangerous drugs in accordance with applicable statutes.

33 (b) Prepare and administer examinations for the issuance of a license *or*
34 *certificate* under this chapter.

35 (c) Investigate and determine the eligibility of an applicant for a license
36 *or certificate* under this chapter.

37 (d) Carry out and enforce the provisions of this chapter and the
38 regulations adopted pursuant thereto.

39 2. The board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license *or certificate* under this chapter.

(b) Standards for the continuing professional competence of licensees ~~§~~ *or holders of a certificate*. The board may evaluate licensees *or holders of a certificate* periodically for compliance with those standards.

3. The board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees *or holders of a certificate* and applicants for a license *or certificate* under this chapter;

(b) Evaluating the professional competence of licensees ~~§~~ *or holders of a certificate*;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the board; and

(e) Surveying, evaluating and ~~faccrediting~~ *approving* schools of practical nursing, and schools and courses of professional nursing, and collect the fees established pursuant to this subsection.

4. The board may adopt such *other* regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees and nursing assistants.

5. The board may adopt such other regulations, not inconsistent with law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 14. NRS 632.240 is hereby amended to read as follows:

632.240 1. The provision of nursing services in any system for the delivery of health care must be under the direction and supervision of a chief administrative nurse who is a registered nurse.

2. ~~As used in this section, "system for the delivery of health care" means a licensed medical facility as defined in NRS 449.0151, or other organization which provides organized nursing services.~~

~~3.1~~ The provisions of this section do not apply to a county school district whose enrollment is fewer than 35,000 pupils.

Sec. 15. NRS 632.285 is hereby amended to read as follows:

632.285 1. Any person, except a nursing assistant trainee, who ~~for compensation~~ practices or offers to practice as a nursing assistant in this state shall submit evidence that he is qualified so to practice and must be certified as provided in this chapter.

2. It is unlawful for any person:

(a) To practice or to offer to practice as a nursing assistant in this state or to use any title, abbreviation, sign, card or device to indicate that he is practicing as a nursing assistant in this state unless he has been certified pursuant to the provisions of this chapter.

1 (b) Except as otherwise provided in NRS 629.091, who does not hold a
2 certificate authorizing him to practice as a nursing assistant issued pursuant
3 to the provisions of this chapter to perform or offer to perform basic
4 nursing services in this state, unless the person is a nursing assistant
5 trainee.

6 (c) To be employed as a nursing assistant trainee for more than 4
7 months.

8 3. The executive director of the board may, on behalf of the board,
9 issue an order to cease and desist to any person who practices or offers to
10 practice as a nursing assistant without a certificate issued pursuant to the
11 provisions of this chapter.

12 4. The executive director of the board shall forward to the appropriate
13 law enforcement agency any information submitted to the board
14 concerning a person who practices or offers to practice as a nursing
15 assistant without a certificate issued pursuant to the provisions of this
16 chapter.

17 **Sec. 16.** NRS 632.315 is hereby amended to read as follows:

18 632.315 1. For the purposes of safeguarding life and health and
19 maintaining high professional standards among nurses in this state, any
20 person who ~~for compensation~~ practices or offers to practice nursing in
21 this state shall submit evidence that he is qualified to practice and must be
22 licensed as provided in this chapter.

23 2. Any person who:

24 (a) Practices or offers to practice nursing in this state or uses any title,
25 abbreviation, sign, card or device to indicate that he is practicing nursing in
26 this state unless that person has been licensed pursuant to the provisions of
27 this chapter; or

28 (b) Does not hold a valid and subsisting license to practice nursing
29 issued pursuant to the provisions of this chapter who practices or offers to
30 practice in this state as a registered nurse, licensed practical nurse, graduate
31 nurse, trained nurse, certified nurse or under any other title or designation
32 suggesting that he possesses qualifications and skill in the field of
33 nursing,
34 is guilty of a misdemeanor.

35 3. The executive director of the board may, on behalf of the board,
36 issue an order to cease and desist to any person who practices or offers to
37 practice nursing without a license issued pursuant to the provisions of this
38 chapter.

39 4. The executive director of the board shall forward to the appropriate
40 law enforcement agency any information submitted to the board
41 concerning a person who practices or offers to practice nursing without a
42 license issued pursuant to the provisions of this chapter.

43 **Sec. 17.** NRS 632.345 is hereby amended to read as follows:

5	Application for license to practice	
6	professional nursing (registered nurse)	\$45
7	\$100	

Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license..... 15 50

18	Application for a temporary certificate to		
19	practice as a nursing assistant pursuant to		
20	NRS 632.300, which fee must be credited		
21	toward the fee required for a regular		
22	certificate, if the applicant applies for a		
23	certificate.....	5	40

26 **50**

28	Application for recognition as an advanced	
29	practitioner of nursing	50 200

32	Biennial fee for renewal of recognition as an		
33	advanced practitioner of nursing or		
34	certified registered nurse anesthetist	50	200

37	Examination fee for license to practice		
38	practical nursing	10	90

41	Rewriting examination for license to practice		
42	practical nursing	10	90

44	Duplicate certificate	[3] 5	[5] 30
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1	Proctoring examination for candidate from		
2	another state.....	25	150
3	Fee for approving one course of continuing		
4	education	\$10	\$50
5	Fee for reviewing one course of continuing		
6	education which has been changed since		
7	approval	5	30
8	Annual fee for approval of all courses of		
9	continuing education offered.....	100	500
10	Annual fee for review of training program		{25}
11	60	{60} 100	
12	Certification examination	10	90
13	Approval of instructors of training programs		{20}
14	50	{50} 100	
15	Approval of proctors for certification		
16	examinations.....	20	50
17	Approval of training programs	{50} 150	{150} 250
18	Validation of licensure or certification	5	25

19
20 2. The board may collect the fees and charges established pursuant to
21 this section, and those fees or charges ~~{may}~~ **must** not be refunded.

22 **Sec. 18.** NRS 632.350 is hereby amended to read as follows:

23 632.350 1. Before suspending or revoking any license or certificate
24 or taking other disciplinary action against a licensee or holder of a
25 certificate, the board shall **cause an administrative complaint to be filed**
26 **against the licensee or holder of the certificate. The board shall** notify the
27 licensee or holder of the certificate in writing of the charges against him,
28 accompanying the notice with a copy of the ~~{complaint, if any is filed.}~~
29 **administrative complaint.**

30 2. Written notice may be served by delivery of it personally to the
31 licensee or holder of the certificate, or by mailing it by registered or
32 certified mail to his last known residential address.

33 3. If the licensee or holder of the certificate, **after receiving a copy of**
34 **the administrative complaint pursuant to subsection 1,** submits a written
35 request, the board shall furnish the licensee or holder of the certificate with
36 copies of any communications, reports and affidavits in possession of the
37 board, touching upon or relating to the matter in question.

38 4. As soon as practicable after the filing of ~~{a complaint or, if no~~
39 ~~complaint is filed, after notice of the charges is given to a licensee or~~
40 ~~holder of a certificate,}~~ **the administrative complaint,** the board, or a
41 majority thereof, shall hold a hearing on the charges at such time and place
42 as the board prescribes. If the board receives a report pursuant to
43 subsection 5 of NRS 228.420, the hearing must be held within 30 days
44 after receiving the report. The hearing must be held, if the licensee or
45 holder of the certificate desires, within the county where he resides.

1 **Sec. 19.** NRS 632.400 is hereby amended to read as follows:

2 632.400 1. The board shall render a decision on any **administrative**
3 complaint within 60 days after the final hearing thereon. For the purposes
4 of this subsection, the final hearing on a matter delegated to a hearing
5 officer pursuant to NRS 632.355 is the final hearing conducted by the
6 hearing officer unless the board conducts a hearing with regard to the
7 **administrative** complaint.

8 2. The board shall notify the person of its decision in writing by
9 certified mail, return receipt requested. The decision of the board becomes
10 effective on the date the person receives the notice or on the date the board
11 receives a notice from the United States Postal Service stating that the
12 person refused to accept delivery or could not be located.

13 **Sec. 20.** NRS 632.430 is hereby amended to read as follows:

14 632.430 The board ~~{shall have the power to}~~ **may** prescribe standards
15 and curricula for schools of practical nursing, ~~{to}~~ visit, survey and
16 ~~{accredit such}~~ **approve those** schools, and ~~{to remove such}~~ **remove those**
17 schools from ~~{an accredited}~~ **a list of approved schools of nursing** for just
18 cause.

19 **Sec. 21.** NRS 632.440 is hereby amended to read as follows:

20 632.440 The board shall prescribe curricula and standards for schools
21 and courses of professional nursing. The board shall provide for surveys of
22 such schools and courses at such times as it may deem necessary. It shall
23 ~~{accredit}~~ **approve** such schools and courses as meet the requirements of
24 this chapter and of the board. It shall evaluate and approve courses for
25 affiliation with ~~{accredited}~~ **approved** schools of nursing in this state or
26 with schools of nursing which have applied for ~~{accreditation.}~~ **such**
27 **approval.**

28 **Sec. 22.** NRS 632.460 is hereby amended to read as follows:

29 632.460 1. ~~{No}~~ **The board shall not approve a** school of
30 professional nursing ~~{shall be accredited by the board}~~ until the board has
31 caused a thorough survey of the facilities of ~~{such}~~ **the** school to be made.
32 No such survey shall be deemed complete for the purposes of this section
33 until a ~~{full and complete}~~ written report ~~{shall have been}~~ **of the survey is**
34 made to the board and ~~{until such written report shall have}~~ **the report has**
35 received the full consideration of the whole board.

36 2. If any school of professional nursing making application for
37 ~~{accreditation shall indicate that one or more of the courses}~~ **approval**
38 **indicates that any course** required by the prescribed curriculum is ~~{or are}~~
39 to be offered by an institution ~~{or institutions}~~ affiliated with ~~{such~~
40 ~~applicant,}~~ **the school,** the board shall cause a survey of the facilities of

1 ~~{such}~~ *the* affiliated institution ~~{or institutions}~~ to be made, and the written
2 report ~~{thereon shall}~~ *concerning that institution must* receive the full
3 consideration of the board before ~~{accreditation.}~~ *the board approves the*
4 *school of professional nursing.*

5 **Sec. 23.** NRS 632.470 is hereby amended to read as follows:

6 632.470 1. ~~{Not less than once every 3 years, the}~~ *Except as*
7 *otherwise provided in this subsection, the* board shall *periodically* cause to
8 be surveyed all ~~{accredited}~~ *approved* schools of professional nursing in
9 this state. ~~{Full and complete written}~~ *Written* reports of ~~{such surveys}~~
10 ~~shall~~ *those surveys must* be submitted to and considered by the full board.
11 *In lieu of causing the approved schools of professional nursing to be*
12 *surveyed, the board may accept a survey and recommendation completed*
13 *by a nationally recognized association that accredits schools of*
14 *professional nursing, if the association has been approved by the board.*

15 2. If, after consideration of ~~{such}~~ *the* reports, the board determines
16 that ~~{any such}~~ *a* school of professional nursing is not maintaining the
17 standards required by this chapter and by the board, notice thereof in
18 writing specifying the ~~{weaknesses shall immediately}~~ *deficiencies must*
19 *forthwith* be given to ~~{such}~~ *the* school.

20 3. The board shall revoke the ~~{accreditation of any}~~ *approval of a*
21 school of professional nursing which fails to remedy such ~~{weaknesses}~~
22 *deficiencies* within a reasonable time after receiving written notice thereof.