

SENATE BILL NO. 69—COMMITTEE ON
HEALTH AND HUMAN SERVICES

PREFILED JANUARY 9, 2013

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions governing advanced practitioners of nursing. (BDR 54-549)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 nursing; removing the requirement that an advanced practitioner of nursing practice pursuant to a protocol approved by and under the supervision of a licensed physician; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1** of this bill removes the requirement for an advanced practitioner of
2 nursing to practice pursuant to a protocol approved by a collaborating physician
3 and instead leaves it to the State Board of Nursing to determine the authorized
4 scope of practice for such a nurse. **Sections 2 and 4** of this bill similarly remove
5 provisions that refer to the supervision of an advanced practitioner of nursing by a
6 physician with respect to dispensing controlled substances, poisons, dangerous
7 drugs and devices and prescribing poisons, dangerous drugs and devices. **Section 3**
8 of this bill removes a similar reference in a definition of “rural clinic.”

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

1 **Section 1.** NRS 632.237 is hereby amended to read as follows:
2 632.237 1. The Board may grant a certificate of recognition
3 as an advanced practitioner of nursing to a registered nurse who has
4 completed an educational program designed to prepare a registered
5 nurse to:
6 (a) Perform designated acts of ~~medical~~ diagnosis;
7 (b) Prescribe therapeutic or corrective measures; and



(c) Prescribe controlled substances, poisons, dangerous drugs and devices,
➔ and who meets the other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

(a) Engage in selected ~~medical~~ diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices. ~~†~~

~~➔ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.†~~

3. The Board shall adopt regulations:

(a) Specifying the training, education and experience necessary for certification as an advanced practitioner of nursing.

(b) Delineating the authorized scope of practice of an advanced practitioner of nursing.

(c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

Sec. 2. NRS 639.1375 is hereby amended to read as follows:

639.1375 1. An advanced practitioner of nursing may dispense controlled substances, poisons, dangerous drugs and devices if the advanced practitioner of nursing:

(a) Passes an examination administered by the State Board of Nursing on Nevada law relating to pharmacy and submits to the State Board of Pharmacy evidence of passing that examination;

(b) Is authorized to do so by the State Board of Nursing in a certificate issued by that Board; and

(c) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board. The Board may set a single fee for the collective certification of advanced practitioners of nursing in the employ of a public or nonprofit agency and a different fee for the individual certification of other advanced practitioners of nursing.

2. The State Board of Pharmacy shall consider each application from an advanced practitioner of nursing separately, and may:

(a) Issue a certificate of registration limiting:

(1) The authority of the advanced practitioner of nursing to dispense controlled substances, poisons, dangerous drugs and devices;

(2) The area in which the advanced practitioner of nursing may dispense;



(3) The kind and amount of controlled substances, poisons, dangerous drugs and devices which the certificate permits the advanced practitioner of nursing to dispense; and

(4) The practice of the advanced practitioner of nursing which involves controlled substances, poisons, dangerous drugs and devices in any manner which the Board finds necessary to protect the health, safety and welfare of the public;

(b) Issue a certificate of registration without any limitation not contained in the certificate issued by the State Board of Nursing; or

(c) Refuse to issue a certificate of registration, regardless of the provisions of the certificate issued by the State Board of Nursing.

~~3. If a certificate of registration issued pursuant to this section is suspended or revoked, the Board may also suspend or revoke the registration of the physician for and with whom the advanced practitioner of nursing is in practice to dispense controlled substances.~~

~~4.~~ The Board shall adopt regulations setting forth the maximum amounts of any controlled substance, poison, dangerous drug and devices which an advanced practitioner of nursing who holds a certificate from the Board may dispense, the conditions under which they must be stored, transported and safeguarded, and the records which each such nurse shall keep. In adopting its regulations, the Board shall consider:

(a) The areas in which an advanced practitioner of nursing who holds a certificate from the Board can be expected to practice and the populations of those areas;

(b) The experience and training of the nurse;

(c) Distances between areas of practice and the nearest hospitals and physicians;

(d) Effects on the health, safety and welfare of the public; and

(e) Other factors which the Board considers important to the regulation of the practice of advanced practitioners of nursing who hold certificates from the Board.

Sec. 3. NRS 449.0175 is hereby amended to read as follows:

449.0175 "Rural clinic" means a facility located in an area that is not designated as an urban area by the Bureau of the Census, where medical services are provided by ~~it~~:

1. A physician assistant licensed pursuant to chapter 630 or 633 of NRS ~~for an advanced practitioner of nursing~~ under the supervision of a licensed physician ~~it~~; or

2. An advanced practitioner of nursing.

Sec. 4. NRS 454.695 is hereby amended to read as follows:

454.695 ~~it~~ An advanced practitioner of nursing may prescribe poisons, dangerous drugs and devices for legitimate medical purposes in accordance with ~~it~~:



1 ~~—(a) The~~ *the* certificates he or she holds from the Board and the
2 State Board of Nursing. ~~}; and~~

3 ~~—(b) The protocol which is approved by the State Board of~~
4 ~~Nursing.~~

5 ~~—2. For the purposes of this section, “protocol” means the~~
6 ~~written agreement between a physician and an advanced practitioner~~
7 ~~of nursing which sets forth matters including the:~~

8 ~~—(a) Patients which the advanced practitioner of nursing may~~
9 ~~serve;~~

10 ~~—(b) Specific poisons, dangerous drugs and devices which the~~
11 ~~advanced practitioner of nursing may prescribe; and~~

12 ~~—(c) Conditions under which the advanced practitioner of nursing~~
13 ~~must directly refer the patient to the physician.]~~

14 **Sec. 5.** 1. As soon as practicable after passage and approval
15 of this act:

16 (a) The State Board of Nursing shall review its regulations
17 concerning advanced practitioners of nursing set forth in chapter
18 632 of NAC and, pursuant to its authority to adopt regulations set
19 forth in NRS 632.120 and 632.237, shall revise its regulations as
20 necessary to carry out the provisions of this act; and

21 (b) The State Board of Pharmacy shall review its regulations set
22 forth in chapter 639 of NAC and, pursuant to its authority to adopt
23 regulations set forth in NRS 639.070 and 639.1375, shall revise its
24 regulations as necessary to carry out the provisions of this act.

25 2. Any regulation existing on January 1, 2014, which conflicts
26 with the provisions of this act is void and must not be given effect to
27 the extent of the conflict. In preparing the supplement to the Nevada
28 Administrative Code on or after January 1, 2014, the Legislative
29 Counsel shall remove those regulations.

30 **Sec. 6.** This act becomes effective:

31 1. Upon passage and approval for the purpose of adopting
32 regulations and performing any other preparatory administrative
33 tasks that are necessary to carry out the provisions of this act; and

34 2. On January 1, 2014, for all other purposes.

