

# Nevada State Board of **NURSING**

## **MINUTES OF THE ADVANCED PRACTICE ADVISORY COMMITTEE February 3, 2009**

### **CALL TO ORDER**

The meeting of the Nevada State Board of Nursing Advanced Practice Advisory Committee was called to order by Debra Scott, MSN, RN, APN, Executive Director, at 3:08 p.m., via videoconference at the Board of Nursing, 5011 Meadowood Mall Way, #300, Reno, Nevada, 89502, and the Board of Nursing, 2500 W. Sahara, #207, Las Vegas, Nevada, 89102.

### **MEMBERS PRESENT**

Debra Scott, MSN, RN, APN, Executive Director, Chair  
Phyllis Suiter, MA, RN, APN      George Cox, DNP, MHS, CRNA  
Tricia Brown, MSN, RN, APN      Susan VanBeuge, MSN, RN, APN

### **MEMBERS ABSENT**

Kelly DeMaria, MSN, RN, Board Liaison  
Amy Booth, MSN, RN, APN  
Rhigel Jay Tan, MSN, RN, APN  
Ronnie Wing, MSN, RN, CRNA

### **OTHERS PRESENT**

Fred Olmstead, General Counsel  
Jeanette Belz, Nevada Psychiatric Association  
Jeanine Swygman, Reno VA Hospital  
Sedi Minaie, Reno VA Hospital  
Lynn Cieszko, Reno VA Hospital  
Beth Bomberger, Reno VA Hospital  
Kate Sheppard, UNR

**CALL TO ORDER:** The meeting was called to order at 3:08 p.m. by D. Scott, committee chair.

**PUBLIC COMMENTS:** There was no public comment

**A. APPROVAL OF MINUTES:** November 18, 2008: It was moved and seconded to approve the November 18, 2009 meeting of the APN Advisory Committee as with the correction to George Cox' credentials.

#### **B. OLD BUSINESS:**

1. Report from the November 20-21, 2008 and January 14-16, 2009 Board meetings: D. Scott reported on the outcomes of the November 2008 and January 2009 Board meetings related to APN issues and legislative information.
2. Discussion regarding national certification for APNs in Nevada including parameters around requirements on initial and renewal applications: The committee members discussed the concept of the NSBN requiring national certification of advanced practitioners of nursing for initial and renewal of licensure/certification. D. Scott presented information

from the National Council of State Boards of Nursing (NCSBN) related to its *Consensus Model for APRN Regulation: Licensure, Accreditation, certification & Education* and Member Board Profiles which shows the states that require national certification for its advanced practitioners of nursing. The committee directed Board staff to formulate draft regulations for the committee to review at the next APNAC meeting. Members suggested that an article be run in the June issue of the NSBN Nursing News magazine to educate nurses about the possibility of national certification being required in the future.

### C. NEW BUSINESS

1. Legislative update: D. Scott and F. Olmstead gave a brief legislative update.
2. Discussion regarding APN/physician collaboration: D. Scott led a discussion regarding the laws related to APN/physician collaboration in Nevada, citing NAC 630.490 and 495 and the related statutes in chapter 632 of the NRS. Issues that arose were how to work with all stakeholders involved to provide safe practice for patients while still supporting access to care. Varying opinions were discussed regarding how the collaborative relationship works and how practice settings require different levels of oversight. It was reported that there has been concern from some collaborative physicians related to NAC 630.490 (13) which states “The collaborating physician is responsible for all the medical services performed by the advanced practitioner of nursing.” Several committee members stated that this regulation does not fit with what is actually happening in the practice arena. The committee requested to discuss this issue at the next APNAC meeting.
3. Discussion of NWA News article, *Advanced nurses want medicine rule lifted*: The committee members discussed this article.
4. Discussion and action regarding APN practice in the VA system:
  - a. Is it legal for APNs certified in Nevada who are working in the VA system to collaborate with physicians who are licensed in another state?:
  - b. If I am working under my Oregon, APN license at the VA in Nevada, what is my scope of practice?:
  - c. What is my scope of practice related to DMV certificates and death certificates?:

The following information was provided by F. Olmstead and discussed during the APNAC meeting.

- a. **Is it legal for APNs certified in Nevada who are working in the VA system to collaborate with physicians who are licensed in another state?**

The short answer would be “Yes”.

We know from the VA HANDBOOK 5005/2, Section B, that a person can practice as a professional nurse and a nurse practitioner if that person has (among other requirements) a current, full, active and unrestricted registration as a graduate professional nurse in a State, Territory, or Commonwealth of the U.S. or in the District of Columbia. Nurse Practitioners must meet and maintain additional qualifications.

For example, a professional nurse with the additional certification as a nurse practitioner, who has a current registration and certification in the State of Oregon can practice as a RN and/or an APN at the VA hospital in the State of Nevada. The RN/APN is not practicing nursing in Nevada under Nevada State Law, but rather practicing nursing at the VA hospital under VA federal law.

If an advanced practitioner of nursing is licensed and certified by the Nevada State Board of Nursing, then that APN must comply with Nevada State Nursing laws which require that an APN must submit a collaboration agreement signed by the APN and a “collaborating physician”. An APN certified in Nevada must have a protocol that reflects the ongoing collaborative relationship between the APN and “the physician”. An APN may prescribe controlled substances, poisons, dangerous drugs and devices pursuant to a protocol.

A Nevada APN who is practicing in the VA system is not practicing in the State of Nevada (even if the actual VA hospital is physically located in the State of Nevada). Just as an APN who is licensed/certified in the State of Oregon who is practicing in the VA system is not practicing in the State of Nevada (even if the actual VA hospital is physically located in the State of Nevada).

Even though the VA system allows a person to practice as an APN in a VA hospital, no matter where the VA hospital is physically located, and no matter what state licensed/certified the APN, if that APN practices outside of the VA hospital, then the laws of the state in which he/she is practicing apply. Specifically, if an APN licensed/certified in Oregon is working at the VA hospital in Reno, Nevada, and that APN chooses to work outside of the VA hospital at any location in the State of Nevada, then that APN must be licensed/certified by the Nevada State Board of Nursing and have a collaborative agreement with a physician licensed in Nevada.

**b. If I am working under my Oregon APN license at the VA in Nevada, what is my scope of practice?**

The short answer would be your APN scope of practice would be your Oregon APN scope of practice.

If an APN is licensed/certified by the Oregon State Board of Nursing to be an APN and is working under that Oregon licensure/certification, the APN would practice under the Oregon scope of practice.

In terms of competency, the Oregon Board of Nursing has determined, through the issuance of a license/certificate, that an APN is competent to practice under the Oregon APN scope of practice. In terms of discipline, one aspect of having a professional license is the possibility that a license may be disciplined for unprofessional behavior. If an Oregon APN committed unprofessional behavior while he or she was practicing under the Oregon license/certificate, the Oregon State Board of Nursing, would have jurisdiction over the APN’s practice.

Any APN working at the VA hospital in Reno, Nevada is not practicing “in Nevada”. If that APN were practicing “in Nevada” then that APN would have to have a Nevada license/certificate and obey all Nevada laws. Instead, any APN who is working at the VA hospital in Reno, Nevada, is working in the VA system and working under the laws of the state that granted licensure/certification to the APN.

**c. What is my scope of practice related to DMV certificates and death certificates?**

In Nevada, the DMV and the issuance of death certificates by the State Board of Health are controlled by Nevada State Law separate and apart from any scope of practice questions.

An APN licensed/certified in the State of Oregon (or any other state where the practice would be within the APN's scope of practice) could sign a DMV certificate and a death certificate. That APN could then carry those certificates to the appropriate agencies in the State of Nevada. Both the DMV certificate and the death certificate would be rejected by the respective agency because Nevada State law requires that a "physician" sign the certificates. These actions would not be controlled by Nevada State Nursing law, nor be subject to any other state's laws, but rather by Nevada State DMV and State Board of Health laws.

5. Suggestions for agenda items for next meeting: Agenda items for the next meeting will include: Concept and wording for regulations to require national certification for APNs in Nevada, the collaborative relationship between physicians and APNs, and formulation of an advisory opinion regarding the practice of APNs in the VA system.

**ADJOURNMENT:** The meeting was adjourned at 4:35 p.m.