

NEVADA STATE BOARD OF NURSING
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December 18, 2017

NOTICE OF INTENT TO ACT UPON A REGULATION

**NOTICE OF HEARING FOR THE ADOPTION AND AMENDMENT OF
REGULATIONS OF THE NEVADA STATE BOARD OF NURSING**

The Nevada State Board of Nursing will hold a public hearing at 1:00 p.m., on Thursday, January 18, 2018, at the Nevada State Board of Nursing Board meeting held in Las Vegas, Nevada. The address of that hearing is at the SpringHill Suites Marriott, 2989 Paradise Road, Las Vegas, NV 89109.

The purpose of the public hearing is to receive comments from all interested persons regarding the adoption, amendment, and repeal of regulations that pertain to chapter 632 of the Nevada Administrative Code, LCB File No. R126-17.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. A statement of the need for and purpose of the proposed regulation.

Senate Bill No. 227 of the 79th Session of the Nevada Legislature expanded the list of person who are authorized to evaluate a person upon the emergency admission of the person to a mental health facility or hospital to include an Advanced Practice Registered Nurse (APRN) who has obtained certain psychiatric training and experience. Senate Bill No. 227 also requires the Nevada State Board of Nursing to adopt regulations prescribing the psychiatric training and experience necessary before an APRN may complete the evaluations.

2. Either the terms or substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

A copy of the proposed regulation amendment is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

- (a) Both adverse and beneficial effects.

The Board does not anticipate any adverse economic impact from this regulation on businesses or the public.

- (b) Both immediate and long-term effects.

The Board does not anticipate any immediate or long-term economic effect on businesses or the public.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no significant cost to the Nevada State Board of Nursing for the enforcement of the proposed regulation.

5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Nevada State Board of Nursing is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

These regulations are not required by federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

These regulations do not include any provisions that are more stringent than a federal regulation that regulates the same activity.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new or increase of fees.

Persons wishing to comment upon the proposed action of the Nevada State Board of Nursing may appear at the scheduled Public Hearing or may address their comments, data, views, or arguments in written form to the Nevada State Board of Nursing, 5011 Meadowood Mall Way, Suite 300, Reno, Nevada 89502, or at the e-mail address:

nursingboard@nsbn.state.nv.us. Written submissions must be received by the Board by January 12, 2018 at 5:00 p.m. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

The text of this notice and the regulation to be adopted, amended, and repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulation to be adopted, amended and repealed will be available at the offices of the Nevada State Board of Nursing. The addresses of those offices are: Reno: 5011 Meadowood Mall Way, Suite 300, Reno, Nevada 89502; Las Vegas: 4220 S. Maryland Parkway, Building B, Suite 300, Las Vegas, Nevada 89119. Additionally, the text of this notice and the text of the proposed regulations are also available at the main public library for inspection and copying in all counties the Nevada State Board of Nursing does not maintain an office. This notice and text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and upon the internet at <http://www.leg.state.nv.us>.

A copy of this notice of intent to act upon a regulation has been mailed to all persons who have requested in writing that they be placed upon a mailing list, which has been kept by the Nevada State Board of Nursing for this purpose.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada State Board of Nursing
5011 Meadowood Mall Way, Suite 300
Reno, Nevada
Washoe County

Nevada State Board of Nursing
4220 S. Maryland Parkway
Building B, Suite 300
Las Vegas, Nevada
Clark County

Churchill County Library
553 South Maine Street
Fallon, NV 89406

Douglas County Library
P.O. Box 337
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Eureka Branch Library
P.O. BOX 293
Eureka, NV 89316

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89404

Lincoln County Library
P.O. Box 330
Pioche, NV 89043

Mineral County Library
P.O. Box 1390
Hawthorne, NV 89415

Pershing County Library
P.O. Box 781
Lovelock, NV 89419

Goldfield Public Library
(Esmeralda County)
P.O. Box 430
Goldfield, NV 89013

White Pine County Library
Courthouse Plaza
Ely, NV 89301

Battle Mountain Library
(Lander County)
P.O. Box 141
Battle Mountain, NV 89820

Lyon County Library
20 Nevin Way
Yerington, NV 89447

Ormsby Public Library
900 North Roop Street
Carson City, NV 89701

Storey County Commissioners
P.O. Box 176
Virginia City, NV 89440

Tonopah Public Library
(Nye County)
P.O. Box 449
Tonopah, NV 89049

State Library and Archives
100 North Stewart Street
Carson City, Nevada 89701

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

LCB File No. R126-17

November 9, 2017

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

AUTHORITY: §1, NRS 632.120, as amended by section 1 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1738.

A REGULATION relating to mental health; revising regulations governing the training necessary for an advanced practice registered nurse to be authorized to complete certain evaluations, examinations, petitions and certificates concerning the mental condition of certain persons; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes certain persons to file: (1) an application for the emergency admission of a person alleged to be a person with mental illness to a mental health facility or hospital; and (2) a petition for the involuntary court-ordered admission of a person alleged to be a person with mental illness to a mental health facility or to a program of community-based or outpatient services. (NRS 433A.160, as amended by section 14 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1748; NRS 433A.200, as amended by section 15 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1749)

With certain exceptions, existing law requires an application for the emergency admission of a person alleged to be a person with a mental illness and a petition for the involuntary court-ordered admission of a person to a mental health facility or to a program of community-based or outpatient services to be accompanied by a certificate stating that the person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others if not admitted to such a facility or program. The certificate may be obtained from a licensed psychologist, physician, physician assistant under the supervision of a psychiatrist, a clinical social worker with certain psychiatric training and experience, an advanced practice registered nurse with certain psychiatric training and experience or an accredited agent of the Department of Health and Human Services who has examined the person and made that determination. (NRS 433A.170, 433A.200, as amended by section 15 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1749)

Existing law authorizes a licensed physician on the medical staff of a mental health facility or hospital to release a person alleged to be a person with mental illness who has been admitted on an emergency basis upon the completion of a certificate by a licensed physician on the medical staff of the facility or hospital, a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker with certain psychiatric training and experience, an advanced practice registered nurse with certain psychiatric training and experience or an accredited agent of the Department of Health and Human Services who has examined the person and concluded that the person is not a person with a mental illness. (NRS 433A.195)

Senate Bill No. 227 of the 79th Session of the Nevada Legislature: (1) expands the list of persons who are authorized to evaluate a person upon the emergency admission of the person to a mental health facility or hospital to include an advanced practice registered nurse who has obtained certain psychiatric training and experience; and (2) authorizes such an advanced practice registered nurse to complete certain other evaluations, examinations and petitions related to an involuntary court-ordered admission, transfer or early release of a person with mental illness. (Section 1 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1738; Sections 14-22 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at pages 1748-53)

Existing law requires the State Board of Nursing to adopt regulations prescribing the psychiatric training and experience necessary before an advanced practice registered nurse may complete any of the evaluations, examinations, petitions or certificates previously described. (NRS 632.120, as amended by section 1 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1738) Existing regulations set forth the training and experience necessary for an advanced practice registered nurse to be qualified to complete such certificates. (Section 1 of LCB File No. R105-15) This regulation: (1) adds to these existing regulations references to the evaluations, examinations and petitions which Senate Bill No. 227 authorizes an advanced practice registered nurse to complete; and (2) specifies a type of postgraduate certificate that qualifies a nurse to complete such evaluations, examinations, petitions and certificates.

Section 1. Section 1 of LCB File No. R105-15 is hereby amended to read as follows:

An advanced practice registered nurse is authorized to make *the evaluations described in NRS 433A.160, as amended by section 14 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1748*, the certifications described in NRS 433A.170, 433A.195 and 433A.200, as amended by ~~{sections 1, 7, 2 and 4, respectively,}~~ **section 15** of Senate Bill No. ~~{7,}~~ **227**, chapter ~~{496,}~~ **318**, Statutes of Nevada ~~{2015,}~~ **2017**, at ~~{pages 2991, 2992 and 2993,}~~ **page**

1749, and the examination described in NRS 433A.240, as amended by section 17 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1750, and NRS 433A.430, as amended by section 20 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1753, and to execute the petition described in NRS 433A.210, as amended by section 16 of Senate Bill No. 227, chapter 318, Statutes of Nevada 2017, at page 1750, if the advanced practice registered nurse has:

1. Been issued a license by the Board to practice as an advanced practice registered nurse with a population of focus in mental health;
2. Been issued a license by the Board to practice as an advanced practice registered nurse in a role as a clinical nurse specialist with an area of clinical specialty in psychiatric and mental health nursing; or
3. ~~[Completed]~~ *Received a* postgraduate ~~[education that has been approved by the Board or has completed additional nursing preparation in which the advanced practice registered nurse gained knowledge, judgment and skills specifically related to]~~ *certificate in* psychiatric and mental health nursing ~~[that the Board determines is substantially equivalent to the knowledge, judgment and skills of an advanced practice registered nurse who has the qualifications set forth in subsection 1 or 2.]~~ *from an institution accredited by a national accrediting organization recognized by the Board.*