

**ADOPTED REGULATION OF THE
STATE BOARD OF NURSING**

LCB File No. R105-15

Effective April 4, 2016

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

AUTHORITY: §§1 and 2, NRS 632.120, as amended by section 4.2 of Senate Bill No. 7, chapter 496, Statutes of Nevada 2015, at page 2994.

A REGULATION relating to mental health; setting forth the training and experience necessary for an advanced practice registered nurse to be authorized by the State Board of Nursing to complete certain 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 and 433A.200, as amended by sections 1.5 and 4, respectively, of Senate Bill No. 7, chapter 496, Statutes of Nevada 2015, at pages 2990 and 2993)

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, a physician, a 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 and 433A.200, as amended by sections 1.7 and 4, respectively, of Senate Bill No. 7, chapter 496, Statutes of Nevada 2015, at pages 2991 and 2993)

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, as amended by section 2 of Senate Bill No. 7, chapter 496, Statutes of Nevada 2015, at page 2992)

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 certificates previously described. (NRS 632.120, as amended by section 4.2 of Senate Bill No. 7, chapter 496, Statutes of Nevada 2015, at page 2994) This regulation sets forth the training and experience necessary for an advanced practice registered nurse to be qualified to complete such certificates.

Section 1. Chapter 632 of NAC is hereby amended by adding thereto a new section to read as follows:

An advanced practice registered nurse is authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200, as amended by sections 1.7, 2 and 4, respectively, of Senate Bill No. 7, chapter 496, Statutes of Nevada 2015, at pages 2991, 2992 and 2993, 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 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 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.

Sec. 2. NAC 632.254 is hereby amended to read as follows:

632.254 As used in NAC 632.254 to 632.295, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 632.2543 and 632.2547 have the meanings ascribed to them in those sections.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB File No. R105-15**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 632.

INFORMATIONAL STATEMENT

1. A clear and concise explanation of the need for the adopted regulation.

This regulation is necessary to update the regulations in order to comply with the mandate of Senate Bill 7 of the 2015 Nevada Legislative session. The proposed regulation set forth the training and experience necessary for an Advanced Practice Registered Nurse (APRN) to be authorized to complete certain certificates concerning the mental condition of certain persons.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of nursing as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada State Board of Nursing (NSBN), www.nursingboard.state.nv.us, mailed to all county libraries in Nevada and posted at the following locations:

Nevada State Board of Nursing
5011 Meadowood Mall Way
Suite 300
Reno, Nevada 89502

Nevada State Board of Nursing
4220 S. Maryland Parkway
Building B, Suite 300
Las Vegas, Nevada 89119

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

A workshop was held on December 7, 2015, to receive comments on the proposed regulations. A transcript of that workshop, attached hereto, contain a summary of the discussion held regarding the proposed amendments. Thereafter, on or about December 14, 2015, the Executive Director of the Nevada State Board of Nursing issued a Notice of Intent to Act Upon a Regulation.

An explanation of how an interested person may obtain a copy of the summary of public response would be to go to the Nevada State Board of Nursing's physical offices located at 5011 Meadowood Mall Way, Suite 300, Reno, Nevada, 89502, and at 4220 S.

Maryland Parkway, Building B, Suite 300, Las Vegas, NV 89119 or go to the NSBN website.

3. The number of persons who:

- a. Attended each hearing:** Four persons attended the workshop. No person attended the hearing.
- b. Testified at each hearing:** No person testified at the workshop. No person testified at the hearing.
- c. Submitted written comments:** There were no written comments submitted.

4. For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing:

- a. Name;**
- b. Telephone number;**
- c. Business address;**
- d. Business telephone number;**
- e. Electronic mail address; and**
- f. Name of entity or organization represented.**

There were no written comments submitted to the Board.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained, as instructed, in the response to question #1.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted on January 14, 2016, without change because there were no changes recommended at either the hearing on January 14, 2016, or at the workshop on December 7, 2015.

7. 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 each case must include:

- a. Both adverse and beneficial effects; and**
- b. Both immediate and long-term effects.**

On one hand, the proposed regulation only concerns training and experience of an individual APRN. Therefore, arguably, there is no adverse or beneficial effect on small business. On the other hand, an individual APRN may be employed by a small business

as defined by NRS 233B.0832. The consensus was that an individual APRN may require additional training and experience under the proposed regulation, but once qualified, the APRN will have greater practice capabilities in the world of mental health. Additionally, by adding APRNs to the list of persons who can make certain certifications, the overall efficiency of mental health facilities will improve (regarding admission and discharge of patients), which will save those mental health facilities money.

The immediate and long-term effect of the proposed regulation is APRNs will now have an enhanced knowledge (with proper training and experience). Therefore, facilities will have more qualified persons with which to make determinations about the status of certain patients. This will have a positive immediate and long-term effect on the efficiencies on these small businesses.

8. The estimated cost to the agency for enforcement of the adopted regulation:

There is no additional cost to the agency for the enforcement of this regulation.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, 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 which the proposed regulations overlap or duplicate.

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

This regulation does not include provisions which are more stringent than a federal regulation which regulates the same activity.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulation does not provide for a new or increased existing fee.