

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 1:30 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. R125-17.

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

The following regulations will be adopted, amended or repealed: NAC 632.210, 632.211

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

The purpose of the proposed regulations is establish an advisory committee concerning the practice of licensed practical nurses, and to revise the duties of an advisory committee concerning certain issues relating to impairment and substance abuse.

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 Either the terms or substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.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

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

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

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. R125-17

November 2, 2017

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

AUTHORITY: §§1-3, NRS 632.073 and 632.120.

A REGULATION relating to nursing; establishing an advisory committee concerning the practice of licensed practical nurses; revising the duties of an advisory committee concerning certain issues relating to impairment and substance abuse and providing for the appointment of new members to that committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Nursing to appoint such advisory committees as it deems appropriate. (NRS 632.073) **Section 1** of this regulation establishes an advisory committee concerning the practice of licensed practical nurses.

Existing regulations establish another advisory committee concerning: (1) the safe practice of nursing by licensees and holders of certificates, including licensees and holders of certificates who have previously practiced nursing while impaired; and (2) the Alternative Program for Chemically Dependent Nurses. This committee is required to evaluate and monitor any licensee or holder of a certificate who is a participant in the Alternative Program. (NAC 632.210) **Sections 1 and 3** of this regulation: (1) move provisions governing this committee to the same section of regulation as other advisory committees; (2) revise the duties of the committee to concern only the safe practice of nursing by persons who have practiced nursing while impaired or are enrolled in the Alternative Program; and (3) abolish the duty of the committee to evaluate and monitor a participant in the Alternative Program. **Section 2** of this regulation provides for the appointment of new membership to the advisory committee.

Section 1. NAC 632.211 is hereby amended to read as follows:

632.211 1. The Board will appoint a committee to advise and report to the Board on matters related to the establishment of a scope of practice for nursing in this State. The committee will consist of at least 10 persons who are knowledgeable in all areas of general nursing practice in Nevada and trends in national nursing practice, and a member of the Board's staff, who shall serve as chair of the committee.

2. The Board will appoint a committee, consisting of at least seven persons, to advise and report to the Board on matters related to this chapter and chapter 632 of NRS as they relate to licensees and holders of certificates maintaining competency through:

- (a) Academic education, including continuing education; and
- (b) Acquisition of new knowledge, skills and abilities.

3. The Board will appoint a committee to advise and report to the Board on matters related to the practice of advanced practice registered nurses. The committee will consist of not more than 10 persons who are knowledgeable in areas concerning the practice of advanced practice registered nurses.

4. The Board will appoint a committee to advise and report to the Board on matters related to the practice of licensed practical nurses. The committee will consist of at least five persons who are knowledgeable in areas concerning the practice of licensed practical nurses.

5. The Board will appoint a committee, consisting of at least six persons who are knowledgeable concerning any condition, diagnosis or addiction that may affect the safe practice of nursing, to advise and report to the Board on matters related to the protection of the public through the safe practice of nursing by any person who:

(a) Has previously practiced nursing while, with or without good cause, the person's physical, mental or emotional condition has impaired his or her ability to act in a manner consistent with the established or customary standards of nursing; or

(b) Is participating in the Alternative Program for Chemically Dependent Nurses established by the Board to serve as an alternative to disciplinary action for persons who are licensed or certified pursuant to the provisions of this chapter or chapter 632 of NRS and have a substance use disorder.

6. Each person appointed to a committee pursuant to this section, other than a member of the Board or the Board's staff, serves as a volunteer.

Sec. 2. The members of the advisory committee who have been appointed by the State Board of Nursing pursuant to the former provisions of NAC 632.210 cease to serve in that capacity on the effective date of this regulation. As soon as practicable on or after that date, the Board will appoint the initial members of the advisory committee created pursuant to subsection 5 of NAC 632.211, as amended by section 1 of this regulation.

Sec. 3. NAC 632.210 is hereby repealed.

TEXT OF REPEALED SECTION

632.210 Committee to advise Board on protection of public through safe practice of nursing and on Alternative Program for Chemically Dependent Nurses. (NRS 632.073, 632.120)

1. The Board will appoint an advisory committee to advise and report to the Board on matters related to:

(a) The protection of the public through the safe practice of nursing by any person licensed or certified pursuant to the provisions of this chapter or chapter 632 of NRS, including, without limitation, a person who has practiced nursing while, with or without good cause, the person's physical, mental or emotional condition impaired his or her ability to act in a manner consistent with established or customary standards of nursing.

(b) The Alternative Program for Chemically Dependent Nurses established by the Board to serve as an alternative to disciplinary action of persons who are licensed or certified pursuant to the provisions of this chapter or chapter 632 of NRS and who have a substance use disorder. The advisory committee shall evaluate and monitor any licensee or holder of a certificate who is a participant in the Alternative Program for Chemically Dependent Nurses.

2. The advisory committee will consist of at least six persons who are knowledgeable concerning any conditions, diagnoses or addictions that may negatively impact the safe practice of nursing. The Board will designate a member of the advisory committee, who may be a member or staff of the Board, to serve as the chair of the advisory committee.