

**NEVADA STATE BOARD OF NURSING**

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November 1, 2018

**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 both NSBN Office locations: 5011 Meadowood Mall Way, Suite 300, Reno, Nevada 89502; and 4220 S. Maryland Parkway, Building B, Suite 300, Las Vegas, Nevada 89119, at 10:00 a.m., on Tuesday, December 4, 2018.

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. R062-18.

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

The following regulations will be adopted, amended or repealed: NRSB.0603

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

Assembly Bill No. 474 of the 79<sup>th</sup> Session of the Nevada Legislature requires the Nevada State Board of Nursing to adopt a regulation to require Advanced Practice Registered Nurses, who have the authority to prescribe controlled substances, poisons, dangerous drugs, or devices pursuant to NRS 632.237, to complete at least two hours of continuing education that relate to the misuse and abuse of controlled substances, the prescribing of opioids, or addiction. The Advanced Practice Registered Nurse must complete the two hours of continuing education every renewal cycle.

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 Either the terms or substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.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](mailto:nursingboard@nsbn.state.nv.us). Written submissions must be received by the Board by November 28, 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

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

**LCB File No. R062-18**

October 24, 2018

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

**AUTHORITY:** §1, NRS 632.120, 632.237, 632.2375 and 632.343.

A REGULATION relating to nursing; revising the continuing education requirements for advanced practice registered nurses; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the State Board of Nursing to adopt regulations: (1) specifying any additional training necessary for licensure as an advanced practice registered nurse; (2) that require an advanced practice registered nurse to complete a course of instruction on suicide prevention and awareness as a portion of his or her continuing education at regular intervals; and (3) that require an advanced practice registered nurse who is registered with the State Board of Pharmacy to dispense controlled substances to complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure. (NRS 632.237, 632.2375, 632.343) Existing law authorizes an advanced practice registered nurse to use training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction to satisfy 2 hours of any continuing education requirement established by the State Board of Nursing. (NRS 632.2375)

Existing regulations require an advanced practice registered nurse to submit to the State Board of Nursing, as a prerequisite to the renewal of his or her license, an attestation that the advanced practice registered nurse has completed 45 hours of continuing education directly related to his or her role or population of focus. (NAC 632.291) **Section 1** of this regulation provides that the 45 hours of continuing education: (1) with limited exceptions, must be directly related to the role or population of focus of the advanced practice registered nurse; (2) may include the requirements for continuing education for renewal of a license for a registered nurse; (3) must include 2 hours of training on the misuse and abuse of controlled substances, the prescribing of opioids or addiction, if the advanced practice nurse is authorized to prescribed controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 or is registered to dispense controlled substances pursuant to NRS 453.231; and (4) must include 2

hours of instruction on suicide prevention and awareness if the instruction is required for the renewal period.

**Section 1.** NAC 632.291 is hereby amended to read as follows:

632.291 1. When he or she renews his or her license, an advanced practice registered nurse must submit, on forms supplied by the Board:

(a) An attestation that the advanced practice registered nurse:

- (1) Has not been named as a defendant in any malpractice suits;
- (2) Has never had his or her clinical privileges limited, suspended or revoked; and
- (3) Has completed satisfactorily 45 hours of continuing education *which:*

*(I) Must be* directly related to his or her role or population of focus, ~~which may~~  
*unless the hours of continuing education were completed in accordance with sub-*  
*subparagraph (III) or (IV);*

*(II) May* include the requirements for continuing education for renewal of a license for a registered nurse ~~H~~;

*(III) Must include 2 hours of training that relate specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction if the advanced practice registered nurse is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 or is registered to dispense controlled substances pursuant to NRS 453.231; and*

*(IV) Must include 2 hours of instruction on suicide prevention and awareness if the advanced practice registered nurse is required pursuant to NRS 632.343 to complete those hours of instruction for the renewal period.*

(b) If the advanced practice registered nurse completes a program designed to prepare an advanced practice registered nurse on or after July 1, 2014, proof that the advanced practice

registered nurse has maintained certification as an advanced practice registered nurse by an entity described in subparagraph (2) of paragraph (f) of subsection 1 of NAC 632.260.

(c) Any other information required by the Board.

2. If an advanced practice registered nurse attests in the affirmative to subparagraphs (1) and (2) of paragraph (a) of subsection 1, a temporary license may be issued until the next meeting of the Board.

3. The Board will perform random audits of advanced practice registered nurses to ensure compliance with the continuing education requirements of this section and compliance with the requirement to maintain a portfolio pursuant to NAC 632.2563.

4. If audited by the Board, an advanced practice registered nurse shall submit:

(a) Proof that he or she has completed the continuing education described in paragraph (a) of subsection 1 during the 24 months which immediately precede the most recent birthday of the advanced practice registered nurse by presenting to the Board authenticated photocopies of original certificates of completion or computer printouts from approved providers of continuing education. A certificate of completion must include, without limitation:

- (1) The title of the course;
- (2) The name of the provider of the course;
- (3) The name of the body which approved the course;
- (4) The date on which the course was presented;
- (5) The name and license number of the advanced practice registered nurse; and
- (6) The number of contact hours earned in the course.

(b) The portfolio required to be maintained pursuant to NAC 632.2563.

(c) Proof that the advanced practice registered nurse has maintained licensure as an advanced practice registered nurse pursuant to NAC 632.2597.

5. An advanced practice registered nurse shall retain documentation of completion of the requirements for continuing education for at least 4 years.