

NEVADA STATE BOARD OF NURSING
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April 14, 2022

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 9:00 a.m., on Wednesday, May 18, 2022, at the Nevada State Board of Nursing Board meeting held in Las Vegas, Nevada. The address of that hearing is at the DoubleTree by Hilton Hotel Las Vegas Airport, 7250 S. Pollock Drive, Las Vegas, Nevada 89119.

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. R018-22.

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

The following regulations will be adopted, amended or repealed:

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

The purpose of the proposed regulation is to increase the locations where a nursing student, acting as a Nurse Apprentice may work. This increase in the number of locations where a Nurse Apprentice might work is needed because an increase in the number of health care workers is needed, and the associated increase in the number of locations where a Nurse Apprentices can work will be an increase in available competent health care workers.

2. If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved. If the proposed regulations is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The proposed regulations are not temporary regulations.

The text of the proposed permanent regulations may be inspected and copied at either of 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. Text of the proposed regulations may also be inspected online at www.nevadanursingboard.org or <http://leg.state.nv.us/register/2022Register/R018-22P.pdf>.

3. A statement of 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.

This proposed regulation has no adverse economic effect on any businesses because the proposed regulation is not designed to impact any businesses at all.

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

The proposed regulation will provide immediate effects to the nursing programs because nursing students will have greater opportunities to work as a Nurse Apprentice while still in nursing school. The immediate effect on some health care facilities in Nevada will be beneficial because they will have access to Nurse Apprentices, when before the regulation change, they had no access. In the long term, the impact on nursing programs and health care facilities will be the same as in the immediate effect.

4. A statement identifying the methods used by the Nevada State Board of Nursing in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608:

The proposed regulation increases the locations where a nursing student may practice as a Nurse Apprentice. While locations where a Nurse Apprentice may practice are typically health care facilities and are therefore businesses, the proposed regulation does not require that any Nurse Apprentices be hired, and so, the regulations do not have a direct or significant impact on small business.

5. 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.

6. A description of 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.

7. 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.

8. 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.

9. The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulations.

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 Friday, May 6, 2022, 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.

10. All addresses where the text of the Rule may be inspected and copied.

The text of the proposed regulations may be inspected and copied at either of 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. Text of the proposed regulations may also be inspected online at www.nevadanursingboard.org or <http://leg.state.nv.us/register/2022Register/R018-22P.pdf>.

11. The exact language of subsection 2 of NRS 233B.064 is:

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall 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.

12. A statement indicating whether the regulation establishes any new fee or increases an existing fee.

These regulations do not provide a new or increase of fees.

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.

A copy of this notice of intent to act upon a regulation has been submitted to the Legislative Counsel Bureau for inclusion in the Register of Administrative Regulations.

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

Lyon County Library
20 Nevin Way
Yerington, NV 89447

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

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

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

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

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

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

Goldfield, NV 89013

White Pine County Library
Courthouse Plaza
Ely, NV 89301

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. R018-22

February 25, 2022

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

AUTHORITY: § 1, NRS 632.120.

A REGULATION relating to nursing; revising the facilities where an apprentice nurse may practice; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Nursing to adopt regulations establishing standards of professional conduct for the practice of nursing. (NRS 632.120) Existing law authorizes the practice of nursing by students enrolled in accredited schools of nursing and certain graduates of those schools. (NRS 632.316) Existing regulations authorize a nursing student, as an apprentice nurse, to perform tasks which the student has successfully demonstrated in his or her program of education if the student works as an apprentice nurse: (1) in a licensed hospital for acute care, a licensed hospital for long-term care or a community health clinic or for a health maintenance organization; and (2) under the supervision of a registered nurse who is at the site where care is provided. (NAC 632.252) This regulation additionally authorizes an apprentice nurse to practice at other medical facilities licensed pursuant to chapter 449 of NRS.

Section 1. NAC 632.252 is hereby amended to read as follows:

632.252 1. A nursing student may, as an apprentice nurse, perform those tasks which the nursing student has successfully demonstrated in his or her program of education if:

(a) The nursing student works as an apprentice nurse in a ~~licensed hospital for acute care, a licensed hospital for long-term care,~~ *medical facility*, a community health clinic or *for* a health maintenance organization and works under the supervision of a registered nurse who is at the site where care is provided;

(b) The nursing student presents to his or her employer satisfactory evidence from his or her school of nursing of successful demonstration of his or her skills;

(c) The nursing student has been evaluated by the chief nurse as safe to perform those tasks in the health care facility employing him or her;

(d) The description of the position of apprentice nurse provided by the health care facility employing the nursing student identifies the roles and responsibilities of the position;

(e) The tasks delegated to the nursing student acting as an apprentice nurse are identified in the health care facility's description of the position and have been approved by the Board as tasks that are delegable to the nursing student;

(f) There is a formal procedure for the nursing student to refuse to perform any task until he or she is comfortable with his or her ability to do so safely; and

(g) The nursing student, acting as an apprentice nurse, identifies himself or herself as an apprentice nurse on his or her name tag when recording patients' records and in his or her introduction to patients.

2. While performing nursing functions as an apprentice nurse, the nursing student is subject to the provisions of the Nurse Practice Act and regulations adopted by the Board.