

**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 9:30 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. R019-22.

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The following regulations will be adopted, amended or repealed: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 provide definitions and to bring clarity to the act of delegation by nurses in Nevada. Also, the proposed regulation will allow LPNs to delegate nursing functions. These definitions and clarity are needed because nurses in Nevada are hesitant to delegate nursing functions and clarity might help nurse decide to delegate, which would increase nursing health care provided.

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](http://www.nevadanursingboard.org) or <http://leg.state.nv.us/register/2022Register/R019-22P.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. The proposed regulation is designed so nurses could be more efficient and productive, which would benefit any business that happened to employ nurses.

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

The proposed regulation will provide immediate positive effects to any medical facility that employs nurses the nursing programs because the proposed regulation is designed so nurses could be more efficient and productive. 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 is designed to provide definitions and to bring clarity to the act of delegation by nurses in Nevada. Also, the proposed regulation will allow LPNs to delegate nursing functions. While locations where a nurse may practice and therefore may delegate are typically health care facilities and are therefore businesses, the proposed regulation does not require that any nurse delegate, and so, the regulations do not have a direct or significant impact on small business. If anything, the proposed regulation is designed so nurses could be more efficient and productive, through delegation, which would benefit any business that happened to employ nurses.

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](mailto: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](http://www.nevadanursingboard.org) or <http://leg.state.nv.us/register/2022Register/R019-22P.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

Tonopah Public Library

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

White Pine County Library  
Courthouse Plaza  
Ely, NV 89301

(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. R019-22**

March 3, 2022

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

AUTHORITY: §§ 1-5, NRS 632.120.

A REGULATION relating to nursing; authorizing advanced practice registered nurses, registered nurses and licensed practical nurses to delegate nursing care to other persons in certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the State Board of Nursing to adopt regulations necessary to enable it to administer the provisions of law governing the practice of nursing. (NRS 632.120) Existing regulations: (1) authorize registered nurses to delegate nursing care to other personnel who are qualified to provide such care and to supervise such personnel in the provision of such care; (2) require a registered nurse to consider certain information before delegating nursing care; and (3) provide that a registered nurse who delegates nursing care is responsible for the actions taken by the person to whom the care is delegated. (NAC 632.222)

**Section 1** of this regulation generally authorizes an advanced practice registered nurse, registered nurse or licensed practical nurse to delegate nursing care to certain other persons and supervise such other persons in the provision of such care. **Section 1** requires that the care being delegated is within the scope of practice of the nurse who is delegating the care and, if the care is being delegated to a registered nurse or licensed practical nurse, within the parameters of the authorized scope of practice of that nurse. **Section 1** also requires that: (1) the person to whom nursing care is delegated is competent to provide the care and verbally accept the responsibility to provide the care; and (2) the delegated nursing care will not involve the use of any nursing judgment or critical decision making. **Section 1** generally authorizes a person to whom nursing care is delegated to perform any nursing activity, skill or procedure that is outside the traditional role and basic responsibilities of his or her job, but requires the nurse who is delegating the care to perform or supervise any act necessary to ensure the quality and sufficiency of the delegated care. **Section 1** additionally requires an advanced practice registered nurse, registered nurse or licensed practical nurse to consider certain information before delegating nursing care. **Section 1** further provides that an advanced practice registered nurse, registered nurse or licensed practical

nurse who delegates nursing care maintains overall accountability for the patient whose care is delegated, but the person to whom such care is delegated is responsible for any delegated activity, skill or procedure that he or she performs. Finally, **section 1** specifies that the provisions of the section apply to the delegation of nursing care and not to the assignment of any duties.

**Sections 2, 3 and 4** of this regulation make conforming changes to refer to the ability of licensed nurses to delegate appropriate care pursuant to **section 1**. **Section 5** of this regulation repeals the existing regulation that pertains to the delegation of nursing care by registered nurses.

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

*1. Except as otherwise provided in subsection 3, 4 or 6 of NAC 632.226 or paragraph (e) of subsection 1 of NAC 632.252 or as otherwise provided by law or regulation, a licensed nurse may delegate nursing care to another person and supervise the other person in the provision of that care if the following requirements are met:*

*(a) The licensed nurse is:*

*(1) An advanced practice registered nurse and delegates the care to a registered nurse, licensed practical nurse or any assistive personnel;*

*(2) A registered nurse and delegates the care to a licensed practical nurse or any assistive personnel; or*

*(3) A licensed practical nurse and delegates the care to any assistive personnel;*

*(b) The nursing care being delegated is within the scope of practice of the delegator;*

*(c) If the nursing care is being delegated to a registered nurse or licensed practical nurse, the nursing care is within the parameters of the authorized scope of practice of the delegatee;*

*(d) The delegatee is competent to provide the nursing care delegated to him or her and verbally accepts the responsibility to provide that care; and*

*(e) The nursing care being delegated will not involve the use of any nursing judgment or critical decision making.*

*2. Subject to the limitations set forth in subsection 1, a delegatee may perform a specific nursing activity, skill or procedure that is outside the traditional role and basic responsibilities of his or her current job.*

*3. A delegator shall perform or supervise any act necessary to ensure the quality and sufficiency of the delegated nursing care provided to a patient.*

*4. Before delegating the nursing care of a patient, the delegator must consider the following:*

*(a) The amount of direction required to be given to the delegatee;*

*(b) The complexity of the nursing care needed by the patient, recognizing that simple care may be performed by following an established policy while more complex care requires greater knowledge and a higher level of judgment, direction and supervision;*

*(c) Whether the delegatee has obtained the education and training and has the validated competence to perform the nursing care, recognizing that the context and processes associated with competency validation are different for each activity, skill or procedure being delegated and that competency validation should be specific to the knowledge and skill required to perform the delegated care safely and the level of practitioner of the delegatee; and*

*(d) The established policies and procedures relating to the care of the patient and the procedures used to communicate to other providers of health care the patient's symptoms, reactions and progress.*



5. *A delegator maintains overall accountability for the patient whose nursing care is delegated pursuant to this section, but a delegatee is responsible for any delegated activity, skill or procedure that he or she performs.*

6. *The provisions of this section apply to the delegation of nursing care to a registered nurse, licensed practical nurse or assistive personnel and do not apply to the assignment of duties to such persons.*

7. *As used in this section:*

(a) *“Assignment” means entrusting the performance of routine care, activities and procedures that are within the authorized scope of practice of a registered nurse or licensed practical nurse or part of the routine functions of assistive personnel.*

(b) *“Assistive personnel” means any person trained to function in a supportive role, regardless of title or licensure, to whom nursing care may be delegated. The term includes, without limitation, certified nursing assistants, patient care technicians, medication aides - certified, home health aides and unlicensed assistants.*

(c) *“Delegatee” means a registered nurse, licensed practical nurse or assistive personnel, as applicable, to whom nursing care is delegated.*

(d) *“Delegator” means an advanced practice registered nurse, registered nurse or licensed practical nurse, as applicable, who delegates nursing care.*

Sec. 2. NAC 632.212 is hereby amended to read as follows:

632.212 1. The Board will interpret the practice of professional nursing to include, but not be limited to, the duties specified in NAC 632.214 to 632.224, inclusive.

2. A registered nurse shall demonstrate in the performance of those duties competence in:

- (a) The diagnosis and treatment of human responses to actual or potential health problems;
- (b) Synthesizing the biological, psychological and social aspects of the patient's condition;
- (c) Exercising sound judgment;
- (d) Making decisions;
- (e) Carrying out his or her duties based on an established plan of care;
- (f) Evaluating, assessing and altering, if appropriate, the established plan of care;
- (g) Delegating appropriate duties to other persons ~~{;}~~ *in accordance with section 1 of this regulation;*
- (h) Supervising a person to whom the registered nurse has delegated nursing duties;
- (i) Maintaining accountability in the delegation of care;
- (j) Administering medication and carrying out treatments which are properly authorized;
- (k) Determining the necessity and appropriateness of health care services for a patient or prospective patient and determining that patient's eligibility for payment of those health care services by a licensed insurer;
- (l) Managing the cases of patients assigned to him or her by coordinating services and collaborating with other health care professionals in the provision of health care services, including, without limitation, an ongoing evaluation of the patient's focused nursing assessments conducted by a licensed practical nurse pursuant to NAC 632.232;
- (m) Planning for the discharge of patients; and
- (n) Managing risk in the provision of health care services.

**Sec. 3.** NAC 632.230 is hereby amended to read as follows:

632.230 A licensed practical nurse:

1. May not independently carry out those duties which require the substantial judgment, knowledge and skill of a registered nurse.

2. Shall determine before the performance of any task that he or she has the knowledge, skill and experience to perform the task competently.

3. May supervise other personnel in the provision of care.

**4. *May delegate appropriate duties to other persons in accordance with section 1 of this regulation.***

**Sec. 4.** NAC 632.825 is hereby amended to read as follows:

**632.825** An approved program for medication aides - certified must provide training to enable each trainee to:

1. Learn the fundamentals of safety and the proper care of patients by a medication aide - certified at a designated facility.

2. Demonstrate the proper procedures for:

(a) The administration of medication:

(1) In the appropriate manner;

(2) At the appropriate time;

(3) To the correct patient; and

(4) In the correct dosage; and

(b) Documenting the administration of medication.

3. Perform three safety checks to ensure the proper administration of medication.

4. Understand the causes of errors in the administration of medication.

5. Support and promote the rights of patients.

6. Understand the scope of practice of a medication aide - certified and the role of the delegating and supervising nurse.

7. Understand that , *except as otherwise provided in section 1 of this regulation*, a medication aide - certified may not accept the delegation of any duty that is beyond the scope of practice of the medication aide - certified.

8. Understand the ethical and legal issues regarding the administration of medication and the rights of patients regarding the administration of medication.

**Sec. 5.** NAC 632.222 is hereby repealed.

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**TEXT OF REPEALED SECTION**

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**632.222 Delegation and supervision of nursing care.**

1. A registered nurse may delegate nursing care to other personnel and supervise other personnel in the provision of that care if those persons are qualified to provide that care.

2. A registered nurse shall perform or supervise any act necessary to ensure the quality and sufficiency of delegated nursing care provided to a patient.

3. Before delegating the care of a patient, a registered nurse shall consider the following:

(a) The amount of direction required by the person to whom the care is being delegated;

(b) The complexity of the nursing care needed by the patient, recognizing that simple care may be performed by following an established policy while more complex care requires greater knowledge and a higher level of judgment, direction and supervision;

(c) The educational preparation and demonstrated competency of the person to whom the care is delegated; and

(d) The established policies and procedures relating to the care of the patient and the procedures used to communicate to other providers of health care the patient's symptoms, reactions and progress.

4. A registered nurse who delegates nursing care or duties relating to that care to other personnel is responsible for the actions taken by those persons in carrying out the duties delegated or assigned.