

**NEVADA STATE BOARD OF NURSING**

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November 14, 2023

**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 10:00 a.m., on Wednesday, January 17, 2024, at the Nevada State Board of Nursing board meeting held in Las Vegas, Nevada.

For those wishing to attend in person, the physical location of the Hearing is the DoubleTree by Hilton Hotel Las Vegas Airport, 7250 S. Pollock Drive, Las Vegas, Nevada 89119.

For those wishing to attend virtually by computer, mobile app, or telephone, the Hearing will also be held virtually via Microsoft Teams. The link to the Teams meeting is:

**To join on your computer or mobile app**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZjdlZjMlMmYtZWl1Zi00OGMzLTIlMDAtMGJmNzhiOWNkZWlw%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%2243df6cf6-38b0-4aad-b524-d5e9ab50ece4%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjdlZjMlMmYtZWl1Zi00OGMzLTIlMDAtMGJmNzhiOWNkZWlw%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%2243df6cf6-38b0-4aad-b524-d5e9ab50ece4%22%7d)

**To join by meeting ID through Microsoft Teams**

Meeting ID: 228 955 343 652  
Passcode: Na4CbP

**To join by telephone:**

775-321-6111  
Phone Conference ID: 102 461 252#

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. R060-23.

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

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

The Nevada Legislature passed Senate Bill 336 during the 2023 Session of the Nevada Legislature. Material to the need for and purpose of this proposed regulation, Section 2.6 of the enacted Senate Bill provides (emphasis added):

1. A certified registered nurse anesthetist may:
  - (a) Under the supervision of a physician licensed pursuant to chapter 630 or 633 of NRS, order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of a licensed physician in a critical access hospital in preparation for surgery or childbirth, during surgery or childbirth and while a patient recovers from surgery or childbirth.
  - (b) Possess and administer controlled substances, poisons, dangerous drugs and devices in other circumstances under which a registered nurse is authorized to possess and administer controlled substances, poisons, dangerous drugs and devices.
2. A certified registered nurse anesthetist shall not order or prescribe a controlled substance, poison, dangerous drug or device except as authorized by paragraph (a) of subsection 1.
3. As used in this section, “critical access hospital” means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. 1395i-4(e).

Individual Certified Registered Nurse Anesthetists (CRNA) and Certified Registered Nurse Anesthetist Associations have reached out to the Nevada State Board of Nursing asking for clarification and guidance on the language emphasized above.

The Legislative Counsel Bureau provided the following as to the first:

The Board will interpret “under the supervision of a physician” to mean under the supervision of the treating physician.

As to the second, the Legislative Counsel Bureau removed the word “order” from certain sections of NAC 632.500 where the ability to “order” would be in direct conflict with the newly enacted statutory provisions.

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.

Adverse effects

The Board does not anticipate any adverse economic impact from this regulation on businesses or the public.

Beneficial effects

The Board anticipates the beneficial effect to the public would be the clarification of terms and scope of practice for CRNAs in Nevada.

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

Immediate effects

The Board does not anticipate any immediate economic effect on businesses or the public.

Long-term effects

The Board does not anticipate any long-term economic effect on businesses or the public.

4. The methods used by the agency in determining the impact on a small business.

Upon contact by individual CRNAs and CRNA Associations, the Nevada State Board of Nursing held meetings and sent correspondence to provide guidance to those requesting same. The Board sent a blast email to all CRNAs in Nevada detailing the new authorities announced in SB 336.

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 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.

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. 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 January 12, 2024 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

And

By email to all persons on the Board's email list for noticing of administrative regulations  
By email for posting by the Nevada State Library, Archives and Public Records  
Administrator.

By email for posting by the Nevada Legislature.

By email for posting by the Nevada Legislative Counsel Bureau.

Publishing to the Nevada Legislature website: <https://leg.state.nv.us/>.

Publishing to the Nevada State Board of Nursing website: <https://nevadanursingboard.org>

Publishing to the State of Nevada Public Notice website: <https://notice.nv.gov/>

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

**LCB File No. R060-23**

October 19, 2023

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

AUTHORITY: §§ 1-6, NRS 632.120 and section 2.4 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1444.

A REGULATION relating to nursing; revising provisions governing the scope of practice of a certified registered nurse anesthetist; revising certain terminology; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes a certified registered nurse anesthetist working under the supervision of a physician licensed to practice medicine or osteopathic medicine in this State to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a person under the care of a licensed physician in a critical access hospital before, during and after surgery or childbirth. (NRS 453.126, as amended by section 5.5 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1447, NRS 454.00958, as amended by section 5.9 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1452, Section 2.6 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1444, NRS 639.0125, as amended by section 5.1 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1446)

**Section 1** of this regulation sets forth that, for the purposes of applying the provisions of existing law which require a certified registered nurse anesthetist to be under the supervision of a physician at a critical access hospital to perform certain actions, the State Board of Nursing will interpret the term “under the supervision of a physician” to mean under the supervision of the treating physician. **Section 2** of this regulation removes authorization for a certified registered nurse anesthetist to order drugs under certain circumstances, regardless of whether the certified registered nurse anesthetist is practicing under the supervision of a licensed physician in a critical access hospital. **Section 2** instead provides that a certified registered nurse anesthetist is authorized to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices where authorized by existing law.

Existing law requires the Board to issue a certificate of registration as a certified registered nurse anesthetist to an applicant who: (1) has successfully completed a nationally accredited program in the science of anesthesia; and (2) meets any additional requirements prescribed by the Board. (Section 2.4 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1444) **Sections 3-6** of this regulation replace the term “certificate of recognition”

with the term “certificate of registration” in existing regulations referring to such a certificate for consistency with existing law.

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

*For the purposes of section 2.6 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1444, the Board will interpret “under the supervision of a physician” to mean under the supervision of the treating physician.*

**Sec. 2.** NAC 632.500 is hereby amended to read as follows:

632.500 1. A certified registered nurse anesthetist may, in addition to those functions authorized for the registered nurse, perform the following acts, when it has been determined by a patient’s physician, dentist or podiatric physician that an anesthetic is necessary for a procedure, test or other treatment, in accordance with the applicable policies and procedures regarding the administration of anesthetics:

(a) Obtain a history of the patient’s health, as appropriate to the anticipated procedure, test or treatment;

(b) Assess the client’s condition, as appropriate to the anticipated procedure, test or treatment;

(c) Recommend, request and order pertinent diagnostic studies and evaluate the results of those studies;

(d) Prepare a written preanesthetic evaluation of the patient and obtain the patient’s informed consent for the anesthesia;

(e) Select ~~f, order~~ and administer preanesthetic medication;

- (f) ~~{Order, prepare}~~ *Prepare* and use any equipment and supplies necessary for the administration of anesthesia and perform or order any necessary safety checks on the equipment;
- (g) ~~{Order and prepare}~~ *Prepare* any drugs used for the administration of anesthesia;
- (h) Select ~~{and order}~~ anesthesia techniques, agents and adjunctive drugs;
- (i) Perform and manage general, regional and local anesthesia and techniques of hypnosis;
- (j) Perform tracheal intubation and extubation and provide mechanical ventilation;
- (k) Provide perianesthetic invasive and noninvasive monitoring, as appropriate, and respond to any abnormal findings with corrective action;
- (l) Manage the patient's fluid, blood and balance of electrolytes and acid base;
- (m) Recognize abnormal response by a patient during anesthesia, select and take corrective action;
- (n) Identify and manage any related medical emergency requiring such techniques as cardiopulmonary resuscitation, airway maintenance, ventilation, tracheal intubation, pharmacological cardiovascular support and fluid resuscitation;
- (o) Evaluate the patient's response during emergence from anesthesia and institute pharmacological or supportive treatment to ensure adequate recovery from anesthesia;
- (p) Provide care consistent with the principles of infection control and anesthesia safety to prevent the spread of disease and prevent harm to the anesthetized patient and others in the anesthetizing environment;
- (q) Select ~~{, order}~~ and administer postanesthetic medication;
- (r) Report to the person providing postanesthetic care the patient's physical and psychological condition, perioperative course and any anticipated problems;



- (s) Initiate ~~[-order]~~ and administer respiratory support to ensure adequate ventilation and oxygenation in the immediate postanesthetic period;
- (t) Release the patient from the postanesthetic care unit or discharge the patient from the ambulatory surgical setting;
- (u) Include in a timely manner as a part of the patient's medical records a thorough report on all aspects of the patient's anesthesia care; and
- (v) Assess the patient's postanesthetic condition, evaluate the patient's response to anesthesia and take corrective action.

2. *A certified registered nurse anesthetist may order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in the circumstances authorized by section 2.6 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1444.*

3. In addition, the nurse anesthetist may accept additional responsibilities which are appropriate to the practice setting and within his or her expertise. Such responsibilities may include, but are not limited to, the selection and administration of drugs and techniques for the control of pain in the preoperative, intraoperative and postoperative setting.

**Sec. 3.** NAC 632.530 is hereby amended to read as follows:

632.530 If the Board finds that the applicant has met all the appropriate requirements set forth in NAC 632.500 to 632.550, inclusive, *and section 1 of this regulation*, the applicant will be issued a certificate of ~~[-recognition]~~ *registration* as a certified registered nurse anesthetist. The certificate may be restricted to administering certain types of anesthetics or to general, regional or local anesthesia or monitored anesthesia care, or any combination thereof.

**Sec. 4.** NAC 632.540 is hereby amended to read as follows:

632.540 1. A certificate of ~~recognition~~ *registration* as a certified registered nurse anesthetist expires biennially upon expiration of the holder's license as a registered nurse.

2. A certificate of ~~recognition~~ *registration* as a certified registered nurse anesthetist will be renewed upon:

(a) Submission of evidence of the renewal of a current license as a registered nurse in Nevada;

(b) Submission of evidence of current certification as a nurse anesthetist from the Council on Certification of Nurse Anesthetists or the Council on Recertification of Nurse Anesthetists; and

(c) Except as otherwise provided in subsection 3, documentation of 45 contact hours of continuing education related to practice as a nurse anesthetist.

3. If the national recertification occurs within 1 year before the nurse anesthetist's birthday, the Board will consider it sufficient evidence of:

(a) The successful completion of 40 contact hours of continuing education related to practice as a nurse anesthetist; and

(b) Validation of his or her professional practice during the previous 2 years.

**Sec. 5.** NAC 632.545 is hereby amended to read as follows:

632.545 A certificate of ~~recognition~~ *registration* as a certified registered nurse anesthetist expires automatically whenever there is a lapse in his or her national certification that is issued by the Council on Certification of Nurse Anesthetists.

**Sec. 6.** NAC 632.550 is hereby amended to read as follows:

632.550 The Board may revoke, suspend or deny issuance or renewal of a certificate of ~~recognition~~ *registration* of a certified registered nurse anesthetist if the certified registered nurse anesthetist:

1. Commits any acts constituting a ground for disciplinary action against a registered nurse;
2. Exceeds his or her authority or fails to adhere to practice as designated by NAC 632.500 to 632.545, inclusive ~~§~~, *and section 1 of this regulation*;
3. Administers an anesthetic without the consent of a licensed physician, podiatric physician or dentist;
4. Makes or causes to be made a false or a forged statement or representation in procuring or attempting to procure approval or renewed certification as a nurse anesthetist;
5. Violates any statute or regulation relating to prescribing, possessing, administering or dispensing drugs; or
6. Practices below the accepted standard of practice.