

# NCSBN MODEL ACT



NCSBN

*National Council of State Boards of Nursing*

### **Mission Statement**

The National Council of State Boards of Nursing (NCSBN®) provides education, service and research through collaborative leadership to promote evidence-based regulatory excellence for patient safety and public protection.

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## Article I. Title and Purpose

- a. This Act shall be known and may be cited as <the JURISDICTION> Nurse Practice Act (NPA), which creates and empowers the board of nursing (BON) to regulate nursing and to enforce the provisions of this Act.
- b. The purpose of this Act is to protect the health, safety and welfare of the residents of this state.

## Article II. Definitions

As used in Articles III through XI of this Act, unless the context thereof requires otherwise:

- a. “Advanced assessment” means the taking by an advanced practice registered nurse (APRN) of the history, physical and psychological assessment of a patient’s signs, symptoms, pathophysiologic status and psychosocial variations in the determination of differential diagnoses and treatment.
- b. “Clinical learning experiences” means the planned, faculty-guided learning experiences that involve direct contact with patients.
- c. “Competence” means the ability of the nurse to integrate knowledge, skills, judgment, and personal attributes to practice safely and ethically in a designated role and setting in accordance with the scope of nursing practice.
- d. “Comprehensive nursing assessment” means collection, analysis and synthesis of data performed by an RN used to establish a health status baseline, plan care and address changes in a patient’s condition.
- e. “Delegating” means transferring to a competent individual the authority to perform a selected nursing task in a selected situation.
- f. “Eligible for graduation” means having met all program and institutional requirements pending conferment of the degree.
- g. “Encumbered” means a license with current discipline, conditions or restrictions.
- h. “Focused nursing assessment” means recognizing patient characteristics by an LPN/VN that may affect the patient’s health status, gathering and recording assessment data and demonstrating attentiveness by observing, monitoring, and reporting signs, symptoms, and changes in patient condition in an ongoing manner to the supervising registered nurse or physician.
- i. “Inactive license” means the voluntary termination of an individual’s license to practice nursing or failure to renew a license.
- j. “Internationally educated applicants” means a person educated outside the U.S. who applies for licensure or seeks temporary authorization to practice as a graduate nursing student to complete program objectives.
- k. “License” means the authority granted by the BON to practice nursing as an RN, LPN/VN or APRN.
- l. “Nursing” means a profession focused on the care of individuals, families and populations to attain, maintain or recover optimal health and quality of life from conception to death.
- m. “Patient” means a recipient of care; may be an individual, family, group or community. May also be referred to as client.
- n. “Patient-centered health care plan” means, in collaboration with patient, the identification of desired goals, strategies for meeting goals and processes for promoting, attaining and maintaining optimal patient health outcomes.
- o. “Reactivation” means reissuance of a license that has lapsed, expired or been placed on inactive status in absence of disciplinary action.
- p. “Reinstatement” means reissuance of a license following disciplinary action by the BON.
- q. “Supervision” means provision of guidance or oversight by a qualified nurse for the accomplishment of a nursing task or activity with initial direction of the task or activity and periodic inspection of the actual act of accomplishing the task or activity.
- r. “Unlicensed assistive personnel” means any unlicensed personnel, regardless of title, to whom nursing tasks are delegated.

## Article III. Scope of RN and LPN/VN Practice

### Section 1. Licensed Practical/Vocational Nurse (LPN/VN)

- a. Licensed Practical/Vocational Nurse is the title given to an individual licensed to practice practical/vocational nursing.
- b. An LPN/VN practices, with or without compensation or personal profit, under the supervision of an RN, advanced practice registered nurse (APRN), licensed physician or other health care provider authorized by the state; that is guided by nursing standards established or recognized by the BON; and includes:
  1. Collecting data and conducting focused nursing assessments of the health status of patients.
  2. Participating with other health care providers in the development and modification of the patient centered health care plan.

3. Implementing nursing interventions within a patient centered health care plan.
4. Assisting in the evaluation of responses to interventions.
5. Providing for the maintenance of safe and effective nursing care rendered directly or indirectly.
6. Advocating the best interest of patients.
7. Communicating and collaborating with patients and members of the health care team.
8. Providing health care information to patients.
9. Delegating and assigning nursing interventions to implement the plan of care.
10. Wearing identification which clearly identifies the nurse as an LPN/VN when providing direct patient care, unless wearing identification creates a safety or health risk for either the nurse or the patient.
11. Other acts that require education and training consistent with professional standards as prescribed by the BON and commensurate with the LPN/VN's education, demonstrated competencies and experience.

## **Section 2. Registered Nurse (RN)**

- a. Registered Nurse is the title given to an individual licensed to practice registered nursing.
- b. The practice of registered nurses shall include:
  1. Providing comprehensive nursing assessment of the health status of patients.
  2. Collaborating with health care team to develop and coordinate an integrated patient centered health care plan.
  3. Developing the comprehensive patient centered health care plan, including:
    - a. Establishing nursing diagnoses;
    - b. Setting goals to meet identified health care needs; and
    - c. Prescribing nursing interventions.
  4. Implementing nursing care through the execution of independent nursing strategies, and the provision of regimens requested, ordered or prescribed by authorized health care providers.
  5. Evaluating responses to interventions and the effectiveness of the plan of care.
  6. Designing and implementing teaching plans based on patient needs.
  7. Delegating and assigning nursing interventions to implement the plan of care.
  8. Providing for the maintenance of safe and effective nursing care rendered directly or indirectly.
  9. Advocating the best interest of patients.
  10. Communicating and collaborating with other health care providers in the management of health care and the implementation of the total health care regimen within and across care settings.
  11. Managing, supervising and evaluating the practice of nursing.
  12. Teaching the theory and practice of nursing.
  13. Participating in development of health care policies, procedures and systems.
  14. Wearing identification that clearly identifies the nurse as an RN when providing direct patient care, unless wearing identification creates a safety or health risk for either the nurse or the patient.
  15. Other acts that require education and training consistent with professional standards as prescribed by the BON and commensurate with the RN's education, demonstrated competencies and experience.

## **Article IV. Board of Nursing (BON)**

### **Section 1. Membership, Nominations, Qualifications, Appointment and Term of Office**

- a. The BON shall consist of < > members to be appointed by the governor. Nominations for appointment may be made to the governor by any interested individual, association or any other entity.
- b. The membership of the BON shall be < > RNs, < > LPN/VNs, < > APRNs, and < > members representing the public.
- c. Each RN member shall be a resident in this jurisdiction, licensed in good standing under the provisions of this chapter, currently engaged in RN practice and shall have no less than five years of experience as an RN, at least three of which immediately preceded appointment.
- d. Each LPN/VN member shall be a resident in this jurisdiction, licensed in good standing under the provisions of this chapter, currently engaged in LPN/VN practice and shall have no less than five years of experience as an LPN/VN, at least three of which immediately preceded appointment.
- e. Each APRN member shall be a resident in this jurisdiction, licensed in good standing under the provisions of this chapter, currently engaged in APRN practice and shall have no less than five years of experience as an APRN, at least three of which immediately preceded appointment.



- f. The public member(s) of the BON shall be a resident of this jurisdiction and shall not be, nor shall ever have been, a person who has ever had any material financial interest in the provision of nursing services or who has engaged in any activity directly related to nursing.
- g. Members of the BON shall be appointed for a term of < > years. Terms shall be staggered.
- h. No member shall serve more than two consecutive full terms. The completion of an unexpired portion of a full term shall not constitute a full term for purposes of this section. Any member initially appointed for less than a full term shall be eligible to serve two additional terms.
- i. Each term of office shall expire at midnight on the last day of the term of the appointment or at midnight on the date on which any vacancy occurs. If a replacement appointment has not been made, the term of the member shall be extended until a replacement is made.

## **Section 2. Officers**

- a. The BON shall elect officers from its members. Officers elected by the BON shall serve a term of < > years, beginning < > and ending < >.
- b. The <first officer> shall preside at board meetings and shall be responsible for the performance of all duties and functions of the BON required or permitted by this Act. In the absence of the first officer, the <second officer> shall assume these duties.
- c. Additional offices may be established and filled by the BON at its discretion.

## **Section 3. Meetings**

- a. The BON shall meet at least quarterly for the purpose of transacting business. A majority of the members of the BON constitutes a quorum; however, if there is a vacancy on the BON, a majority of the members serving constitutes a quorum. A BON member is required to attend meetings or to provide proper notice and justification of inability to do so. Unexcused absences from meetings may result in removal from the BON.
- b. One meeting shall be designated for the purpose of electing officers and BON reorganization and planning.
- c. The BON may meet additional times. Additional meetings may be called by the <first officer> of the BON or shall be called at the request of two-thirds of the board members.
- d. The BON shall give official and public notice of the place and time of the meeting. Board meetings and hearings shall be open to the public. In accordance with the law, the BON may, at its discretion, conduct part of the meeting in executive session closed to the public. Notice of all board meetings shall be given in the manner and pursuant to requirements prescribed by the jurisdiction's applicable statutes and rules and regulations.

## **Section 4. Guidelines**

- a. The BON may develop guidelines to assist board members in the evaluation of possible conflicts of interests. Members shall recuse themselves from the discussion and abstain from voting when a conflict arises.
- b. The BON may develop guidelines to assist board members in the disclosure of ex parte communications.
- c. The BON may develop other guidelines as needed that would support governance and direction of work.

## **Section 5. Vacancies, Removal and Immunity**

- a. Any vacancy that occurs for any reason in the membership of the BON shall be filled by the governor in the manner prescribed in the provisions of this article regarding appointments. A person appointed to fill a vacancy shall serve for the unexpired portion of the term.
- b. The governor may remove any member from the BON for neglect of any duty required by law, for incompetence, or for unprofessional or dishonorable conduct. The general laws of this jurisdiction controlling the removal of public officials from office shall be followed in dismissing board members.
- c. All members of the BON shall have immunity from individual civil liability while acting within the scope of the duties as board members.
- d. In the event that the entire BON, an individual member or staff is sued, the attorney general shall appoint an attorney to represent the involved party, or pursuant to jurisdictional law.

## Section 6. Powers and Duties

The BON shall be responsible for the interpretation and enforcement of the provisions of this Act. The BON shall have all of the duties, powers and authority specifically granted by and necessary to the enforcement of this Act, as well as other duties, powers and authority as it may be granted by appropriate statute, including:

- a. Make, adopt, amend, repeal and enforce such administrative rules consistent with the law, as it deems necessary for the proper administration of this Act and to protect public health, safety and welfare.
- b. Develop and enforce standards for nursing education.
- c. Provide consultation, conduct conferences, forums, studies and research on nursing education and practice.
- d. Maintain membership in national organizations that develop national licensure examinations and exclusively promote the improvement of the legal standards of the practice of nursing for the protection of public health, safety and welfare.
- e. Grant temporary permits for qualified applicants as set forth in rule.
- f. License qualified applicants for RN, LPN/VN and APRN licensure and regulate their practice.
- g. Develop standards for maintaining competence of licensees and requirements for returning to practice.
- h. Certify and regulate unlicensed assistive personnel (UAP), including certified nursing assistants (CNAs) and medication assistants certified (MACs).
- i. Develop and enforce standards for nursing practice.
- j. Issue advisory opinions, interpretive statements and declaratory statements regarding the interpretation and application of the jurisdiction's nursing law and regulation.
- k. Regulate the manner in which nurses announce their practice to the public.
- l. Implement the discipline process:
  1. Issue subpoenas in connection with investigations, inspections and hearings.
  2. Obtain access to records as reasonably requested by the BON to assist the BON in its investigation; the BON shall maintain any records pursuant to this paragraph as confidential data.
  3. Order licensees to submit and pay for physical, mental health or chemical dependency evaluations for cause.
  4. Prosecute alleged violations of this Act.
  5. Conduct hearings, compel attendance of witnesses and administer oaths to persons giving testimony at hearings, consistent with administrative rules.
  6. Provide alternatives to discipline:
    - a. Establish alternative programs for monitoring of nurses who agree to seek treatment of substance use disorders, mental health or physical health conditions that could lead to disciplinary action by the BON as established by rule; and
    - b. Establish programs to educate and re-mediate nurses with practice concerns who meet criteria established in rule.
- m. Discipline nurses for violation of any provision of this Act.
- n. Maintain a record of all persons regulated by the BON.
- o. Maintain records of proceedings as required by the laws of this jurisdiction.
- p. Collect and analyze data regarding nursing education, nursing practice and nursing resources. Data may be collected with license applications.
- q. Submit an annual report to the governor summarizing the BON's proceedings and activities.
- r. Appoint and employ a qualified RN to serve as executive officer and approve such additional staff positions as may be necessary, in the opinion of the BON, to administer and enforce the provisions of the Act.
- s. Delegate to the executive officer those activities that expedite the functions of the BON, including employing professional and support staff, investigators, legal counsel and other personnel necessary for the BON to carry out its functions.
- t. Adopt a seal that shall be in the care of the executive officer and shall be affixed only in a manner as prescribed by the BON.
- u. Share current significant investigative information with other regulatory bodies and law enforcement entities.
- v. Withdraw a license issued in error.
- w. Conduct criminal background checks for nurse licensure in accordance with state and federal law under Section 9 of Article V of this Act.
- x. Issue a cease and desist order for any violation of this Act.
- y. Adopt criteria for recognizing national certifying bodies for APRN roles and population foci

## **Section 7. Financial**

- a. The BON is authorized to establish by rule appropriate fees for licensure by examination, reexamination, endorsement and such other fees and fines as the BON determines necessary.
- b. All fees collected by the BON shall be administered according to the established fiscal policies of this jurisdiction and in such manner as to adequately implement the provisions of this Act.
- c. The BON may accept grants, contributions, devices, bequests and gifts that shall be kept in a separate fund and shall be used by the BON to enhance the practice of nursing.
- d. The BON may receive and expend funds in addition to appropriations from this jurisdiction, provided such funds are received and expended for the pursuit of the authorized objectives of the BON, such funds are maintained in a separate account, and periodic reports of the receipt and expenditures of such funds are submitted to the governor.
- e. All fees collected by the BON shall be retained by the BON. The monies retained shall be used for any of the BON's duties, including but not limited to, the addition of full time equivalent positions for program services and investigations. Monies retained by the BON pursuant to this section are not subject to reversion to the general fund of the jurisdiction.

## **Section 8. Executive Officer**

- a. The executive officer shall be responsible for:
  1. The performance of administrative responsibilities of the BON.
  2. Employment of personnel needed to carry out the functions of the BON.
  3. The performance of any other duties as necessary to the proper conduct of BON business and to the fulfillment of the BON's responsibilities as defined by this Act.
- b. The BON shall monitor and periodically evaluate the effectiveness of the executive officer.

## **Article V. RN and LPN/VN Licensure and Exemptions**

### **Section 1. Titles and Abbreviations for Licensed Nurses**

Only those persons who hold a license to practice nursing in this state shall have the right to use the following title abbreviations:

- a. Title: "Registered Nurse" and the abbreviation "RN."
- b. Title: "Licensed Practical/Vocational Nurse" and the abbreviation "LPN/VN."

### **Section 2. Examinations**

- a. The BON shall authorize the administration of the examination to applicants for licensure as RNs or LPN/VNs.
- b. The BON may employ, contract and cooperate with any entity in the preparation and process for determining results of a uniform licensure examination. When such an examination is utilized, the BON shall restrict access to questions and answers.
- c. The BON shall determine whether a licensure examination may be repeated, the frequency of reexamination and any requisite education prior to reexamination.

### **Section 3. Licensure by Examination**

- a. An applicant for licensure by examination to practice as an RN or LPN/VN who successfully meets the requirements of this section shall be entitled to licensure as an RN or LPN/VN, whichever is applicable.
- b. An applicant shall:
  1. Submit a completed application and fees as established by the BON.
  2. Graduate or be eligible for graduation from a <your jurisdiction> BON-approved prelicensure program or a program that meets criteria comparable to those established by the <your jurisdiction> BON in its rules.
  3. Pass an examination authorized by the BON.
  4. Report any criminal conviction, nolo contendere plea, Alford plea, deferred judgment, or other plea arrangements in lieu of conviction.
  5. Report any substance use disorder in the last five years.
  6. Report any actions taken or initiated against a professional or occupational license, registration or certification.
  7. Have committed no acts or omissions that are grounds for disciplinary action as set forth in Article VII of this Act; and



8. Meet other criteria established by the BON in rule.
- c. Graduates from an RN prelicensure program may take the LPN/VN licensure examination if they have completed a BON approved LPN/VN role delineation course. The BON shall by rule set standards for approval of the role delineation course.

#### **Section 4. Licensure by Examination of Internationally Educated Applicants**

Requirements for licensure by examination of internationally educated applicants, include:

- a. Graduation from a nursing program comparable to a BON approved prelicensure RN or LPN/VN program, whichever is applicable, and meet all other requirements of section 3.
- b. Applicant must submit a credentials evaluation by a credentials review agency for the level of licensure being sought.
- c. Successful passage of an English proficiency exam that includes the components of reading, speaking, writing and listening, except for applicants from countries where English is the native language, and the nursing program where the applicant attended was taught in English, used English textbooks and clinical experiences were conducted in English.
- d. Disclosure of nursing licensure status in country of origin, if applicable.

#### **Section 5. Licensure by Endorsement**

- a. An applicant for licensure by endorsement to practice as an RN or LPN/VN shall:
  1. Submit a completed application and fees as established by the BON.
  2. Graduate from a <your jurisdiction> BON-approved prelicensure program or a program that meets criteria comparable to those established by the <your jurisdiction> BON in its rules.
  3. Hold a license as an RN or an LPN/VN that is not encumbered.
  4. Pass an examination authorized by the BON.
  5. Report status of all nursing licenses, including any BON actions taken or any current or pending investigations.
  6. Report any criminal conviction, nolo contendere plea, Alford plea, deferred judgment, or other plea arrangements in lieu of conviction.
  7. Report any substance use disorder in the last five years.
  8. Report any actions taken or initiated against a professional or occupational license, registration or certification
  9. Report current participation in an alternative to discipline program in any jurisdiction.
  10. Have committed no acts or omissions which are grounds for disciplinary action in another jurisdiction or, if such acts have been committed and would be grounds for disciplinary action as set forth in Article VII of this Act.
  11. Be proficient in English language as set forth in the BON rules.
  12. Submit verification of licensure status directly from the U.S. jurisdiction of licensure by examination.
  13. Meet continued competency requirements as set forth by the BON.
  14. Meet other criteria established by the BON in rule.
- b. Temporary Permits
  1. The BON may issue time-limited authorization to practice nursing through the granting of temporary permits, as set forth in BON rules.
  2. Any person who has been approved as an applicant for licensure and has been granted a temporary permit shall have the right to use the titles < > and abbreviations < > designated by the state.

#### **Section 6. Renewal of RN and LPN/VN Licenses**

- a. RN and LPN/VN licenses issued under this Act shall be renewed every < > years according to a schedule established by the BON.
- b. An applicant for renewal of license to practice as an RN or LPN/VN shall:
  1. Report any criminal conviction, nolo contendere plea, Alford plea, deferred judgment, or other plea arrangements in lieu of conviction.
  2. Report status of all nursing licenses, including any BON actions taken or any current or pending investigations.
  3. Report any substance use disorder in the last five years.
  4. Report any actions taken or initiated against a professional or occupational license, registration or certification.
  5. Report current participation in an alternative to discipline program in any jurisdiction.
- c. A renewal license shall be issued to an RN or LPN/VN who submits an application, remits the required fee and satisfactorily completes any other requirements established by the BON as set forth in rules.

- d. No license shall be renewed unless the RN or LPN/VN shows evidence of continued competence as specified in BON rule.
- e. Failure to renew the license shall result in forfeiture of the right to practice nursing in this jurisdiction.

### **Section 7. Reactivation of License**

- a. Applicants for RN or LPN/VN licensure reactivation shall:
  - 1. Report any criminal conviction, nolo contendere plea, Alford plea, deferred judgment, or other plea arrangements in lieu of conviction.
  - 2. Report status of all nursing licenses, including any BON actions taken or any current or pending investigations.
  - 3. Report any substance use disorder in the last five years.
  - 4. Report any actions taken or initiated against a professional or occupational license, registration or certification.
  - 5. Report current participation in an alternative to discipline program in any jurisdiction.
- b. A reactivated license shall be issued to an RN or LPN/VN who submits an application, remits the required fee and satisfactorily completes any other requirements established by the BON as set forth in rules.
- c. No license shall be reactivated unless the RN or LPN/VN shows evidence of continued competence as specified in BON rule.

### **Section 8. Duties of Licensees**

- a. The nurse shall comply with the provisions of this Act. The burden of responsibility is on the licensee to know and practice according to the laws and regulations of this jurisdiction.
- b. The nurse shall report to the BON those acts or omissions that are violations of the Act or grounds for disciplinary action as set forth in Articles VII and VIII of this Act.
- c. The licensee shall, in response to BON inquiries, provide relevant and truthful personal, professional or demographic information requested by the BON to perform its duties in regulating and controlling nursing practice in order to protect the public health, safety and welfare.
- d. Failure to provide the requested information may result in non-renewal of the license to practice nursing or licensure disciplinary action.

### **Section 9. Criminal Background Checks**

Each applicant for licensure shall submit a full set of fingerprints to the BON for the purpose of obtaining a state and federal criminal records check pursuant to <state statute> and Public Law 92-544. The <state agency responsible for managing fingerprint data> may exchange this fingerprint data with the Federal Bureau of Investigation (FBI).

### **Section 10. Exemptions**

No provisions of this Act shall be construed to prohibit:

- a. The practice of nursing by a student currently enrolled in and actively pursuing completion of a prelicensure nursing education program, or a graduate nursing program involving nursing practice, if all the following are met:
  - 1. The student is participating in a program located in this jurisdiction and approved by the BON or participating in this jurisdiction in a component of a program located in another jurisdiction and approved by a BON that is a member of NCSBN.
  - 2. The student's practice is under the auspices of the program.
  - 3. The student acts under the supervision of an RN serving for the program as a faculty member or teaching assistant.
  - 4. The student in a graduate program preparing for APRN licensure must be a licensed RN and under the supervision of qualified faculty/preceptor, licensed in the state of clinical practice.
- b. The provision of nursing services to family members or in emergency situations.
- c. Caring for the sick when done in connection with the practice of religious tenets of any church and by or for its members.
- d. The individual is engaging in the practice of nursing by discharging official duties while employed by or under contract with the United States government or any agency thereof.
- e. The activities of an individual currently licensed to practice nursing in another jurisdiction, if the individual's license has not been revoked, the individual is not currently under suspension or on probation, and one of the following:
  - 1. The individual is engaging in the practice of nursing as an employee of an individual agency or corporation located in the other jurisdiction in a position with employment responsibilities that include transporting patients into, out of, or

- through this state, as long as each trip in this state does not exceed seventy-two hours.
2. The individual is consulting with an individual licensed in this state to practice any health-related profession.
  3. The individual is engaging in activities associated with teaching in this state as a guest lecturer at a nursing education program, continuing nursing education program or in-service presentation.
  4. The individual is conducting evaluations of nursing care that are undertaken on behalf of a nationally recognized accrediting organization.
  5. The individual is providing nursing care to an individual who is in this state on a temporary basis, not to exceed six months in any one calendar year, if the nurse is directly employed by or under contract with the individual or a guardian or other person acting on the individual's behalf.
  6. The individual is providing nursing care during any disaster, natural or otherwise, that has been officially declared to be a disaster by a public announcement issued by an appropriate federal, state, county or municipal official.

## **Article VI. Prelicensure Nursing Education**

### **Section 1. Approval Standards**

- a. The BON shall, by rule, set standards for the establishment and outcomes of prelicensure nursing education programs, including clinical learning experiences, and approve such programs that meet the requirements of this Act and BON rule.
- b. The BON shall set requirements for the continuing approval of prelicensure nursing programs.
- c. The BON may deny or withdraw approval or take such action as deemed necessary when prelicensure nursing education programs fail to meet the standards established by the BON, provided that all such actions shall be in accordance with [jurisdiction's Administrative Procedures Act](#) and/or BON rule.
- d. The BON may reinstate approval of a prelicensure nursing education program upon submission of satisfactory evidence that the program meets the standards established by the BON.

### **Section 2. Closure of Prelicensure Nursing Education Programs**

The BON shall, by rule, identify the process for prelicensure nursing education programs that cease operation.

### **Section 3. Provision for Innovative Approaches in Prelicensure Nursing Education Programs**

The BON shall, by rule, identify the process for implementing innovative approaches in prelicensure nursing education programs.

## **Article VII. Discipline and Proceedings**

### **Section 1. Authority**

For any one or combination of the grounds set forth in Sections 2 and 3 below, the BON is granted the authority to deny a license or impose the following discipline on a license:

- a. Revoke a license.
- b. Place a license on probation.
- c. Place a license on suspension.
- d. Summarily issue emergency limitation or restriction of a license subject to Section 10 of this Article.
- e. Summarily issue an emergency suspension of a license subject to Section 10 of this Article.
- f. Reprimand or censure a license.
- g. Accept a voluntary surrender of a license.
- h. Accept other voluntary limitation or restriction of a license.
- i. Place other limitations or restrictions on a license.
- j. Deny license renewal.
- k. Deny initial issuance of license.
- l. Impose a fine or monetary penalty.
- m. Impose other publicly known conditions or findings.
- n. Impose restitution.
- o. Recover the costs of the proceedings resulting in disciplinary action against a nursing license. The cost of proceedings

shall include, but is not limited to: the cost paid by the BON to the office of administrative hearings and the office of the attorney general or other BON counsel for legal and investigative services; the costs of a court reporter and witnesses; reproduction of records; BON staff time, travel and expenses; and BON members' per diem reimbursements, travel costs and expenses.

- p. Any other action as warranted by the facts in the case.

## **Section 2. Accountability**

- a. Each nurse is required to know and comply with the requirements of this Act and related rules.
- b. All individuals licensed or privileged under this Act shall be responsible and accountable for making decisions that are based upon the individuals' educational preparation and experience in nursing and shall practice nursing with reasonable skill and safety.

## **Section 3. Grounds for Discipline**

The BON may discipline a licensee or deny a license to an applicant for any one or a combination of the following:

- a. Non-compliance with federal, jurisdictional or contractual requirements.
- b. Criminal conviction or adjudication in any jurisdiction including, but not limited to being convicted of, pleading guilty to, entering a plea of nolo contendere or no contest to, or receiving a deferred judgment or suspended sentence.
- c. Confidentiality, patient privacy, consent or disclosure violations.
- d. Misconduct or abuse.
- e. Fraud, deception or misrepresentation.
- f. Unsafe practice, substandard care or unprofessional conduct.
- g. Improper supervision or allowing unlicensed practice.
- h. Drug related offenses.
- i. Other violations of the Act or administrative rules adopted thereunder.

## **Section 4. Procedure**

The BON shall establish a disciplinary process by rule based on the Administrative Procedure Act of the Jurisdiction of <JURISDICTION>.

## **Section 5. Immunity and Protection from Retaliation**

- a. Anyone, including BON staff or member, who in good faith reports to the BON information relating to alleged violations of this Act or administrative rules shall not be subject to a civil action for damages as a result of reporting such information.
- b. A person may not suspend, terminate, or otherwise discipline, discriminate against, or retaliate against anyone who reports, or advises on reporting, in good faith under this section.
- c. A person who in good faith reports violations in accordance with this Article has a cause of action against a person who violates subsection b., and may recover:
  - 1. The greater of:
    - a. Actual damages, including damages for mental anguish even if no other injury is shown; or
    - b. \$5,000.
  - 2. Exemplary damages.
  - 3. Court costs.
  - 4. Reasonable attorney's fees.
- d. In addition to the amount recovered under subsection c., a person whose employment is suspended or terminated in violation of this section is entitled to:
  - 1. Reinstatement in the employee's former position or severance pay in an amount equal to three months of the employee's most recent salary.
  - 2. Compensation for wages lost during the period of suspension or termination.

## Section 6. Notification

- a. The BON shall communicate disciplinary actions taken as set forth in rule and may report to other entities.
- b. The BON may notify certification programs when an APRN has an encumbered license or privilege to practice.

## Section 7. Alternative to Discipline Monitoring Program

The BON may establish through rule an alternative to discipline program for nurses with substance use disorder or mental health conditions.

## Section 8. Practice Remediation Program (PRP)

The BON may establish through rules a practice remediation program to offer an alternative to discipline program for early identification and remediation of practice deficiencies of the nurse to promote effective nursing practice and public safety.

## Section 9. Reporting

- a. Licensees shall report, within 30 days of the event, the following: change of address, criminal convictions, malpractice claims, or discipline or complaints pending in another jurisdiction or by another professional licensing board.
- b. A licensed nurse shall report names of individuals to the BON if the nurse has reasonable cause to suspect that a nurse or an applicant engaged in conduct that may constitute grounds for disciplinary action under this Act, except for minor incidents as described in rule.
- c. Duty to report by others:
  1. Hospitals, nursing homes, temporary staffing agencies and other employers of RNs, LPN/VNs or APRNs shall report to the BON the names of any licensee or applicant for nursing licensure whose conduct may constitute grounds for disciplinary action under this Act.
  2. A jurisdictional agency that licenses, registers or certifies a hospital, nursing home, home health agency or other type of health care facility or agency section, or surveys one of these facilities or agencies shall report to the BON when that agency has evidence that the nurse has engaged in conduct that may constitute grounds for disciplinary action under this Act.
  3. Each insurer that provides professional liability insurance that covers claims arising from providing or failing to provide nursing care shall report to the BON any payment made on behalf of a nurse in a claim or lawsuit.
  4. The court administrator of any court of competent jurisdiction shall report to the BON any judgment or other determination of the court that adjudges or includes a finding that a nurse is:
    - a. Mentally ill;
    - b. Mentally incompetent;
    - c. Chemically dependent;
    - d. Dangerous to the public;
    - e. Guilty of a crime;
    - f. Guilty of a violation of federal or jurisdictional narcotics laws or controlled substances act;
    - g. Guilty of operating a motor vehicle while under the influence of alcohol or a controlled substance;
    - h. Guilty of an abuse or fraud under Medicare or Medicaid;
    - i. Appointed a guardian; or
    - j. Committed under the laws of the jurisdiction.
  5. A person who is required to report a nurse under this section because the nurse is impaired or suspected of substance use disorder or mental illness may report to the alternative to discipline program instead of reporting to the BON. Alternative to discipline programs have a duty to report to the BON any nurse's failure to comply with the program requirements or termination from the program.
- d. Minor incidents are exceptions to reporting requirements when the continuing practice by the subject nurse does not pose a risk of harm to a patient or others and can be addressed through corrective action by the nurse's employing health care facility. The BON shall adopt rules governing reporting of minor incidents. The BON may evaluate a complaint and determine that it is a minor incident under this section.
- e. The BON may seek an order from a court of competent jurisdiction for a report from any of the parties stipulated in this Article if one is not forthcoming voluntarily.

- f. Any organization or person reporting in good faith information to the BON under this Article shall be immune from civil action as provided in Article VII, Section 5.
- g. Any licensed health care professional who examines a nurse at the request of the BON shall be immune from suit for damages by the nurse examined if the examining health care professional conducted the examination and made findings or diagnoses in good faith.

## Section 10. Emergency Action

- a. Summary Suspension
  - 1. The BON is authorized to summarily suspend the license of a nurse without a hearing if:
    - a. The BON finds that there is probable cause to believe that the nurse has violated a statute or rule that the BON is empowered to enforce and continued practice by the nurse would create imminent and serious risk of harm to others; or
    - b. The nurse fails to obtain a BON ordered evaluation.
  - 2. The suspension shall remain in effect until the BON issues a stay of suspension or a final order in the matter after a hearing or upon agreement between the BON and licensee.
  - 3. Upon request of the nurse, the BON shall schedule a disciplinary hearing to be held under the Administrative Procedures Act, to begin no later than < > days after receipt of the request. The licensee shall receive at least < > days notice of the hearing.
- b. Automatic Suspension
  - 1. Unless the BON orders otherwise, a license to practice nursing is automatically suspended if:
    - a. A guardian of a nurse is appointed by order of a court under sections <REFERENCE TO GOVERNING JURISDICTIONAL LAW>;
    - b. The nurse is committed by order of a court under <REFERENCE TO GOVERNING JURISDICTIONAL LAW>; or
    - c. The nurse is determined to be mentally incompetent, mentally ill, chemically dependent or a person dangerous to the public by a court of competent jurisdiction within or without this jurisdiction.
  - 2. The nurse shall petition the BON for reinstatement. The BON may terminate the suspension after a hearing or upon agreement between the BON and the nurse.
- c. Injunctive Relief
  - 1. The BON or any prosecuting officer, upon a proper showing of the facts, is authorized to petition a court of competent jurisdiction for an order to enjoin:
    - a. Any person who is practicing nursing within the meaning of this Act from practicing without a valid license, unless exempted under Article V;
    - b. Any person, firm, corporation, institution or association from employing any person who is not licensed to practice nursing under this Act or exempted under Article V;
    - c. Any person, firm, corporation, institution or association from operating a school of nursing without approval;
    - d. Any person whose license has been suspended or revoked from practicing as an RN, LPN/VN or APRN; or
    - e. Any person from using the title “nurse,” “licensed practical/vocational nurse,” “registered nurse,” “advanced practice registered nurse” or their authorized abbreviations unless licensed or privileged to practice nursing in this jurisdiction.
  - 2. The court may, without notice or bond, enjoin such acts and practice. A copy of the complaint shall be served on the defendant and the proceedings thereafter shall be conducted as in other civil cases.
- d. The emergency proceedings herein described shall be in addition to, not in lieu of, all penalties and other remedies provided by law.

## Article VIII. Violations and Penalties

### Section 1. Violations

No person shall:

- a. Use the title “nurse,” “registered nurse,” “licensed practical/vocational nurse,” “advanced practice registered nurse,” their authorized abbreviations, or any other words, abbreviations, figures, letters, title, sign, card or device that would lead a person to believe the individual is a licensed nurse unless permitted by this Act.



- b. Employ a nurse without verifying the nurse's authority to practice in this jurisdiction.
- c. Engage in the practice of nursing as defined in the Act without a valid, current license or privilege to practice, except as otherwise permitted under this Act.
- d. Practice nursing under cover of any diploma, license, or record that was illegally or fraudulently obtained, or that was signed or issued unlawfully or under fraudulent representation.
- e. Practice nursing during the time a license is suspended, revoked, surrendered, inactive, lapsed or otherwise prohibited to practice by agreement or order.
- f. Fraudulently obtain or furnish a license.
- g. Knowingly employ unlicensed persons in the practice of nursing.
- h. Conduct a program for the preparation for licensure under this chapter, unless the BON has approved the program.
- i. Otherwise violate, or aid or abet another person to violate, any provision of this Act.
- j. Engage in irregular behavior in connection with the licensure examination, including, but not limited to, the giving or receiving of aid in the examination or the unauthorized possession, reproduction, or disclosure of examination questions or answers.
- k. Act in violation of Article VII section 5.

## **Section 2. Penalties**

Violation of any provision of this Article shall also constitute a misdemeanor/crime.

## **Section 3. Criminal Prosecution**

Nothing in this Act shall be construed as a bar to criminal prosecution for violation of the provisions of this Act.

## **Section 4. Civil Penalties**

The BON may, in addition to any other sanctions herein provided, impose on any person violating a provision of this Act or Administrative Rules a civil penalty not to exceed <\$> for each count or separate offense.

## **Article IX. Implementation**

### **Section 1. Persons Licensed Under a Previous Law**

- a. Any person holding a license to practice nursing as an RN in this jurisdiction that is valid on < EFFECTIVE DATE > shall be deemed to be licensed as an RN under the provisions of this Act and shall be eligible for renewal of such license under the conditions and standards prescribed in this Act.
- b. Any person holding a license to practice nursing as an LPN/VN in this jurisdiction that is valid on < EFFECTIVE DATE > shall be deemed to be licensed as an LPN/VN under the provisions of this Act and shall be eligible for renewal of such license under the conditions and standards prescribed in this Act.
- c. Any person holding a license to practice nursing as an APRN in this jurisdiction that is valid on < EFFECTIVE DATE > shall be deemed to be licensed as an APRN under the provisions of this Act and shall be eligible for renewal of such license under the conditions and standards prescribed in this Act.
- d. Any person eligible for reactivation of a license as an RN, LPN/VN or APRN, respectively, under provisions, conditions and standards prescribed in this Act by applying for reactivation according to rules established by the BON. Application for such reactivation must be made within < > months of the effective date of this Act.
- e. Any person holding an inactive license to practice nursing as an RN, LPN/VN or an APRN on <EFFECTIVE DATE> because of failure to renew may become licensed as an RN, LPN/VN or APRN, respectively, under the provisions of this Act by applying for reactivation according to rules established by the BON. Application for such reactivation must be made within < > months of the effective date of this Act.
- f. Those licensed under the provisions of this Article shall be eligible for renewal of such license under the conditions and standards prescribed by this Act.

## **Section 2. Severability**

The provisions of this Act are severable. If any provision of this Act is declared unconstitutional, illegal or invalid, the constitutionality, legality and validity of the remaining portions of this Act shall be unaffected and shall remain in full force and effect.

## **Section 3. Repeal**

The laws specified below are repealed, except with rights and duties that have matured, penalties that were incurred and proceedings that were begun before the effective date of this Act. <LIST STATUTES TO BE REPEALED, FOR EXAMPLE THE CURRENT NPA OR APPROPRIATE SECTIONS.>

## **Article X. Unlicensed Assistive Personnel**

### **Section 1. Certified Nursing Assistant (CNA)**

A CNA is an unlicensed person who has been determined by the BON to meet the education and certification requirements of this Act and rule and is supervised by a licensed nurse.

### **Section 2. Medication Assistant Certified (MAC)**

- a. An MAC is a CNA with additional education and training as set forth in rule who may administer medications as prescribed by an authorized provider and delegated by a supervising licensed nurse within the parameters set forth in rule.
- b. An MAC shall perform medication administration and related tasks only.

### **Section 3. Delegation**

The BON shall promulgate rules regarding delegation including conditions for delegation and the tasks, functions and activities that may be delegated to CNAs and MACs.

### **Section 4. Nursing Assistive Personnel**

- a. The BON shall:
  1. Maintain a list of BON approved training programs.
  2. Establish testing and certification requirements.
  3. Establish recertification requirements.
  4. Assess fees, consistent with state and federal requirements.
  5. Conduct state and federal criminal background checks on all applicants.
  6. Adopt an application process in rule.
- b. Each applicant for CNA or MAC certification shall submit a full set of fingerprints to the BON for the purpose of obtaining a state and federal criminal records check pursuant to <state statute> and Public Law 92-544. The <state agency responsible for managing fingerprint data> may exchange this fingerprint data with the FBI.
- c. Each individual who successfully meets all requirements for certification shall be certified.
- d. An applicant whose certificate or listing in another jurisdiction has been disciplined or who has had a criminal conviction may not be eligible for certification.
- e. All persons certified under this Article shall meet the requirements of the BON as established in rule.
- f. The BON shall require the periodic renewal of certifications.

### **Section 5. Titles and Abbreviations**

A person shall not use the titles “certified nursing assistant,” “medication-aide certified,” or the abbreviations “CNA” or “MAC” unless the person has been duly certified under this Article.

### **Section 6. Education and Training Program Approval**

The BON shall adopt rules governing the approval and re-approval of education and training programs for CNAs and MACs.

## Section 7. CNA and MAC Competency Evaluation

The BON shall set forth in rule criteria for acceptable CNA and MAC competency evaluations.

## Section 8. Disciplinary Procedures

- a. For any one or a combination of grounds, the BON shall have the authority to:
  1. File a letter of concern if the BON believes there is insufficient evidence to support direct action against the CNAs and MACs.
  2. Indicate on the certificate the existence of any substantiated complaints against the certificate holder.
  3. Deny certification or recertification, suspend, revoke or accept the voluntary surrender of a certificate if a CNA or MAC commits an act of unprofessional conduct.
  4. Refer criminal violations of this Article to the appropriate law enforcement agency.
  5. Revoke the certificate or not issue a certificate or recertification to an applicant who has a criminal conviction.
  6. Issue a public reprimand for a violation of statute or rule.
  7. Recover costs of case prosecution.
  8. In addition to any other disciplinary action it may take, impose a civil penalty of not more than one thousand dollars per violation.
- b. Grounds for denial, suspension, revocation of a certificate or other discipline of a CNA or MAC include the inability to function with reasonable skill and safety for the following reasons:
  1. Substance use disorder.
  2. Patient neglect, abuse or abandonment.
  3. Fraud or deceit, which may include, but is not limited to:
    - a. Filing false credentials;
    - b. Falsely representing facts on an application for initial certification, reinstatement or certificate renewal; or
    - c. Giving or receiving assistance in taking the competency evaluation.
  4. Boundary violations.
  5. Performance of unsafe patient care.
  6. Performance of acts beyond the tasks, functions and activities that may be delegated to a CNA or MAC under BON rule.
  7. Misappropriation or misuse of property.
  8. Misappropriation of money or property of a patient or resident by fraud, misrepresentation or duress.
  9. Criminal conviction.
  10. Failure to conform to the standards of CNA or MAC.
  11. Violation of privacy or failure to maintain the confidentiality of patient or resident information.
  12. Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public.
- c. The BON shall comply with the provisions of the <JURISDICTION> Administrative Procedures Act for taking disciplinary actions against certificates.
- d. The BON shall maintain records of disciplinary actions and make available all disciplinary findings of the CNA or MAC.
- e. The BON shall notify the <relevant state and federal agencies> of the disciplinary action.

## Article XI. APRN

### Section 1. Title and Scope of Practice

- a. Advanced Practice Registered Nurse (APRN) is the title given to an individual licensed to practice advanced practice registered nursing within one of the following roles: certified nurse practitioner (CNP), certified registered nurse anesthetist (CRNA), certified nurse-midwife (CNM) or clinical nurse specialist (CNS), and who functions in a population focus as set forth in rule. An APRN may serve as primary or acute care provider of record.
- b. Population focus shall include:
  1. Family/individual across the lifespan.
  2. Adult-gerontology.
  3. Neonatal.
  4. Pediatrics.
  5. Women's health/gender-related.
  6. Psychiatric/mental health.

- c. In addition to the RN scope of practice and within the APRN role and population focus, APRN practice shall include:
  - 1. Conducting an advanced assessment.
  - 2. Ordering and interpreting diagnostic procedures.
  - 3. Establishing primary and differential diagnoses.
  - 4. Prescribing, ordering, administering, dispensing and furnishing therapeutic measures as set forth in Section 5 of this Article.
  - 5. Delegating and assigning therapeutic measures to assistive personnel.
  - 6. Consulting with other disciplines and providing referrals to health care agencies, health care providers and community resources.
  - 7. Wearing identification which clearly identifies the nurse as an APRN when providing direct patient care, unless wearing identification creates a safety or health risk for either the nurse or the patient.
  - 8. Other acts that require education and training consistent with professional standards and commensurate with the APRN's education, certification, demonstrated competencies and experience.
- d. APRNs are licensed independent practitioners within standards established or recognized by the BON. Each APRN is accountable to patients, the nursing profession and the BON for:
  - 1. Complying with the requirements of this Act and the quality of advanced nursing care rendered.
  - 2. Recognizing limits of knowledge and experience.
  - 3. Planning for the management of situations beyond the APRN's expertise.
  - 4. Consulting with or referring patients to other health care providers as appropriate.

## Section 2. Licensure

- a. An applicant for initial licensure to practice as an APRN shall:
  - 1. Submit a completed written application and appropriate fees as established by the BON.
  - 2. Hold a current RN license or privilege to practice and shall not hold an encumbered license or privilege to practice as an RN in any state or territory.
  - 3. Have completed an accredited graduate or post-graduate level APRN program in one of the four roles and at least one population focus.
  - 4. Be currently certified by a national certifying body recognized by the BON in the APRN role and population foci appropriate to educational preparation.
  - 5. Report any criminal conviction, nolo contendere plea, Alford plea or other plea arrangement in lieu of conviction.
  - 6. Have committed no acts or omissions that are grounds for disciplinary action as set forth in Article VII of this Act.
  - 7. Provide other evidence as required by rule.
- b. The BON may issue a license by endorsement to an APRN licensed under the laws of another state if, in the opinion of the BON, the applicant meets the qualifications for licensure in this jurisdiction. An applicant for APRN licensure by endorsement shall:
  - 1. Submit a completed written application and appropriate fees as established by the BON.
  - 2. Hold a current license or privilege to practice as an RN and APRN in a state or territory.
  - 3. Not have an encumbered license or privilege to practice in any state or territory.
  - 4. Have completed an accredited graduate or post-graduate level APRN program in one of the four roles and at least one population focus or meets the standards for grandfathering as described in section 7 of this Article.
  - 5. Be currently certified by a national certifying body recognized by the BON in the APRN role and at least one population focus appropriate to educational preparation.
  - 6. Meet continued competency requirements as set forth in BON rules.
  - 7. Report any conviction, nolo contendere plea, Alford plea or other plea arrangement in lieu of conviction.
  - 8. Have committed no acts or omissions, which are grounds for disciplinary action in another jurisdiction.
  - 9. Provide other evidence as required by the BON in its rules.
- c. APRN licenses issued under this Act shall be renewed at least every < > years according to a schedule established by the BON. An applicant for APRN license renewal shall:
  - 1. Submit a renewal application as directed by the BON and remit the required fee as set forth in rule.
  - 2. Maintain national certification in the appropriate APRN role and at least one population focus, authorized by licensure, through an ongoing certification maintenance program of a nationally recognized certifying body recognized by the BON.
  - 3. Meet other requirements set forth in rule.

- d. The BON may reactivate or reinstate an APRN license as set forth in BON rules.
- e. The duties of licensees are the same as previously stated in Article V Section 8 for RNs and LPN/VNs.

### **Section 3: Titles and Abbreviations**

- a. Only those persons who hold a license or privilege to practice advanced practice registered nursing in this state shall have the right to use the title “advanced practice registered nurse” and the roles of “certified registered nurse anesthetist,” “certified nurse-midwife,” “clinical nurse specialist” and “certified nurse practitioner;” and the abbreviations “APRN,” “CRNA,” “CNM,” “CNS” and “CNP,” respectively.
- b. The abbreviation for the APRN designation of a certified registered nurse anesthetist, a certified nurse-midwife, a clinical nurse specialist and for a certified nurse practitioner will be APRN, plus the role title, i.e., CRNA, CNM, CNS and CNP.
- c. It shall be unlawful for any person to use the title “APRN” or “APRN” plus their respective role titles, the role title alone, authorized abbreviations or any other title that would lead a person to believe the individual is an APRN, unless permitted by this Act.

### **Section 4. Education Programs**

- a. The BON shall, by administrative rules, set standards for the establishment and outcomes of APRN education programs, including clinical learning experiences, and approve such programs that meet the requirements of the Act and BON rules.
- b. The BON shall, by administrative rules, identify the process for determining APRN education program compliance with standards.
- c. The BON shall set requirements for the establishment of a new APRN education program. New programs will be preapproved by an APRN accrediting body.

### **Section 5. Prescribing, Ordering, Dispensing and Furnishing Authority**

- a. The BON shall grant prescribing, ordering, dispensing and furnishing authority through the APRN license.
- d. Prescribing, ordering, dispensing and furnishing shall include the authority to:
  - 1. Diagnose, prescribe and institute therapy or referrals of patients to health care agencies, health care providers and community resources.
  - 2. Prescribe, procure, administer, dispense and furnish pharmacological agents, including over the counter, legend and controlled substances.
  - 3. Plan and initiate a therapeutic regimen that includes ordering and prescribing non-pharmacological interventions, including, but not limited to, durable medical equipment, medical devices, nutrition, blood and blood products, and diagnostic and supportive services including, but not limited to, home health care, hospice, and physical and occupational therapy.

### **Section 6. Discipline**

APRN discipline and proceedings shall be the same as stated in Article VII for RNs and LPN/VNs.

### **Section 7. Implementation**

Any person holding a license to practice nursing as an APRN in this state that is valid on Dec. 30, 2015, shall be deemed to be licensed as an APRN under the provisions of this Act with their current privileges and shall be eligible for renewal of such license under the conditions and standards prescribed in this Act.

## **Article XII. Nursing Licensure Compact**

## **Article XIII. APRN Compact**



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