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CHAPTER 1-1

GENERAL PROVISIONS

Section 1. Authority.

(a) These rules and regulations are promulgated by the Wyoming State Board of Nursing pursuant to ~~its~~ ~~their~~ authority under the Wyoming Nurse Nursing Practice Act, W.S. 33-21-119 through 33-21-1567; and pursuant to the Wyoming Administrative Procedure Act, W.S. 16-3-101, et seq.; and pursuant to applicable federal requirements.

(b) The board shall have all of the duties, powers and authority granted by and necessary to the enforcement of the Wyoming Nurse Nursing Practice Act and reasonable rules governing the regulation of advanced practice registered nurses practitioners of nursing, registered professional nurses, licensed practical nurses, and nursing assistants.

(c) Without limiting the foregoing, the board may do the following:

(i) ~~Have the authority to~~ Make, adopt, amend, repeal and enforce uniform and reasonable standards, considering national standards and current best evidence, for nursing practice and nursing assistant/~~nurse aide~~ functions;

(ii) Issue licenses and certificates to qualified individuals who have met the required standards;

(iii) Conduct investigations, hearings and proceedings concerning alleged violations of the board's rules and regulations and the Wyoming Nurse Nursing Practice Act;

(A) Request criminal history background information on license or certificate applicants as authorized ~~by~~ ~~under~~ W.S. 7-19-106(a)(viii);

(B) Require fingerprints and other information necessary for a criminal history record background check pursuant to W.S. 7-19-201; 33-21-122(c)(xxiv); 33-21-127(d).

(iv) Compel attendance of witnesses, issue subpoenas and administer oaths to those testifying at hearings;

(v) Implement a disciplinary process for nurses and nursing assistants/~~nurse aides~~;

(vi) Determine and administer appropriate disciplinary action against all individuals found to have violated ~~guilty of violating~~ the board rules and regulations or ~~and~~ the Wyoming Nurse Nursing Practice Act;

(vii) Publish advisory opinions regarding acceptable standards of nursing and nursing practice and nursing assistant functions;

(viii) ~~Provide consultation,~~ Conduct conferences, forums, studies and research on nursing practice and education;

(ix) Determine and collect reasonable fees not to exceed statutory limits;

(x) Receive and expend funds for the pursuit of the authorized objectives of the board.

(xi) Develop and enforce uniform standards for nursing education programs and nurse aide training, competency and evaluation programs;

(xii) Approve nursing education programs and nurse aide training, competency and evaluation programs that meet the prescribed standards of the board.

(d) ~~These rules do not require~~ The Board of Nursing is not required to act upon violations of ~~their provisions these rules~~ whenever, in the board's opinion, the public interest will be served adequately by providing a suitable written notice or ~~of~~ warning to affected parties.

(e) The responsibility for enforcement of the provisions of these rules is vested in the Board of Nursing.

Section 2. Statement of Purpose.

(a) These rules and regulations are adopted to implement the authority of the Wyoming State Board of Nursing to:

(i) Regulate the qualifications and standards of performance of nurses and nursing assistants/~~nurse aides~~ practicing in Wyoming;

(ii) Develop and enforce standards for nursing and nursing assistant/~~nurse aide~~ education programs;

(iii) Approve nursing and nursing assistant/~~nurse aide~~ education programs that meet the standards;

(iv) Provide for enforcement and proper administration of the provisions of the Wyoming Nurse Nursing Practice Act and the board's rules and regulations;

(v) Administer appropriate disciplinary action against advanced practice registered nurses practitioners of nursing, registered professional nurses, licensed practical nurses, and certified nursing assistants/~~nurse aides~~ for proven violations of the Wyoming Nurse Nursing Practice Act; the board's rules and regulations; and applicable federal requirements;

Section 3. Severability.

(a) If any provision of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

Section 4. Terms Defined by Statute.

(a) Terms defined in W.S. 33-21-119 through 33-21-15647 shall have the same meaning when used in these regulations unless the context or subject matter clearly requires a different interpretation.

Section 5. Terms Defined Herein.

(a) As used in these regulations, the following terms shall have the meanings set forth unless the context or subject matter clearly requires a different interpretation.

Section 6. Definitions.

(a) The definitions set out in the Wyoming Nurse Nursing Practice Act, W.S. 33-21-120, are hereby incorporated by reference to these rules and regulations. In addition, as used in these rules and regulations, the following definitions shall apply:

(i) "Abandonment" means the termination of a client relationship or client contact without the client's knowledge (when appropriate) and without making arrangements for appropriate continuation of care; and may include:

~~(A) — Insufficient observation; that is, the failure to provide adequate assessment and intervention directly or indirectly through inadequate supervision of other nursing care providers;~~

~~(B) — Failure to assure competent intervention; that is, the failure to intervene when client condition warrants intervention; the delegation or assignment of care to an unqualified care giver; or the acceptance of assignments beyond the individual level of competency; and~~

~~(C)~~(A) Withdrawal of service; that is, after having accepted the assignment, the failure to give sufficient notice to a manager or other responsible party of intent to cease providing nursing care so that arrangements can be made for continuation of care.

(ii) "Abuse" means any behavior that is designed to control and subjugate another human being through the use of fear, humiliation, or assault, either verbal or physical assaults.

(iii) "Academic facilities" means the physical facilities ~~of the governing body~~ such as classrooms, offices, laboratories, libraries, hospitals and other essential resources available to conduct an educational program required for the program.

(iv) "Acceptable documentation of employment" means any evidence that clearly substantiates an individual was employed in the capacity of an advanced practice registered nurse practitioner of nursing; a licensed nurse; or a nursing assistant/nurse aide.

(v) "Acceptable documentation of program completion" means an official or notarized copy of a certificate of completion or an official transcript from a board-approved education and/or training program.

(vi) "Accountability" means being responsible and answerable for actions or inactions of self and others in the context of delegation.

~~(vi)~~(vii) "Accreditation" means an official authorization or status granted by a nationally recognized accrediting agency.

~~(vii)~~(viii) "Administrative head" means the registered professional nurse faculty member who has the responsibility to administer the nursing education program regardless of the official title assigned by the governing body.

(ix) "Advisory opinion" means a statement developed by the board to provide guidance, clarification and direction regarding whether nursing or nursing assistant practice.

procedures, or policies comply with acceptable standards of nursing or nursing assistant practice as defined in the Wyoming Nurse Practice Act and board rules and regulations.

(x) "Alford Plea" means a plea agreement where the defendant has pled guilty yet not admitted to all the facts that comprise the crime.

(viii)(xi) "Annual report" means a condensed report from a board-approved nursing education program which summarizes significant revisions pertaining to the criteria of as stated in the established standards for nursing education programs.

(xii) "Applicant" means any person applying for any type of license, permit or certificate issued by the board.

(xiii) "Assignment" means the performance of designated nursing activities/tasks by a licensed nurse or certified nursing assistant that are consistent with the scope of practice of the licensed nurse or the role description of the certified nursing assistant; the distribution of work that each staff member is to accomplish on a given shift or work period.

(xiv) "Authority" means the source of the power to act.

(xv) "Biennial" means an event that occurs every two years.

(ix)(xvi) "Board" means the Wyoming State Board of Nursing as defined by W.S. 33-21-119 thru 33-21-1567.

(x)(xvii) "Boundaries" mean the conscious limits of the professional relationship that allow for safe therapeutic connection between the professional and the client. a practitioner places on his/her actions and interactions with clients in order to protect the space between his/her power and their vulnerability. Boundaries protect the space between the professional's powers and the client's vulnerability. Establishing boundaries provides a means for a professional's control of this power differential and allows for a safe connection based on the client's need. The professional is responsible for delineating and maintaining the control this power differential and allow for a safe connection based upon the client's needs. While the client may initiate what would be a boundary issue, it is always the responsibility of the practitioner to establish and maintain boundaries.

(xi)(xviii) "Canadian Nurses' Association Testing Service" means the Canadian organization which has the authority to develop and administer the Canadian national nursing licensure examination.

(xii)(xix) "Candidate" means an individual who has met all the requirements for completion of a board-approved nursing education program, and is applying for a graduate temporary permit or licensure by examination.

(xx) "Certificate holder" means a person to whom a certificate is granted to practice as a certified nursing assistant.

(xiii) "Certified Nursing Assistant/Nurse Aide" means a person who performs delegated nursing related tasks and services, regardless of title or care setting, who has completed a specified course of study, has met minimum competency requirements, and is certified by the board.

(xiv)(xxi) "Client" means a recipient of care and may be an individual, family, group, or community patient, resident, or client.

~~(xv)~~(xxii) "Clinical facilities" means those institutions which are established for the delivery of health care services, and which are utilized by students enrolled in nursing education programs or nurse aide training, competency and evaluation programs.

(xxiii) "Competence" means the application of knowledge and the interpersonal, decision-making and psychomotor skills expected for the practice role, within the context of public health, safety and welfare.

~~(xvi)~~(xxiv) "Competency examination" means an objective examination approved by the board to determine minimal entry level of safe nursing practice at entry level competence of the practitioner.

~~(xvii)~~ "Collaboration" means a process which involves two or more health care professionals working together toward common goals, each contributing his or her respective area of expertise, in order to provide more comprehensive care than either one alone could offer.

~~(xviii)~~(xxv) "Complainant" means the person(s), organization or agency who initiates a the complaint.

~~(xix)~~(xxvi) "Conditional approval" means a temporary the status given to a nursing education program which has not met the criteria of the for a period of time determined by the board for failure to meet the criteria as stated in the established standards for nursing education programs, and which specifies deficiencies that shall be removed or corrected within a designated period of time determined by the board.

~~(xx)~~(xxvii) "Continued competency" means the method by which a nurse or certified nursing assistant maintains or refines practice knowledge, skills and abilities, which can occur through a formal education program, continuing education, or clinical practice, and is expected to continue throughout the individual's career nursing practice or educational experience beyond basic nursing preparation, which promotes the skillful and proficient performance of functions within the role of the licensee and contributes to the essential knowledge, judgment and skills for the enhancement of nursing practice.

~~(xxi)~~(xxviii) "Current" means ~~new, present,~~ most recent.

~~(xxii)~~(xxix) "Delegation" means transferring to a competent individual the authority to perform a specific nursing task in a selected situation. The nurse retains the transfer of responsibility and accountability for the delegated tasks. for the performance of an activity from one individual to another;

~~(A) — The delegator retains the accountability for the overall outcome of the delegation, and~~

~~(B) — The delegatee retains the burden for appropriately performing the delegated tasks or activities and keeping the delegator informed;~~

~~(C) — Delegation is unnecessary if the particular activity or task is already within the legally recognized scope of practice of the individual [delegatee] who is to perform the activity or task;~~

~~(I.) — An element of assignment exists in all delegation; however, for the purpose of these rules, assignment means that an individual designates another~~

~~to be responsible for specific patients or selected nursing functions for specifically identified patients;~~

~~(H.) — Both "assignment" and "delegation" decisions must be made by the licensed nurse on the basis of the skill levels of the care givers, the care needs of patients or clients, and other considerations;~~

~~(D) — If the activity or task is not within the delegator's scope of practice, it cannot be delegated.~~

~~(xxx) "Direct care" means primary care or a basic level of healthcare usually given by a healthcare provider.~~

~~(xxiii)(xxxj) "Direction" means the intermittent observation, guidance and evaluation of the nursing practice of another by a licensed physician, dentist or registered professional nurse who may only occasionally be physically present; or joint development of a plan of care in advance by those individuals involved which will be implemented by others without the physical presence of a licensed physician, dentist, or registered professional nurse. In the latter situation, a licensed physician, dentist or registered professional nurse shall be available for consultation in the event circumstances arise that cause consultation to be necessary. The degree of direction needed shall be determined by evaluation of the patient care situation, and the educational preparation and demonstrated proficiency of others.~~

~~(A) Monitoring and guiding the practice of another through written or verbal communication;~~

~~(B) The intermittent observation, guidance and evaluation of the nursing practice of another by a licensed physician, advanced practice registered nurse, dentist or registered professional nurse who may only occasionally be physically present; or~~

~~(C) Joint development of a plan of care in advance by those individuals involved which will be implemented without the physical presence of a licensed physician, advanced practice registered nurse, dentist, or registered professional nurse. A licensed physician, advanced practice registered nurse, dentist or registered professional nurse shall be available for consultation. The evaluation of the patient care situation and the caregiver's educational preparation and proficiency demonstrated will determine the degree of direction needed.~~

~~(xxiv)(xxxii) "Equivalent" means equal similar to or exceeding the necessary requirements as stated in these rules and regulations.~~

~~(xxxiii) "Evaluation" means final and critical step of delegation; to review the nursing care provided, the effectiveness of the nursing interventions and the need to change any part of the plan of care in order to better meet patient needs.~~

~~(xxv)(xxxiv) "Faculty" means registered professional nurses who:~~

~~(A) Meet the criteria of as stated in the established standards for nursing education programs; and~~

~~(B) Have been employed by the governing body for the purpose of administration, teaching, evaluation, guidance and research in nursing.~~

~~(xxvi) "Federal requirements" means Public Law 100-203, the Omnibus Budget~~

~~Reconciliation Act of 1987 (OBRA 87); its amendments, and the regulations adopted pursuant thereto.~~

~~(xxvii)(xxv)~~ "Formal instruction" means an independent study, organized program, course, or other planned learning experience approved by the board ~~that, and which~~ is directed or taught by the faculty of a board-approved nursing education program or nurse aide training, competency and evaluation program.

~~(xxviii)(xxvi)~~ "Full approval" means the status granted to a nursing education program ~~meeting that meets~~ the criteria of as stated in the established standards for nursing education programs.

~~(xxix)~~ "Functions" ~~of a nursing assistant/nurse aide means those limited tasks that a licensed nurse may legally delegate to a nursing assistant/nurse aide.~~

~~(xxx)(xxvii)~~ "Governing body" means the agency (or institution) which has the authority to conduct a nursing education program, administer the program, assume responsibility for financial support, graduate students, and grant degrees or certificates to the graduates.

~~(xxxi)(xxviii)~~ "Graduate temporary permit" means a current document permitting the supervised practice of nursing skills learned in a basic nursing assistant/nurse aide training program, a basic nursing education program, or an advanced practice nursing education program issued to those individuals who have met all the eligibility requirements ~~for completion of a board approved nursing education program and who are scheduled to take the~~ a national nursing licensure/certification examination, ~~the or a nurse aide assessment or advanced practice certifying examination nursing assistant/nurse aide competency evaluation program~~ for the first time.

~~(xxxii)(xxix)~~ "Graduate nursing assistant/nurse aide" means a nursing assistant/nurse aide who has successfully completed the basic nursing assistant/nurse aide training but:

- (A) Has not taken the board approved examination; or
- (B) Has taken the board approved examination and is waiting for test results; and
- (C) Is permitted to work only in a care unit where supervision by a licensed nurse is available.

(xl) "Grandfather" means provision in a new law or regulation that exempts those already in or a part of the existing system.

~~(xxxiii)(xli)~~ "Inactive status" means the license is not on active status and the licensee may not legally ~~should not be currently~~ engaged in the practice of nursing.

(xlii) "Internationally educated nurse" means the nurse received nursing education outside the United States.

~~(xxxiv)(xliii)~~ "Jurisdiction" means the governmental authority for licensure and regulation of nurses within a specific geographic region ~~and which allows reciprocity to other jurisdictions.~~

(xliv) "Lapsed license" means a license which is no longer valid due to the individual's failure to renew. When a license lapses, the individual's privilege to practice nursing terminates.

(xlv) "Lawful presence" means someone who enters or lives in the United States with official authorization.

(xlvi) "Licensed nurse" means an individual holding a current license issued by the board to practice as a practical nurse or registered professional nurse in accordance with the Wyoming Nurse Practice Act and the board rules and regulations.

(xlvii) "Licensee" means a person to whom a license is granted to practice as an advanced practice registered nurse, a registered nurse or a practical nurse.

(xlviii) "Licensure by endorsement" means the granting of authority to practice nursing based on an individual's licensure in another jurisdiction.

(xlix) "Licensure by examination" means the granting of authority to practice nursing based on an individual's passing of a board approved examination.

(i) "Licensure reinstatement" means the procedure of restoring or reestablishing a nursing license that has lapsed or that has been suspended, revoked, or voluntarily surrendered.

(ii) "Licensure renewal" means the process for periodic reissuing of the authority to practice nursing.

~~(xxxv)~~ (lii) "May" means optional; not required.

~~(xxxvi)~~ (liii) "Minimum competency" means that level of knowledge, skill and ability necessary to safely perform the job of a nursing assistant/nurse aide or to practice as a licensed nurse.

~~(xxxvii)~~ (liv) "Misappropriation of property" means negligently or deliberately taking, misusing, exploiting, using or selling money or property belonging to another, whether temporarily or permanently, and without regard to consent the patterned or deliberate misplacement, exploitation, or wrongful, temporary, or permanent use of a client's belongings, money, assets, or property without consent.

~~(xxxviii)~~ (lv) "National Council of State Boards of Nursing, Inc." means a national nursing organization, comprised of individual jurisdictions, which acts on matters of common interest affecting nursing practice, and which develops and administers a national nursing licensure examination.

~~(xxxix)~~ (lvi) "National League for Nursing" means the national nursing organization, composed of individual jurisdictions, which acts on matters of common interest affecting nursing practice, and which develops and administers a national nursing licensure examination a nongovernmental accrediting agency which grants professional accreditation to nursing education programs that meet the criteria established by the agency; accreditation is sought voluntarily by nursing education programs.

~~(xl)~~ (lvii) "Neglect" means the failure to provide necessary goods, services, care, or attention and may include: to a client under the practitioners care.

(A) Insufficient observation; the failure to provide adequate assessment and intervention directly or indirectly through inadequate supervision;

(B) Failure to intervene when a client condition warrants intervention;

(C) Inappropriate delegation or assignment of care to an unqualified care giver; and

(D) Accepting assignments beyond level of competency or scope of practice.

(lviii) "Nolo contendere" means a no contest plea in a criminal case. A plea of nolo contendere has the same effect as pleading guilty.

~~(xlii)~~(lix) "Nursing assistant/nurse aide training and competency evaluation program (NATCEP)" means an board-approved training program designed to prepare the individual to perform nursing assistant/nurse aide functions in order to take the nurse aide assessment evaluation, and the objective assessment of the competence of an individual who has received training to safely perform these functions.

~~(xliii) "Nursing assistant/nurse aide" means any individual, regardless of job title or care setting, to whom a licensed nurse may delegate nursing or nursing related activities; who provides nursing assistant/nurse aide services or nursing related services; who assists licensed nursing personnel in the provision of nursing care; and who is not otherwise licensed as a health care professional. Nursing assistants/nurse aides must be certified.~~

~~(xliv) "Partners in Education" means licensed nurses who:~~

~~(A) Are recognized as preceptors, clinical teaching assistants, etc.;~~
and

~~(B) Have been secured to provide adequate supervision of students taking into consideration the clinical site, level of student, type of clinical experience, agency participation as specified in the contract, course expectation, and the type of teaching required.~~

~~(xlv) "Practice of a Certified Nursing Assistant/Nurse Aide", means the performance of delegated nursing related tasks and services by a person who has completed a specified course of study; has met minimum competency requirements; and is certified by the board.~~

~~(A) The services performed by the certified nursing assistant/nurse aide may be under the direction of a licensed physician, nurse, physical therapist, or other licensed health professional; and~~

~~(B) The services utilize common procedures leading to expected or predictable outcomes in the observation, care, health maintenance, and safety of individuals, families, and groups across the life span.~~

(lx) "Preceptor" means an individual at or above the level of licensure that an assigned student is seeking, who may serve as a teacher, mentor, role-model, and/or supervisor in a clinical setting.

~~(xlv)~~(lxi) "Predictable" means expected; foreseeable; or anticipated; with reasonable assurance and accuracy.

(lxii) "Prescriptive authority" means the authority granted by the board to the licensee to select, prescribe, administer, dispense, or provide prescriptive and non-prescriptive medications including, but not limited to, vaccines, immunizing agents and devices.

~~(lxiii)~~(lxiii) "Provisional approval" means the initial status granted to a new nursing education program that meets the criteria of as stated in the established standards for nursing education programs.

~~(lxiv)~~(lxiv) "Reactivation" means the process for of removing a license from inactive status and placing the license on active status.

~~(lxv)~~(lxv) "Refresher course" means a planned nursing education program approved by the board, relating to basic review of current nursing practice, updating nursing theory and skills, and specifically planned for nurses who have not been actively employed in nursing and are preparing for reentry into nursing practice.

~~(lxvi)~~(lxvi) "Reinstatement" means reissuing the process of reestablishing a license which has been suspended, revoked, conditioned, or surrendered.

~~(lxvii)~~(lxvii) "Relicensure" means reissuing the process of reestablishing a license which has lapsed as a result of failure to renew.

~~(lxviii)~~(lxviii) "Renewal license" means the document certificate or registration card issued to a licensee after the licensee has met the renewal of licensure requirements for license renewal in that jurisdiction.

~~(lxvix)~~(lxvix) "Renewal period" means the biennial period for renewal of licensure, certification, or and recognition which is scheduled biennially.

~~(lxx)~~(lxx) "Respondent" means a the person who is seeking licensure or who is licensed by the board and who has received notification from the board they are of an alleged to have violated violation of the Wyoming Nurse Nursing Practice Act or of board rules and regulations or applicable federal requirements.

(lxxi) "Satisfactory completion" means to complete the required course of study and clinical practicum, pass the course examination, and successfully perform the required skills on the clinical skills checklist.

(lxxii) "Scope of practice" means the parameters of the authority to practice granted to a nurse through licensure.

~~(lxxiii)~~(lxxiii) "Self-study" means a comprehensive report written by the administrative head and faculty of a nursing education program or nursing assistant/~~nurse aide~~ training program, which describes describing all aspects of the program pertaining to the criteria of as stated in the established standards for nursing education programs or nursing assistant/~~nurse aide~~ training and & competency evaluation programs.

~~(lxxiv)~~(lxxiv) "Shall" means mandatory; ~~required.~~

~~(lxxv)~~(lxxv) "Site visit" means a planned visit by representatives of the board to the governing body of a nursing education program for the purpose of program evaluation. When a site visit is deemed necessary by the board in conjunction with self-study, the purpose of the site visit will be to verify, clarify, and amplify information contained in the self-study.

~~(lvii)~~(lxxvi) "Standard" means an authoritative statement by which the board can determine ~~judge~~ the quality of nursing education and nursing assistant/~~nurse-aid~~ training or nursing practice and nursing assistant/~~nurse-aid~~ functions and practice.

~~(lviii)~~ "Satisfactory completion" means ~~to complete the required course of study and clinical practicum; to pass the course examination with a score of at least 75%; and to successfully perform the required skills on the clinical skills checklist.~~

(lxxvii) "Standards of Practice" evolve from nationally recognized professional organizations or accrediting agencies.

~~(lix)~~(lxxviii) "State board-approved program" means a basic nursing education program, ~~or nursing assistant/~~nurse-aid~~ training program, or nurse refresher course~~ which meets ~~has met~~ the minimum educational standards as prescribed by the appropriate jurisdiction.

~~(lxi)~~(lxxix) "Supervision" means the immediate physical availability of a licensed physician, advanced practice registered nurse, dentist or registered professional nurse ~~for in~~ the purpose of providing assistance, coordination and evaluation of same patient care unit to continually observe, assist, coordinate and evaluate in person the practice of another.

~~(lxii)~~(lxxx) "Temporary permit" means a nonrenewable, nontransferable document permitting the practice of nursing as an advanced practice registered nurse practitioner ~~of nursing~~, registered professional nurse, or licensed practical nurse, ~~or certified nursing assistant/~~nurse-aid~~~~ for a limited period of time.

~~(lxiii)~~(lxxxi) "Transcript" means an official document from the governing body which indicates the date of completion of the nursing education program, certificate or degree awarded, the official seal of the governing body, and evidence of program requirements.

Section 7. Board Meetings.

(a) The Board shall meet at least once every six (6) months to transact its business. One (1) meeting shall be designated as the annual meeting for the purpose of electing officers, establishing dates of board meetings for the coming year, and board reorganization and planning. The Board may meet at other times as it may deem necessary to transact its business.

(b) Notice of board meetings shall be given to any person who requests such notice. The notice shall specify the time and place of the meeting and the business to be transacted. A notice of each meeting will be filed in the Governor's office ten (10) days prior to a scheduled board meeting.

(c) All meetings shall be open to the public; the board may conduct executive sessions in accordance with W.S. 16-4-405.

(d) A written record shall be kept of all meetings, and such records shall be retained as the permanent record of the transactions of the board.

(e) A majority of the board members, including the president or vice-president ~~and one (1) licensed practical nurse~~, constitutes a quorum. The act of the majority of members present at a meeting, which includes a quorum, shall be the act of the board of nursing.

CHAPTER # 2

**LICENSURE REQUIREMENTS FOR REGISTERED PROFESSIONAL NURSES
and
LICENSED PRACTICAL NURSES
and
CERTIFICATION REQUIREMENTS FOR NURSING ASSISTANTS/NURSE AIDES**

Section 1. Statement of Purpose.

(a) The purpose of the board in adopting rules and regulations in this chapter is to
~~These rules and regulations are adopted to implement the board's authority:~~

(i) Establish ~~To regulate~~ the qualifications of:

(A) The registered professional nurse and the licensed practical nurse to practice nursing; and

(B) The certified nursing assistant/~~nurse aide~~ to carry out delegated nursing tasks.

(ii) ~~To~~ Set forth the requirements and procedures for being so qualified.

(iii) ~~To~~ Set forth the requirements for granting temporary permits and graduate temporary permits for registered professional nurses, licensed practical nurses, internationally educated foreign nurses, advanced practice registered nurses practitioners of nursing, and certified nursing assistants/~~nurse aides~~.

(iv) ~~To~~ Set forth the requirements and/or procedures for the biennial renewal of recognition and/or licensure of all nurses.

(v) ~~To~~ Set forth the requirements and procedures for the biennial renewal of certification of nursing assistants/~~nurse aides~~.

Section 2. Licensure by Examination.

(a) Preparation for licensure by examination:

(i) A candidate who has successfully completed from a state board-approved nursing education program preparing students for registered professional nurse licensure shall be eligible to take the national nursing licensure examination for registered professional nurses;

(ii) A candidate from an out-of-state nursing education program preparing students for registered professional nurse licensure shall be eligible to take the national nursing licensure examination for registered professional nurses if the board determines that the educational program is equivalent to a board-approved nursing education program.

A. Candidates who graduate before December 31, 2010, from an online program without a clinical instruction component shall be eligible to take the national nursing licensure examination for registered professional nurses.

(iii) A candidate who has successfully completed from a state board-approved nursing education program preparing students for practical nurse licensure shall be eligible to take the national nursing licensure examination for practical nurses;

(iv) A candidate from an out-of-state nursing education program preparing students for practical professional nurse licensure shall be eligible to take the national nursing licensure examination for registered professional nurses if the board determines that the educational program is equivalent to a board-approved nursing education program.

(v) The board shall notify the administrative head of the nursing education program of the examination process;

(vi) The board shall notify the nursing education program of the overall performance of the program's candidates on the examination. Individual examination results shall not be released to the program without written consent from the candidates.

(b) A candidate for examination shall have committed no acts which are grounds for disciplinary action, or if an act was committed, the board or its designee has found, after investigation, that sufficient restitution or resolution has been achieved and the applicant no longer presents a threat to public safety. The candidate shall:

~~(b)(c)~~ The candidate shall:

(i) Be required to fulfill all requirements for licensure by examination, as stated in the Wyoming Nurse Nursing Practice Act, W.S. 33-21-127(a);

(ii) Submit the examination application and fees for the national nursing licensure examination to the national testing service;

(iii) Submit board ~~the~~ application and fees for licensure by examination to the board of nursing;

(iv) Submit ~~the~~ finger print cards and required fees to obtain state and national criminal history record information to the board of nursing;

(A) The results of both federal and state criminal background checks must be received by the board before a permanent license will be issued.

(v) Request the registrar's office to submit an official transcript,; documenting date of graduation and degree/certificate for the type of licensure being sought; the official transcript must shall be on file with the board before the candidate permission shall be granted permission to the candidate to take the examination;:-

(vi) Submit proof of lawful presence.

Section 3. Examinations for Licensure of Nurses.

(a) A candidate shall be required to pass a board-approved national nursing licensure examination with the minimum score determined by the board to be eligible for licensure.

(b) The board shall notify the candidate of the candidate's test results on all examinations after receipt of the test results from the national testing services.

(c) A candidate who fails the examination and wishes to retake the examination shall submit the appropriate applications and fees for re-examination to the board and the national testing service.

(d) The board may allow a candidate to take the board-approved national licensure examination a total of five (5) times.

(i) The licensure examination shall be taken within the forty-eight (48) month period following graduation. A candidate who does not take the licensure examination within forty-eight (48) months after graduation shall successfully complete a review course approved by the board prior to taking the examination.

Section ~~3~~ 4. Certification by Examination for Nursing Assistants/Nurse Aides.

(a) Preparation for certification by examination:

(i) A candidate who has successfully completed ~~graduated from~~ a state or board-approved nursing assistant/~~nurse aide~~ training and competency evaluation program shall be eligible to take ~~write~~ the national or board-approved nurse aide assessment examination ~~certifying examination (NACEP) for certified nursing assistants/nurse aides;~~

(ii) The board or its designee shall notify the administrative head of the nursing assistant/~~nurse aide~~ training and competency evaluation program of the examination dates, application deadlines and method for obtaining appropriate applications;

(iii) A candidate shall be required to pass a national or board-approved nursing assistant/~~nurse aide~~ assessment ~~certifying~~ examination with a minimum score determined by the board, to be eligible for certification ~~by examination.~~

(b) The board may allow a candidate to sit for the appropriate national or board-approved assessment ~~certification~~ examination a total of five (5) ~~ten (10)~~ times. A candidate who has failed the examination five (5) times shall be required to re-take the nurse aide training and competency evaluation program.

(i) The examination shall be taken within twenty-four (24) months following successful completion of the nurse aide training and competency evaluation program ~~Eligibility to sit for the examination shall be within the two (2) year period following graduation.~~

~~(ii) The board shall notify the nursing assistant/nurse aide training and competency evaluation program of the overall performance of the program's candidates on the written and skills examinations.~~

(c) A candidate for examination shall have committed no acts which were grounds for disciplinary action or placement on the nurse aide registry for abuse, neglect or misappropriation of property, or if an act was committed, the board or its designee has found, after investigation, that sufficient restitution or resolution has been achieved and the applicant no longer presents a threat to public safety.

(d) The board or its designee shall notify the candidate only by mail of the examination results within thirty (30) days after receipt of both the written and skills test results.

(e) A candidate who fails either the written or skills portion of the examination shall be ineligible to practice as a nursing assistant/~~nurse aide.~~

(i) If the candidate fails either the written or skills portion of the examination, the board shall immediately notify the candidate by mail of the failure and the need to reschedule the examination;

(ii) A candidate who fails the examination and wishes to retake the examination shall submit the appropriate applications and fees for re-examination to the board or its designee;

(iii) A candidate who fails one or both parts of the examination and wishes to retake the failed part or parts of the examination shall be allowed to take the respective parts of the examination a total of five (5) times;

~~(e)~~(f) The candidate shall:

(i) Submit evidence of having successfully completed ~~graduated from~~ a state or board approved nursing assistant/~~nurse aide~~ training and competency evaluation program which meets CFR 42 483.150-156 OBRA guidelines (Public Law 100-203) and is ~~recognized by the board;~~

~~(A) The evidence shall be on file with the board before permission is granted to the candidate to write the examination;~~

~~(B) The board shall grant permission to the candidate to take the skills examination at the convenience of the testing program.~~

(ii) Ensure ~~Submit an~~ application and all applicable fees for certification as a nursing assistant/~~nurse aide~~ are submitted to the board or its designee by the deadline date;

~~(A) The candidate or the candidate's employer shall submit the fee to the board;~~

~~(iii) Submit the application for the approved nursing assistant/~~nurse aide~~ certification examination program to the testing service by the designated deadline date;~~

~~(A) The candidate or the candidate's employer shall submit the fee to the testing service by the designated deadline date.~~

~~(iv)~~(iii) Submit ~~the~~ finger print cards and required fees to obtain state and national criminal history record information;

(A) The results of both federal and state criminal background checks must be received by the board before a permanent license will be issued.

(iv) Submit proof of lawful presence.

Section 4. Examinations for Licensure for Nurses

~~(a) A candidate shall be required to pass a national nursing licensure examination with the minimum score determined by the board to be eligible for licensure by examination.~~

~~(b) The board shall notify the candidate by mail of the candidate's test results on all examinations after receipt of the test results from the national testing services.~~

~~(c) — A candidate who fails an examination and wishes to retake the examination shall submit the appropriate applications and fees for re-examination to the board and the national testing service for each re-examination.~~

~~(d) — The board may allow a candidate to sit for the appropriate national licensure examination a total of ten (10) times.~~

~~(i) — Eligibility to sit for the examination shall be within the five (5) year period following graduation.~~

Section 5. Certification By Deeming For Nursing Assistants/Nurse Aides.

~~(a) An applicant~~ The candidate must have successfully completed the first semester of a nursing program with content equivalent to a nursing assistant training and competency evaluation program. An applicant shall submit:

~~(i) The application for deeming within twenty-four (24) months of completing the nursing program; A Wyoming nursing assistant/nurse aide training program prior to January 1, 1989; or~~

~~(ii) An official transcript from the~~ The first semester of a Wyoming nursing education program or comparable out-of-state nursing education program.

~~(A) — The application for deeming shall be made within two years of completing the first semester of the nursing education program.~~

~~(iii) Fingerprint cards and required fees to obtain state and national criminal history record information to the board.~~

~~(A) The results of both federal and state criminal background checks must be received by the board before a permanent license will be issued.~~

~~(b) An applicant for deeming shall have committed no acts which were grounds for disciplinary action or placement on the nurse aide registry for abuse, neglect or misappropriation of property, or if an act was committed, the board or its designee has found, after investigation, that sufficient restitution has been achieved and the applicant no longer presents a threat to public safety. The candidate shall:~~

~~(i) — Submit evidence of having completed a training program which was at least 75 hours in length and substantially met federal requirements;~~

~~(ii) — Submit evidence of having passed a constructed competency evaluation program that is acceptable to the board;~~

~~(iii) — Submit evidence that the principal instructor in the training program was a qualified registered nurse who substantially met federal requirements;~~

~~(iv) — Request that the original certifying agency, training program, or school of nursing submit a verification form to the board attesting to the candidate's training, competency evaluation, and the principal instructor's qualifications;~~

~~(A) — The original certifying agency, training program, or school of nursing may submit an official transcript verifying completion of course work. The transcript may be considered by the board for verification purposes;~~

~~(v) Submit an application for certification as a nursing assistant/nurse aide to the board;~~

~~(A) The candidate or the candidate's employer shall submit the fee by the designated deadline date;~~

~~(vi) Submit the finger print cards and required fees to obtain state and national criminal history record information;~~

~~(c) A candidate who is unable to provide satisfactory verification of his/her training, competency evaluation, and principal instructor's qualifications, shall be required to meet the requirements for certification by examination.~~

Section 6. Licensure by Endorsement for Nurses.

(a) An applicant shall:

(i) ~~Be required to~~ Fulfill all requirements for licensure by endorsement as stated in the Wyoming Nurse Nursing Practice Act, W.S. 33-21-127(b);

(A) Nurses who graduate before December 31, 2010, from an online program without a clinical instruction component shall be eligible for endorsement as long as they have actively practiced a minimum of 500 hours in another state.

(ii) Submit the application and fee for licensure by endorsement to the board;

(ii) Submit the finger print cards and required fees to obtain state and national criminal history record information;

(A) The results of both federal and state criminal background checks must be received by the board before a permanent license will be issued.

(iv) Submit the verification of licensure from the jurisdiction of original licensure; ~~for verification by examination and status of license since the original date of issuance; and~~

(v) Submit evidence of ~~meeting the requirements for continued competency as defined in Section 17 of this chapter; of Licensees Continuing In, Or Returning To Practice.~~

~~(vi) Submit proof of lawful presence.~~

~~(b) An applicant for endorsement shall have committed no acts which were grounds for disciplinary action, or if an act was committed, the board or its designee has found, after investigation, that sufficient restitution or resolution has been achieved and the applicant no longer presents a threat to public safety.~~

Section 7. Certification by Endorsement for Nursing Assistants/Nurse Aides.

(a) An applicant for endorsement shall submit:

(i) A completed application and required fees;

- (ii) ~~Written documentation indicating successful completion of a state or board-approved nursing assistant/nurse aide training and competency evaluation program;~~
- (iii) ~~Evidence of continued competency as defined in Section 18 of this chapter by the board;~~
- (iv) ~~Verification of certification from the jurisdiction of original certification;~~
- (v) ~~Fingerprint cards and required fees to obtain state and national criminal history record information to the board; Verification of certification and registry status from jurisdiction of most recent employment; and~~
- (vi) ~~Proof of lawful presence The required fee.~~

(b) An applicant for endorsement shall have committed no acts which were grounds for disciplinary action or placement on the nurse aide registry for abuse neglect or misappropriation of property, or if the act was committed, the board or its designee state has found, after investigation, that sufficient restitution or resolution has been achieved made and the applicant no longer presents a threat to the public safety.

(c) An applicant who is unable to provide satisfactory verification of training and competency evaluation shall meet the requirements for certification by examination successfully meets the requirements of this section is entitled to certification as a certified nursing assistant/nurse aide within thirty (30) days after meeting the requirements.

~~(i) Certification by endorsement facilitates interstate mobility for nursing assistants/nurse aides while maintaining minimal competency.~~

~~(d) An applicant who is unable to provide satisfactory verification of training, competency evaluation, and principal instructor's qualifications, shall be required to meet the requirements for certification by examination.~~

Section 8. Licensure of Internationally Foreign Educated Nurses, Including Canadian Nurses.

(a) A ~~foreign~~ registered or practical nurse applicant who has graduated from an approved received nursing education program outside of the United States or its territories and has taken and passed written the English version of a board-approved national nursing licensure examination in the United States and passed with a minimum score determined by the board:

(i) ~~Shall be required to~~ fulfill all requirements for licensure by endorsement as stated in the ~~Wyoming Nursing Practice Act W.S. 33-21-127(b);~~

(ii) ~~Shall submit an official transcript, transcribed in English, verifying the date of enrollment, date of graduation, and credential conferred as documented in an official transcript received directly from the international nursing education program and verified by a board-approved national certifying organization for graduates of international nursing schools for the level of licensure being sought;~~

~~(iii)(iii) May secure a temporary permit to practice nursing upon fulfillment of all requirements of as stated in the Wyoming Nursing Practice Act W.S. 33-21-132(a);~~

(iv) ~~Submit proof of a social security number issued by the United States government.~~

(b) ~~An international foreign~~ registered or practical nurse applicant who has received nursing education outside of the United States or its territories and has not passed a board-approved national nursing licensure examination in the United States:

(i) ~~Shall be required to~~ fulfill requirements for licensure by examination as stated in ~~the Wyoming Nursing Practice Act, W.S. 33-21-127(a);~~

(ii) ~~Shall be required to~~ pass the screening examination offered by a board-approved national certifying organization and receive a certificate. The ~~applicant board~~ shall provide to the board secure official verification that a certificate has been issued to the applicant;

(A) Request the international foreign nursing education program submit an official transcript, accompanied by an English translation, to the board-approved national certifying organization. Deficiencies identified in the basic registered nurse or practical nurse education programs shall be corrected in a board-approved nursing education program before the applicant shall be allowed to sit for the national nursing licensure examination;

(B) Request the appropriate authority(s) in the country of the nursing education program to submit ~~directly to the national certifying organization~~ verification of government approval status of the nursing education program directly to the board-approved national certifying organization;

(iii) Shall submit evidence of English proficiency ~~to as the board may require,~~ if English is not the primary first language of the applicant;

(iv) Shall be licensed to practice as a registered or practical nurse, or the equivalent, in the country of the applicant's nursing education program;

(v) Shall ~~pass be scheduled for~~ a board-approved national nursing licensure examination with a minimum score determined by the board for the level of licensure being sought;

~~(vi) — Shall be required to pass a board approved national nursing licensure examination with a minimum score determined by the board;~~

~~(vii)~~(vi) Shall not be eligible to secure a ~~graduate~~ temporary permit.

Section 9. Temporary Permits.

(a) An applicant for a temporary permit shall have committed no acts which were grounds for disciplinary action, or if an act was committed, the board or its designee has found, after investigation, that sufficient restitution or resolution has been achieved and the applicant no longer presents a threat to public safety.

~~(a)~~(b) Temporary Permit Pending Licensure.

(i) A registered professional or practical nurse who is currently licensed to practice nursing in another jurisdiction and who meets requirements for licensure by endorsement may obtain a temporary permit while the application is being processed. A temporary permit may be issued for ninety (90) days and shall be nonrenewable.

(A) To request a temporary permit, the applicant shall:

(I) Request a temporary permit on the endorsement application; and Submit to the board the application and fee for licensure by endorsement, and a current license (in good standing) from another jurisdiction.

(II) Submit a notarized copy of a current, unencumbered license from another jurisdiction showing date of expiration.

~~(b)~~(c) Temporary Permit Without Licensure.

(i) A professional or practical nurse who is currently licensed to practice nursing in another jurisdiction may obtain, at the discretion of the board, a temporary permit without applying for licensure by endorsement. A temporary permit may be issued for ninety (90) days and shall be nonrenewable. Only one A temporary permit without licensure shall be issued to an individual ~~only one time~~.

(A) To request a temporary permit without licensure, the applicant shall:

(I) Submit to the board the application and fee for temporary permit without licensure; and, and a current license (in good standing) from another jurisdiction.

(II) Submit a notarized copy of a current, unencumbered license from another jurisdiction showing date of expiration.

(III) Submit the fingerprint cards and required fees to obtain state and national criminal history record information;

1. The results of both federal and state criminal background checks must be received by the board before a permanent license will be issued.

~~(c)~~ Temporary Permit to Graduates of Foreign Schools of Nursing.

~~(i) An applicant for licensure by examination or licensure by endorsement who received basic nursing education outside the United States, shall follow the requirements as stated in Licensure of Foreign Nurses, Section 8 of this Chapter.~~

(d) Graduate Temporary Permit.

(i) The board may issue a temporary permit to a new graduate of a state board- approved registered professional or practical nursing education program pending the receipt of the candidate's test results;-

(A) The candidate shall ~~To request a graduate temporary permit on the examination application; the candidate shall:~~

(I) The candidate shall request and the board must receive a notarized statement from the administrative head of the nursing education program documenting the date of graduation and degree/certificate for the type of licensure being sought; Submit to the board the application and fee for licensure by examination.

(II) ~~Request the nursing education program to submit directly to the board the official transcript.~~

~~(III) — A notarized statement from the administrative head of the program indicating the candidate's graduation from the program may be acceptable to the board pending receipt of the official transcript.~~

~~(ii) A graduate temporary permit is valid for ninety (90) days and is nonrenewable;~~

~~(iii) A graduate temporary permit becomes invalid upon the candidate's failure to pass the national nursing licensure examination. The permit must be returned to the board immediately. The candidate is not eligible to retest until the temporary permit is received by the board; is nonrenewable.~~

~~(A) The candidate is not eligible to begin employment, start orientation, or practice as a graduate nurse or graduate practical nurse without a valid graduate temporary permit.~~

~~(iv) — A graduate temporary permit shall become invalid if the candidate fails to pass the national nursing licensure examination.~~

~~(v) — A graduate temporary permit shall be returned to the board if a candidate fails to pass the national nursing licensure examination.~~

~~(A) — The candidate shall be ineligible to practice as a graduate nurse or graduate practical nurse without a valid graduate temporary permit.~~

~~(vi)(iv) A graduate of a state board-approved professional nursing education program who has been issued a graduate temporary permit, may use the title, "Graduate Nurse", and the abbreviation, "G.N.";~~

~~(vii)(v) A graduate of a state board-approved practical nursing education program who has been issued a graduate temporary permit, may use the title, "Graduate Practical Nurse", and the abbreviation, "G.P.N.";~~

~~(viii)(vi) A graduate nurse or graduate practical nurse holding a graduate temporary permit shall practice only under the supervision of a registered professional nurse;~~

~~(ix)(vii) A graduate nurse or graduate practical nurse holding a graduate temporary permit is shall be held to the established Standards of Nursing Practice.~~

~~(e) — Graduate Temporary Permit for Certified Nurse Midwives, Certified Registered Nurse Anesthetists, and Advanced Practitioners of Nursing (APN) who do not hold Master's Degrees.~~

~~(i) — Pending the receipt of a candidate's test results on the first national specialty APN certifying examination offered after graduation and for which the candidate is eligible, the board may issue a temporary permit to a new graduate of a nationally accredited nursing education program which prepares Advanced Practitioners of Nursing (APN).~~

~~(A) — To request a graduate temporary permit, the candidate shall:~~

~~(1) — Submit to the board the application and fee(s) for specialty area(s) of recognition as an Advanced Practitioner of Nursing.~~

~~(II) — Request that the nationally accredited APN education program submit directly to the board the official transcript.~~

~~(III) — Provide proof of having applied for the first national specialty APN certifying examination offered after the candidate's graduation and for which the candidate was eligible.~~

~~(B) — A graduate temporary permit may be valid until the time the examination results are received and the recognition issued.~~

~~(C) — A graduate temporary permit shall be nonrenewable.~~

~~(D) — A graduate temporary permit shall become invalid if the candidate fails to take and pass the first national specialty APN certifying examination offered after the candidate's graduation and for which the candidate is eligible.~~

~~(E) — The graduate temporary permit shall be returned to the board if a candidate fails to take and pass the first national specialty APN certifying examination offered after the candidate's graduation and for which the candidate is eligible.~~

~~(I) — The candidate shall be ineligible to practice as a graduate advanced practitioner of nursing without a valid graduate temporary permit.~~

~~(F) — A graduate of a nationally accredited APN education program who has been issued a graduate temporary permit, may use the title, "Graduate Advanced Practitioner of Nursing", and the abbreviation, "G.A.P.N."~~

~~(G) — A graduate APN holding a graduate temporary permit shall practice only under the supervision of an appropriately recognized APN and/or licensed physician.~~

~~(H) — A graduate APN holding a graduate temporary permit shall be held to the established Standards of Nursing and Advanced Practice.~~

~~(f) — Graduate Temporary Permit for Nursing Assistants/Nurse Aides.~~

~~(i) — The candidate, who completes both the written and skills portions of the board approved certification examination, may be eligible to receive a temporary permit to practice as a graduate nursing assistant/nurse aide, pending the results of the certification examination.~~

~~(A) — A temporary permit shall not be issued to any applicant who has not taken the board approved certification examination or who has failed either portion of the examination;~~

~~(B) — A graduate temporary permit may be valid until the time the examination results are received and the certificate is issued.~~

~~(C) — A graduate temporary permit shall be nonrenewable.~~

~~(D) — A graduate temporary permit shall become invalid if the candidate fails to pass the certification examination.~~

~~(E) — The graduate temporary permit shall be returned to the board if a candidate fails to pass the certification examination.~~

~~(I) — The candidate shall be ineligible to practice as a nursing assistant/nurse aide;~~

~~(II) — If the candidate fails the written and/or skills portion of the examination, the Board shall immediately notify the candidate by mail of the failure and the need to schedule the examination;~~

~~(III) — A candidate who fails one or both parts of the examination and wishes to retake the failed part or parts of the examination shall be allowed to take the respective parts of the examination a total of ten (10) times, regardless of the jurisdiction in which the examination was administered;~~

~~(IV) — A candidate who fails the examination ten (10) times within a two-year period, shall be required to complete a state board approved training program before reapplying to take the approved competency examinations or making application for certification.~~

~~(F) — A graduate nursing assistant/nurse aide holding a graduate temporary permit shall practice only under the supervision of a licensed nurse.~~

~~(G) — A graduate nursing assistant/nurse aide holding a graduate temporary permit shall be held to the established Standards of Nursing Assistant/Nurse Aide Practice.~~

~~(H) — The Board shall notify the candidate by mail of his or her examination results within thirty (30) days after receipt of both the written and skills test results from the national testing service.~~

~~(I) — A candidate shall be ineligible to practice as a graduate nursing assistant/nurse aide or as a certified nursing assistant/nurse aide without appropriate certification.~~

~~(I) — A nursing assistant/nurse aide or student in a state-approved nursing assistant/nurse aide training and competency evaluation program may be employed in a nursing facility for four (4) months prior to certification.~~

~~(II) — A nursing assistant/nurse aide, student nursing assistant/nurse aide, or graduate nursing assistant/nurse aide shall not be employed in a home health agency as a home health nurse aide prior to certification.~~

~~(J) — A graduate of a state board approved nursing assistant/nurse aide training and competency evaluation program who has been issued a graduate temporary permit, may use the title, "Graduate Nursing Assistant/Nurse Aide" and the abbreviation, "GNA."~~

(e) Temporary Permits for Periods of Disaster as Declared by the Governor.

(i) A registered professional nurse, licensed practical nurse, advanced practice registered nurse, or certified nursing assistant holding an unencumbered license/certificate from another jurisdiction may practice in this state for a period of thirty (30) days during a Governor declared emergency;

(ii) The license/certificate holder must immediately notify the Wyoming State Board of Nursing that they are practicing in this state and submit proof of a current unencumbered license from another jurisdiction;

(iii) The license/certificate holder must apply for a temporary permit to practice if the individual will remain in this state over thirty (30) days;

(iv) The license/certificate holder must complete the application for temporary permit without licensure/certificate;

(v) A temporary permit to practice may be issued for ninety (90) days and is nonrenewable;

(vi) The license/certificate holder must complete the criminal background checks and pay all fees;

(vii) If the license/certificate holder desires to practice beyond ninety (90) days, an application for licensure/certification must be completed and all fees submitted for full licensure/certification according to Section 6 or 7 or this chapter.

Section 10. Biennial Renewal of Recognition and/or Licensure for All Nurses.

~~(a) All licenses/recognitions expire on December 31st of even numbered years. The Board shall mail application(s) for renewal of recognition and/or licensure to current licensees on or before December 31st of every even year.~~

~~(i) The application(s) shall be mailed to the licensee's last known address.~~

~~(b) The board shall notify issue a current licensees in writing of the renewal requirements on or before December 1st of even numbered years. to each nurse licensee who has met all the requirements for renewal of recognition and/or licensure and who submits the following:~~

~~(i) The notification shall be provided to the licensee's last known address. The completed application(s) and fee for renewal of licensure;~~

~~(ii) Evidence of meeting the requirements as stated in Section 17.;~~

~~Continued~~

~~Competency of Licensees Continuing In Or Returning To Practice of this Chapter and Section 4., Requirements for Biennial Renewal of Advanced Practitioner of Nursing Recognition in Chapter IV; and~~

~~(iii) A signed statement attesting that the licensee has committed no acts which are grounds for disciplinary action as set forth in the Wyoming Nursing Practice Act, WS 33-21-146, or if an act has been committed, the board has found after investigation that sufficient restitution has been made.~~

(c) It is the applicant's responsibility to complete the renewal process on or before December 31st of even numbered years.

(d) The board shall issue a current license to each nurse licensee who has met all the requirements for renewal of recognition and/or licensure and who submits the following:

(i) The completed application and fee for renewal of licensure;

(ii) Evidence of meeting the requirements as stated in Section 17 of this chapter or Section 4 of Chapter 4; and

(iii) A signed statement attesting that the licensee has committed no acts which are grounds for disciplinary action as set forth in W.S. 33-21-146, or if an act has been committed, the board or its designee has found, after investigation, that sufficient restitution or resolution has been achieved.

Section 11. Biennial Renewal of Certification for Nursing Assistants/Nurse Aides.

(a) All certificates expire on December 31st of even numbered years.

~~(a)(b)~~ The board shall notify mail an application for renewal of certification to current certificate holders in writing of the renewal requirements on or before December 31st of every even numbered years.

(i) The application shall be mailed to the certificate holder's last known address.

~~(b)(c)~~ The board shall issue a current certificate to each nursing assistant/~~nurse aide~~ who has met all the requirements and who submits the following:

(i) A completed renewal application;

(ii) Evidence of meeting the requirements of Section 18 of this chapter ~~employment as a nurse assistant for at least sixteen (16) hours within the past two years;~~

~~(iii) Evidence of twenty-four (24) hours of inservice education in the past two years;~~

(iv) Payment of the renewal fee as established; and

(v) A signed statement attesting that the nursing assistant/~~nurse aide~~ has committed no acts which are grounds for disciplinary action as set forth in ~~the Wyoming Nursing Practice Act, W.S. 33-21-146, and/or federal regulations;~~ or if an act has been committed, the board or its designee has found, after investigation, that sufficient restitution or resolution has been achieved ~~made~~.

~~(c) No certification shall be renewed unless the nursing assistant/nurse aide has been employed as a nursing assistant/nurse aide for sixteen (16) hours within the past two years and has completed twenty-four (24) hours (12 hours each year) of appropriate inservice education in the past two (2) years.~~

Section 12. Failure to Renew.

(a) Failure to receive the notification ~~application(s)~~ for renewal of certification, recognition and/or licensure shall not relieve the nursing assistant/~~nurse aide~~ or the nurse licensee of the responsibility to ~~for~~ renewing the certificate, recognition and/or license by December 31st of the renewal year.

(i) Application for renewal must be postmarked before midnight, December 31st, of the renewal year.

(ii) Any certificate, license and/or recognition issued by the board shall expire if the certificate holder or licensee fails to renew the certificate, license and/or recognition by December 31st of the renewal year.

(A) ~~An expired license or certificate may be renewed within thirty-one (31) days of its expiration; Upon compliance with board rules and regulations regarding renewal and the remittance of all fees (including additional late fees), a period of up to, but not exceeding, sixty (60) days from the date of expiration shall be allowed for renewal of certification, recognition and/or licensure.~~

(B) The certificate, recognition and/or license shall automatically lapse if the licensee/certificate holder fails to renew ~~by this deadline date, that is, within thirty-one(31) sixty (60) days~~ after the expiration date of the license.

(iii) A licensee/certificate holder who fails to renew by December 31st of the renewal year shall be required to this deadline must file for relicensure and pay an additional delinquent fee in addition to the renewal fee in order to renew during the thirty-one (31) day grace period.

(iv) A licensee/certificate holder who fails to renew within thirty-one (31) days of the license, certificate or recognition expiring must file for relicensure/recertification.

(b) A licensee/certificate holder who fails to renew his/her license/certificate on or before December 31st of the renewal year ~~the date of expiration designated by the board~~ shall not result in the forfeiture of the right to work as a registered professional nurse, licensed practical nurse, advanced practice registered nurse practitioner of nursing, or certified nursing assistant/nurse aide in the state unless the renewal application and fee are received within the thirty-one (31) day grace period.

(c) A licensee who fails to request inactive status within the thirty-one (31) day grace period by December 31st of the renewal year, may still request inactive status for sixty (60) days after the expiration date of the license without penalty. A licensee who fails to request inactive status within sixty (60) days shall be ineligible to request inactive status.

(d) ~~Any person functioning as a nursing assistant/nurse aide during the time a certification has lapsed or been revoked shall be considered as functioning illegally and may be subjected to the penalties provided for violators under the provision of the Wyoming Nursing Practice Act and the administrative rules.~~

(e)(d) A licensee or certificate holder who fails to renew ~~the license within sixty (60) days~~ after the expiration date of the license or certificate and continues to practice is practicing without a license/certificate and is an illegal practitioner subject to the penalties provided in for violation(s) of the Wyoming Nurse Nursing Practice Act, and shall apply for relicensure in order to practice nursing.

Section 13. Inactive Status.

(a) ~~A licensee who holds a current license and desires inactive status shall submit a written request to the board.~~

(b)(a) The board may allow a licensee to place a his/her license on inactive status if the licensee submits by submitting the following:

(i) The completed application and fee for inactive licensure status;

(ii) A signed statement attesting that the licensee has committed no acts which are grounds for disciplinary action as set forth in ~~the Wyoming Nursing Practice Act, W.S. 33-21-146,~~ or if an act has been committed, the board or its designee has found, after investigation, that sufficient restitution or resolution has been achieved ~~made~~.

(A) ~~If sufficient restitution has not been made,~~ The board may not allow a licensee under investigation or with an encumbered license to place a his/her license on inactive status unless sufficient restitution or resolution has been achieved. ~~under the following conditions:~~

~~(I) At the time the licensee chooses to seek reactivation, the investigation will be continued and the complaint and investigative file will be forwarded to the board's disciplinary committee; or~~

~~(II) At the time the licensee chooses to seek reactivation, the conditions of the Stipulation and Order will become activated; and~~

~~(III) The probation period shall not end until the licensee has submitted evidence of compliance with the terms of the Order.~~

~~(c)(b)~~ A licensee shall be notified that transfer of the license to Inactive status shall be effective on the date of the expiration of the current license.

~~(d)(c)~~ The licensee shall not practice nursing in this state until the license is reactivated.

(d) The licensee shall submit the required application and fee biennially to maintain inactive status. Failure to renew inactive status shall result in expiration of the license.

Section 14. Reactivation.

(a) A licensee who places a license on ~~the~~ inactive status ~~list~~ may apply for reactivation, and shall meet the following requirements:

(i) Submit the application and fee for reactivation to the board;

(ii) Submit evidence of meeting the requirements ~~as stated in Biennial Renewal of Recognition and/or Licensure for All Nurses, Section 10 of this chapter; and-~~

(iii) Submit fingerprint cards and required fees to obtain state and national criminal history record information to the board.

(A) The results of both federal and state criminal background checks must be received by the board before a permanent license will be issued.

Section 15. Relicensure.

(a) A licensee/certificate holder who has failed to renew a license or certificate may apply for relicensure, and shall meet the following requirements:

(i) Submit an application and fee for relicensure to the board;

(ii) ~~Submit evidence of meeting the requirements as stated in Biennial Renewal of Recognition and/or Licensure for All Nurses and Biennial Renewal of Certification for Nursing Assistants/Nurse Aides, Sections 10 and 11 of this chapter; and-~~

(iii) Submit fingerprint cards and required fees to obtain state and national criminal history record information to the board.

(A) The results of both federal and state criminal background checks must be received by the board before a permanent license will be issued.

Section 16. Reinstatement of Certification, Recognition and/or Licensure.

(a) A nursing assistant/~~nurse aide~~ whose certificate has been surrendered, ~~conditioned~~, revoked or suspended may apply for reinstatement. The applicant shall:

(i) Submit evidence of meeting the requirements established by the board's previous order;

(ii) Submit evidence that just cause for reinstatement has been demonstrated;

(iii) Submit the application ~~and fee~~ for reinstatement to the board and fee as specified under Chapter ~~5: FEES~~;

(iii) Submit fingerprint cards and required fees to obtain state and national criminal history record information to the board;

(A) The results of both federal and state criminal background checks must be received by the board before a permanent license will be issued.

~~(iv)(v)~~ Submit a written request to be reinstated; appear before the board to seek reinstatement; and

~~(v)(vi)~~ If reinstatement is granted, submit evidence of meeting the current renewal requirements ~~of as stated in Biennial Renewal of Certification for Nursing Assistants/Nurse Aides, Section 11 of this chapter; and-~~

(vii) A certificate holder whose certificate has been revoked shall not request reinstatement for a minimum of twenty-four (24) months from the date of full execution of the order of revocation.

(b) A nurse licensee whose recognition and/or licensure has been surrendered, conditioned, suspended or revoked may apply for reinstatement. The applicant shall:

(i) Submit evidence of meeting the requirements established by the board's previous order;

(ii) Submit evidence demonstrating ~~that~~ just cause for reinstatement ~~has been demonstrated;~~

(iii) Submit the application ~~and fee~~ for reinstatement to the board and fee as specified under Chapter ~~5: FEES~~;

(iv) Submit fingerprint cards and required fees to obtain state and national criminal history record information to the board;

(A) The results of both federal and state criminal background checks must be received by the board before a permanent license will be issued.

~~(iv)(v) Submit evidence of meeting the requirements as stated in Biennial Renewal of Recognition and/or Licensure for All Nurses in Section 10 of this chapter.~~

(c) A licensee whose license has been revoked shall not request reinstatement for a minimum of twenty-four (24) months from the date of full execution of the order of revocation Licenses, certificates, or permits which have been suspended solely pursuant to WS 20-6-112(a) and WS 33-21-146(b) shall be reinstated pursuant to WS 20-6-112(c). The rules for reinstatement set forth in (a) and (b) of this section shall not apply in this instance.

Section 17. Continued Competency of Licensees Continuing In Or Returning To Practice.

(a) An applicant seeking licensure by endorsement, reactivation, reinstatement, relicensure, or renewal of licensure or certification shall:

(i) Submit evidence of employment if engaged in the practice of nursing for a minimum of sixteen hundred (1600) hours during the last five (5) years or a minimum of five hundred (500) hours during the last two (2) years; or

(ii) Submit evidence of completion of one of the following areas ~~if not engaged in the practice of nursing for a minimum of sixteen hundred (1600) hours in the last five (5) years or a minimum of five hundred (500) hours in the last two (2) years:~~

(A) Satisfactory completion of a refresher course or the equivalent approved, accepted by the board if the applicant has not practiced nursing during the last five (5) years.

~~(I) An applicant shall submit an outline of The refresher course shall include at least sixty (60) hours of theory and eighty (80) hours of clinical practice under the supervision of a registered professional nurse with an unencumbered license, and content for nursing theory to the board:~~

~~(1.) The course shall be at least four (4) weeks in length;~~

~~(2.) The course shall include at least sixty (60) hours theory and eighty (80) hours of clinical practice under supervision of a registered professional nurse; and~~

~~(3.) The course shall specify a definite make-up policy for absences.~~

~~(II) An applicant shall submit evidence of enrollment and satisfactory completion of the course to the board.~~

~~(B)~~ Satisfactory completion of a comprehensive orientation program, provided by a prospective nursing employer, accepted by the board if the applicant has not practiced during the last five (5) years.

~~(I)~~ An applicant shall submit an outline of the orientation program and content for nursing theory to the board:

~~(1.)~~ The program will be at least eight (8) weeks in length;

~~(2.)~~ The program shall include a minimum of one hundred sixty (160) hours of clinical practice under the supervision of a registered professional nurse.

~~(II)~~ An applicant shall submit evidence of satisfactory completion of the program to the board.

~~(C)~~(B) Satisfactory completion, within the last five (5) years, of a nursing education program which confers a degree beyond the licensee's basic nursing education.

(I) An applicant shall request the governing body to submit an official transcript to the board, verifying completion of the program.

~~(D)~~(C) Certification in a specialty area of nursing practice within the last five (5) years by a nationally recognized professional accrediting agency, accepted by the board.

(I) An applicant shall submit a notarized copy of a certificate to the board, verifying certification in a specialty area of nursing practice.

~~(E)~~(D) Satisfactory completion of the national nursing licensure examination or a competency examination accepted by the board.

(I) An applicant shall submit documentation of successful completion of the examination ~~a notarized verification of completion of the examination. The verification shall document that the applicant passed the examination with a minimum score as determined by the board;~~

(1.) The examination shall have been completed within the last five (5) years;

(2.) The examination shall test the competency relevant to general nursing practice or a specialty area of nursing practice.

~~(F)~~(E) Satisfactory completion of thirty (30) ~~twenty (20)~~ hours of continuing education within the last two (2) years.

(I) An applicant shall submit evidence of completion of thirty (30) ~~twenty (20)~~ hours of continuing education within the last two (2) years; ~~to the board.~~

(1.) Courses shall be relevant to the individual's primary area of nursing practice;

(2.) Fifty (50) minutes of theory is equivalent to one (1) hour of continuing education;

(3.) Academic courses relevant to nursing may be accepted as meeting the requirements for continuing education. A transcript shall be submitted in lieu of a certificate for acceptance by the board. Fifteen (15) hours shall be allowed for one (1) semester credit hour and ten (10) hours shall be allowed for one (1) quarter credit hour.

Section 18. Continued Competency of Nursing Assistants/Nurse Aides Continuing In or Returning To Practice.

(a) Continued competency requirements shall apply to:

- (i) A nursing assistant/~~nurse aide~~ seeking to renew certification;
- (ii) A nursing assistant/~~nurse aide~~ seeking to reinstate certification; and
- (iii) A nursing assistant/~~nurse aide~~ seeking certificate by endorsement.

(b) An applicant seeking certification by endorsement, reinstatement, or renewal of ~~certification~~ shall:

(i) Submit evidence of employment as a nursing assistant/~~nurse aide~~ for a minimum of two hundred (200) sixteen (16) hours during the last two (2) years; and

(ii) Submit evidence (~~a log~~) of twenty-four (24) hours of continuing education relating to nurse aide practice inservice education in the past two (2) years; ~~or~~

(A) The evidence shall include:

(I) The name of the continuing education course;

(II) The date(s) of the course(s);

(III) The number of hours of the course(s);

(IV) The name and address of the provider.

~~(iii) Submit evidence (a log) of having completed three (3) hours of inservice per quarter and/or twelve (12) hours per year if the period of certification has been less than two years.~~

~~(A) The log shall certify the completion of inservice education and include:~~

~~(I) The name of the inservice course;~~

~~(II) The date(s) of the inservice course(s);~~

~~(III) The number of hours of the inservice course(s);~~

~~(IV) The name and address of provider; and~~

~~(V) The authorized signature of provider or designated representative.~~

(c) A nursing assistant/~~nurse aide~~ who is unable to provide satisfactory verification of meeting board-approved continued competency at the time of renewal shall pass the written and skills examination for nursing assistant certification ~~in service training will be required to meet the requirements for certification by examination.~~

(d) A nursing assistant whose certification has been expired more than two (2) years shall be required to complete the nurse aide training, competency and evaluation program and pass the national nursing assistant examination to be eligible for certification.

Section 19. Denial of Issuance or Renewal of Certification, Licensure, and/or Recognition.

(a) The board may deny issuance or renewal of a certificate, license, and/or recognition for:

(i) Failure to fulfill all the requirements for certification, licensure, and/or recognition;

(ii) Violations of the standards of nursing practice, the board's administrative rules and regulations, or the Wyoming Nurse Nursing Practice Act.

(b) A licensee or certificate holder, who has been denied licensure, recognition, or certification, may request a hearing before the board ~~to show cause why that decision should not be affirmed.~~

(i) The applicant has thirty (30) days from the date of mailing receipt of the notice to request a hearing ~~to show cause before the board.~~

(ii) The applicant's failure to request a hearing within thirty (30) days from the date of mailing receipt of the notice shall result in the denial being board's decision becoming final.

Section 20. Verification of Licensure/Certification To Another Jurisdiction.

(a) Upon receipt of a signed form requesting verification of licensure/certification to another jurisdiction and the appropriate verification fee, the board shall complete and return the verification form to the jurisdiction specified by the licensee/certificate holder.

(b) A statement from the board verifying current licensure or certification status may be sent to an employer, another jurisdiction, or any other institution as requested by the licensee/certificate holder upon receipt of a signed request by the licensee/certificate holder and appropriate fee(s).

Section 21. Change of Name and/or Address.

(a) A licensee/certificate holder shall notify the board of any changes in name and/or address within forty-five (45) ninety (90) days of the change.

(b) Any notification from the board shall be mailed to the last known name and address provided to the board by the licensee/certificate holder, and such mailing shall be deemed proper service on said licensee/certificate holder.

(c) The licensee/certificate holder who has a changed of his/her name shall complete a change of name affidavit form.

~~(i) Upon receipt of the completed change of name affidavit form and the previously issued license or certificate, the board shall reissue a license/certificate in the applicant's current name.~~

(d) The licensee/certificate holder shall submit all fees for name changes.

(e) Upon receipt of the completed change of name affidavit form, the previously issued license or certificate and fee the board shall reissue a license/certificate in the applicant's current name.

Section 22. Duplicate License/Certificate.

~~(a) A duplicate license/certificate shall not be issued.~~

~~(b)(a) A licensee/certificate holder shall immediately notify the board if a license or certificate has been lost, stolen, or destroyed.~~

~~(c) A statement from the board verifying current licensure or certification status may be sent to an employer, another jurisdiction, or any other institution as requested by the licensee or certificate holder.~~

(b) A licensee/certificate holder who loses a license/certificate shall complete a lost license/certificate form.

(c) The licensee/certificate holder shall submit all fees for a duplicate license/certificate.

(d) Upon receipt of the completed lost license/certificate affidavit form and fee(s) the board shall issue a duplicate license/certificate. The duplicate license/certificate shall be stamped in red "Duplicate".

Section 23. Nurse Volunteer License.

(a) An applicant shall:

(i) Currently hold an unencumbered license in any state or territory of the United States that is expired or shall expire prior to issuance of the volunteer license;

(ii) Be retired from nursing practice and have at least ten (10) years of active full time or part time practice prior to actual retirement;

(iii) Meet continued competency requirements as defined in ~~Chapter 2.~~ Section 17 of this chapter;

(iv) If an advanced practice registered nurse ~~practitioner of nursing~~, meet continued competency as defined in Chapter 4, Section 4 and/or Section 8 (excluding application fees);

(v) Be a graduate of a state board-approved nursing education program recognized by the board which prepares for the level of licensure being sought;

(vi) Submit a notarized application for volunteer nurse licensure to the board as specified in W. S. §33-21-157(iv)(A)(B) and (C) including:

- (A) A copy of the applicant's nursing degree;
- (B) A copy of the applicant's most recent license and/or certificate authorizing the practice of nursing issued by a jurisdiction in the United States that licenses persons to practice nursing;
- (vii) Submit verification of licensure by examination from the jurisdiction of original licensure and status of license since original date of issuance;
- (viii) Have committed no acts which are grounds for disciplinary action under W. S. §33-21-146;
- (ix) Submit to ~~Department of Criminal Investigation (DCI)~~ Department of Criminal Investigation (DCI) finger prints cards and required fees and other information necessary for a criminal history record background check as provided under W. S. §7-19-201.

(b) Renewal of Nurse Volunteer License and/or Recognition

- (i) The volunteer nurse license and/or recognition is valid for a period of one (1) year from date of issue;
- (ii) The applicant shall:

- (A) Submit a renewal application provided by the board;
- (B) Submit evidence of meeting the continued competency requirements annually, as defined in Chapter 2, Section 17 of this chapter;

(C) If an advanced practice registered nurse practitioner of nursing, submit evidence of meeting the continued competency requirements as defined in Chapter 4, Section 4 and/or Section 8 (excluding renewal fees);

(I-) If qualified by education, the advanced practice registered nurse practitioner of nursing shall submit evidence of having completed thirty (30) contact hours of continuing education related to the recognized specialty area(s) of advanced practice nursing nursing practice and a minimum of two hundred (200) practice hours in advanced practice nursing practice during the last year; or

(II-) If qualified by national certification, the advanced practice registered nurse practitioner of nursing shall submit evidence of holding current national certification or recertification as an advanced practice registered nurse practitioner of nursing in the recognized specialty area(s) of advanced practice nursing practice and evidence of having completed fifteen (15) contact hours of continuing education related to the specialty area(s) of advanced nursing practice;

(III-) The annual requirement for contact hours of continuing education for renewal of prescriptive authority shall be twelve (12) related to the recognized specialty area(s) of advanced nursing practice may include six (6) hours of education in pharmacology and/or clinical management of drug therapy, and/or hours of education relating to national certification;

(D) Volunteer practice hours as specified by W.S.33-21-157 will be accepted for continued competency.

- (c) Denial of issuance or renewal of nurse volunteer license and/or recognition
- (i) The board may deny issuance or renewal of a nurse volunteer license for:
- (A) Failure to fulfill all the requirements for licensure or renewal of nurse volunteer license and/or recognition;
- (B) Violations of the standards of nursing practice, the board's administrative rules and regulations, or the Wyoming Nurse Nursing Practice Act;
- (ii) An applicant licensee, who has been denied a nurse volunteer licensure or recognition, may request a hearing before the board ~~to show cause why that decision should not be affirmed;~~
- (A) The applicant has thirty (30) days from the mailing receipt of the notice to request a hearing ~~to show cause before the board;~~
- (B) The applicant's failure to request a hearing within thirty (30) days from the date of mailing receipt of the notice shall result in the denial being board's decision becoming final.
- (d) Grounds for Discipline
- (i) Engaging in any act inconsistent with uniform and reasonable standards of nursing practice ~~Inability to function with reasonable skill and safety for the following reasons, including but not limited to:~~
- (A) Fraud and deceit including, but not limited to, omission of required information or submission of false information written or verbal ~~Physical or mental disability;~~
- (B) Performance of unsafe client care ~~Substance abuse/dependency;~~
- (C) Misappropriation or misuse of property ~~Client abandonment;~~
- (D) Abandonment ~~Client abuse, including sexual abuse;~~
- (E) Abuse, including emotional, physical or sexual abuse ~~Fraud or deceit;~~
- (F) Neglect, including substandard care ~~Client neglect;~~
- (G) Violation of privacy or confidentiality in any form, written, verbal or technological ~~Client boundaries, including sexual boundaries;~~
- (H) Drug diversion – self/others ~~Performance of unsafe client care;~~
- (I) Sale, unauthorized use, or manufacturing of controlled/illicit drugs;
- (J) Criminal conviction;

(K) Unprofessional conduct;

(L) Boundary violations, including sexual boundaries;

(M) Failure to comply with reasonable requests from the board including, but not limited to:

(I) Responses to complaints;

(II) Response to formal pleadings such as notice of hearing and/or petition and complaint;

(III) Responses to requests regarding application and/or renewal information;

(IV) Written response to request for explanation for failure to disclose required information;

(V) Failure to appear at properly noticed hearings.

(N) Impairment:

(I) Lack of nursing competence;

(II) Mental illness;

(III) Physical illness including, but not limited to, deterioration through the aging process or loss of motor skills; or

(IV) Chemical or alcohol impairment/abuse.

~~(ii) Misappropriation of property;~~

~~(iii) Criminal felony conviction;~~

~~(iv)(ii) Failure to conform to the standards of prevailing nursing and advanced practice registered practitioner of nursing practice, in which case actual injury need not be established;~~

~~(v)(iii) Accepting remuneration for providing nursing services while in possession of a volunteer nursing license;~~

~~(vi)(iv) Practicing outside the premises of a nonprofit healthcare facility in this state;~~

~~(vii)(v) Providing care to persons other than those of low income and uninsured;~~

~~(viii)(vi) Engaging in practice outside the scope of the volunteer license in this state.~~

(e) Register

(i) The Board shall maintain a register of all volunteer nurse licenses.

(f) Disciplinary Records.

(i) The board shall maintain records of disciplinary actions and make available public findings of abuse, neglect, or misappropriation of property or other disciplinary findings.

(g) Disciplinary Notification.

(i) The board shall notify the volunteer nurse's employer, if applicable, of the disciplinary action.

CHAPTER III 3

STANDARDS OF NURSING PRACTICE

Section 1. Statement of Purpose.

(a) The purpose of the board in adopting rules and regulations in this chapter is to:

(i) Communicate board expectations and provide guidance for nurses regarding ~~To establish minimal acceptable levels of safe nursing practice.~~

(ii) Articulate board criteria for evaluating the practice of nursing to determine if the practice is ~~To provide criteria for the board to evaluate safe and effective competent nursing practice.~~

(iii) Clarify the scope of practice for the registered professional nurse, advanced practice registered nurse (see Chapter 4), and licensed practical nurse. ~~To~~

(iv) Identify behaviors which may impair the licensee's ability to practice with reasonable skill and safety, which include ~~including~~, but are not limited to:

(A) Fraud and deceit;

(B) Unsafe practice;

(C) Misappropriation of property;

(D) Abandonment;

(E) Abuse, including sexual abuse;

(F) Neglect;

(G) Chemical dependency;

(H) Drug diversion - self/others;

(I) Sale or unauthorized use of controlled/illicit drugs;

(J) Criminal conviction;

(K) Failure to supervise or to monitor the performance of acts by any individual working under the licensed nurse's direction;

(L) Unprofessional conduct; and

(M) Boundary violations, including sexual boundaries.

(b) The standards of nursing practice interpret the statutory definitions of professional, advanced practice and practical nursing. The standards of nursing practice evolve from the nursing process.

(c) Violations of the standards of nursing practice may result in disciplinary action by ~~as~~ the board ~~may determine~~.

Section 2. Standards of Nursing Practice for the Registered Professional Nurse.

(a) Accountability Standards related to the registered professional nurse's responsibility to apply the nursing process.

(i) The registered professional nurse shall:

(A) Have knowledge of the statutes and regulations governing nursing;

(B) Practice within the legal boundaries for nursing through the scope of practice authorized in the Wyoming Nurse Practice Act and the board's administrative rules and regulations;

(C) Demonstrate honesty and integrity;

(D) Base professional decisions on nursing knowledge and skills, the needs of clients and the expectations delineated in professional standards;

(E) Accept responsibility for judgments, individual nursing actions, competence, decisions and behavior;

(F) Maintain continued competence through ongoing learning and application of knowledge to nursing practice;

(G) Report unfit or incompetent nursing practice to recognized legal authorities;

(H) Participate in the development of continued competency in the performance of nursing care activities for nursing personnel and students.

(b) Implementation of the nursing process.

(i) The registered professional nurse:

(A) Conducts a comprehensive and document nursing health assessment that is an extensive data collection (initial and ongoing) regarding of the health status of individuals, families, and groups, and communities. by:

(l) Collecting objective and subjective data from observations, examinations, interviews, and written records in an accurate and timely manner. The data includes, but is not limited to:

- (1.) Biophysical and emotional status;
- (2.) Growth and development;
- (3.) Cultural, religious and socioeconomic background;
- (4.) Family health history;

- members;
- (5.) Information collected by other healthcare team
 - (6.) Client knowledge and perception about current or potential health status, or maintaining health status;
 - (7.) Ability to perform activities of daily living;
 - (8.) Patterns of coping and interacting;
 - (9.) Consideration of client's health goals;
 - (10.) Environmental factors (e.g. physical, social, emotional, and ecological); and
 - (11.) Available and accessible human and material resources.
- (II) Sorting, selecting, reporting, and recording the data;
 - (III) Validating, refining and modifying the data by utilizing available resources including interactions with the client, family, significant others, and healthcare team members.
- (B) Establishes and documents nursing diagnoses which serve as the basis for the plan of care.
- (C) Develops and modifies ~~modify~~ the plan of care based on nursing assessment and nursing diagnosis. This includes:
- (I) Identifying priorities in the plan of care;
 - (II) Setting realistic and measurable goals to implement the plan of care;
 - (III) Identifying nursing interventions based on the nursing diagnosis;
 - (IV) Identifying measures to maintain comfort, support human functions and responses, maintain an environment conducive to well being, and provide health teaching and counseling.
- (D) Implement the plan of care by:
- (I) Initiating nursing interventions through:
 - (1.) Giving direct care;
 - (2.) Assisting with care;
 - (3.) Delegating care (as outlined in, but not limited to, Chapter VII 7, Section 6., ~~Standards for Delegation of Basic Nursing Tasks and Skills.~~

- health;
- (II) ~~Providing an environment conducive to safety and~~
- care; and
- (III) ~~Documenting nursing interventions and responses to~~
- care to other members of the health team.
- (IV) ~~Communicating nursing interventions and responses to~~
- (E) ~~Identifies faulty or missing client information; Evaluate the responses of individuals or groups to nursing interventions. Evaluation may involve the client, family, significant others and health team members.~~
- (I) ~~Evaluation data shall be documented and communicated to appropriate members of the health team.~~
- (II) ~~Evaluation data shall be used as a basis for reassessing client's health status, modifying nursing diagnoses, revising plan of care, and determining changes in nursing interventions.~~
- (F) Provides appropriate decision making, critical thinking and clinical judgment to make independent nursing decisions and nursing diagnosis;
- (G) Seeks clarification of orders when needed;
- (H) Implements treatments and therapy, including medication administration and independent nursing functions;
- (I) Contributes to the formulation, interpretation, implementation, and evaluation of the objectives and policies related to nursing practice within the employment setting;
- (J) Participates in the evaluation of nursing practice through quality assurance activities including peer review;
- (K) Obtains orientation/training for competence when encountering new equipment and technologies or unfamiliar care situations;
- (L) Provides client surveillance and monitoring;
- (M) Identifies changes in client's health status and implements appropriate interventions;
- (N) Evaluates the impact of nursing care, the client's response to therapy, the need for alternative interventions, and the need to communicate and consult with other healthcare team members;
- (O) Documents nursing care and responses to interventions;
- (P) Intervenes on behalf of the client when problems are identified and revises care plan as needed;
- (Q) Recognizes individual characteristics that may affect the client's health status;

- (R) Takes preventive measures to protect the client, others, and self.
- (ii) Advocates for the client.
 - (A) Respects the client's rights, concerns, decisions, and dignity;
 - (B) Identifies client needs;
 - (C) Accepts only client care assignments for which educationally prepared and adequately trained;
 - (D) Promotes safe client environment;
 - (E) Communicates client choices, concerns, and special needs with other health team members regarding:
 - (I) Client status, progress, and concerns;
 - (II) Client response or lack of response to therapies;
 - (III) Significant changes in client condition.
 - (F) Maintains appropriate professional boundaries, including sexual boundaries;
 - (G) Maintains client confidentiality unless obligated by law to disclose the information;
 - (H) Assumes responsibility for own decisions and actions;
 - (I) Conducts practice without discrimination on the basis of age, race, religion, sex, life style, national origin, medical diagnosis, or handicap.
- (iii) Organizes, manages, and supervises the practice of nursing.
 - (A) Assigns to another only those nursing measure that fall within that nurse's scope of practice, education, experience, and competence or unlicensed persons description;
 - (B) Delegates to another only those nursing measures that the person has the necessary education, skills, and competency to accomplish safely and as outlined in Chapter 9;
 - (C) Matches client needs with personnel qualifications, available resources and appropriate supervision;
 - (D) Communicates directions and expectations for completion of the delegated activity;
 - (E) Supervises others to whom nursing activities are delegated or assigned by monitoring performance, progress, and outcomes; and ensures documentation of the activities;

(F) Provides follow-up on problems and intervenes when needed;

(G) Evaluates the effectiveness of the delegation or assignment;

(H) Evaluates data as a basis for reassessing client's health status, modifying nursing diagnoses, revising plans of care, and determining changes in nursing interventions;

(I) Retains professional accountability for nursing care;

(J) Promotes a safe and therapeutic environment by:

(I) Providing appropriate monitoring and surveillance of the care environment;

(II) Identifying unsafe care situations;

(III) Correcting unsafe care situations or referring unsafe care situations to appropriate management level when needed.

(K) Teaches and counsels client and families regarding healthcare regimen, which may include, but is not limited to, general information about health and medical condition, specific procedures, wellness, and prevention;

(iv) Participates as a member of an interdisciplinary healthcare team.

(A) Functions as a member of the healthcare team, collaborating and cooperating in the implementation of an integrated, client-centered healthcare plan;

(B) Respects client property and the property of others;

(C) Protects confidential information, unless obligated by law to disclose the information.

~~(b) Standards related to the registered professional nurse's responsibilities as a member of the nursing profession.~~

~~(i) The registered professional nurse shall:~~

~~(A) Have knowledge of the statutes and regulations governing nursing;~~

~~(B) Accept individual responsibility and accountability for nursing actions and competency;~~

~~(C) Obtain instruction and assistance as necessary when implementing nursing techniques or practices;~~

~~(D) Accept only client care assignments for which educationally prepared and adequately trained;~~

~~(E) Function as a member of the health team;~~

- ~~(F) — Collaborate with other members of the health team to provide optimum client care;~~
- ~~(G) — Consult with nurses, other health team members, and resources, making referrals as necessary;~~
- ~~(H) — Contribute to the formulation, interpretation, implementation and evaluation of the objectives and policies related to nursing practice within the employment setting;~~
- ~~(I) — Participate in the evaluation of nursing practice through quality assurance activities, including peer review;~~
- ~~(J) — Report unfit or incompetent nursing practice to the board and unsafe conditions for practice to recognized legal authorities;~~
- ~~(K) — Delegate to another only those nursing interventions which a person is prepared or qualified to perform;~~
- ~~(L) — Provide direction and/or supervision for others to whom nursing interventions are delegated;~~
- ~~(M) — Evaluate the effectiveness of delegated nursing interventions performed under direction and/or supervision;~~
- ~~(N) — Retain professional accountability for nursing care when delegating nursing interventions;~~
- ~~(O) — Conduct practice without discrimination on the basis of age, race, religion, sex, life-style, national origin, or handicap;~~
- ~~(P) — Respect the dignity and rights of clients and their significant others regardless of social or economic status, personal attributes or nature of health problems;~~
- ~~(Q) — Respect the client's rights to privacy by protecting confidential information, unless obligated by law to disclose such information in a court of law or before duly authorized regulatory agencies;~~
- ~~(R) — Respect the property of all individuals and facilities;~~
- ~~(S) — Maintain boundaries, including sexual boundaries;~~
- ~~(T) — Participate in the development of continued competency in the performance of nursing care activities for nursing personnel and students;~~
- ~~(U) — Comply with the standards of nursing practice, the rules and regulations, and the Act.~~

Section 3. Standards of Nursing Practice for the Licensed Practical Nurse.

- (a) Standards related to the licensed practical nurse's contribution to the nursing process.
 - (i) The licensed practical nurse shall;

(A) Contribute to the nursing assessment by:

(I) Collecting, reporting and recording objective and subjective data in an accurate and timely manner. Data collection includes observations about the condition or change in condition of the client.

~~(1.) Observation about the condition or change in condition of the client;~~

~~(2.) Signs and symptoms of deviation from normal health status.~~

(B) Participate in the development and modification of the plan of care by:

(I) Providing data;

(II) Contributing to the identification of priorities;

(III) Contributing to setting realistic and measurable goals;

(IV) Assisting in the identification of measures to maintain comfort, support human functions and responses, maintain an environment conducive to well being, and provide health teaching and counseling; and-

(V) Basing nursing decisions on nursing knowledge, skills, and needs of clients.

(C) Participate in the implementation of the plan of care by:

(I) Carrying out such interventions as are taught in board-approved curriculum for practical nurses and as allowed by institutional policies;

(II) Providing care for clients in basic patient care situations under the direction of a licensed physician, dentist, advanced practice registered nurse, or licensed professional nurse. ~~Basic Patient care situations as determined by a licensed physician, dentist, advanced practice registered nurse, or licensed professional nurse mean the following two (2) three (3) conditions prevail at the same time in a given situation:~~

~~(1.) The client's clinical condition is predictable and the responses of the client to the nursing care are predictable;~~

~~(2.) Medical or nursing orders do not change frequently and do not contain complex modifications.; and~~

~~(3.) The client's clinical condition requires only basic nursing care.~~

(III) Providing care for clients in complex patient care situations under the supervision of a licensed physician, dentist, advanced practice registered nurse, or licensed professional nurse. Complex patient care situations as determined by a licensed physician, dentist, advanced practice registered nurse, or licensed professional nurse mean any one or more of the following conditions exist ~~in a given situation:~~

- (1.) The client's clinical condition is not predictable;
- (2.) Medical or nursing orders are likely to involve frequent changes or complex modifications; or
- (3.) The client's clinical condition indicates care that is likely to require modification of nursing procedures in which the responses to the nursing care are not predictable.

(IV) Initiating appropriate standard emergency procedures established by the institution until a licensed physician, dentist, advanced practice registered nurse, or registered professional nurse is available;

(V) Providing an environment conducive to safety and health;

(VI) Documenting nursing interventions and responses to care;

(VII) Communicating nursing interventions and responses to care to appropriate members of the healthcare team.

(D) Contribute to the evaluation of the responses of individuals or groups to nursing interventions by:

(I) Documenting evaluation data and communicating the data to appropriate members of the healthcare team;

(II) Contributing to the modification of the plan on the basis of the evaluation.

(b) Standards relating to the licensed practical nurse's responsibilities as a member of the healthcare team.

(i) The licensed practical nurse shall:

(A) Have knowledge of the statutes and regulations governing nursing;

(B) Accept individual responsibility and accountability for nursing actions and competency;

(C) Function under the direction of a licensed physician, advanced practice registered nurse, dentist, or registered professional nurse;

(D) Seek guidance and consult with registered professional nurses and other appropriate sources ~~and seek guidance as necessary~~;

(E) Obtain direction and supervision as necessary when implementing nursing interventions;

(F) Accept ~~only~~ client care assignments from the licensed physician, advanced practice registered nurse, dentist, or registered professional nurse only for which educationally prepared and adequately trained;

- (G) Function as a member of the healthcare team;
- (H) Contribute to the formulation, interpretation, implementation, and evaluation of the objectives and policies relating to practical nursing practice within the employment setting;
- (I) Participate in the evaluation of nursing practice through quality assurance activities, including peer review;
- (J) Report unfit or incompetent nursing practice to the board, Report and unsafe conditions for practice to recognized legal authorities;
- (K) Delegate to another only those nursing interventions which a person is prepared or qualified to perform;
- (L) Provide direction for others to whom nursing interventions are delegated;
- (M) Evaluate the effectiveness of delegated nursing interventions performed under direction;
- (N) Retain accountability for nursing care when delegating nursing interventions; See Chapter ~~IX~~ 9;
- (O) Conduct practice without discrimination on the basis of age, race, religion, sex, life-style, national origin, or disability handicap;
- (P) Respect the dignity and rights of clients and their significant others, regardless of social or economic status, personal attributes, or nature of health problems;
- (Q) ~~Respect the client's rights to privacy by~~ Protecting confidential information, unless obligated by law to disclose such information ~~in a court of law or before duly authorized regulatory agencies~~;
- (R) Respect the property of all individuals and facilities;
- (S) Maintain boundaries, including sexual boundaries;
- (T) Participate in the development of continued competency in performance of nursing care activities for auxiliary personnel;
- (U) Comply with the standards of nursing practice, the rules and regulations, and the Wyoming Nurse Practice Act.
- (V) Demonstrate honesty and integrity;
- (W) Maintain continued competency through ongoing learning and application of knowledge to nursing practice;
- (X) Participate in the development of continued competency in the performance of nursing care activities for nursing personnel and students;

(Y) Obtain orientation/training for competency when encountering new equipment and technology or unfamiliar care situations;

(Z) Implement appropriate aspects of client care in a timely manner:

(I) Provide assigned and delegated aspects of client's healthcare plan;

(II) Implement treatments and procedures.

(AA) Administer medications according to standards of practice;

(BB) Document care;

(CC) Participate in nursing management:

(I) Assign and delegate nursing activities for patients/clients to assistive personnel as outlined in Chapter 9;

(II) Observe nursing measures and provide feedback to nursing manager;

(III) Observe communications and document outcomes of delegated and assigned activities.

(DD) Take preventive measures to protect client, others, and self;

(EE) Teach and counsel clients and families in accordance with the nursing care plan.

(c) Expanded role for the licensed practical nurse administering intravenous therapy.

(i) Certification, renewal, reinstatement, discipline.

(A) Initial certification.

(I) Hold an active, unencumbered Wyoming practical nurse license;

(II) Submit required application and fees; and

(III) Submit official evidence of completion of a board-approved educational program of study in basic, advanced or combined basic/advanced intravenous therapy for licensed practical nurses.

(B) Renewal of certification.

(I) Submit renewal application and fee; and

(II) Submit documentation of completion of a minimum of ten (10) contact hours of continuing education and/or in-service education in intravenous therapy within the previous two (2) year period; or

(III) Submit documentation of successful completion of a board-approved licensed practical nurse intravenous therapy refresher course.

(C) Expanded role licensed practical nurses may reinstate a lapsed intravenous certification under the following conditions:

(I) Certification lapsed more than two (2) years but less than five (5) years:

a. Hold an active, unencumbered Wyoming practical nurse license;

b. Submit reinstatement application and fee;

c. Successful completion of a board-approved licensed practical nurse intravenous therapy refresher course; or

d. Successful completion of a board-approved licensed practical nurse intravenous therapy course;

(II) Certification lapsed for 5 years or more:

a. Hold an active, unencumbered Wyoming practical nurse license;

b. Submit reinstatement application and fee;

c. Complete a board-approved basic, advanced or combined licensed practical nurse intravenous therapy course.

(D) Certification by endorsement.

(I) Proof of successful completion of a board-approved basic, advanced or combined licensed practical nurse intravenous therapy course.

(ii) Scope of Practice.

(A) In addition to intravenous related activities within the scope of any licensed practical nurse, the licensed practical nurse certified in intravenous therapy may perform the following advanced acts of intravenous therapy:

(I) Initiate the administration of board-approved intravenous fluids and medications via a peripheral route:

(1.) The peripheral route does not include midline or midclavicular catheters.

(II) Administer intravenous fluids and medications including electrolyte solutions with vitamins and/or potassium, antibiotics and hydrogen receptor blockers provided such fluids and medications are appropriate for intravenous administration;

(III) Intravenous fluids and medications must be commercially prepared or premixed and labeled by a registered pharmacist.

(B) Maintain patency of a peripheral intermittent vascular access device using a saline flush solution or nontherapeutic dose of heparin flush solution;

(C) Assist the registered professional nurse in the administration of midline, midclavicular or central venous infusion of approved intravenous fluids by:

(I) Checking the flow rate;

(II) Maintaining patency by use of saline/heparin flush;

(III) Changing the tubing(s) and site dressing(s);

(IV) Administering hyperalimentation; and

(V) Obtaining a blood sample.

(iii) The licensed practical nurse certified in intravenous therapy may not:

(A) Initiate, regulate, add, or administer medications to or discontinue a midline, midclavicular or central venous line except as provided elsewhere in this section.

(B) Administer or add the following to a peripheral venous line:

(I) Intravenous push or bolus medications;

(II) Intravenous medications other than those in Section

3(b)(ii).

(C) Administer blood, blood components, plasma, plasma expanders;

(D) Administer analgesics, antineoplastics, autonomic nervous system agents, cardiovascular agents, central nervous system agents, oxytocic agents, or radiologic agents;

(E) Initiate and/or maintain pediatric intravenous therapy (age twelve (12) and under); nor discontinue pediatric intravenous therapy (ages zero (0)- four (4));

(F) Flush or aspirate an arterial line;

(G) Perform advanced acts of intravenous therapy as listed in this section in the home setting.

(iv) Unless otherwise specified in these regulations, the licensed practical nurse certified in intravenous therapy may perform advanced acts of intravenous therapy if the supervisor is physically on the premises where the patient is having nursing care provided.

(v) Minimum program requirements.

(A) The intravenous therapy program must utilize the board-approved standardized intravenous therapy curriculum; and

(B) Shall be offered and administered by a nursing education program in a post secondary institution of higher learning in Wyoming, in a board-approved educational institution or a licensed health care facility.

Section 4. Disciplinary Procedures for Licensed Practical Nurses and Registered Professional Nurses.

(a) Grounds for Discipline:

(i) Engaging in any act inconsistent with uniform and reasonable standards of nursing practice ~~Inability to function with reasonable skill and safety for the following reasons,~~ including but not limited to:

(A) Fraud and deceit including, but not limited to, omission of required information or submission of false information written or verbal ~~Physical or mental disability;~~

(B) Performance of unsafe client care ~~Substance abuse/dependency;~~

(C) Misappropriation or misuse of property ~~Client abandonment;~~

(D) Abandonment ~~Client abuse, including sexual abuse;~~

(E) Abuse, including emotional, physical or sexual abuse ~~Fraud or deceit;~~

(F) Neglect, including substandard care ~~Client neglect;~~

(G) Violation of privacy or confidentiality in any form, written, verbal, or technological ~~Boundary violations, including sexual boundaries;~~

(H) Drug diversion-self/others ~~Performance of unsafe client care;~~

(I) Sale, unauthorized use, or manufacturing of controlled/illicit drugs;

(J) Criminal conviction;

(K) Unprofessional conduct;

(L) Boundary violations, including sexual boundaries;

(M) Failure to comply with reasonable requests from the board including, but not limited to:

(I) Responses to complaints;

and/or petition and complaint;

(II) Responses to formal pleadings such as notice of hearing

renewal information;

(IV) Written response to request for explanation for failure to disclose required information;

(V) Failure to appear at properly noticed hearings.

(N) Impairment.

(I) Lack of nursing competence;

(II) Mental illness;

(III) Physical illness including, but not limited to, deterioration through the aging process or loss of motor skills; or

(IV) Chemical or alcohol impairment/abuse.

~~(ii) Misappropriation or misuse of property;~~

~~(iii) Criminal conviction;~~

~~(iv)~~(ii) Failure to conform to the standards of prevailing nursing practice, in which case actual injury need not be established.

(b) Disciplinary Records.

(i) The board shall maintain records of disciplinary actions and make available public findings of abuse, neglect, or misappropriation of property or other disciplinary findings.

(c) Disciplinary Notification.

(i) The board shall notify the registered professional nurse or licensed practical nurse's employer, if applicable, of the disciplinary action.

CHAPTER IV 4

ADVANCED PRACTICE REGISTERED NURSE PRACTITIONERS OF NURSING

Section 1. Statement of Purpose.

(a) The purpose of the board in adopting the ~~These~~ rules and regulations in this chapter is ~~are adopted to implement the board's authority to:~~

(i) Regulate the qualifications and practice of advanced practice registered nurses practitioners of nursing;

(ii) Set forth the requirements and procedures for being so qualified;

(A) Advanced practice registered nurses practitioners of nursing include but are not limited to, certified registered nurse anesthetist (CRNA), certified nurse-midwife (CNM), clinical nurse specialist (CNS), or certified nurse practitioner (CNP) clinical specialists, nurse practitioners, certified registered nurse midwives, and certified registered nurse anesthetists.

(iii) Provide criteria for the board to evaluate safe and competent advanced practice registered nursing practice;

(iv) Clarify the scopes of practice for advanced practice registered nurse practitioners of nursing;

(v) Identify behaviors which may impair the advanced practice registered nurse's licensee's ability to practice advanced practice registered nursing with reasonable skill, and safety, and integrity including, but not limited to:

(A) Fraud and deceit;

(B) Unsafe practice;

(C) Misappropriation of property;

(D) Abandonment;

(E) Abuse, including sexual abuse;

(F) Neglect, including substandard care;

(G) Violation of privacy or confidentiality ~~Chemical dependency;~~

(H) Drug diversion - self/others;

(I) Sale, or unauthorized use, or manufacturing of controlled/ illicit
drugs;

(J) Criminal conviction;

(K) Failure to supervise or to monitor the performance of acts by any individual working under the direction of the advanced practice registered nurse practitioner of nursing;

(L) Unprofessional conduct; ~~and~~

(M) Boundary violations, including sexual boundaries;:-

(N) Failure to comply with reasonable requests from the board including, but not limited to:

(I) Responses to complaints;

(II) Responses to formal pleadings such as notice of hearing and/or petition and complaint;

(III) Responses to requests regarding application or renewal information.

(O) Impairment.

(I) Lack of nursing competence;

(II) Mental illness;

(III) Physical illness including, but not limited to, deterioration through the aging process or loss of motor skills; or

(IV) Chemical or alcohol impairment.

(b) ~~The standards of nursing practice interpret the statutory definitions of professional and advanced nursing.~~ The standards of advanced practice registered nursing practice evolve from nationally recognized professional organizations ~~and/or~~ accrediting agencies.

(c) The advanced practice registered nurse is subject to the current standards of registered professional nursing practice, advanced practice registered nurse standards, scopes of practice as defined by board-approved nationally recognized professional organizations or accrediting agencies, and board rules and regulations.

~~(e)(d)~~ Violations of current nationally accepted the standards of advanced practice registered nursing practice, the rules and regulations, ~~and/or~~ the Wyoming Nurse Practice Act may result in such disciplinary action as the board may determine.

Section 2. Nationally Recognized Professional Organizations or Accrediting Agencies Accepted by the Board.

(a) For the purposes of this chapter, a nationally recognized professional organization or accrediting agency is one which:

(i) Either:

A. Offers a national certification examination in a specialty area of advanced practice registered nursing; or

B. Establishes standards and scope of practice statements, provides a mechanism for evaluating continued competency in the specialty area of advanced practice registered nursing; and

(ii) Has been approved by the board as a nationally recognized professional organization or accrediting agency.

Section 23. Recognition.

(a) Upon proof of compliance with board requirements, the board may recognize and renew recognition of those individuals who have met the qualifications of an advanced practice registered nurse practitioner of nursing.

(b) The board shall maintain an official listing of recognized advanced practice registered nurses, practitioners of nursing, and

~~(c) The board shall make the list available to the public upon request.~~

Section 34. Requirements for Initial Recognition as an Advanced Practice Registered Nurse Practitioner of Nursing.

(a) A registered professional nurse who is applying for initial recognition as an advanced practice registered nurse practitioner of nursing shall meet the following requirements:

(i) Submit a complete the application and fees for initial recognition as an advanced practice registered nurse practitioner of nursing to the board;

(ii) Hold a current license as a registered professional nurse in Wyoming;

(iii) Provide an official transcript for: documentation of having completed a nationally accredited education program for preparation of advanced practitioners of nursing with a specific curriculum appropriate to the proposed specialty area of practice, accepted by the board, and

(A) Master's degree in an advanced practice registered nurse role and population foci that meets nationally identified advanced practice registered nurse curricula as promulgated by board-approved organizations of advanced practice registered nurses; or

(B) Completion of an accredited advanced practice registered nurse educational program prior to January 1, 1999, or as per a board-approved national certifying agency.

(iv) Provide documentation verifying board-approved national certification in the advanced practice registered nurse role and population foci for which they are educationally prepared; a specific specialty area of advanced practice, accepted by the board; or

(v) Comply with the standards of nursing practice, the rules and regulations, and the Wyoming Nurse Practice Act; Submit an official transcript confirming completion of a masters degree in nursing, with specific curriculum preparation at the advanced practice/clinical specialist level, accepted by the board;

~~(vi) Comply with the standards of nursing practice, the rules and regulations, and the Act; and~~

~~(vii) — Submit a written plan of practice and collaboration. Such written plan shall conform to the following criteria:~~

~~(A) — Specialty areas of advanced nursing practice;~~

~~(1) — Identify and describe the recognized specialty area(s) of advanced nursing practice.~~

~~(B) — Scope of practice;~~

~~(1) — Describe the scope of practice for each recognized specialty area of advanced nursing practice, including recipients of care, in terms of:~~

~~(1.) — Education and experiential preparation, and~~

~~(2.) — Scope of practice statements from national professional nursing organizations and/or accrediting agencies representing that specialty area of advanced nursing practice.~~

~~(C) — Standards of practice;~~

~~(1) — Describe the plan for practicing advanced nursing according to the standards of practice for recognized specialty area(s), including but not limited to the following:~~

~~(1.) — Methods of quality assurance,~~

~~(2.) — Strategies for collaboration with licensed or otherwise legally authorized physician(s) or dentist(s), and~~

~~(3.) — Consultation and referral patterns;~~

~~(D) — Advanced practitioner of nursing's signature; and~~

~~(E) — Date.~~

~~(b) — The educational preparation and certification required under these rules shall be current and relevant to the individual's specialty area(s) of advanced nursing practice.~~

Section 45. Graduate Temporary Permit for Advanced Practice Registered Nurses Who are Awaiting Results From the Certification Examination.

(a) Pending the receipt of a candidate's test results on the first national role and population foci advanced practice registered nurse certifying examination offered after graduation and for which the candidate is eligible, the board may issue a temporary permit to a new graduate of a nationally accredited nursing education program which prepares advanced practice registered nurses.

(i) To request a graduate temporary permit, the candidate shall:

(A) Provide proof of having applied for the first national role and population foci advanced practice registered nurse certifying examination offered after the candidate's graduation and for which the candidate was eligible.

(ii) A graduate temporary permit is valid for no longer than ninety (90) days and is nonrenewable.

(iii) A graduate temporary permit shall become invalid if the candidate fails to complete and pass the first national role and population foci advanced practice registered nurse certifying examination offered after the candidate's graduation and for which the candidate is eligible.

(iv) The graduate temporary permit shall be returned to the board if a candidate fails to complete and pass the first national role and population foci advanced practice registered nurse certifying examination offered after the candidate's graduation and for which the candidate is eligible.

(A) The candidate shall be ineligible to practice as a graduate advanced practice registered nurse without a valid graduate temporary permit.

(v) A graduate of a nationally accredited advanced practice registered nurse education program who has been issued a graduate temporary permit, may use the title "Graduate Advanced Practice Registered Nurse" and the abbreviation, "G.A.P.R.N".

(vi) A graduate advanced practice registered nurse holding a graduate temporary permit shall practice only under the supervision of an appropriately recognized advanced practice registered nurse or licensed physician.

(vii) A graduate advanced practice registered nurse holding a graduate temporary permit shall be held to the established standards of nursing and advanced practice registered nursing.

(b) The educational preparation and certification required under these rules shall be current and relevant to the individual's role and population foci of advanced practice registered nursing.

Section 46. Requirements for Biennial Renewal of Advanced Practice Registered Nurse Practitioner of Nursing Recognition.

(a) An advanced practice registered nurse practitioner of nursing who is applying for biennial renewal of advanced practice registered nurse practitioner of nursing recognition shall meet the following requirements:

(i) Maintain current registered professional nurse licensure in Wyoming;

(ii)(i) Submit a complete the application and fee(s) for biennial renewal of advanced practice registered nurse practitioner of nursing recognition and registered professional nurse licensure as stated in the procedures outlined under Chapter 2, Section 10; ~~Biennial Requirements of Recognition and/or Licensure for All Nurses of Chapter II;~~

(iii)(ii) Submit evidence of holding a current national certification as an advanced practice registered nurse in the recognized role and population foci of advanced practice registered nursing; ~~written plan of practice and collaboration;~~

(iv)(iii) If recognized in the State of Wyoming prior to July 1, 2005, and has maintained continuous recognition, but is not nationally certified, the advanced practice registered nurse shall submit evidence of having completed the following: ~~Comply with the standards of nursing practice, the rules and regulations, and the Act;~~

(A) Sixty (60) or more contact hours of continuing education related to the recognized role and population foci of advanced practice nursing; and

(B) Four hundred (400) or more practice hours in advanced practice nursing during the last two years.

(iv) An advanced practice registered nurse with prescriptive authority must submit documentation of completion of eighteen (15) hours of continuing education in pharmacology and clinical management of drug therapy. This requirement shall take effect with the licensing cycle beginning January 1, 2009.

(v) Comply with the standards of nursing practice, the rules and regulations, and the Wyoming Nurse Practice Act.

~~(v) — If qualified by education, the advanced practitioner of nursing shall submit evidence of having completed sixty (60) contact hours of continuing education related to the recognized specialty area(s) of advanced nursing practice and a minimum of four hundred (400) practice hours in advanced nursing practice during the last two (2) years; or~~

~~(vi) — If qualified by national certification, the advanced practitioner of nursing shall submit evidence of holding current national certification or recertification as an advanced practitioner of nursing in the recognized specialty area(s) of advanced nursing practice and evidence of having completed thirty (30) contact hours of continuing education related to the specialty area(s) of advanced nursing practice.~~

~~(A) — The biennial requirement for contact hours of continuing education related to the recognized specialty area(s) of advanced nursing practice may include twelve (12) hours of education in pharmacology and clinical management of drug therapy and/or hours of education relating to national certification.~~

Section 57. Nationally Accredited Educational Programs Accepted by the Board.

~~(a) For purposes of this chapter, a nationally accredited educational program which offers a formal post-graduate program of a minimum length of one (1) academic year in a role and population foci specialty area of advanced practice registered nursing practice or which confers a master's degree or doctorate with a major in a role and population foci clinical specialty area of nursing practice, may be accepted by the board as a nationally accredited educational program.~~

~~(i) — A list of nationally accredited educational programs accepted by the board shall be maintained and annually reviewed by the board and made available to the public upon request.~~

Section 6. Nationally Recognized Professional Organizations and/or Accrediting Agencies Accepted by the Board.

~~(a) — For the purposes of this chapter, a nationally recognized professional organization and/or accrediting agency which offers a national certification examination in a specialty area of nursing practice, establishes standards and scope of practice statements, and provides a mechanism for evaluating continued competency in the specialty area of nursing practice, may be accepted by the board as a nationally recognized professional organization and/or accrediting agency.~~

~~(i) — A list of nationally recognized professional organizations and/or accrediting agencies accepted by the board shall be maintained and annually reviewed by the board and made available to the public upon request.~~

~~Section 7. Standards of Advanced Practitioners of Nursing Practice.~~

~~(a) — The advanced practitioner of nursing is subject at all times to the established Standards of Nursing Practice as stated in Chapter III of these rules and regulations, the standards and scope of practice established by national professional organizations and/or accrediting agencies representing the various specialty areas of advanced nursing practice, and the Act.~~

~~(b) — The board recognizes advanced and specialized acts of nursing practice described in the scope of practice statements for advanced practitioners of nursing issued by national professional organizations and/or accrediting agencies.~~

~~(c) — When delivering health care services to the public, the advanced practitioner of nursing shall maintain a current, written plan of practice and collaboration at the practice site and on file with the board. Such written plan shall conform to the criteria described in Section 3 (a)(vii)(A-E) of this chapter.~~

Section 8. Prescriptive Authority.

(a) The board may authorize an advanced practice registered nurse practitioner of nursing or "APN" to prescribe medications and devices ~~drugs~~, within the recognized scope of advanced practice registered nursing role and population foci ~~specialty practice~~, and in accordance with all applicable state and federal laws; including, but not limited to, the Wyoming Pharmacy Act [~~WS 33-24-101 through 33-24-204~~], the Wyoming Controlled Substances Act of 1974 [~~WS 35-7-1001 through 35-7-1104~~], the Federal Controlled Substances Act [~~21 U.S.C. 801 et seq.~~], and their applicable Rules and Regulations.

(b) The board shall transmit to the State Board of Pharmacy a list of all advanced practice registered nurses ~~practitioners of nursing~~ who have ~~are eligible for~~ prescriptive authority.

(i) The list shall include:

(A) The name of the authorized advanced practice registered nurse practitioner of nursing;

(B) The prescriber's registered nurse license number, role and population foci ~~and specialty area(s)~~ of advanced practice registered nursing practice recognized by the board of Nursing; and

(C) The effective date of prescriptive authority authorization.

(ii) The list shall be periodically updated to identify new advanced practice registered nurses ~~practitioners of nursing~~ who have been granted ~~are eligible for~~ prescriptive authority.

(c) An advanced practice registered nurse who applies for authorization to prescribe drugs shall:

(i) Be currently recognized as an advanced practice registered nurse practitioner of nursing in Wyoming;

(ii) Provide evidence of completion of a minimum of a master's level course two (2) semester credit hours, three (3) quarter credit hours or thirty (30) contact hours of course work approved by the board in pharmacology and clinical management of drug therapy or pharmacotherapeutics within not more than the five (5) years prior to period immediately before the date of application;

(A) If master's level pharmacology course was completed more than five (5) years immediately preceding the date of application, applicant must provide either:

(I) Evidence of having met continuing competency in pharmacology in the past two years as specified in Section 6 of this chapter; or

(II) Completion of a master's level pharmacology course.

~~(iii) Provide evidence of having completed four hundred (400) hours of advanced nursing practice in recognized area(s) of specialty within the two (2) year period immediately before the date of application;~~

~~(iv)(iii) Comply with the standards of nursing practice, the rules and regulations, and the Wyoming Nurse Practice Act;~~

~~(v) Submit an updated written plan of practice and collaboration. Such written plan shall conform to the criteria described in Section 3(a)(vii)(A-E) of this Chapter; and~~

~~(vi)(iv) Submit a completed application, on a form provided by the board, accompanied by the application fee established by Chapter ~~5~~ FEES, of these rules and regulations.~~

(d) Authorized prescriptions by an advanced practice registered nurse practitioner of nursing shall:

(i) Comply with all current and applicable state and federal laws; including, but not limited to, the Wyoming Pharmacy Act [WS 33-24-101 through 33-24-204], the Wyoming Controlled Substances Act of 1971 [WS 35-7-1001 through 35-7-1101], the Federal Controlled Substances Act [21 U.S.C. 801 et seq.], their applicable Rules and Regulations; and

(ii) Be signed by the prescribing advanced practice registered nurse prescriber with the initials "APRN" and/or the initials of the nationally recognized role and population foci specialty area(s), and the prescriber's registered nurse license number assigned by the board.

(e) Prescriptive authorization will be terminated if the advanced practice registered nurse practitioner of nursing has:

(i) Failed to Not maintained current recognition as an advanced practice registered nurse practitioner of nursing;

(ii) Prescribed outside the scope of recognized advanced practice registered nursing role, population foci specialty practice or for other than therapeutic purposes;

(iii) Failed to maintain national certification or to complete Not completed four hundred (400) hours of practice as an advanced practice registered nurse practitioner of nursing within the past two (2) years;

(iv) Not documented ~~eighteen (15) twelve (12)~~ contact hours of pharmacology with clinical management of drug therapy and/or pharmacotherapeutics within the past two (2) years; or

(v) Violated the standards of practice, the rules and regulations, or the Wyoming Nurse Practice Act.

(f) Advanced ~~practice registered nurse's practitioner of nursing~~ prescriptive authority must be renewed biennially ~~with the advanced practitioner of nursing's recognition(s)~~.

(g) The board will notify the State Board of Pharmacy ~~within two working days~~ after termination of, or change in the prescriptive authority of an advanced practice registered nurse practitioner of nursing.

Section 9. Specialty Role and Population Foci Title.

(a) Role and population foci Specialty area(s) of advanced practice registered nursing practice shall be declared, and the role and population foci specialty title(s) to be utilized shall be the title(s) granted by nationally recognized professional organization(s) and/or accrediting agency(ies) or the title(s) of the role and population foci specialty area(s) of nursing practice in which the advanced practice registered nurse practitioner of nursing has received postgraduate education preparation.

(b) In order to practice in one of the four roles and in a defined population a specialty area, the advanced practice registered nurse practitioner of nursing must be recognized by the board in that particular role with a population foci specialty area of advanced practice nursing practice.

Section 10. Applicability.

(a) The provisions of Chapter ~~IV 4: ADVANCED PRACTICE REGISTERED NURSE PRACTITIONERS OF NURSING~~, Sections 1-11~~0~~, are only applicable to a registered professional nurse who is recognized as an advanced practice registered nurse whose authorization to perform advanced and specialized acts of nursing practice, advanced nursing and medical diagnosis, and the administration and prescription of therapeutic and corrective measures comes from educational preparation, national certification, and recognition to practice in compliance with regulations established by the board.

(b) Nothing in Chapter ~~IV 4: ADVANCED PRACTICE REGISTERED NURSE PRACTITIONERS OF NURSING~~, Sections 1-11~~0~~, prohibits the usual and customary practice of an advanced practice registered nurse practitioner of nursing in Wyoming from directly administering prescribed controlled substances under statutory derived authority. ~~In addition, the direct administration, or the ordering of controlled substances preoperatively, intraoperatively or postoperatively, by an advanced practitioner of nursing (certified registered nurse anesthetist) does not involve prescribing within the meaning of 21 CFR 1308.02(f) or the board's administrative rules and regulations. These rules do not require any changes in the current practice and procedures of advanced practitioners of nursing who are certified registered nurse anesthetists or the institutional and individual practitioners with whom they may practice.~~

(c) Nothing in Chapter ~~IV 4: ADVANCED PRACTICE REGISTERED NURSE PRACTITIONERS OF NURSING~~, Sections 1-11~~0~~, prohibits the usual and customary practice of advanced practice registered nurses practitioners of nursing in Wyoming from prescribing, administering, dispensing or providing/dispensing nonprescriptive and prescriptive medications

including prepackaged medication, except schedule I drugs as defined in W.S. 35-7-1013 and 35-7-1014 in accordance with applicable state and federal laws.

(d) Nothing in Chapter ~~IV~~ 4: ADVANCED PRACTICE REGISTERED NURSE PRACTITIONERS OF NURSING, Sections 1-110, limits or enhances the usual and customary practice of a registered nurse or a licensed practical nurse in Wyoming.

Section 11. Disciplinary Procedures.

(a) Grounds for Discipline:

(i) Engaging in any act inconsistent with uniform and reasonable standards or nursing practice ~~Inability to function with reasonable skill and safety for the following reasons,~~ including, but not limited to:

(A) Fraud and deceit including, but not limited to, omission of required information or submission of false information written or verbal ~~Physical or mental disability;~~

(B) Performance of unsafe client care ~~Substance~~
 ~~abuse/dependency;~~

(C) Misappropriation or misuse of property ~~Client abandonment;~~

(D) Abandonment ~~Client abuse, including sexual abuse;~~

(E) Abuse, including emotional, physical or sexual abuse ~~Fraud or~~
 ~~deceit;~~

(F) Neglect, including substandard care ~~Client neglect;~~

(G) Violation of privacy or confidentiality in any form, written, verbal or technological ~~Boundary violations, including sexual boundaries;~~

(H) Drug diversion – self/others ~~Performance of unsafe client care;~~

(I) Sale, unauthorized use, or manufacturing of controlled/illicit
 ~~drugs;~~

(J) Criminal conviction;

(K) Failure to supervise or to monitor the performance of acts by any individual working under the direction of advanced practice nurse;

(L) Unprofessional conduct;

(M) Boundary violations, including sexual boundaries;

(N) Failure to comply with reasonable requests from the board
 including, but not limited to:

(I) Responses to complaints;

or petition and complaint; (II) Responses to formal pleadings such as notice of hearing

information; and (III) Responses to requests regarding application or renewal

(O) Impairment;

(I) Lack of nursing competence;

(II) Mental illness;

(III) Physical illness including, but not limited to, deterioration through the aging process or loss of motor skills; or

(IV) Chemical or alcohol impairment.

~~(ii) Misappropriation or misuse of property;~~

~~(iii) Criminal conviction;~~

~~(iv)(ii) Failure to conform to the standards of prevailing nursing and advanced practice practitioner of nursing practice, in which case actual injury need not be established.~~

(b) Disciplinary Records.

(i) The board shall maintain records of disciplinary actions and make available public findings of abuse, neglect, or misappropriation of property or other disciplinary findings.

(c) Disciplinary Notification.

(i) The board shall notify the advanced practice registered nurse's ~~practitioner of nursing's~~ current employer, if applicable, of the disciplinary action.

CHAPTER ~~4~~ 5

FEES

Section 1. Statement of Purpose. These rules and regulations are adopted to implement the board's authority to determine and collect reasonable fees, and to receive and expend funds for the pursuit of the authorized objectives of the board.

Section 2. General Information.

(a) The board shall establish the fee schedule not to exceed the statutory limits.

(b) The current fee schedule as established by the board shall appear in the official records of the board's activities and shall be kept on file in the board office.

(c) All fees collected by the board shall be administered according to the established fiscal policies of this state in such manner as to implement the provisions of the Wyoming Nurse Practice Act and board rules and regulations.

~~(e)~~(d) At the time of application, a copy of the current fee schedule shall be provided to applicants for all categories of licensure and certification; including licensure and certification by examination, endorsement, relicensure, biennial renewal, reactivation, or reinstatement or volunteer.

~~(d)~~(e) At the time of application, a copy of the current fee schedule shall be provided to applicants for criminal records background checks. Applicants shall be responsible for paying criminal records background check fees ~~to the Department of Criminal Investigation.~~

~~(e)~~(f) Fees shall be payable in the exact amount, by money order, cashier's check, or credit card, for all services, and shall be paid in advance of the services rendered. ~~Fees for renewal of licensure may, in addition to money order, cashier's check, or credit card, be paid for by personal check.~~ Refunds will not be made on fee overpayment of \$5.00 or less.

~~(f)~~(g) All fees collected by the board are non-refundable ~~not refundable.~~

(h) The board may accept grants, contributions, devices, bequests and gifts that shall be kept in a separate fund and shall be used by the board to enhance the practice of nursing.

Section 3. Fees.

(a) Fees for services shall be established by the board and shall be based upon or reasonably related to the particular administrative costs involved in each transaction, and a schedule of such fees shall be provided to applicants.

(b) Services for which the board charges a fee shall include, but not be limited to, the following fee schedule:

(i) Fee Schedule:

(A) Endorsement Application Fees ~~(Including Temporary Permits):~~

(I) Licensure by Endorsement for RNs.....\$135.00~~170.00~~

| | | | |
|----------------------------|-----------------------|---|-----------------------------------|
| | (II) | Licensure by Endorsement for LPNs | \$120.00 <u>150.00</u> |
| | (III) | Certification by Endorsement for CNAs | \$60.00 <u>75.00</u> |
| | (B) | <u>Special Certifications</u> | |
| | (I) | <u>LPN Intravenous Therapy Basic and/or</u> | |
| <u>Advanced</u> | | | <u>\$15.00</u> |
| | (II) | <u>Home Health Aide Certified</u> | <u>\$10.00</u> |
| | (B) (C) | <u>Verification of Licensure & Certification</u> | |
| | (i) (I) | <u>Verification to All Jurisdictions</u> | <u>\$40.00</u> |
| | (ii) (II) | <u>Duplicate Verification for Lost License/Certificate</u> .. | <u>\$25.00</u> |
| <u>the State</u> | (III) | <u>Certified Statement That Nurse is Licensed/Certified in</u> | |
| | | | <u>\$25.00</u> |
| <u>Permit):</u> | (C) (D) | <u>Examination Application Fees (Including a Graduate Temporary</u> | |
| | (I) | <u>Examination for RN Licensure</u> | <u>\$130.00</u> <u>165.00</u> |
| | (II) | <u>Examination for LPN Licensure</u> | <u>\$130.00</u> <u>165.00</u> |
| | (III) | <u>Re-examination for RN/LPN Nurses</u> | <u>\$130.00</u> <u>165.00</u> |
| | (IV) | <u>Examination for CNA Certification</u> | <u>\$60.00</u> <u>75.00</u> |
| | (V) | <u>Re-examination Application for CNA</u> | <u>\$60.00</u> <u>75.00</u> |
| | (D) (E) | <u>Biennial Renewal Fees:</u> | |
| | (I) | <u>Renewal of RN Licensure</u> | <u>\$110.00</u> <u>140.00</u> |
| | (II) | <u>Renewal of LPN Licensure</u> | <u>\$90.00</u> <u>115.00</u> |
| <u>Certification</u> | (III) | <u>Renewal of LPN Licensure with Intravenous</u> | |
| | | | <u>\$125.00</u> |
| | (III) (IV) | <u>Renewal of CNA Certification</u> | <u>\$50.00</u> <u>65.00</u> |
| <u>Certification</u> | (V) | <u>Renewal of CNA Certification with Home Health Aide</u> | |
| | | | <u>\$70.00</u> |
| | (IV) (VI) | <u>Additional Late Renewal Fee</u> | <u>\$35.00</u> <u>45.00</u> |
| | (E) | <u>Inactive Fees:</u> | |
| | (I) | <u>Inactive RN Licensure</u> | <u>\$30.00</u> <u>40.00</u> |
| | (II) | <u>Inactive LPN Licensure</u> | <u>\$30.00</u> <u>40.00</u> |

~~(F)~~(G) Reactivation Fees:

- (I) Reactivation RN Licensure.....~~\$140.00~~140.00
- (II) Reactivation LPN Licensure.....~~\$90.00~~115.00

~~(G)~~(H) Relicensure/Reinstatement Fees:

- (I) RN Relicensure/Reinstatement.....~~\$135.00~~170.00
- (II) LPN Relicensure/Reinstatement.....~~\$120.00~~150.00

~~(H)~~(I) Temporary Permit Fees Without Licensure:

- (I) RN Temporary Permit.....~~\$135.00~~25.00
- (II) LPN Temporary Permit.....~~\$120.00~~25.00

(J) Temporary Permit Fees Without Licensure

- (I) RN Temporary Permit.....\$50.00
- (II) LPN Temporary Permit.....\$50.00

~~(I)~~(K) Advanced Practice Registered Nurse Practitioner of Nursing

Fees:

- (I) Initial Application.....~~\$120.00~~150.00
- (II) Initial Application of Each Additional Recognition.....~~\$70.00~~90.00
- (III) Biennial Renewal of Each Recognition.....~~\$70.00~~90.00
- (IV) Prescriptive Authority:
 - (1.) Initial Application.....~~\$70.00~~90.00
 - (2.) Biennial Renewal.....~~\$70.00~~90.00

(L) Nurse Volunteer License

- (I) Initial Application.....No Charge
- (II) Criminal Background Check Fee.....\$39.00
- (III) Biennial Renewal Application.....No Charge

~~(J)~~(M) Insufficient Fund Check Fee.....~~\$35.00~~45.00

~~(K)~~(N) Priority Processing Fee.....\$5.00

~~(L)~~(O) Mailing Lists/Labels TO BE DETERMINED ON AN INDIVIDUAL BASIS.

~~(M)~~(P) Copy Charge Fees:

(I) Photocopy Charge per page.....~~\$00.20~~1.00

(II) Publications ~~TO BE DETERMINED ON AN INDIVIDUAL BASIS.~~

(1.) Wyoming Nurse Practice Act and Board
Administrative Rules and Regulations.....\$15.00

(2.) Additional Publications Determined on an Individual Basis

(III) Data Requests.....\$25.00 per hour (minimum charge \$25.00) TO BE DETERMINED ON AN INDIVIDUAL BASIS.

~~(N)~~(Q) Background Search Fees.....\$60.00

~~(O)~~(R) Name Change Fee.....~~\$20.00~~25.00

(S) Nursing Education Program Approval...Actual Costs on an Individual Basis

(T) Nursing Education Program Periodic Evaluation...Actual Costs on an Individual Basis

CHAPTER VI 6

STANDARDS FOR NURSING EDUCATION PROGRAMS

Section 1. Statement of Purpose.

- (a) The purpose of the board in adopting rules and regulations in this Chapter is to:
- (i) Serve as a guide for the development of ~~new~~ nursing education programs;
 - (ii) Provide criteria for the evaluation and approval of new and established nursing education programs;
 - (iii) Foster the continued improvement of established nursing education programs;
 - (iv) Ensure that graduates of nursing education programs are prepared for safe and effective nursing practice;
 - (v) Ensure graduates are educationally prepared for licensure; Assure eligibility for admission to the licensure examination for nurses; and
 - (vi) Facilitate interstate endorsement of graduates of board-approved nursing education programs; and-
 - (vii) Serve as a resource and approval agency for out-of-state nursing education programs providing nursing education in the state of Wyoming at the entry level.

Section 2. Approval of Nursing Education Programs.

- (a) The board will: Provisional Approval
- (i) Promote the safe practice of nursing implementing standards for individuals seeking entry level licensure;
 - (ii) Grant legal recognition to nursing education programs the board determines have met the standards;
 - (iii) Assure graduates meet the educational and legal requirements for the level of licensure for which they are preparing;
 - (iv) Assure continuous evaluation and improvements of nursing education programs;
 - (v) Provide a list of nursing programs that meet the standards established by the board;
 - (vi) Provisional Approval:
 - (A) Before a nursing education program is permitted to admit students, the program shall submit evidence of the ability to meet the standards for nursing education.

(B) Phase 1 – Notice of Intent/Needs Assessment.

~~(A)(1) Prior to applying for provisional approval, the parent institution desiring to initiate a nursing education program shall, At least one year in advance of the expected opening date, the parent institution desiring to initiate a nursing education program shall~~ submit to the board:

- ~~(1)(1.)~~ A statement of intent to establish a nursing education program; and
 - ~~(1)(2.)~~ A needs assessment proposal which includes at least the following information:
 - ~~(1.)a.~~ Documentation of the present and future need for the nursing education program in the state;
 - ~~(2.)b.~~ Rationale for the establishment of the nursing education program;
 - ~~(3.)c.~~ Potential effects on other nursing education programs in Wyoming;
 - ~~(4.)d.~~ Organizational structure of the educational institution documenting the relationship of the nursing education program within the parent institution;
 - ~~(5.)e.~~ Accreditation status of the parent institution;
 - ~~(6.)f.~~ Purpose, mission and level of the proposed nursing education program;
 - ~~(7.)g.~~ Availability of qualified administrator and faculty;
 - ~~(8.)h.~~ Budgeted faculty positions;
 - ~~(9.)i.~~ Source and description of adequate clinical resources for the level of nursing education program;
 - ~~(10.)j.~~ Documentation of adequate academic facilities and staff to support the nursing education program;
 - ~~(11.)k.~~ Evidence of financial resources adequate for the planning, implementation and continuation of the nursing education program;
 - ~~(12.)l.~~ Anticipated student populations;
 - ~~(13.)m.~~ Tentative time schedule for planning and initiating the nursing education program;
 - ~~(14.)n.~~ Need for entry-level nurses in the state;
- and

~~(15.)~~ o. Evidence of approval to begin application for a new program from the Wyoming Community College Commission, or the University of Wyoming Board of Trustees, or other pertinent governing bodies.

(C) Phase 2 – Application for Provisional Approval.

~~(B)(I)~~ Application for provisional approval shall be made once the proposal has been approved by the board and the following conditions have been met:

~~(I)(1.)~~ A qualified nurse administrator has been appointed and there ~~is~~ are sufficient qualified faculty to initiate the nursing education program;

~~(II)(2.)~~ A written ~~proposed~~ nursing education program plan, developed in accordance with the standards for nursing education as defined in Section 7 of this chapter, has been submitted; ~~and~~

~~(III)(3.)~~ A site visit has been conducted by the board if deemed necessary by the board; ~~and~~

(4.) Evidence of program/curricular approval from the Wyoming Community College Commission, or the University of Wyoming Board of Trustees, or other pertinent governing bodies.

~~(C)(II)~~ Following board review of the proposed nursing education program, the board may grant or deny provisional approval;:-

~~(D)(III)~~ The parent institution and administrative head of the proposed nursing education program may be present at the meeting to clarify information contained in any of the reports;:-

~~(E)(IV)~~ If provisional approval is denied, the institution may request a hearing before the board. The provisions of the Wyoming Administrative Procedures Act and/or Administrative Rules of the board shall apply to all hearings;:-

~~(F)(V)~~ Following board provisional approval, students may be admitted and progress reports shall be made to the board as requested.

(D) Phase 3 – Approval.

~~(G)(I)~~ Following graduation of the first class, a self-evaluation report of compliance with the standards for nursing education shall be submitted by the nursing education program;:- ~~A site visit by the board shall occur for consideration of full approval of the nursing education program.~~

(II) A site visit by the board shall occur for consideration of full approval of the nursing education program;

(III) Fees for the approval process will be paid by the nursing education program according to W.S. 33-21-138.

~~(ii)(vii)~~ Approval of Entry Level Out-of-State Distance Education Program(s) or ~~Course(s)~~

(A) Out-of-state nursing education entities intending program(s) to provide providing entry level distance nursing education programs or courses in Wyoming shall follow the provisional approval process as identified in Section 2-(a)(i)(A)-(G) of this chapter;-

(B) An out-of-state distance nursing education program(s) planning to provide a entry level nursing course(s) in Wyoming within a specific time frame must electronically submit the following a letter of request to the board no later than one the semester prior to planned request for implementation;-

(I) A The letter of request that shall includes the following information:

(a)(1.) Justification or Statement of intent with rationale for use of Wyoming facilities including description of clinical sites and experiences and the provisions that will be used for client/student safety to provide the distance education course;

(b)(2.) Accreditation status of the parent institution and the nursing education program;

(c)(3.) Letter addressing the approval status of the nursing education program from the resident state board of nursing Faculty qualification sheets;

(d)(4.) Faculty qualification sheets and Wyoming license number for the program director and all faculty teaching the course(s) on form(s) provided by the board addressing the qualification in Section 7 of this chapter Anticipated student population;

(e)(5.) Anticipated student population; Curriculum content and the course(s)-outline; and

(f)(6.) Curriculum content, the course(s) outline, or course syllabus identifying course objectives and outcomes or other related materials as requested by the board; Anticipated timeline to provide the course(s)-

(7.) Anticipated timeline to provide the course(s);
and

(8.) Potential effects on other nursing education programs in Wyoming.

(II) The board may require an appearance before the board by the nursing education program director Approval/disapproval of the course(s) by the board will be granted in writing following receipt and review of material submitted.

(III) Following review by the board, a written decision approving or disapproving to offer the course(s) will be rendered.

(C) Out-of-state nursing education entities intending to provide nursing education programs or courses beyond entry level in Wyoming shall provide the following to the board no later than one semester prior to planned implementation:

(I) A letter of request that includes the following information:

(1.) Accreditation status of the parent institution and the nursing education program;

(2.) Letter addressing the approval status of the nursing education program from the resident state board of nursing;

(3.) Faculty qualification sheets and professional license number from the state of licensure for the program director and all faculty teaching the course(s).

(D) Continuing approval of entry level out-of-state course(s).

(I) To maintain continuing approval of each course(s) offered by the out-of-state nursing education program in Wyoming, the following shall be electronically submitted annually no later than one semester prior to implementation:

(1.) A letter of intent addressing the course(s) to be offered, any curricular changes, number of students, and planned clinical sites;

(2.) Faculty qualification sheets for the program director and all faculty teaching the course(s) on form(s) provided by the board.

(b) Full Approval/Conditional Approval

approval: (i) The board may grant varying levels of approval after provisional

(A) Full Approval: full approval is granted to a nursing education program after the first graduating class has taken the board-approved licensing examination and the program has demonstrated compliance with the standards for nursing education.

(B) Conditional Approval: conditional approval may be granted for a limited time to a nursing education program that has had provisional or full approval and has now failed to meet the standards for nursing education. The board will determine the length of time and identify the deficiencies that must be corrected.

(c) Continued Full Approval.

(i) All nursing education programs shall be reevaluated at least every eight (8) to ten (10) years, and/or upon request of the nursing education program or at the discretion of the board, to ensure continuing compliance with the standards for nursing education.

(ii) Evaluation of continuing compliance with the standards for nursing education involves the submission of a self-evaluation report by the nursing education program and a site visit by a board representative(s). This process shall include the following:

(A) Prior to a site visit, a nursing education program shall submit a narrative self-evaluation report which provides evidence of compliance with the standards for nursing education;

(B) The site visit shall be made by a board representative(s) on dates mutually acceptable to the board and the nursing education program;

(C) Announcement of a site visit shall be sent to schools at least three months in advance of the visit;

(D) Nursing education programs shall be asked to participate in scheduling site visit activities;

(E) ~~Ten copies of~~ The nursing education program's self-evaluation report of compliance with the standards for nursing education shall be submitted to the board thirty (30) days prior to the scheduled site visit;

(F) If a self-evaluation report prepared for a national nursing education accreditation agency is submitted in lieu of the self-evaluation report required by the board, the nursing education program shall submit an addendum to the self-evaluation report which addresses the board's standards for approval and which provides a guideline as to where the board standards are discussed in the self-evaluation report;

(G) A draft of the site visit report, approved by the board, shall be made available to the school for review and corrections;

(H) Following the board's review and decision, written notification regarding approval of the nursing education program and, if necessary, the board's recommendation shall be sent to the administrator of the parent institution and the administrator of the nursing education program;

Section 3. Board Review of Nursing Education Programs.

(a) Annual Review

(i) All nursing education program(s) excluding those with provisional approval shall submit an annual electronic report ~~with ten copies~~ providing documentation of continued compliance with the standards for nursing education, projected program changes, faculty data forms, and current college catalog within sixty (60) days after the end of each program year.

(b) Site Visits

(i) Site visits of individual nursing education programs may be conducted at the board's discretion;

(ii) Site visits may be conducted when the board receives evidence ~~which would~~ indicating that the nursing education program is not in compliance with the standards for nursing education. Evidence may include, but is not limited to:

(A) A success rate of seventy-five (75) percent or less for graduates taking a board approved licensing examination for the first time;

(B) A retention rate of 75% for students who are enrolled in the program ~~Substantial changes in the nursing education program;~~

(C) Substantial changes in the nursing education program;

~~(C)(D)~~ Lack of compliance with the rules and regulations; or

~~(D)~~(E) Submission of false or misleading information or engaging in fraudulent practices to obtain or maintain approval by nursing education program personnel.

(c) Noncompliance

(i) The board shall immediately, upon determining that a nursing education program is not in compliance with the standards for nursing education programs, provide to the administrator of the parent institution and the administrator of the nursing education program a written notice of deficiencies including establishment of which also establishes a reasonable period of time, based upon the number and severity of deficiencies, to correct the deficiencies. No period for correction shall exceed eighteen (18) months.

(ii) Following a determination that a nursing education program is not in compliance with the standards for nursing education programs the board may withdraw full approval and may place the program on conditional approval;

(A) The administrator of the nursing education program shall, within ten (10) days from the date of receipt of the notice of deficiencies, file a plan of correction with the board;:-

(B) The administrator of the nursing education program may, within ten (10) days from receipt of the notice of deficiencies, submit a written request for a hearing before the board to appeal the board's determination of deficiencies;:-

(C) If the board's determination is not appealed or is upheld upon appeal, the nursing education program shall be subject to periodic evaluations by the board during the period of correction to determine if the deficiencies have been corrected;:-

(D) Status reports regarding progress in correcting the identified deficiencies shall be submitted to the board at each regularly scheduled board meeting during the time period;:-

(E) At any time during the correction period, the nursing education program may request restoration to full approval if the nursing education program demonstrates correction of the deficiencies.

(d) Fees for the approval process will be paid by the nursing education program according to W.S. 33-21-138.

Section 4. Denial or Withdrawal of Approval For Nursing Education Programs

(a) The board may deny provisional approval when it determines the standards for nursing education have not been met.

(b) The board may deny full approval when it determines that a nursing education program fails to meet the standards for nursing education.

(c) The board may withdraw full or conditional approval when it determines that a nursing education program has not provided sufficient evidence that the standards for nursing education are being met.

(d) If the board determines that an approved nursing education program is not meeting the criteria set forth in these regulations, the parent institution shall be given a reasonable period of time to correct the identified nursing education program deficiencies. If the

nursing education program fails to correct the identified deficiencies within the time specified, the board may withdraw the approval following a hearing held pursuant to the provisions of the Wyoming Administrative Procedures Act and/or the Administrative Rules of the board.

(e) After the board has conducted the hearing, the board may take any of the following actions:

(i) Grant provisional approval if the board finds that the proposed nursing education program meets the criteria as stated in the board's standards for nursing education;

(ii) Deny provisional approval if the board finds that the proposed nursing education program fails to meet the criteria as stated in the board's standards for nursing education;

(iii) Grant conditional approval if the board identifies deficiencies in the evidence presented to the board which indicates the nursing education program has failed to meet the criteria as stated in the board's standards for nursing education;

(iv) Grant/Reinstate full approval if the board finds that the nursing education program meets the criteria as stated in the board's standards for nursing education;

(v) Withdraw approval if the board finds that the nursing education program fails to meet the criteria as stated in the board's standards for nursing education.

Section 5. Appeal and Reinstatement.

(a) A parent institution may seek judicial review of ~~appeal~~ the board's decision to withdraw approval of a nursing education program in accordance with Rule 12 of the Wyoming Rules of Appellate Procedure ~~and may request a hearing to review the board's decision. The hearing and all actions related to the appeal shall be effected in accordance with due process rights, the Wyoming Administrative Procedures Act and/or administrative rules of the board.~~

Section 6. Closure of Nursing Education Program and Storage of Records.

(a) Voluntary Closing.

(i) When the parent institution decides to close a nursing education program, it shall notify the board in writing, stating the reason for closure, the plan for discontinuation and the intended date of closing.

(ii) The parent institution may choose one of the following options when closing a nursing education program:

(A) Continue the nursing education program until the last class enrolled is graduated;¹⁷ or

(B) Assist in the transfer of students to other approved nursing education programs.

(iii) The nursing education program shall continue to meet the board's standards for nursing education until all of the enrolled students have ~~are~~ graduated or until the last student has ~~is~~ transferred.

(iv) The date of closure is the date on the degree, diploma or certificate of the last graduate or the date on which the last student was transferred.

(b) Closing as a result of withdrawal of approval.

(i) When the board withdraws approval of a nursing education program, the parent institution shall comply with the following procedures:

(A) The parent institution shall prepare a written plan for termination of the nursing education program and shall submit the plan to the board within thirty (30) days of receipt of the notice of withdrawal of approval;

(B) The parent institution shall present a plan for the transfer of students to other approved nursing education programs within a time frame established by the board;

(C) The date on which the last student was transferred will be the date of closure.

(c) Storage of Records.

(i) The board shall be advised of the arrangements for storage of permanent records.

Section 7. Standards of Nursing Education.

(a) The organization and administration of the nursing education program shall be consistent with the law(s) governing the practice of nursing.

(i) The parent institution shall be accredited by the appropriate accrediting agency.

(ii) There shall be an organizational chart which demonstrates the relationship of the nursing education program to the administration and to comparable programs within the parent institution, and which clearly delineates the lines of authority, responsibility and channels of communication.

(iii) There shall be statements of mission, purpose, philosophy and outcomes objectives of the nursing education program which are consistent with those of the parent institution and nursing standards.

(iv) There shall be an organizational design with clearly defined authority, responsibility, and channels of communication which assure both faculty and student involvement.

(v) There shall be written policies, congruent with the policies of the parent institution, which are periodically reviewed.

(vi) There shall be evidence of financial support and resources to meet the goals of the nursing education program. Financial resources include adequate educational facilities, equipment, and qualified administrative, instructional, and support personnel.

(b) Administrator Qualifications.

(i) The administrator of the nursing education program shall be a registered professional nurse, who holds a current, active, unencumbered licensed in Wyoming, with the additional education and experience necessary to direct the nursing education program ~~preparing graduates for the safe practice of nursing~~. The administrator is accountable for the administration, planning, implementation and evaluation of the nursing education program.

(A) In associate degree ~~and/or~~ practical nursing programs the administrator of the nursing education program shall:

(I) Hold a current, active, unencumbered license to practice as a registered professional nurse in Wyoming;

(II) Have a minimum of a master's degree with a major in nursing; and

(III) Have a total of five (5) years experience in nursing which must include a minimum of two (2) years of clinical experience and three (3) years of teaching experience (~~and/or~~ a combination of teaching and management experience).

(B) In baccalaureate nursing programs the administrator of the nursing education program shall:

(I) Hold a current, active unencumbered license to practice as a registered professional nurse in Wyoming;

(II) Have a doctorate degree with either a master's degree or doctorate degree in nursing ~~or related field~~; and

(III) Have a total of five (5) years experience in nursing which must include a minimum of two (2) years of clinical experience and three (3) years of teaching experience (~~and/or~~ a combination of teaching and management experience).

(ii) The administrator of the nursing education program shall not be assigned curriculum instructional duties that would impair nursing education program administration.

(iii) The administrator of the nursing education program shall have the authority to administer the nursing education program in accordance with the policies of the parent institution and in relation to:

(A) Development and maintenance of an environment conducive to the teaching/learning process;

(B) Liaison and maintenance of the relationship with the administration of the parent institution as well as with the other programs within the institution;

(C) Leadership within the faculty for the development and implementation of the curriculum;

(D) Preparation and administration of the nursing education program budget;

(E) Faculty recruitment, development, performance review, promotion and retention;

(F) Liaison with and maintenance of the relationship with the board of nursing; and

(G) Support for an ongoing relationship with the community to establish affiliate agencies and to ensure responsiveness to community needs.

(c) Faculty.

(i) There shall be sufficient faculty with graduate preparation and nursing expertise to meet the objectives and purposes of the nursing education program.

(ii) Nursing faculty full-time or part-time shall:

(A) ~~Hold a~~ Be currently , active, unencumbered licensed as a registered professional nurse in Wyoming;

(I) Faculty providing off-site instruction, in a jurisdiction other than Wyoming, must also be in conformance with all licensure laws and regulations of the jurisdiction in which the instruction occurs.

(B) Have a minimum of a master's degree with a major in nursing;

(C) Have two (2) years of clinical experience or national certification in clinical nurse specialty relevant to areas of responsibility; and

(D) Successfully complete at least ten (10) clock hours of educational preparation in principles and methods of teaching, learning, and evaluation of performance outcomes.

(I) ~~The preparation must be acquired through planned faculty in-service learning activities,~~ continuing education offerings, or college courses.

(II) The preparation must be obtained prior to or within six (6) months of initial faculty appointment to an approved nursing education program.

(E) Faculty members hired without a baccalaureate degree but shall have a master's degree in nursing within shall have five (5) of hire date; years from date of hire to obtain the degree.

(F) The nursing education program administrator shall immediately notify the board in writing of the hire of the non-master's prepared faculty member ~~along with a plan for compliance with the requirements.~~

(I) The nursing education program director shall submit a plan for completion of a master's degree in nursing for each non-master's degree faculty within ninety (90) days of hire and annually.

(II) The plan shall include the following:

(1.) Name of proposed nursing educational program;

(2.) Defined proposed curriculum plan;

(3.) Estimated date of completion.

(iii) The board may take action against the nursing education program for failure to comply with the faculty standards of the nursing education program;

~~(iii)~~(iv) Factors that shall be considered in determining the faculty/student ratio in clinical settings are clinical site, level of student, number of beds, type of clinical experience, contractual agreement with the agency, program and curricular objectives and the faculty's teaching experience;:-

(A) Faculty/student ratio shall be a maximum of 1:8 for clinical experiences.

(B) When clinical preceptors (~~partners in education~~) are used in a clinical setting the ratio shall be 1:1 for the clinical preceptor/student ratio and no more than 1:15 for faculty/student ratio.

(iv) Registered professional nurse faculty shall be responsible for:

(A) Developing, implementing, evaluating, and updating the mission, purpose, philosophy, purpose, objectives, and organizational framework and outcomes of the nursing education program;

(B) Developing, implementing and evaluating the curriculum;

(C) Developing, evaluating, and revising student admission, progression, retention, and graduation policies within the policies of the institution;

(D) Participating in academic advising and guidance of students;

(E) Providing theoretical instruction and clinical or practicum experiences;

(F) Monitoring the instruction provided by clinical preceptors (~~partners in education~~);

(G) Evaluating student achievement related to nursing knowledge and practice;

(H) Providing for student and peer evaluation of teaching effectiveness; ~~and~~

(I) Participating in activities which facilitate maintaining the faculty member's own nursing competence and professional expertise in the area of teaching responsibility and maintaining clinical competence through clinical experience, workshops, and continuing education; in-service training

(J) Demonstrating that the program has supervised, "hands-on" clinical instruction in the care of actual patients/clients across the life span and the health/illness continuum that are sufficient to meet the program outcomes; and

(I) Hands-on learning structures are those where students directly care for patients within the relevant setting;

(II) Hands-on clinical instruction means time spent directly with patients under the supervision of a qualified faculty member who provides feedback and facilitates learning.

(K) Demonstrating that all faculty participate in the evaluation of clinical experiences and resources.

(v) Faculty policies and procedures shall be available in writing and shall include qualifications, rights and responsibilities of faculty members, the criteria for evaluation of performance, and promotion and tenure policies;:-

(vi) Faculty teaching non-clinical nursing courses, e.g., issues and trends, pharmacology, nutrition, research, management, and statistics, shall have preparation appropriate to these areas of content;:-

(vii) Faculty teaching general education courses shall have appropriate academic and professional preparation and experience in the assigned areas of teaching;:-

(viii) Clinical preceptors (~~partners in education~~) may be used to enhance clinical learning experiences after a student has received faculty supervised clinical and didactic instruction in all basic areas of nursing, ~~or within a course after students have received clinical and didactic instruction in all basic areas for that course or specific learning experience.~~

(A) Criteria for selecting clinical preceptors (~~partners in education~~) shall be in writing;:-

(B) Clinical preceptors (~~partners in education~~) shall hold a current, unencumbered be licensed in the state in which the clinical preceptorship is being provided; ~~at or above the level for which the student is preparing.~~

(C) ~~There~~ Clinical preceptors shall be licensed at or above the level for which the student is preparing; ~~written guidelines for clinical preceptors (~~partners in education~~) that include the following:~~

(D) Clinical preceptors shall have demonstrated competencies related to the area of assigned clinical teaching responsibilities and will serve as a role model and educator to the student;

(E) There shall be written guidelines for clinical preceptors that include the following:

(I) Clear delineation of functions and responsibilities of the clinical preceptor, the student, and the faculty member;:-

(II) A statement that the faculty member shall retain responsibility for the student's learning experiences and meet periodically with the clinical preceptor and student for the purposes of monitoring and evaluating learning experiences.

(d) Students.

(i) The nursing education program shall admit students to the program based upon the number of faculty, available educational facilities and resources, ~~and~~ the availability of clinical learning experiences for the student and according to the contractual agreement with the clinical institution;:-

(ii) Students shall be admitted without discrimination as to age, race, religion, sex, national origin, or marital status, using an objective process applied uniformly;:-

(iii) The nursing education program shall establish written policies for admission, readmission, transfer, advanced placement, promotion, graduation, withdrawal, or dismissal;:-

(A) The policies shall be consistent with those for students in the parent institution and acceptable educational standards;:-

(B) The policies shall be provided to nursing education program applicants.

(iv) A nursing education program shall establish written policies for student rights, responsibilities, grievances, health, safety, and welfare;:-

(v) Students shall be provided the opportunity to acquire and demonstrate the knowledge, skills and abilities for safe nursing practice. The use of reasonable accommodations may be used to facilitate the student's ability to meet educational objectives;:-

(vi) The nursing education program or parent institution shall assure that students, are informed of their progress at stated intervals, ~~are informed of their progress~~ and remaining obligations in the completion of the program;:-

(vii) The nursing education program or parent institution shall permanently maintain accurate records of scholastic achievement on each student;:-

(viii) There shall be written evidence that, before students are evaluated, the faculty have determined the evaluation components as follows for each nursing competency ability specified:

(A) The actions a student performs to demonstrate each nursing competency ability;

~~(B) The evaluation situation or stimulus presented to students (the situation or stimulus must elicit or at least permit a demonstration of each identified nursing ability that can be observed or otherwise measured for quality);~~

~~(C)~~(B) The criteria for evaluating a student's performance of each nursing competency ability (these criteria must be measurable, appropriate to the nursing ability, address the safety of the patient, and ascertain the accuracy of student performance).

(e) Curriculum.

(i) The curriculum is designed to accomplish its educational and related purposes. The curriculum shall be developed by the nursing faculty which flows from the nursing education program mission and philosophy through an organizational framework into a logical progression of course outcomes and learning activities to achieve desired program outcomes of the nursing education program shall enable the student to develop the nursing knowledge, skills and competencies necessary for the level of nursing practice.

(A) The curriculum shall include:

(I) Content regarding legal and ethical issues, history and trends in nursing, and professional responsibilities;

(II) Experiences which promote the development of leadership and management skills and professional socialization consistent with the level of licensure;

(III) Didactic content and faculty supervised clinical instruction in the promotion, restoration, and maintenance of health in clients across the life span in a variety of clinical settings. Learning experiences and methods of instruction consistent with the written curriculum plan; and

~~(IV) Content including, but not limited to:~~

~~(1.) The biological, physical, social and behavioral sciences to provide a foundation for safe nursing practice;~~

~~(2.) The nursing process; and~~

~~(3.) Didactic content and clinical experience in the promotion, restoration, and maintenance of health in clients across the life span in a variety of clinical settings.~~

(ii) The curriculum shall:

(A) Be planned, implemented and evaluated by the faculty with provisions for student input. Faculty shall have the responsibility and authority over the nursing education program curriculum;

(B) Demonstrate an organizational structure that reflects the mission and philosophy of the nursing education program;

(C) Have a logical, sequential curriculum plan where course content increases in difficulty and complexity ~~Be organized logically and sequenced appropriately;~~

(D) Distinguish between program levels;

(E) Have courses in the sciences and humanities providing the foundation for the nursing curriculum ~~Ensure adequate clinical experience to prepare the student for the safe practice of nursing;~~

(F) Include didactic and faculty supervised clinical experiences following a curriculum plan that: Give evidence of preparation for the practice of nursing as defined by the Wyoming Nursing Practice Act;

(I) Documents course content and learning experiences appropriate for the development of competencies required for graduation; and

(II) Delineates instructional methods used to develop competencies.

(G) Provide hands-on clinical experiences where students directly care for clients throughout the lifespan within the relevant setting under the supervision of faculty who provide feedback and facilitate reflection; Facilitate articulation among nursing education

programs; and

(H) Give evidence of preparation for the practice of nursing as defined by the Wyoming Nurse Practice Act; Contain general education courses which are shared with students in other departments of the parent institution and are an integral part of the curriculum.

(I) Facilitate articulation among nursing education programs;

(J) Contain evaluation tools and methods that:

(I) Are consistent with course objectives, outcomes, and competencies of the didactic and clinical components of the nursing education program;

(II) Provide for regular feedback to students and faculty with timely indicators of student progress and academic standing;

(III) Are consistently applied; and

(IV) Are written and available to students.

(K) Include technology used appropriately to meet student learning needs, course objectives, outcomes and requirements; and

(L) Include regular faculty review of the rigor, currency, and cohesiveness of nursing courses.

(f) Resources.

(i) The parent institution shall provide financial and administrative support and resources to the nursing education program, including but not limited to:

(A) Physical facilities ~~for the nursing education program;~~

(B) Access to library and instructional materials; and

(C) ~~Secretarial,~~ Clerical and other support personnel services.

(g) Clinical Facilities:

(i) A written contract or agreement shall be executed by the parent institution conducting the nursing education program and the cooperating clinical facility or agency; the contract shall be signed by the responsible individual(s) of each party, and shall set forth the responsibilities of each party.

(h) Program Evaluation.

(i) The nursing education program shall have a written plan for the systematic evaluation of the total nursing education program and its outcomes. The plan shall include the methodology, frequency of evaluation, assignment of responsibility, and evaluative criteria. The following areas shall be evaluated:

(A) Organization and administration of the nursing education program;

- (B) Philosophy and objectives;
- (C) Curriculum;
- (D) Educational facilities, resources, and services;
- (E) Clinical resources;
- (F) Students' achievement;
- (G) Graduates' performance on the licensing examination;
- (H) Graduates' nursing competence;
- (I) Satisfaction of graduates and employers;
- ~~(J)~~(J) Performance of the faculty;
- ~~(J)~~(K) Protection of patient safety; and
- ~~(K)~~(L) The methods and instruments used for evaluation purposes.

(ii) There shall be evidence that the evaluation plan is being implemented and that faculty review evaluative data and take corrective action as needed.

CHAPTER ~~VII~~ 7

CERTIFIED NURSING ASSISTANT/~~NURSE AIDE~~

Section 1. Authority

(a) These rules and regulations are promulgated by the Wyoming State Board of Nursing pursuant to its authority under ~~the Wyoming Nursing Practice Act, W.S. 33-21-119 thru 33-21-156~~ and the federal requirements (Public Law 100-203).

(b) The responsibility for enforcement of the provisions of these rules is vested in the board.

Section 2. General Provisions

(a) The board shall have all of the duties, powers and authority specifically granted by the Wyoming Nurse ~~Nursing~~ Practice Act and federal requirements necessary to the enforcement of reasonable rules governing the regulation of nursing assistants/~~nurse aides~~.

(b) Without limiting the foregoing, the board may do the following:

(i) Have the responsibility for the enforcement of the provision of rules governing the regulation of nursing assistant/~~nurse aide~~ training, competency, certification, registry, practice, and discipline;

(ii) Develop and enforce standards for nursing assistant certification listing ~~on the nurse aide registry~~;

(A) Issue certification to the nursing assistants/~~nurse aides~~ who have successfully met the requirements ~~for inclusion on the nurse aide registry~~;

(B) Notify all nursing assistants/~~nurse aides~~ ~~listed on the nurse aide registry~~ of changes in laws, rules and regulations pertaining to nursing assistants/~~nurse aides~~;

~~(C) In conjunction with the Wyoming Department of Health, Health Facility Survey & Certification Unit, place findings of abuse, neglect, or misappropriation of property on the nurse aide registry.~~

(iii) Develop and enforce standards for competency evaluation of nursing assistants/~~nurse aide~~ training;

~~(A) Develop and enforce uniform and reasonable standards for nursing assistant/nurse aide training & competency evaluation programs;~~

~~(B) Approve nursing assistant/nurse aide training programs that meet the prescribed standards of the board;~~

~~(C) Deny or withdraw approval of nursing assistant/nurse aide training & competency evaluation programs that fail to meet the prescribed standards of the board.~~

~~(iv) Develop and enforce standards for competency evaluation of nursing assistants/nurse aides;~~

(A) Grant qualified individuals temporary permits to engage in graduate nursing assistant/nurse aide practice;

(B) Examine, certify, renew, and reinstate the certificates of duly qualified individuals.

(iv) Deny any applicant a certificate or temporary permit to practice as a nursing assistant/~~nurse aide~~ or for examination, certification, renewal, or reinstatement if the applicant fails to meet the requirements of board rules and regulations;

(vi) Develop standards for continued competency of nursing assistants/~~nurse aides~~ during employment and upon return to employment;

(vii) Collect data regarding certification and educational enrollment of nursing assistants/~~nurse aides~~ and report to the public;

(viii) Conduct investigations, hearings and proceedings concerning alleged violations of the board's rules and regulations;

~~(viii)~~ Compel attendance of witnesses, issue subpoenas and administer oaths to those testifying at hearings;

(ix) ~~In conjunction with the Wyoming Department of Health, Health Facility Survey & Certification Unit,~~ Determine and administer appropriate disciplinary action against all individuals found guilty of violating the Wyoming Nurse Nursing Practice Act, and board rules and regulations ~~and applicable federal requirements.~~

Section 3. Statement of Purpose

(a) These rules and regulations are adopted to implement the authority of the Wyoming State Board of Nursing to:

(i) Regulate the qualifications and certification standards of nursing assistants/~~nurse aides~~ practicing in Wyoming;

(ii) Regulate the certification process for nursing assistants/~~nurse aides~~ practicing in Wyoming;

(iii) Establish minimum standards of competency for nursing assistants/~~nurse aides~~;

(iv) Identify basic skills and functions necessary to nursing assistant/~~nurse aide~~ practice;

(v) ~~Establish and~~ Enforce the standards for nursing assistant/~~nurse aide~~ training and/or competency evaluation programs;

~~(vi) Approve nursing assistant/~~nurse aide~~ training and/or competency evaluation programs that meet the standards;~~

(vii) Establish minimal acceptable levels of safe nursing assistant/~~nurse aide~~ practice;

(viii) Provide criteria for the board to evaluate safe and competent nursing assistant/~~nurse aide~~ practice;

~~(viii)~~ Clarify the scope of tasks for the certified nursing assistant/~~nurse aide~~;

(ix) ~~To Identify behaviors which are inconsistent with uniform and reasonable standards of nursing practice may impair the certificate holder's ability to practice with reasonable skill and safety, including, but not limited to:~~

- (A) Fraud and deceit;
- (B) Unsafe practice;
- (C) Misappropriation of property;
- (D) Abandonment;
- (E) Abuse, including sexual abuse;
- (F) Neglect, including substandard care;
- (G) Violation of privacy and/or confidentiality ~~Chemical dependency;~~
- (H) Drug diversion - self/others;
- (I) Sale, ~~or~~ unauthorized use, or manufacture of controlled/illicit drugs;
- (J) Criminal conviction;
- (K) Unprofessional conduct; and
- (L) Boundary violations, including sexual boundaries.
- (M) Failure to comply with reasonable request from the board,
including but not limited to:

- (I) Response to complaints;
- (II) Response to formal pleadings such as notice of hearing
or petition and complaint;
- (III) Response to inquiry regarding application or renewal
information.

- (N) Impairment;
 - (I) Lack of nursing competency;
 - (II) Mental illness;
 - (III) Physical illness including, but not limited to, deterioration
through the aging process or loss of motor skill; or
 - (IV) Chemical or alcohol impairment.

(xi) ~~Protect the public from incompetent, abusive, and criminal nursing assistants/nurse aides.~~

(A) ~~Violations of the standards of nursing assistant/nurse aide practice may result in disciplinary action as the board may determine.~~

Section 4. Certification Requirements for Nursing Assistants/Nurse Aides.

(a) All nursing assistants/~~nurse aides~~, regardless of title or care setting, shall be required to hold a current, valid nursing assistant CNA certificate issued by the board within four (4) months from the first date of hire with the following exceptions:

(i) Nursing assistants/~~nurse aides~~ who work for a home health agency/public health agency or in the community shall be certified prior to beginning work.

(A) ~~In addition, Nursing assistants/nurse aides who are employed in a home health/public health or community setting shall receive sixteen (16) hours of supplementary training in home health nursing assistant tasks as prescribed by the board within the first two (2) weeks of employment;~~

(B) Nursing assistants who are employed in home health/public health or community settings shall not provide direct patient care until completion of the sixteen (16) hours of home health nursing assistant training;

(C) Documentation of completion of home health nursing assistant training shall be submitted to the board on the prescribed form.

(ii) Nursing assistants/~~nurse aides~~, regardless of title ~~or setting~~, who work for a staffing agency ~~where they will be assigned to work in home health, acute, and/or long term care facilities~~ shall be required to be certified prior to beginning work.

(iii) ~~Nursing assistants/nurse aides who have demonstrated competency through satisfactory participation in a board approved training program and are waiting to take the next available certification test.~~

(b) Nursing assistants applying for endorsement must make application for certification immediately upon employment

Section 5. Registry

(a) ~~The board shall have the authority to regulate nursing assistants/nurse aides and to establish and maintain a nurse aide registry.~~

(b) ~~Each individual who successfully meets the requirements for certification, in Chapter II, shall be entitled to be listed on the nurse aide registry as a certified nursing assistant/nurse aide.~~

(i) ~~An applicant, whose certificate or listing is under disciplinary action by another jurisdiction, or who has had a criminal conviction may not be eligible for certification.~~

(ii) ~~Before listing a nursing assistant/nurse aide on the registry, the board shall investigate and act upon each application for certification.~~

(c) ~~Updating.~~

(i) ~~The board shall require the renewal and updating of a nursing assistant/nurse aide's certification and listing in the registry on a biennial basis.~~

Section 56. Standards for Delegation of Basic Nursing Tasks and Skills

See Chapter 9.

~~(a) — The standards of nursing assistant/nurse aide practice evolve from the performance of delegated nursing related tasks and services regardless of an individual's title or care setting.~~

~~(b) — The delegator shall be a licensed nurse.~~

~~(i) — When delegating a nursing task, the delegator shall:~~

~~(A) — Make an initial assessment of the client's nursing care needs before delegating the task;~~

~~(B) — Verify the nursing assistant/nurse aide's competence to perform any nursing task prior to delegation;~~

~~(C) — Provide appropriate inservice education to each nursing assistant/nurse aide for each task to be performed;~~

~~(D) — Remain accountable for the delegated tasks;~~

~~(E) — Evaluate client outcomes and make adjustments accordingly;~~
and

~~(F) — Make clear to the nursing assistant/nurse aide that the delegated task cannot be re-delegated.~~

~~(ii) — The delegating nurse must delegate only those tasks which:~~

~~(A) — Are within his/her area of responsibility and scope of practice;~~

~~(B) — A reasonable, prudent nurse would find, within his/her sound nursing judgment, appropriate to delegate;~~

~~(C) — In the opinion of the delegator, can be properly and safely performed by the nursing assistant/nurse aide without jeopardizing the client's welfare;~~

~~(D) — Do not require the nursing assistant/nurse aide to exercise nursing judgment or intervention except in an emergency situation; and~~

~~(E) — Are client specific, task specific, and nursing assistant/nurse aide specific.~~

Section 67. Degree of Direction or Supervision.

See Chapter 9.

~~(a) — The degree of required direction or supervision for the nursing assistant/nurse aide shall comply with the following criteria:~~

~~(i) — Direction or supervision means a licensed nurse providing appropriate guidance in the accomplishment of a nursing task, including but not limited to:~~

~~(A) — Periodic observation and evaluation of the performance of the task; and~~

~~(B) — Validation that the task has been performed according to established standards of practice.~~

~~(ii) — Delegation will ensue after an evaluation of factors including but not limited to the:~~

~~(A) — Stability of the client;~~

~~(B) — Training and capability of the delegatee;~~

~~(C) — Nature of the nursing task being delegated; and~~

~~(D) — Proximity and availability of the delegator to the delegatee.~~

~~(iii) — The delegating nurse or another qualified nurse shall be readily available either in person or by telecommunication.~~

Section 78. Basic Nursing Functions, Tasks, and Skills that may be Delegated.

(a) A certified nursing assistant, regardless of title or care setting shall be under the direction of a licensed nurse; After appropriate delegation by the supervising nurse, the nursing assistant/nurse aide shall utilize knowledge of client's rights, legal/ethical concepts, communication skills, safety, and infection control while performing the following:

(b) After appropriate client assessment and delegation by the supervising nurse, the nursing assistant shall utilize knowledge of client's rights, legal and ethical concepts, communication skills, safety, and infection control while performing the following:

(i) Basic Nursing Skills:

(A) Measuring and recording height, weight, intake and output;

(B) Measuring and recording vital signs, including blood pressure and fingerstick blood sugar;

(C) Observing, reporting, and recording signs, symptoms, and changes from baseline data established by the licensed nurse;

(I) Observing and reporting client or family comments in response to the care;

(II) Observing and reporting environmental situations;

(III) Observing and reporting behaviors related to the plan of care;

(D) Caring for the client environment;

(E) Caring for the client when death is imminent;

(F) Measuring and recording food and fluid intake and output;

(G) Using client protective devices;

(H) Maintaining safety standards;

control measures; and (I) Using hand washing, universal precautions, and other infection

(J) Implementing basic emergency procedures including cardiopulmonary resuscitation.

(ii) Personal Care Skills.

(A) Bathing including bed bath, tub or shower, and perineal care;
(B) Grooming including sink, tub, or bed shampoo and oral hygiene
and nail care;

(C) Dressing;

(D) Toileting;

(E) Assisting with eating and hydration, including proper feeding
technique;

(F) Providing skin care including pressure ulcer ~~decubitus~~
prevention;

(G) Ambulating, positioning, and turning;

(H) Feeding, cutting up food, or placing of meal trays;

(I) Socialization activities; and

(J) Assisting with the self-administration of medications includes the following:-

(1.) The licensed nurse assesses and determines the client is awake, alert and cognizant of their medications;

(2.) Medications must be dispensed from a licensed pharmacy with the name, address, and telephone number of the pharmacy, name of client, name and strength of drug, directions for use, date filled, expiration date, prescription number, and prescriber (Assisted Living Facility Rules, Chapter 12, Section 6(d)(ii));

(3.) The nursing assistant may perform the following:

a. Reminding the client to take medication (Assisted Living Facility Rules, Chapter 12, Section 6(iv)(A)(I));

b. Assisting with the removal of a cap or blister pack (Assisted Living Facility Rules, Chapter 12, Section 6(iv)(A)(III));

c. Assisting with the removal of a medication from a container for a client with a disability which prevents independent performance of this act (Assisted Living Facility Rules, Chapter 12, Section 6(iv)(A)(IV));

d. Observing the client take the medication;

e. Applying topical ointments to intact skin;

rectally.

f. Inserting dulcolax and glycerin suppositories

(iii) Basic Restorative Skills Assistance:

- (A) Activities of daily living;
- (B) Performing range of motion exercises;
- (C) Using assistive devices in transferring, positioning, ambulating, toileting, ambulation, eating and dressing;
- (D) Turning and positioning properly;
- (E) Transferring;
- (F) Assisting in bowel and bladder training;
- (G) Using and caring for prosthetic devices; ~~and~~
- (H) Positioning of therapeutic devices; and
- (I) Training the client/resident in self care according to their abilities.

(iv) Mental Health and Psychosocial Skills.

- (A) Recognizing developmental tasks associated with the life process;
- (B) Utilizing basic skills which support the patient in age-appropriate behavior and self-care;
- (C) Applying basic principles of behavior management in response to the client's behavior;
- (D) Identifying characteristics that may put the client/resident at risk and providing care with consideration of:
 - (I) The client's cognitive level of functioning;
 - (II) The client's sensory deficits or impairments ~~The client's family or concerned others as a source of emotional support;~~
 - (III) Communication limitations; ~~The client's need for participation in social activities; and~~
 - (IV) Altered level of consciousness; ~~The client's expression of grief or conflict.~~
 - (V) Agitation or combativeness;
 - (VI) The client's ability to make personal choices;
 - (VII) The client's family or concerned others as a source of emotional support;

- (VIII) The client's need for participation in social activities; and
- (IX) The client's expression of grief or conflict.
- (E) Organizing the client's environment to enhance well-being; and
- (F) Recognizing the client's spiritual needs.
- (v) Communication Skills:
 - (A) Using appropriate verbal and non-verbal communication with clients, their families and co-workers;
 - (B) Recognizing non-verbal communication in clients, their families, and co-workers; and
 - (C) Recognizing and maintaining boundaries, including sexual boundaries.
- (vi) Nursing Team Members Skills of the Certified Nursing Assistant:
 - (A) Accepting delegation, instruction, and supervision from the licensed nurse and other appropriate licensed health professionals;
 - (B) Accepting responsibility for actions;
 - (C) Following the nursing care plan to guide delegated aspects of care;
 - (D) Organizing work by priority assignments;
 - (E) Informing the delegation nurse and appropriate health professional about ability or inability to perform tasks;
 - (F) Observing, reporting, and recording data in a timely manner;
 - (G) Reporting changes in the client to the nurse in a timely manner;
 - (H) Participating with other members of the healthcare team to provide optimum care;
 - (I) Contributing to the planning of care;
 - (J) Reporting unsafe, neglectful or abusive care;
 - (K) Conducting assigned tasks without discrimination on the basis of age, race, religion, sex, life style, national origin, disability or disease;
 - (L) Protecting the dignity and rights of clients regardless of social or economic status, personal attributes or nature of health problems;
 - (M) Protecting the individual's right to privacy and the maintenance of confidentiality;
 - (N) Protecting the property of the client, family, significant others, and the employer; and

(O) Providing care which maintains the client free from abuse and/or neglect.

Section 8. Standards for Nursing Assistant/~~NURSE AIDE~~ Training and Competency Evaluation Programs

(a) Purpose of Standards:

(i) To ensure the safe and effective functioning of nursing assistants/~~nurse aides~~ who successfully complete nursing assistant/~~nurse aide~~ training and competency evaluation programs.

(ii) To serve as a guide for the development and establishment of nursing assistant/~~nurse aide~~ training and/or competency evaluation programs.

(iii) To provide criteria for the evaluation of nursing assistant/~~nurse aide~~ training and competency evaluation programs.

(iv) To promote, preserve and protect the health, safety and welfare of the public by and through the effective control and regulation of nursing assistants/~~nurse aides~~ and their functions and approval of nursing assistant/~~nurse aide~~ training and competency evaluation programs.

~~(b) Approval Process for Nursing Assistant/Nurse Aide Training and Competency Evaluation Programs.~~

~~(i) New Program Application Process.~~

~~(A) A state approved educational institution, hospital, or licensed health care facility shall be eligible for approval and shall submit an application in writing to the board.~~

~~(B) The application shall be submitted at least one (1) month prior to the anticipated date of operation.~~

~~(C) The application shall include the following information:~~

~~(I) Purposes of the program;~~

~~(II) Length of the program;~~

~~(III) Objectives of the program;~~

~~(IV) Curriculum vitae for the faculty;~~

~~(V) Availability of adequate classroom and clinical facilities for the program;~~

~~(VI) Evidence of financial resources adequate for the planning and continuation of the program;~~

~~(VII) Projected number of students per class;~~

~~(VIII) Schedule(s) for planning and initiating the program;~~

~~(IX) — Frequency of class offerings; and~~

~~(X) — Beginning and end dates for each class offering;~~

~~(XI) — Evidence that the facility has not operated under any professional nurse waivers in the last two years (if the program is facility based);~~

~~(XII) — Evidence that the facility has not been subject to any extended or partially extended survey by the Wyoming Department of Health, Health Facilities Survey & Certification Unit or by Health Care Financing Administration (if the program is facility based);~~

~~(XIII) — Evidence that the facility has not been assessed a civil monetary penalty (if the program is facility based).~~

~~(D) — A program shall not enroll students prior to receiving program approval.~~

~~(ii) Review Process.~~

~~(A) — The board shall review the application and:~~

~~(I) — May approve the application as submitted; or~~

~~(II) — May request submission of additional information or may require the redesign and/or revision of the program materials, as well as additional information; and~~

~~(III) — May conduct a site visit to the proposed program and facilities.~~

~~(iii) Approval Process.~~

~~(A) — The Board of Nursing shall approve nursing assistant/nurse aide training and competency evaluation programs which meet board standards.~~

~~(B) — The board may deny approval when it is determined that a nursing assistant/nurse aide training and competency evaluation program fails to meet the standards.~~

~~(C) — All such board actions shall be in accordance with due process rights and the Administrative Procedures Act and/or the board's administrative rules and regulations.~~

~~(c) — Board Approved Programs.~~

~~(i) — Periodic Evaluation:~~

~~(A) — To ensure the continuing compliance with the standards for nursing assistant/nurse aide training and competency evaluation programs, all training and competency evaluation programs shall be surveyed and reevaluated for continual approval at least every two (2) years.~~

~~(B) — The program coordinator shall submit a report every year regarding the program's compliance with the board's rules.~~

~~(I) — If the facility was cited by the Department of Health, Health Facilities Survey & Certification Unit or by the Health Care Financing Administration, a copy of all deficiencies relating to nursing and nursing assistant/nurse aide training shall be appended to the report.~~

~~(C) — A survey visit shall be conducted by representatives of the board at least every two (2) years.~~

~~(E) — The coordinator of each nursing assistant/nurse aide training program may be asked to assist in survey visit activities.~~

~~(E) — A copy of the survey visit report shall be made available to the nursing assistant/nurse aide training & competency evaluation program for review and corrections in statistical data.~~

~~(F) — Following the board's review and decision, written notification regarding the approval status of the program and recommendations shall be sent to the coordinator of the nursing assistant/nurse aide training and competency evaluation program.~~

~~(ii) — Continued approval process.~~

~~(A) — The board shall approve nursing assistant/nurse aide training and competency evaluation programs which continue to meet the standards.~~

~~(B) — The board may withdraw approval when it determines that there is not sufficient evidence that the program is meeting standards.~~

~~(C) — Approval shall be withdrawn if the program does not permit unannounced survey visits or if the educational institution or licensed health care agency loses state approval or licensure. All such actions shall be effective in accordance with due process rights with the Administrative Procedures Act.~~

~~(D) — The board may consider reinstatement or approval of a nursing assistant/nurse aide training and competency evaluation program upon submission of satisfactory evidence that the program meets the standards for nursing assistant/nurse aide training and competency evaluation programs.~~

~~(d) — Closing of an Approved Nursing Assistant/Nurse Aide Training and Competency Evaluation Program.~~

~~(i) — Voluntary Closing.~~

~~(A) — Notification to the board when the educational institution or licensed health care agency considers the closing of a nursing assistant/nurse aide training and competency evaluation program, it shall:~~

~~(I) — Notify the board in writing, stating the reason, and planned date of intended closing;~~

~~(II) — Continue the program until the committed class schedule for currently enrolled students is completed; and~~

~~(III) — Notify the board of the closing date of the program at least thirty (30) days prior to the final closing date.~~

~~(B) — Custody of Records.~~

~~(I) — If the nursing assistant/nurse aide training and competency evaluation program closes, but the educational institution or health care agency continues to function, the institution shall assume responsibility for the records of the students and the graduates. The board shall be advised of the arrangements made to safeguard the records.~~

~~(II) — If the educational institution or health care agency ceases to exist, the transcript of each student and graduate shall be transferred to the board or to a state agency acceptable to the board.~~

~~(III) — The board shall be consulted about the disposition of all other records.~~

~~(e) — Other Closing.~~

~~(i) — When the board denies or withdraws approval of a nursing assistant/nurse aide training and competency evaluation program, the educational institution or health care agency shall:~~

~~(A) — Close the program after the graduation of all students currently enrolled in the program; or~~

~~(B) — Close the program after the transfer of potential students [employees] to approved programs;~~

~~(C) — Submit to the board a list of the names of students [employees] who have transferred to approved programs, including the date on which the last student was transferred;~~

~~(D) — Consider the date on which the last student was transferred as the closing date of the program;~~

~~(E) — Comply with the requirements of all applicable state and federal rules; and~~

~~(F) — Notify the board that the requirements have been fulfilled and give notice of final closing.~~

~~(f) — Standards for Program Approval.~~

~~(i) — Organization and Administration.~~

~~(A) — An approved nursing assistant/nurse aide training and competency evaluation program may be conducted by a state approved educational institution, independent contractor, or a health care agency.~~

~~(B) — The nursing assistant/nurse aide training and competency evaluation program shall be coordinated by a registered nurse, holding current, unencumbered Wyoming licensure with the following qualifications:~~

~~(I) — A minimum of an associate degree with a major in nursing; and~~

~~(f) — At least two years of full-time experience or full-time equivalent experience as a registered nurse in a health care agency or nursing education program.~~

~~(g) — Resources, Facilities and Services.~~

~~(i) — The resources, facilities and services of the educational institutions or health care agency shall be available to the nursing assistant/nurse aide training and competency evaluation program in order to meet the purpose(s) of the program.~~

~~(ii) — The nursing assistant/nurse aide training and competency evaluation program shall receive adequate financial support for faculty, other support personnel, equipment, supplies and services.~~

~~(iii) — The agencies and services utilized for clinical experiences shall be adequate in number and of the kind to meet the training program's curricular objectives.~~

~~(h) — Curriculum.~~

~~(i) — The curriculum shall reflect the philosophy, purpose and objectives of the nursing assistant/nurse aide training and competency evaluation program, and shall be consistent with the law governing the practice of nursing and the delegation of care to the nursing assistant/nurse aide.~~

~~(ii) — Learning experiences and methods of instruction shall be selected to fulfill curriculum objectives.~~

~~(iii) — Curriculum shall be evaluated by the faculty with provisions for student participation.~~

~~(iv) — Curriculum for programs shall include theory and practice in:~~

~~(A) — Basic Nursing Skills;~~

~~(B) — Basic Personal Care Skills;~~

~~(C) — Basic Restorative Skills;~~

~~(D) — Mental Health and Psychosocial Skills;~~

~~(E) — Communication Skills; and~~

~~(F) — Nursing Team Member Skills.~~

~~(i) — Faculty.~~

~~(i) — There shall be a sufficient number of qualified faculty to meet the purposes and objectives of the program.~~

~~(ii) — Program coordinators and faculty shall provide documented evidence of preparation for teaching adults.~~

~~(iii) — The ratio of faculty to students in clinical areas involving direct client care shall be one faculty member to twelve or fewer students (1:12).~~

~~(iv) — The principal instructor who teaches in a nursing assistant/nurse aide training & competency evaluation program and/or who tests in the competency evaluation program shall:~~

~~(A) — Hold a current, unencumbered license as a registered professional nurse;~~

~~(B) — Have at least two (2) years full-time equivalent experience as a registered professional nurse in a health care facility or educational institution;~~

~~(C) — Have at least one (1) year of clinical experience relevant to area(s) of responsibility.~~

~~(j) — Students.~~

~~(i) — Admission and completion requirements shall be available to the students in written form.~~

~~(ii) — Each student shall be under the supervision of a licensed nurse at all times when providing client care as part of the student's clinical experience.~~

~~(iii) — Students shall be required to maintain an acceptable level of personal health in order to protect the health, safety, and welfare of the clients.~~

Section 409. Nursing Assistant/Nurse Aide Competence Evaluation.

(a) The board shall establish the process for evaluating nursing assistants/nurse aides for minimal competency.

~~(b) — The board shall establish the passing standard.~~

~~(c) — The board shall ensure implementation of procedures to ensure confidentiality and security of all test items, examination materials during all stages of test administration and delivery to and from the test sites.~~

Section 410. Disciplinary Procedures

(a) Purpose:

(i) To protect the public from incompetent nursing assistants/nurse aides;

(ii) To assure the minimum competence of nursing assistants/nurse aides;
and

(iii) To provide a process to resolve complaints regarding nursing assistants nurse aides, pursuant to Chapter VIII 8, PRACTICE AND PROCEDURE, of the board's administrative rules and regulations.

(b) Grounds for Discipline:

(i) Engaging in any act inconsistent with uniform and reasonable standards of nursing practice ~~Inability to function with reasonable skill and safety for the following reasons, including but not limited to:~~

(A) Fraud and deceit ~~Physical or mental disability;~~

- (B) Unsafe practice ~~Substance abuse/dependency;~~
- (C) Misappropriation of property ~~Client abandonment;~~
- (D) Abandonment ~~Client abuse, including sexual abuse;~~
- (E) Abuse, including sexual abuse ~~Fraud or deceit;~~
- (F) ~~Client~~ Neglect including substandard care;
- (G) ~~Boundary~~ Violations of privacy and/or confidentiality, including
sexual boundaries;
- (H) ~~Drug diversion – self/others~~ Performance of unsafe client care;
- (I) Sale, unauthorized use, or manufacture of controlled/illicit drugs;
- (J) Criminal conviction;
- (K) Unprofessional conduct;
- (L) Boundary violations, including sexual boundaries;
- (M) Failure to comply with reasonable requests from the board
including, but not limited to:

- (I) Response to complaints;
- (II) Response to formal pleadings such as notice of hearing
or petition and complaint;
- (III) Response to request for application or renewal
information.

- (N) Impairment;
 - (I) Lack of nursing competency;
 - (II) Mental illness;
 - (III) Physical illness including, but not limited to, deterioration
through the aging process or loss of motor skill; or
 - (IV) Chemical or alcohol impairment.

- (ii) ~~Misappropriation or misuse of property;~~
- (iii) ~~Criminal conviction;~~
- (~~iiiv~~) Failure to conform to the standards of prevailing nursing and nursing
assistant/nurse aide practice, in which case actual injury need not be established.

(c) Disciplinary Records.

- (i) The board shall maintain records of disciplinary actions and make available public findings of abuse, neglect, or misappropriation of client property, or other

disciplinary findings, and any statement disputing the finding by the nursing assistant/~~nurse aide~~ listed on the registry.

(d) Disciplinary Notification.

(i) The board shall notify the nursing assistant's/~~nurse aide's~~ current employer, if known, of the disciplinary action.

(ii) The board shall notify the Department of Health of disciplinary action taken against nursing assistants/~~nurse aides~~.

CHAPTER VIII 8

PRACTICE AND PROCEDURE

Section 1. Statement of Purpose.

(a) These rules and regulations are adopted to implement the board's authority to conduct investigations, hearings and proceedings concerning alleged violations of the Wyoming Nurse Practice Act or the board's rules and regulations, and to determine and administer appropriate disciplinary action against any person(s) advanced practitioners of nursing, registered professional nurses, licensed practical nurses, and certified nursing assistants/nurse aides, issued a license, certificate or permit by the board, for proven violations

(b) For purposes of this chapter, any individual holding a current license, permit or certificate issued by the board providing the individual the opportunity to practice a profession in accordance with the Wyoming Nurse Practice Act and the board's rules and regulations, shall be referred to as a "licensee". Any person, not currently licensed by the board, but applying for any type of license, permit or certificate issued by the board, shall be referred to as "applicant".

Section 2. Enforcement of Court Order for Non-Payment of Child Support.

(a) The board shall comply with court orders issued pursuant to W.S. 20-6-112(a), pertaining to an applicant, ~~a temporary permit holder, a licensee, and/or licensee a certificate holder~~ who is arrears in his/her child support payments.

Section 3. Complaint Form.

(a) Any complaint filed made against an licensee advanced practitioner of nursing, registered professional nurse, licensed practical nurse, or a nursing assistant/nurse aid shall be made in writing and contain the signature and address of the person or persons making the complaint. should provide at least the following information:

(b) To initiate the investigatory process, the complainant should provide the following with the complaint:

(i) The name, address, place of employment and position of the individual alleged believed to have violated the Wyoming Nurse Nursing Practice Act or board rules and regulations;

(ii) The nature of the complaint and a description of the incidents~~(s)~~ involved, including dates~~(s)~~, times~~(s)~~, and locations~~(s)~~, and any observed behavior of the individual;

(iii) Supportive documentation of the allegations which may include, but is not limited to: The name and address of other witnesses, if available;

(A) Statements of witnesses, preferably signed, which may provide information regarding the alleged violations. Such statements should include names of witnesses and contact information for witnesses;

(B) Medical releases, medical records, or both;

(C) Law enforcement records, including court documents;

(D) Investigatory data and reports relevant to the allegations, which were conducted or compiled by the complainant or other parties;

(E) Work schedules, employment policies and procedures, workplace assignments, staffing at the time of the alleged incident, documentation of prior employment discipline which may be helpful in substantiating the violation; and

(F) Any other data potentially relevant to the complainant's allegation(s).

~~(iv) The statements of other witnesses, if available; and~~

~~(v) The signature and address of the person or persons making the complaint.~~

Section 4. Disciplinary Committee and Review of the Original Complaint and Investigation.

(a) Disciplinary committee. Complaints submitted to the board office in conformity with Section 3 of this chapter shall be investigated by the board's designate. All investigatory data and information shall be submitted to a disciplinary committee, consisting of at least one (1) or more designated board members, assigned to review the matter. Any board staff member reviewing or compiling information relating to the complaint, may also be deemed a committee member. A committee of two (2) board members, appointed on rotating basis by the president of the board, shall review each complaint and, where necessary, direct further investigation.

(b) In cases where the physical or mental condition of a licensee is at issue, the disciplinary committee, on behalf of the board, may issue an order for the licensee to submit to a physical or mental examination by a qualified provider selected by the disciplinary committee at the expense of the licensee. In selecting a qualified provider, the committee, on behalf of the board, shall consider the provider's credentials. Upon completion of the investigation, the committee may:

~~(i) Prepare and file a formal complaint and notice of hearing with the board;~~

~~(ii)(i) The Oder requiring physical or mental examination shall provide the following: Recommend to the board that an advisory letter be issued;~~

(A) Reasonable notice to the licensee to be examined;

(B) The time, place, manner, conditions, and scope of exam;

(C) Identification of the person or persons who will perform the exam;

~~(ii)(ii) The disciplinary committee, board staff, or both shall receive the original detailed, written report of the examiner which includes the examiner's findings, identification and results of all tests performed on the licensee. The report shall further include the examiner's diagnoses and conclusions, together with like reports of any prior examinations of the same, similar, or other relevant condition revealed to, or known by the examiner, as part of the examiner's intake of the licensee's medical/treatment history. Recommend to the board that a written reprimand be issued;~~

~~(iv)(iii)~~ The board office shall provide a copy of examiner's report to the examined licensee. Recommend to the board the complaint be dismissed;

~~(iv)(iv)~~ When submitting to a competency examination ordered by the disciplinary committee pursuant to W.S. 33-21-146(a)(xi) and these rules, the licensee must, prior to the exam, submit a written release to the provider waiving the patient-clinician privilege of confidentiality regarding the ordered examination and any subsequent examinations relative to the same issue; the licensee must further provide the board office with a copy of the waiver prior to any examination. Failure to waive the privilege, in writing, or failure to provide the board office with a copy of the waiver as required herein, or both, shall constitute conclusive evidence that the licensee has failed to submit to a competency evaluation in violation of W.S. 33-21-146(a)(xi). Recommend to the Board a settlement of the matter;

(c) Upon completion of the investigation and review of the original complaint form and all investigatory materials, including competency examination reports as set forth in this section, the disciplinary committee may ~~The Board may resolve a complaint at any time by:~~

(i) Dismiss the complaint ~~Sending an advisory letter;~~

(ii) Recommend the board approve a settlement agreement in accordance with the board's authority set forth in the Wyoming Nurse Practice Act, the rules and regulations, and the Wyoming Administrative Procedure Act. Such agreements may include the imposition of restrictions, conditions, reprimand, discipline, or a combination thereof ~~Sending a written letter of reprimand;~~

(iii) Initiate formal disciplinary proceedings and recommend the board impose disciplinary action against the licensee including revocation, suspension, reprimand, restriction, or non-renewal of the license or certificate ~~Accepting a voluntary surrender of a temporary permit, license, recognition, or certificate;~~

(iv) Recommend the board issue an order summarily suspending a licensee if the committee finds the licensee presents a clear and immediate danger to the public health, safety and welfare if allowed to continue to practice ~~Accepting conditional terms for settlement;~~

~~(v) — Dismissing the complaint because of lack evidence; and~~

~~(vi) — Setting the matter for a contested case hearing.~~

(d) The board may resolve a complaint by: ~~Committee members shall not take part in the consideration or deliberation of any contested case in which they have participated or have directed the investigation.~~

(i) Approving the disciplinary committee's recommendations;

(ii) Conducting a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the board may:

(A) Dismiss the complaint due to lack of clear and convincing evidence;

(B) Not impose discipline due to significant mitigating factors;

(C) Impose discipline by revocation, suspension, reprimand, restriction, condition, non-renewal, or a combination thereof, for violation of any provision of the Wyoming Nurse Practice Act or the rules and regulations.

(e) Disciplinary committee members of the Committee shall not take part in the consideration or deliberation of any contested case in which they have participated in the investigation. Disciplinary committee members and staff may testify at ~~be barred from attending a~~ contested case hearing.

(f) Members of the disciplinary committee or board staff may attend a contested case hearing.

(g) Any board order imposing discipline against a licensee shall be deemed a public record and be available for inspection and dissemination in accordance with all federal and state laws.

Section 5. Service of Notice of Intent and Opportunity to Show Compliance

(a) Prior to commencing formal proceedings for to discipline of a licensee or certificate holder, the board staff, on behalf of the disciplinary committee shall send a give notice of intent to initiate formal disciplinary action by mail to the last address of the licensee. The notice of intent shall include a brief description of the facts or conduct which warrant the intended action, and provide the licensee an opportunity to show compliance with all lawful requirements for the retention of the license; licensee/certificate holder of the facts or conduct which warrant the intended action.

(b) The opportunity to show compliance shall expire fifteen (15) days from the date of mailing of the notice of intent. notice shall give the licensee/certificate holder an opportunity to show compliance with all lawful requirements for retention of the license or certificate by written response to the board within 10 days of receipt of the notice.

(c) The notice shall be mailed to the licensee or certificate holder's last known address.

Section 6. Notice Service of Hearing Notice and Formal Petition and Complaint

(a) Formal proceedings for disciplinary action against a licensee shall be commenced by serving a notice of hearing and petition and complaint by certified and regular mail, or personal service to the last address provided to the board by the licensee Notice and Complaint shall be served by mail or personal service at least twenty (20) days prior to the date set for hearing to the last known address provided to the board by the licensee or certificate holder.

(b) There shall be a presumption of lawful service when the notice of hearing and petition and complaint are:

(i) Sent to the last address of the respondent/licensee by regular, registered, or certified or regular mail. or

(ii) Returned, when sent to the last known address of the respondent, marked undelivered, unclaimed, or refused.

(c) The notice of hearing shall contain:

(i) The name and last address of the respondent/licensee;

(ii) A statement in ordinary and concise language of the matters asserted, which shall contain the nature of the complaint filed with the board, the facts upon which the complaint is based, the specific statutory provisions and the specific board rules and regulations that the respondent/licensee is alleged to have violated;

(iii) The time, place and nature of the hearing;

(iv) The legal authority and jurisdiction under which the hearing is being held; specifically, that the hearing is being held pursuant to the board's authority under W.S. 33-21-122(c)(viii);

(v) A statement indicating that failure to respond to the complaint within twenty (20) days of its receipt may result in a default judgment.

Section 7. Default Hearing Notice.

(a) The board may enter an order of default judgment based on the allegations contained in the petition and complaint in any case where the respondent/licensee has not responded to the petition and complaint or in any case in which the respondent/licensee or the respondent/licensee's representative has not appeared at a scheduled, properly noticed hearing. Formal proceedings for board disciplinary action on a license shall be commenced by notice issued by the board, served in person or by certified mail.

(i) ~~Notice shall contain at least:~~

(A) ~~The name and address of the respondent;~~

(B) ~~A statement, in ordinary and concise language, of the nature of the complaint filed with the board, and the facts upon which the complaint is based, as well as the specific statutory provision(s) of the board rules and regulations involved;~~

(C) ~~The time, place, and nature of the hearing;~~

(D) ~~That the hearing is being held pursuant to the board's authority under W.S. 33-21-122(c)(vii);~~

(E) ~~That failure to respond to the complaint within twenty (20) days of its receipt may result in default.~~

(ii) ~~Service on the respondent shall be deemed complete and effective if the document to be served is sent by certified mail to the respondent at the last known address provided to the board by the respondent.~~

Section 8. Application Review and Investigation Process Default.

(a) Applications. Every application, including renewal applications, for a license, permit or certificate issued by the board is subject to investigation to determine if the licensee or applicant satisfies the requirements set forth in the Wyoming Nurse Practice Act and these rules and regulations. Accordingly, each application is subject to an investigative process. The board may enter an order based on the allegations of a complaint in any case where the respondent has not responded within twenty (20) days of the date of notification of the complaint, or in any

~~case in which the respondent or the respondent's representative has not appeared at a scheduled hearing of which the respondent had notice.~~

(b) Types of applications:

(i) Renewal Applications. A renewal applicant is an individual who currently holds a license or certificate, and has timely and sufficiently submitted an application for renewal of the license or certificate. "Temporary permit" holders are not "renewal applicants", as temporary permits expire and are not renewed.

(A) If the renewal application reveals any information which merits further investigation, the matter shall be assigned to the disciplinary committee, and the disciplinary investigative process shall apply as if a written complaint form had been filed against the licensee.

(ii) New Applications. A "new applicant" is an individual, who is attempting to obtain a license, permit, or certificate issued by the board, whether by endorsement or exam. This category also includes licensees previously issued a license, permit or certificate by this board, but whose previously issued license, permit, or certificate expired, was surrendered by the licensee, or was revoked by the board.

(A) If the new application reveals any information which merits further investigation, the matter shall be assigned to the application review committee, and the application review investigative process set forth in this chapter, shall apply.

(iii) Incomplete Applications. An incomplete application requires no action by the application review committee or board, until such time as the application is deemed "complete" by board staff, on behalf of the board, and has been reviewed for recommendations by the application review committee. Any new application, which remains incomplete, one year from the date of its original receipt by the board office, shall expire. An application is "incomplete", in that material and requisite information has not been provided as part of the application process. Such information, may include, but is not limited to:

(A) Failure by the applicant to complete or answer any information requested on the application form;

(B) Failure by the applicant to demonstrate lawful presence in accordance with Federal Law;

(C) Failure by the applicant to respond to any application review committee inquiry or to produce any documents or information requested by the application review committee;

(D) Failure by the applicant to provide payment for application fees. If any payment is made by the applicant, processed, and rejected or returned to the board, regardless of the reason, the applicant has failed to provide proper payment for application fees;

(E) Any form of "insufficient funds" constitutes failure of the applicant to provide proper payment of fees;

(F) Failure by the applicant to provide the board with any document or information needed by the board to assess whether the applicant meets all requisites for licensure and poses no risk of harm to the public.

(c) Application Review Committee. Any matter relating to the application which board staff determines merits further investigation shall be assigned to an application review committee. All such matters shall be investigated by the board's designate. The application, any relevant documentary inclusions with the application and all investigatory information obtained as part of the investigation shall be submitted to an application review committee, consisting of at least one (1) or more designated board members assigned to review the matter. Any board staff member reviewing or compiling information relating to the application may also be deemed an application review committee member.

(d) In cases where the physical or mental condition of an applicant is at issue, the application review committee, on behalf of the board, may issue an order for the applicant to submit to a physical or mental examination by a qualified provider selected by the application review committee at the expense of the licensee. In selecting a qualified provider, the committee, on behalf of the board, may consider the provider's credentials;

(i) The Order requiring physical or mental examination shall provide the following:

(A) Reasonable notice to the applicant to be examined;

(B) The time, place, manner, conditions, and scope of exam; and

(C) Identification of the person or persons who will perform the exam.

(ii) The application review committee, board staff, or both shall receive the original, detailed, written report of the examiner which includes the examiner's findings, identification and results of all tests performed on the applicant. The report shall further include the examiner's diagnoses and conclusions, together with like reports of any prior examinations of the same, similar, or other relevant condition(s) revealed to, or known by the examiner, as part of the examiner's intake of the applicant's medical/treatment history.

(iii) The board office shall provide a copy of examiner's report to the examined applicant.

(iv) When submitting to a competency examination ordered by the application review committee pursuant to W.S. 33-21-146(a)(xi) and these rules, the applicant must, prior to the exam, submit a written release to the provider waiving the patient-clinician privilege of confidentiality regarding the ordered examination and any subsequent examinations relative to the same issue; the applicant must further provide the board office with a copy of the waiver prior to any examination. Failure to waive the privilege, in writing, or failure to provide the board office with a copy of the waiver as required herein, or both, shall constitute conclusive evidence that the applicant has failed to submit to a competency evaluation in violation of W.S. 33-21-146(a)(xi).

(e) Upon completion of the investigation and review of the application and all investigatory material, including competency examination report(s), the application review committee may:

(i) Approve and recommend a license, certificate, or permit be issued;

(ii) Recommend the board approve a settlement agreement in accordance with the board's authority as established in the Wyoming Nurse Practice Act, the board's rules and regulations, and the Wyoming Administrative Procedure Act. Such agreements may include

the issuance of a license with the imposition of restrictions, conditions, discipline, or a combination thereof;

(iii) Deny the application by sending a letter of denial to the applicant's last address, by certified and regular mail. The letter of denial shall notify the applicant of the right to request a contested case hearing regarding the denial of the application;

(iv) Table any recommendation or action on any application, if the application is incomplete, or the application review committee determines further information and investigation is necessary.

(f) Applicant's Request for Hearing.

(i) If the application review committee denies the application with a letter of denial, the applicant may request a contested case hearing regarding the denial of the application. The applicant's request for a hearing must be submitted to the board, in writing, and must be received by the board within thirty (30) days from the date of mailing the letter of denial. If a written request for a contested case hearing is not received by the board office from the applicant within the thirty (30) day period, the application review committee's denial of the application shall be final.

(g) If the committee recommends a denial, the denial letter must contain:

(i) A brief description of the facts or conduct which warrant the denial of licensure or certification;

(ii) A statement, in ordinary and concise language, of the nature of the actions which warrant the denial, the facts upon which the denial is based, the specific statutory provisions, and the specific board rules and regulations involved;

(iii) Notice of the right to a hearing if a written request is received in the board office within thirty (30) days of the date of mailing of the letter of denial.

Section 9. Notice of Hearing for Denied Applicants.

(a) If a written request for hearing is received by the board office from the applicant within the thirty (30) day period, the board office, on behalf of the application review committee shall serve a notice of hearing by certified and regular mail, or personal service to the applicant at least twenty (20) days prior to the date set for hearing. Such service shall be made to the last address provided to the board by the applicant.

(b) There shall be a presumption of lawful service when the notice of hearing is:

(i) Sent to the last address of the applicant by certified or regular mail.

(c) The notice of hearing shall contain:

(i) The name and last address of the applicant;

(ii) A statement, in ordinary and concise language, of the matters asserted, which shall contain the nature of the issues relating to the denial of the application, the facts upon which the denial is based, the specific statutory provisions, and the specific board rules and regulations applicant is alleged to have violated or with which the applicant has failed to comply;

(iii) The time, place, and nature of the hearing;

(iv) The legal authority and jurisdiction under which the hearing is being held; specifically, that the hearing is being held pursuant to the board's authority under W.S. 33-21-122(c)(viii).

(d) Application review committee members shall not take part in the consideration or deliberation of any contested case if they have participated in the investigation or denied the application. Application review committee members and board staff may testify at a contested case hearing.

(e) Members of the application review committee or board staff may attend a contested case hearing.

Section 10 9. Motions.

(a) All written motions made to the board prior to the contested case hearing, shall be submitted to the board office ~~made in writing~~ ten (10) days prior to the date set for the hearing.

(i) The board may, within its discretion and upon good cause shown, consider a written allow a motion to be filed after the deadline has passed. at any time

~~(ii) For purposes of this rule, any request for settlement of a contested case shall be considered a motion before the board.~~

Section 11 40. Docket.

(a) When formal proceedings are initiated ~~and notice has been afforded by the executive director~~, the case shall be assigned a number and entered upon a docket provided for such purpose.

~~(b) The executive director shall establish~~ A separate file shall be established for each docketed case and shall contain all in which shall be systematically placed all papers, pleadings, documents, transcripts, evidence, and exhibits pertaining to the case thereto, and all such items shall have noted thereon the docket number assigned, and the date of filing.

Section 12 44. Discovery.

(a) In all formal proceedings before the board, discovery shall occur ~~be afforded~~ in accordance with ~~Section 16-3-107(g)(h)~~ of the Wyoming Administrative Procedure Act.

(b) Copies of all written requests for discovery and written discovery responses shall be sent to the board office ~~Requests for discovery from the board shall be made in writing and directed to the executive director or the presiding officer designated to hear the case.~~

Section 13 42. Subpoenas.

(a) All matters relating to the issuance and enforcement of subpoenas shall be is governed by ~~Section 16-3-107(d)(e)(f)~~ of the Wyoming Administrative Procedure Act.

(b) The executive director or the Office of Administrative Hearing shall issue a subpoena for appearance or for production of documents upon receipt of the Subpoenas for appearance or to produce books, papers, documents, or exhibits by be issued by the executive

~~director or the presiding officer designated to hear the case, upon receipt of the written application for same by any party to the case:~~

(i) Written requests for subpoenas for production of documents shall describe, with particularity, the materials requested for production.

~~(c) The party requesting the issuance of a subpoena shall bear the costs of such issuance to the extent and in the same manner as those fees are paid in the District Court of the State of Wyoming.~~

Section ~~14~~ 13. Witnesses.

(a) All persons testifying at a hearing before the board shall stand and be administered a standard oath.

(b) No testimony will be received from a witness except under oath or affirmation.

(c) The party calling a witness shall bear the costs associated with the witness's appearance.

Section ~~15~~ 14. Representation.

~~(a) Any respondent licensee or applicant may represent self themselves or be represented by counsel that is, provided that such counsel is licensed to practice law in the State of Wyoming, or is associated at the hearing with one or more attorneys licensed to practice law in the State of Wyoming.~~

(b) Any attorney representing a licensee or applicant shall submit a written "entry of appearance" immediately following the commencement of the attorney-client relationship. The entry of appearance shall deem the attorney an attorney of record. A request for withdrawal from representation shall be made by the attorney in writing to the board.

~~(c) A motion to withdraw from representation of a licensee or applicant, shall be made by any attorney of record in writing and submitted to the board no less than ten (10) days prior to a contested case hearing. In any case before the board, an appearance in person or the filing of an answer shall constitute an appearance of record by an attorney.~~

~~(d) An attorney assigned by the Attorney General's Office to litigate on behalf of any of the board committees shall present all matters enumerated in any petition and complaint or notice of hearing. A representative of the Attorney General's office shall present to the board all matters enumerated and described in the notice.~~

~~(e) An attorney assigned by the Attorney General's Office to advise the board shall advise the adjudicating board members during, and following, any contested case proceeding. The board shall request the Attorney General or the designated representative to be present and advise the board in conducting the hearing.~~

Section ~~16~~ 15. Order of Procedure.

(a) As nearly as practicable, the order of procedure at any hearing before the board shall be as follows:

(i) The presiding officer of the board shall call the meeting to order and turn the meeting over to the hearing examiner. The hearing examiner shall convene the hearing and

~~announce that the hearing is convened upon the call of the docket number and title of the matter and case to be heard. The hearing examiner shall identify the quorum members deciding the matter and shall hear and rule upon all preliminary issues submitted to the hearing examiner, and thereupon the presiding officer shall direct the reading into the record of the notice given, and the complaint, together with appearance in the form of answers or other appearance made by the respondent, and shall note for the record all subpoenas issued and all appearances of record, including respondent and counsel;~~

(ii) ~~Each party to the contested case proceeding, or the party's legal representative, may present an opening statement. The board may direct the hearing examiner limit the time permitted for opening statements. Opening statement may be made by each of the parties. The allowed for oral argument may be limited by the presiding officer;~~

(iii) ~~The assigned litigating attorney representing the disciplinary committee shall proceed first, by presenting evidence in support of the petition and complaint. When the assigned litigating attorney is representing the application review committee, the applicant (or the applicant's attorney of record) shall proceed first, by presenting evidence in support of the application. All exhibits offered by and on behalf of the disciplinary or application review committees shall be identified by letters of the alphabet beginning with "A", and all exhibits offered by or on behalf of the licensee or applicant shall be identified with numbers, commencing with "1"; The counsel or representative of the board, shall thereupon proceed to present the evidence in support of the complaint. Witnesses may be cross-examined by the respondent or the respondent's counsel. All exhibits offered by and on behalf of the complaint shall be marked by letters of the alphabet beginning with "A".~~

(iv) ~~All witnesses may be examined and cross-examined by the parties or by their respective attorneys. The respondent shall, in order of the answers or appearance made, be heard in the same manner as the evidence, witnesses, and exhibits were heard and presented in support of the complaint, and may be cross-examined by the counsel or representative of the board. The respondent's exhibits shall be marked separately so as to identify the respondent, commencing with the numeral "1";~~

(v) ~~Rebuttal evidence may be allowed within the discretion of the hearing examiner presiding officer;~~

(vi) ~~Each party or their attorney may present a closing argument. The board may direct that the hearing examiner limit the time permitted for closing arguments. Closing statements may be made by the representative of the board and by the respondent or the respondent's counsel at the conclusion of the presentation of evidence. No rebuttal statement may be made by any of the parties to the proceeding;~~

(vii) ~~At the conclusion of the contested case hearing, the hearing examiner shall dismiss and excuse all witnesses and declare the hearing closed. The case shall then be taken under advisement for the board's quorum to deliberate upon the matter. After all proceedings have been concluded, the presiding officer shall dismiss and excuse all witnesses, and declare the hearing closed. Any party who may wish to present written briefs of law to the board may do so, and the presiding officer may request written briefs of law for the board. The board shall take the case under advisement and shall inform the respondent that the decision shall be announced within due and proper time following consideration of all matter presented at the hearing.~~

Section 17 46. Decision and Order.

(a) The board shall, ~~following a hearing,~~ make and enter a written decision and order containing findings of fact and conclusions of law, stated separately.

(i) The decision and order shall be sent by certified mail to the licensee or applicant or their attorneys ~~to the respondent and the respondent's attorneys of record.~~

(ii) This rule does not preclude the board's from giving preliminary, non-binding notice to the parties prior to the filing of the board's written decision and order.

(iii) Unless otherwise ordered by the board, all decisions of the board shall be effective as of the time of the filing of the written decision and order.

Section ~~18~~ 17. Record of Proceedings.

(a) In a contested case the proceedings, including all testimony, shall be reported verbatim by a competent reporter or by other methods deemed sufficient by the board. ~~Such other methods may include the use of tape recorders.~~

Section ~~19~~ 18. Surrender of Recognition, License or Certificate.

(a) In the event that, ~~a recognition, a licensee license or certificate is disciplined, the board staff, on behalf of the board, may require the licensee to surrender the unencumbered license, permit or certificate conditioned, revoked or suspended, the recognition, license or certificate shall be surrendered to the board office.~~

Section ~~20~~ 19. Appeals.

(a) Appeals from decisions of the board are governed by ~~Section 16-3-114 W.S. 1977~~ of the Wyoming Administrative Procedure Act, and Wyoming Rules of Appellate Procedure.

(b) Costs of transcripts and any reasonable costs assessed by the board regarding the record on appeal shall be borne by the party making the appeal.