

ORIGINAL SENATE
FILE NO. SF0111

ENROLLED ACT NO. 77, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to the occupation of nursing; revising the Nurse Practice Act; specifying applicability to advanced practice registered nurses, registered nurses, licensed practical nurses or certified nursing assistants; conforming provisions; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 33-21-120(a)(i)(C), (D) and (viii), 33-21-122(c)(iii), 33-21-127(a)(intro), (ii), (iii), (b)(intro), (ii), (iv)(A), (c) and (d), 33-21-128(b) and (c), 33-21-129, 33-21-130, 33-21-131, 33-21-132(a) through (d), 33-21-133, 33-21-145(a)(i) through (iv) and (viii), 33-21-146(a)(iii)(A), (C), (D), (vi), (vii), (x) and (b), 33-21-147, 33-21-148, 33-21-149, 33-21-150(a)(i), 33-21-151(a)(i) through (iii), 33-21-153(a) and 33-21-154(a)(ix) and (xi) are amended to read:

33-21-120. Definitions.

(a) As used in this act:

(i) "Advanced practice registered nurse (APRN)" means a nurse who:

(C) Has a doctorate or master's degree in nursing, or an advanced practice registered nurse specialty or has completed an accredited advanced practice registered nurse educational program prior to January 1, 1999; and

(D) Has completed an advanced program of study in a specialty area in an accredited nursing program, has taken and passed a national certification examination in the same area and has been granted ~~recognition~~-licensure by the board to practice as an APRN.

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(viii) "License" means a current document permitting the practice of nursing as ~~a~~an advanced practice registered nurse, registered nurse or licensed practical nurse;

33-21-122. Board of nursing; powers and duties.

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

(iii) Publish advisory opinions relative to whether the nursing procedures, policies and other practices of any agency, facility, institution or other organization that employs individuals licensed or certified under this act complies with the standards of nursing practice as defined in this act and board rules and regulations. The board may submit comments, register complaints or file charges with the appropriate advisory, certifying or regulatory body governing the agency, facility, institution or organization that authorizes and condones violations of this act or board rules and regulations;

33-21-127. Qualifications for licensure or certification; application requirements.

(a) An applicant for licensure or certification by examination to practice as ~~a~~an advanced practice registered nurse, registered nurse, ~~or~~licensed practical nurse or certified nursing assistant shall:

(ii) Be a graduate of a state board approved nursing or nursing assistant education program recognized

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by the board which prepares the applicant for the level of licensure or certification being sought;

(iii) Pass a board approved national nursing licensure or certification examination;

(b) An applicant for licensure or certification by endorsement to practice as ~~a~~an advanced practice registered nurse, registered nurse, ~~or~~ licensed practical nurse or certified nursing assistant shall:

(ii) Be a graduate of a state board approved nursing or nursing assistant education program recognized by the board which prepares the applicant for the level of licensure or certification being sought;

(iv) Remit fees as specified by the board; and either:

(A) Submit proof of initial licensure or certification by an examination acceptable to the board, provided that when the applicant secured his or her initial license or certificate, the requirements for licensure or certification included the requirements then necessary for licensure or certification in this state and have submitted proof that the license or certificate has not been suspended, revoked or otherwise restricted for any reason; or

(c) Each applicant who successfully meets the requirements of this section is entitled to licensure or certification as ~~a~~an advanced practice registered nurse, registered nurse, ~~or~~ licensed practical nurse or certified nursing assistant, whichever is applicable.

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(d) In addition to subsections (a) and (b) of this section, an applicant for licensure or certification under this act shall provide the board fingerprints and other information necessary for a criminal history record background check as provided under W.S. 7-19-201.

33-21-128. Examinations for licensure; reexamination.

(b) The board may employ, contract and cooperate with any organization in the preparation, administration and grading of an appropriate national nursing licensure or nursing assistant certification examination.

(c) The board shall by rules and regulations limit the number of reexaminations which may be taken by the applicant after the initial failure of a board approved national nursing licensure or nursing assistant certification examination.

33-21-129. Renewal of licenses or certificates.

(a) Licenses or certificates issued under this act shall be renewed biennially according to a schedule established by board rules and regulations.

(b) A renewal license or certificate shall be issued to ~~a~~ an advanced practice registered nurse, registered nurse, ~~or~~ licensed practical nurse or certified nursing assistant who demonstrates satisfactory completion of requirements established by the board and who remits the required fees established in the board rules and regulations.

(c) Any license or certificate issued by the board shall expire if the licensee or certificate holder fails to

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renew the license or certificate as established in board rules and regulations, including the remittance of all fees.

(d) Failure to renew the license or certificate by the expiration date shall result in forfeiture of the right to practice nursing or nurse assisting in this state.

33-21-130. Relicensure or recertification.

Licensees or certificate holders who have allowed their license or certificate to lapse by failure to renew as herein provided, may apply for relicensure or recertification according to board rules and regulations. Upon satisfaction of the requirements for relicensure or recertification, the board shall issue a renewal of license or certificate to practice nursing or nurse assisting.

33-21-131. Inactive status; reactivation or recertification.

Licensees or certificate holders who hold an active license or certificate to practice in this state, and who wish to discontinue the practice of professional or practical nursing or nurse assisting in this state, may request in writing that the board place their license or certificate on inactive status. A licensee or certificate holder on inactive status shall not be considered lapsed or expired. A biennial renewal fee shall be required to retain the inactive status. Licensees or certificate holders on inactive status may apply for reactivation pursuant to board rules and regulations.

33-21-132. Temporary permit.

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(a) The board may issue a temporary permit to practice nursing or nurse assisting to ~~a~~an advanced practice registered nurse, registered nurse, ~~or~~ licensed practical nurse or certified nursing assistant who is awaiting licensure or certification by endorsement and who is currently licensed or certified in good standing in another jurisdiction, territory or possession of the United States. The period for a temporary permit shall not exceed ninety (90) days, provided the applicant submits a written application for licensure or certification by endorsement in a form and substance satisfactory to the board. A temporary permit for such a request shall be issued only one (1) time.

(b) The board may issue a temporary permit to practice nursing or nurse assisting to ~~a~~an advanced practice registered nurse, registered nurse, ~~or~~ licensed practical nurse or certified nursing assistant who is not seeking licensure or certification by endorsement and who is currently licensed or certified in good standing in another jurisdiction, territory or possession of the United States. The period for a temporary permit shall not exceed ninety (90) days, provided the applicant submits a written application for licensure or certification by endorsement in a form and substance satisfactory to the board. A temporary permit for such a request shall be issued only one (1) time.

(c) The board may issue a temporary permit to practice nursing or nurse assisting to a graduate of an approved nursing or nursing assistant education program, pending the results of the first board approved national nursing licensure or certification examination offered after graduation. A temporary permit shall not be issued to any applicant who has previously failed a board approved

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national nursing licensure or certification examination. The temporary permit shall be surrendered in event of failure of the licensure or certification examination. A new graduate holding a temporary permit shall practice only under the direction and supervision of a registered professional nurse. A temporary permit for such a request shall be issued only one (1) time.

(d) The board may issue a temporary permit to graduates of foreign schools of nursing who have met the requirements for licensure by examination or endorsement pursuant to board rules and regulations. Applicants showing evidence of certification from a board approved national certifying organization for graduates of foreign nursing schools shall take the first available board approved national nursing licensure or certification examination ~~offered~~ for which they are eligible. A temporary permit for such a request shall be issued only one (1) time.

33-21-133. Licensees and certificate holders to provide statistical information to board.

Each licensee and certificate holder shall provide reasonable information for statistics requested by the board to perform its duties in nursing manpower planning.

33-21-145. Violations; penalties.

(a) No person shall:

(i) Engage in the practice of nursing or nurse assisting as defined in this act without a valid, current license, certificate or temporary permit, except as otherwise permitted under this act or the Nurse Licensure Compact or the Advanced Practice Registered Nurse Compact;

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(ii) Practice nursing or nurse assisting under cover of any diploma, license, certificate or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(iii) Use any words, abbreviations, figures, letters, titles, signs, cards or devices tending to imply that the person is a-an advanced practice registered nurse, registered nurse, licensed practical nurse or advanced practice registered nurse-certified nursing assistant unless the person is duly licensed or certified as a-an advanced practice registered nurse, registered nurse, licensed practical nurse, or recognized as an advanced practice registered nurse or certified nursing assistant under this act or the Advanced Practice Registered Nurse Compact or holds a license in another state and is practicing in this state pursuant to the Nurse Licensure Compact;

(iv) Knowingly employ unlicensed or uncertified persons in the practice of nursing or nurse assisting;

(viii) Practice nursing or nurse assisting during the time a license or certificate is suspended, revoked, surrendered, inactive or lapsed.

33-21-146. Disciplining licensees and certificate holders; grounds.

(a) The board of nursing may refuse to issue or renew, or may suspend or revoke the license, certificate or temporary permit of any person, or to otherwise discipline a licensee or certificate holder, upon proof that the person:

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(iii) Has practiced fraud or deceit:

(A) In procuring or attempting to procure a license or certificate to practice nursing or nurse assisting;

(C) In signing any report or record as ~~a~~an advanced practice registered nurse, registered nurse, ~~or as~~ a licensed practical nurse or certified nursing assistant;

(D) In representing authority to practice nursing or nurse assisting; or

(vi) Has had a license or certificate to practice nursing or nurse assisting or to practice in another health care discipline in another jurisdiction, territory or possession of the United States denied, revoked, suspended or otherwise restricted;

(vii) Has practiced nursing or nurse assisting within this state without a valid current license or temporary permit or as otherwise permitted under this act, ~~or~~ the Nurse Licensure Compact or the Advanced Practice Registered Nurse Compact;

(x) Has knowingly engaged in an act which the licensee or certificate holder knew was beyond the scope of the individual's nursing or nurse assisting practice prior to committing the act, or performed acts without sufficient education, knowledge, or ability to apply nursing principles and skills;

(b) Upon receipt from the department of family services of a certified copy of an order from a court to

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withhold, suspend or otherwise restrict a license or certificate issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license or certificate in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license or certificate withheld, suspended or restricted under this subsection.

33-21-147. Disciplining licensees or certificate holders; procedure.

A proceeding for discipline of a licensee, certificate holder or a temporary permit holder, or action against an applicant for a license, certificate or temporary permit, may be commenced when the board has reasonable grounds to believe that a person under the board's jurisdiction has committed acts in violation of W.S. 33-21-146. No license or certificate to practice nursing or nurse assisting may be revoked or denied by the board without affording the licensee, certificate holder or applicant due process of law. However, the board may summarily suspend a license or certificate and institute proceedings concomitantly if the board finds that the licensee or certificate holder presents a clear and immediate danger to the public health, safety and welfare if allowed to continue to practice. For purposes of a suspension or other restriction imposed pursuant to W.S. 33-21-146(b), the board may presume that the court imposing the suspension or restriction afforded the licensee, certificate holder or applicant due process of law.

33-21-148. Disciplining licensees; reinstatement.

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Any person whose license or certificate has been denied, suspended or revoked, pursuant to this act, may apply to the board for reinstatement of the license or certificate or issuance of a license or certificate after fulfilling those requirements determined by the board. The application shall be made in writing and in the form prescribed by the board. The board may grant or deny the application or it may modify its original findings to reflect any circumstances that have changed sufficiently to warrant modifications.

33-21-149. Disciplining licensees or certificate holders; conditional licensure.

As a result of disciplinary action, the board may in addition to other powers and duties, issue, renew or reinstate licenses or certificates subject to reasonable conditions which the board may impose.

33-21-150. Immunity of board members and persons reporting information to board.

(a) Any member or agent of the board, or any person under oath, is not subject to a civil action for damages as a result of reporting information in good faith, without fraud or malice, relating to alleged violations of this act or board rules and regulations including, but not limited to:

(i) Negligence, malpractice or the qualification, fitness or character of a person licensed or certified, or applying for a license or certificate, to practice nursing or nurse assisting; or

33-21-151. Injunctive relief; grounds.

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(a) The board may petition in its own name for an injunction to a proper court of competent jurisdiction to enjoin:

(i) Any person from practicing nursing or nurse assisting, within the meaning of this act, without a valid license, certificate or temporary permit, unless so exempted under W.S. 33-21-154;

(ii) Any licensee or certificate holder from practicing who allegedly is in violation of this act; or

(iii) Any person, firm, corporation, institution or association from employing any individual to practice nursing or nurse assisting who is not licensed or certified under this act or exempted under W.S. 33-21-154.

33-21-153. Names of terminated licensees or certificate holders to board; enforcement by court order; civil contempt for noncompliance; immunity.

(a) Hospitals, nursing homes and other employers of advanced practice registered nurses, registered nurses, licensed practical nurses, and ~~advanced practice registered nurses~~ certified nursing assistants shall report to the board the names of those licensees or certificate holders whose employment has been terminated voluntarily or involuntarily for any reasons stipulated in W.S. 33-21-146.

33-21-154. Exemptions.

(a) No provisions in this act prohibit:

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(ix) The practice of any nurse or nursing assistant, currently licensed or certified in another jurisdiction, in the provision of nursing care in the case of an emergency or disaster as declared by the governor;

(xi) The practice of any advanced practice registered nurse who holds a license in another state and is practicing in this state pursuant to ~~W.S. 33-21-302~~ the Advanced Practice Registered Nurse Compact.

Section 2. This act is effective July 1, 2017.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk