



Certification Page Regular and Emergency Rules

1. General Information

a. Agency/Board Name *See attached list for references*

Wyoming State Board of Nursing

b. Agency/Board Address
1810 Pioneer Ave

c. Agency/Board City
Cheyenne

d. Agency/Board Zip Code
82002

e. Name of Contact Person
Mary Kay Goetter

f. Contact Telephone Number
307-777-6121

g. Contact Email Address
marykay.goetter@wyo.gov

h. Adoption Date:
05/18/2012

i. Program(s) *See attached list for references*
General Agency Board or Commission Rules

2. Rule Type and Information

a. These rules are: ☐ Emergency Rules *(After completing all of Section 2, proceed to Section 5 below)* ☒ Regular Rules

b. Choose all that apply: ☐ New Rules* ☒ Amended Rules ☐ Repealed Rules

* "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.

If "New," provide the Enrolled Act number and year enacted:

c. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed *(if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)*

Chapter Number: 2	Short Title: Licensure Requirements
Chapter Number:	Short Title:
Chapter Number:	Short Title:
Chapter Number:	Short Title:
Chapter Number:	Short Title:

d. ☒ The Statement of Reasons is attached to this certification.

e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

3. State Government Notice of Intended Rulemaking

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State: 03/27/2012

b. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Legislative Service Office: 03/27/2012

c. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Attorney General: 03/27/2012

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☒ Yes ☐ No ☐ N/A

b. A public hearing was held on the proposed rules. ☐ Yes ☒ No

If "Yes:"	Date:	Time:	City:	Location:

5. Final Filing of Rules

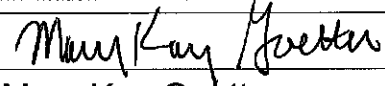
a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: 05/24/2012

b. Date on which final rules were sent to the Legislative Service Office: 05/24/2012

c. Date on which a PDF of the final rules was electronically sent to the Secretary of State: 05/24/2012

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Mary Kay Goetter
Signatory Title	Executive Director
Date of Signature	05/24/2012

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

Distribution List:**Attorney General**

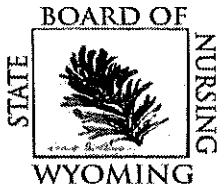
1. Statement of Reasons;
2. Original Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore; and
5. Memo to Governor documenting emergency (emergency rules).

LSO

1. Statement of Reasons;
2. Copy of Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore;
5. Electronic copy of rules: clean and strike/underscore; and
6. Memo to Governor documenting emergency (emergency rules).

SOS

1. PDF of clean copy of rules; and
2. Hard copy of Certification Page as delivered by the AG.



Matthew H. Mead
Governor

Wyoming

STATE BOARD OF NURSING

Mary Kay Goetter, PhD, RNC, NEA-BC
Executive Director

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LICENSURE REQUIREMENTS FOR REGISTERED PROFESSIONAL NURSES
and
LICENSED PRACTICAL NURSES
and
CERTIFICATION REQUIREMENTS FOR NURSING ASSISTANTS/NURSE AIDES
Chapter 2, Section 10, Section 11, and Section 18

Statement of Principal Reasons

The changes proposed in these 3 sections directly relate to renewal of licenses and certifications. The next renewal period is approaching this fall and these changes address concerns previously expressed by our licensees and make the renewal process more efficient.

Previous Board practice was to send out renewal applications to all licensees and certificate holders prior to the renewal period, October 1 – December 31 of every even numbered year. With the development of the WSNB website and online renewals, mailing out applications is no longer necessary or cost effective. Applications may be downloaded directly from the website. Eliminating individual mailings to 16,000 licensees saves the Board up to \$20,000 based on past renewal mailing costs.

Changes to Section 10 and 11 remove the language specifying that renewal applications will be mailed to the last known address. Renewal notification to all licensees is accomplished by several means. All RN, LPN, and CNAs in our database receive the quarterly Wyoming Nurse Reporter magazine which publishes information on renewals. The WSNB website is frequently updated to provide easy access and relevant current information for our nurses. Our relationship with the Wyoming Nurses Association, Wyoming Hospital Association and other healthcare facility organizations provides a means to disseminate important renewal information directly to the nurses and to organizations that have a vested interest in verifying their employees are licensed.

Small changes to Section 11 clarify the period during which licensing will consider continuing education and employment since the previous renewal period. It also makes an employment exception for a CNA performing direct patient care while in an approved nursing program. This was always a burden on the CNA attending nursing school fulltime to complete the 16 hour work requirement.

Mission: Serve and safeguard the people of Wyoming through the regulation of nursing education and practice.

The changes in Section 10 and 11 were consistently applied to Section 18. The phrase 'inservice education', originally adapted from the Code of Federal Regulations (CFR), was removed and a definition of continuing education was inserted to clarify the array of education accepted for renewal.

Chapter 2 is scheduled for a complete review but these small changes eliminate inconsistencies in how the licensing process has evolved, eliminate some burdensome requirements, and allow the Board to remain compliant with the Administrative Rules and Regulations approaching the next renewal period.

Mission: *Serve and safeguard the people of Wyoming through the regulation of nursing education and practice.*

CHAPTER 2

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

NOTE: New language in Section 10, 11, and 18 appears in underscore and deletions appear in ~~strikethrough~~;

Section 1. Statement of Purpose.

- (a) These rules and regulations are adopted to implement the board's authority:
 - (i) 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, foreign nurses, advanced 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 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 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;
 - (iii) The Board shall notify the administrative head of the nursing education program of the examination process;
 - (iv) 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) The candidate shall:

- (i) Be required to fulfill all requirements for licensure by examination, as stated in the Wyoming Nursing Practice Act, W.S. 33-21-127(a);
- (ii) Submit the application and fee for the national nursing licensure examination to the national testing service;
- (iii) Submit the application and fee for licensure by examination to the board;
- (iv) Submit the finger print cards and required fees to obtain state and national criminal history record information;
- (v) Request the registrar's office to submit an official transcript; the official transcript shall be on file with the board before permission shall be granted to the candidate to take the examination.

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

- (a) Preparation for certification by examination:
 - (i) A candidate who has graduated from a state or board approved nursing assistant/nurse aide training and competency evaluation program shall be eligible to write the national or board approved certifying examination (NACEP) for certified nursing assistants/nurse aides;
 - (ii) The board 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 nursing assistant/nurse aide 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 certification examination a total of five (5) times.
 - (i) Eligibility to sit for the examination shall be within the one (1) 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) The candidate shall:
 - (i) Submit evidence of having graduated from a state or board approved nursing assistant/nurse aide training and competency evaluation program which meets 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) 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 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) Submit the finger print cards and required fees to obtain state and national criminal history record information;

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) The candidate must have successfully completed:

(i) A Wyoming nursing assistant/nurse aide training program prior to January 1, 1989; or

(ii) 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.

(b) 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 Nursing Practice Act, W.S. 33-21-127(b);

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

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

(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 of Licensees Continuing In, Or Returning To Practice .

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

(a) An applicant for endorsement shall submit:

(i) A completed application;

(ii) Written documentation indicating successful completion of a state approved nursing assistant/nurse aide training and competency evaluation program;

(iii) Evidence of continued competency as defined by the board;

(iv) Verification of certification from the jurisdiction of original certification;

(v) Verification of certification and registry status from jurisdiction of most recent employment; and

(vi) The required fee.

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

(c) An applicant who 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 Foreign Educated Nurses, Including Canadian Nurses.

(a) A foreign registered or practical nurse applicant who has received nursing education outside of the United States and has 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) May secure a temporary permit to practice nursing upon fulfillment of all requirements as stated in the Wyoming Nursing Practice Act W.S. 33-21-132(a).

(b) A foreign registered or practical nurse applicant who has received nursing education outside of the United States 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 national certifying organization and receive a certificate. The board shall secure verification that a certificate has been issued to the applicant;

(A) Request the foreign nursing education program submit an official transcript, accompanied by an English translation, to the 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;

(iii) Shall submit evidence of English proficiency as the board may require, if English is not the 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 be scheduled for a board approved national nursing licensure examination;

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

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

Section 9. Temporary Permits.

(a) Temporary Permit Pending Licensure.

(i) A 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) Submit to the board the application and fee for licensure by endorsement, and a current license (in good standing) from another jurisdiction.

(b) Temporary Permit Without Licensure.

(i) A professional or practical nurse who is currently licensed to practice nursing in another jurisdiction may obtain a temporary permit without applying for licensure by endorsement. A temporary permit may be issued for ninety (90) days and shall be nonrenewable. 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 a current license (in good standing) from another jurisdiction.

(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 professional or practical nursing education program pending the receipt of the candidate's test results.

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

(I) 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 90 days.

(iii) A graduate temporary permit is nonrenewable.

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

(ix) A graduate nurse or graduate practical nurse holding a graduate temporary permit 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:

(I) 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 successfully completes a state approved Nursing Assistant Training and Competency Evaluation Program (NATCEP) may be eligible to receive a temporary permit to practice as a graduate nursing assistant/nurse aide while awaiting competency testing and certification. Temporary Permits shall be issued to all students of approved NATCEP programs upon receipt of the Verification of Course Completion list as provided to the Board by approved course instructors. A graduate nursing assistant working under a temporary permit shall submit paperwork for permission to test and a complete application for certification to the Board at the earliest possible time.

(A) The temporary permit may be revoked for any applicant whose background check initiates a preliminary investigation until such investigation is resolved. Wyoming State Board of Nursing reserves the right to revoke a temporary permit at any time.

(B) A graduate Nursing Assistant temporary permit shall be valid for 120 days from date of issue or until the candidate becomes certified, whichever comes first. Federal guidelines may supersede this allowance.

(C) A graduate Nursing Assistant temporary permit shall be nonrenewable.

(D) A graduate Nursing Assistant temporary permit shall become void if the candidate fails to pass the competency examination.

(E) The Board shall notify the candidate by mail of his or her competency examination results after receipt of both the written and skills test results from the national testing service. The notification shall include directions for the need to reschedule the examination should the candidate fail either portion.

(I) Upon failing either portion of the competency exam the candidate shall be ineligible to practice as a nursing assistant/nurse aide until they successfully pass both sections of the competency exam.

(II) A candidate who fails any part of the examination and wishes to retake the failed portion of the examination shall be allowed to take the examination a total of Five (5) times over a 1 year period regardless of the jurisdiction in which the examination was administered;

(III) A candidate who fails Five (5) attempts to pass either portion of the competency test within a one-year period will be required to complete a state board approved training program before reapplying to take the approved competency examinations or making application for certification. They shall not be eligible to apply for a temporary NA permit prior to becoming certified.

(F) A candidate shall be ineligible to practice as a graduate nursing assistant/nurse aide or as a nursing assistant/nurse aide after the temporary permit expires without appropriate certification.

(G) A graduate nursing assistant/nurse aide holding a graduate Nursing Assistant temporary permit shall practice only under the supervision of a licensed nurse. Supervision shall be defined as "the immediate physical availability of an advanced practice registered nurse or registered professional nurse for the purpose of providing assistance, coordination and evaluation of the practice of another" as found in Chapter 1, Section 6 (lxxix).

(H) A graduate nursing assistant/nurse aide holding a graduate Nursing Assistant temporary permit shall be held to the established Standards of Nursing Assistant/Nurse Aide Practice. Any hiring facility shall be responsible for verifying individual competency as it relates to individual staff assignments.

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

(J) A nursing assistant/nurse aide or student in a state-approved NATCEP may be employed in a nursing facility during their education program but may not take individual assignments until they successfully complete the course and obtain their Temporary Permit.

(K) A Nursing Assistant must be State Certified and listed on the state registry as maintained by the state regulatory agency prior to working for a Home Health Agency or Public Health Agency. A GNA is not eligible to work in home health or for a Public Health Agency.

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

(a) The Board shall ~~mail~~ make application(s) for renewal of recognition and/or licensure to current licensees available on the Board website on or before ~~December 31st~~ October 1st of every even year.

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

(b) 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(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.

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

(a) ~~The board shall mail an~~ **make applications for renewal of certification to current certificate holders available on the Board website on or before December 31st October 1st of every even year.**

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

(b) 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 employment as a nurse assistant for at least sixteen (16) hours or participation in direct patient care through an approved nursing program since the last renewal within the past two years;
- (iii) Evidence of twenty-four (24) hours of learning activities related to CNA practice since the last renewal 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, WS 33-21-146, and/or federal regulations; or if an act has been committed, the board has found after investigation that sufficient restitution has been made.

(c) No certification shall be renewed unless the nursing assistant/nurse aide has been employed as a nursing assistant/nurse aide for at least sixteen (16) hours or participated in direct patient care through an approved nursing program since the last renewal within the past two years and has completed twenty-four (24) hours of learning activities related to CNA practice since the last renewal. (12 hours each year) of appropriate inservice education in the past two (2) years.

Section 12. Failure to Renew.

(a) Failure to receive the 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 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) 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 sixty (60) days after the expiration date of the license.

(iii) A licensee/certificate holder who fails to renew by this deadline must file for relicensure and pay an additional delinquent fee.

(b) A licensee/certificate holder who fails to renew his/her license/certificate on or before the date of expiration designated by the board shall result in the forfeiture of the right to work as a registered professional nurse, licensed practical nurse, advanced practitioner of nursing, or certified nursing assistant/nurse aide in the state.

(c) A licensee who fails to request inactive status 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) A licensee who fails to renew the license within sixty (60) days after the expiration date of the license and continues to practice is an illegal practitioner subject to the penalties provided for violation(s) of the Wyoming 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) The board may allow a licensee to place his/her license on inactive status 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, WS 33-21-146, or if an act has been committed, the board has found after investigation that sufficient restitution has been made.

(A) If sufficient restitution has not been made, the board may allow a licensee under investigation or with an encumbered license to place his/her license on inactive status 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) 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) The licensee shall not practice nursing in this state until the license is reactivated.

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.

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.

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 as specified under Chapter V: FEES;

(iv) Request to appear before the board to seek reinstatement; and

(v) If reinstatement is granted, submit evidence of meeting the current renewal requirements as stated in Biennial Renewal of Certification for Nursing Assistants/Nurse Aides, Section 11 of this Chapter.

(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 that just cause for reinstatement has been demonstrated;

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

(iv) 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) 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, 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 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) 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) 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) Satisfactory completion of the national nursing licensure examination or a competency examination accepted by the board.

(I) An applicant shall submit 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) Satisfactory completion of twenty (20) hours of continuing education within the last two (2) years.

(I) An applicant shall submit evidence of completion of 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 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 sixteen (16) hours since the last renewal during the last two (2) years; or
 - (ii) Submit evidence of participation in direct patient care through an approved nursing program since the last renewal; and
 - ~~(ii)(iii)~~ Submit evidence (a log) of twenty-four (24) hours of inservice continuing education since the last renewal in the past two (2) years; or
 - ~~(iii)(c)~~ Continuing education may be in the form of CEUs, inservice presentations, contact hours or other means which provide learning activities related to CNA practice. 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)(i)~~ The log shall certify the completion evidence of inservice continuing education and shall include:
- ~~(I)(A)~~ The name of the inservice continuing education course;
 - ~~(II)(B)~~ The date(s) of the inservice continuing education course(s);
 - ~~(III)(C)~~ The number of hours of the inservice continuing education course(s);
 - ~~(IV)(D)~~ The name and address of provider; and
 - ~~(V)(E)~~ The authorized signature of provider or designated representative.
- ~~(e)(d)~~ A nursing assistant/nurse aide who is unable to provide satisfactory verification evidence of inservice continuing education training will be required to meet the requirements for certification by examination.

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 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 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 receipt of the notice shall result in the 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.

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 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 shall be deemed proper service on said licensee/certificate holder.

(c) The licensee/certificate holder who has changed 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.

Section 22. Duplicate License/Certificate.

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

(b) 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.

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 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;

(iv) If an advanced 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) 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;

(C) If an advanced 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 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 nursing practice and a minimum of two hundred (200) practice hours in advanced nursing practice during the last year; or

(II.) 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 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 related to the recognized specialty area(s) of advanced nursing practice may include six (6) hours of education in pharmacology and 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 Nursing Practice Act;

(ii) A licensee, who has been denied 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 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 receipt of the notice shall result in the board's decision becoming final.

(d) Grounds for Discipline

(i) Inability to function with reasonable skill and safety for the following reasons, including but not limited to:

(A) Physical or mental disability;

(B) Substance abuse/dependency;

(C) Client abandonment;

(D) Client abuse, including sexual abuse;

(E) Fraud or deceit;

(F) Client neglect;

(G) Client boundaries, including sexual boundaries;

(H) Performance of unsafe client care;

(ii) Misappropriation of property;

(iii) Criminal felony conviction;

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

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

(vi) Practicing outside the premises of a nonprofit health care facility in this state;

(vii) Providing care to persons other than low income uninsured;

(viii) 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.

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) These rules and regulations are adopted to implement the board's authority:
 - (i) 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, foreign nurses, advanced 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 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 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;
 - (iii) The Board shall notify the administrative head of the nursing education program of the examination process;
 - (iv) 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) The candidate shall:
 - (i) Be required to fulfill all requirements for licensure by examination, as stated in the Wyoming Nursing Practice Act, W.S. 33-21-127(a);

- (ii) Submit the application and fee for the national nursing licensure examination to the national testing service;
- (iii) Submit the application and fee for licensure by examination to the board;
- (iv) Submit the finger print cards and required fees to obtain state and national criminal history record information;
- (v) Request the registrar's office to submit an official transcript; the official transcript shall be on file with the board before permission shall be granted to the candidate to take the examination.

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

- (a) Preparation for certification by examination:
 - (i) A candidate who has graduated from a state or board approved nursing assistant/nurse aide training and competency evaluation program shall be eligible to write the national or board approved certifying examination (NACEP) for certified nursing assistants/nurse aides;
 - (ii) The board 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 nursing assistant/nurse aide 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 certification examination a total of five (5) times.
 - (i) Eligibility to sit for the examination shall be within the one (1) 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) The candidate shall:
 - (i) Submit evidence of having graduated from a state or board approved nursing assistant/nurse aide training and competency evaluation program which meets 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) 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 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) Submit the finger print cards and required fees to obtain state and national criminal history record information;

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) The candidate must have successfully completed:

(i) A Wyoming nursing assistant/nurse aide training program prior to January 1, 1989; or

(ii) 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.

(b) 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 Nursing Practice Act, W.S. 33-21-127(b);

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

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

(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 of Licensees Continuing In, Or Returning To Practice .

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

(a) An applicant for endorsement shall submit:

(i) A completed application;

(ii) Written documentation indicating successful completion of a state approved nursing assistant/nurse aide training and competency evaluation program;

(iii) Evidence of continued competency as defined by the board;

(iv) Verification of certification from the jurisdiction of original certification;

(v) Verification of certification and registry status from jurisdiction of most recent employment; and

(vi) The required fee.

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

(c) An applicant who 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 Foreign Educated Nurses, Including Canadian Nurses.

(a) A foreign registered or practical nurse applicant who has received nursing education outside of the United States and has 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) May secure a temporary permit to practice nursing upon fulfillment of all requirements as stated in the Wyoming Nursing Practice Act W.S. 33-21-132(a).

(b) A foreign registered or practical nurse applicant who has received nursing education outside of the United States 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 national certifying organization and receive a certificate. The board shall secure verification that a certificate has been issued to the applicant;

(A) Request the foreign nursing education program submit an official transcript, accompanied by an English translation, to the 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;

(iii) Shall submit evidence of English proficiency as the board may require, if English is not the 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 be scheduled for a board approved national nursing licensure examination;
- (vi) Shall be required to pass a board approved national nursing licensure examination with a minimum score determined by the board;
- (vii) Shall not be eligible to secure a graduate temporary permit.

Section 9. Temporary Permits.

(a) Temporary Permit Pending Licensure.

(i) A 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) Submit to the board the application and fee for licensure by endorsement, and a current license (in good standing) from another jurisdiction.

(b) Temporary Permit Without Licensure.

(i) A professional or practical nurse who is currently licensed to practice nursing in another jurisdiction may obtain a temporary permit without applying for licensure by endorsement. A temporary permit may be issued for ninety (90) days and shall be nonrenewable. 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 a current license (in good standing) from another jurisdiction.

(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 professional or practical nursing education program pending the receipt of the candidate's test results.

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

(I) 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 90 days.

(iii) A graduate temporary permit is nonrenewable.

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

(ix) A graduate nurse or graduate practical nurse holding a graduate temporary permit 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:

(I) 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 successfully completes a state approved Nursing Assistant Training and Competency Evaluation Program (NATCEP) may be eligible to receive a temporary permit to practice as a graduate nursing assistant/nurse aide while awaiting competency testing and certification. Temporary Permits shall be issued to all students of approved NATCEP programs upon receipt of the Verification of Course Completion list as provided to the Board by approved course instructors. A graduate nursing assistant working under a temporary permit shall submit paperwork for permission to test and a complete application for certification to the Board at the earliest possible time.

(A) The temporary permit may be revoked for any applicant whose background check initiates a preliminary investigation until such investigation is resolved. Wyoming State Board of Nursing reserves the right to revoke a temporary permit at any time.

(B) A graduate Nursing Assistant temporary permit shall be valid for 120 days from date of issue or until the candidate becomes certified, whichever comes first. Federal guidelines may supersede this allowance.

(C) A graduate Nursing Assistant temporary permit shall be nonrenewable.

(D) A graduate Nursing Assistant temporary permit shall become void if the candidate fails to pass the competency examination.

(E) The Board shall notify the candidate by mail of his or her competency examination results after receipt of both the written and skills test results from the national testing service. The notification shall include directions for the need to reschedule the examination should the candidate fail either portion.

(I) Upon failing either portion of the competency exam the candidate shall be ineligible to practice as a nursing assistant/nurse aide until they successfully pass both sections of the competency exam.

(II) A candidate who fails any part of the examination and wishes to retake the failed portion of the examination shall be allowed to take the examination a total of Five (5) times over a 1 year period regardless of the jurisdiction in which the examination was administered;

(III) A candidate who fails Five (5) attempts to pass either portion of the competency test within a one-year period will be required to complete a state board approved training program before reapplying to take the approved competency examinations or making application for certification. They shall not be eligible to apply for a temporary NA permit prior to becoming certified.

(F) A candidate shall be ineligible to practice as a graduate nursing assistant/nurse aide or as a nursing assistant/nurse aide after the temporary permit expires without appropriate certification.

(G) A graduate nursing assistant/nurse aide holding a graduate Nursing Assistant temporary permit shall practice only under the supervision of a licensed nurse. Supervision shall be defined as "the immediate physical availability of an advanced practice registered nurse or registered professional nurse for the purpose of providing assistance, coordination and evaluation of the practice of another" as found in Chapter 1, Section 6 (lxxix).

(H) A graduate nursing assistant/nurse aide holding a graduate Nursing Assistant temporary permit shall be held to the established Standards of Nursing Assistant/Nurse Aide Practice. Any hiring facility shall be responsible for verifying individual competency as it relates to individual staff assignments.

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

(J) A nursing assistant/nurse aide or student in a state-approved NATCEP may be employed in a nursing facility during their education program but may not take individual assignments until they successfully complete the course and obtain their Temporary Permit.

(K) A Nursing Assistant must be State Certified and listed on the state registry as maintained by the state regulatory agency prior to working for a Home Health Agency or Public Health Agency. A GNA is not eligible to work in home health or for a Public Health Agency.

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

(a) The Board shall make application(s) for renewal of recognition and/or licensure available on the Board website on or before October 1st of every even year.

(b) 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(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.

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

(a) The board shall make applications for renewal of certification available on the Board website on or before October 1st of every even year.

(b) 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 employment as a nurse assistant for at least sixteen (16) hours or participation in direct patient care through an approved nursing program since the last renewal;

(iii) Evidence of twenty-four (24) hours of learning activities related to CNA practice since the last renewal;

(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, WS 33-21-146, and/or federal regulations; or if an act has been committed, the board has found after investigation that sufficient restitution has been made.

(c) No certification shall be renewed unless the nursing assistant/nurse aide has been employed as a nursing assistant/nurse aide for at least sixteen (16) hours or participated in direct patient care through an approved nursing program since the last renewal and has completed twenty-four (24) hours of learning activities related to CNA practice since the last renewal.

Section 12. Failure to Renew.

(a) Failure to receive the 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 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) 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 sixty (60) days after the expiration date of the license.

(iii) A licensee/certificate holder who fails to renew by this deadline must file for relicensure and pay an additional delinquent fee.

(b) A licensee/certificate holder who fails to renew his/her license/certificate on or before the date of expiration designated by the board shall result in the forfeiture of the right to work as a registered professional nurse, licensed practical nurse, advanced practitioner of nursing, or certified nursing assistant/nurse aide in the state.

(c) A licensee who fails to request inactive status 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) A licensee who fails to renew the license within sixty (60) days after the expiration date of the license and continues to practice is an illegal practitioner subject to the penalties provided for violation(s) of the Wyoming 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) The board may allow a licensee to place his/her license on inactive status 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, WS 33-21-146, or if an act has been committed, the board has found after investigation that sufficient restitution has been made.

(A) If sufficient restitution has not been made, the board may allow a licensee under investigation or with an encumbered license to place his/her license on inactive status 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) 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) The licensee shall not practice nursing in this state until the license is reactivated.

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.

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.

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 as specified under Chapter V: FEES;

(iv) Request to appear before the board to seek reinstatement; and

(v) If reinstatement is granted, submit evidence of meeting the current renewal requirements as stated in Biennial Renewal of Certification for Nursing Assistants/Nurse Aides, Section 11 of this Chapter.

(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 that just cause for reinstatement has been demonstrated;

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

(iv) 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) 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, 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 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) 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) 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) Satisfactory completion of the national nursing licensure examination or a competency examination accepted by the board.

(I) An applicant shall submit 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) Satisfactory completion of twenty (20) hours of continuing education within the last two (2) years.

(I) An applicant shall submit evidence of completion of 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 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 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 sixteen (16) hours since the last renewal; or
 - (ii) Submit evidence of participation in direct patient care through an approved nursing program since the last renewal; and
 - (iii) Submit evidence of twenty-four (24) hours of continuing education since the last renewal
- (c) Continuing education may be in the form of CEUs, inservice presentations, contact hours or other means which provide learning activities related to CNA practice.
 - (i) The evidence of continuing education shall include:
 - (A) The name of the continuing education course;
 - (B) The date(s) of the continuing education course(s);
 - (C) The number of hours of the continuing education course(s);
 - (D) The name and address of provider; and
 - (E) The authorized signature of provider or designated representative.
 - (d) A nursing assistant/nurse aide who is unable to provide satisfactory evidence of continuing education training will be required to meet the requirements for certification by examination.

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 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 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 receipt of the notice shall result in the 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.

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 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 shall be deemed proper service on said licensee/certificate holder.

(c) The licensee/certificate holder who has changed 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.

Section 22. Duplicate License/Certificate.

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

(b) 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.

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 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;

(iv) If an advanced 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) 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;
 - (C) If an advanced 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 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 nursing practice and a minimum of two hundred (200) practice hours in advanced nursing practice during the last year; or
 - (II.) 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 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 related to the recognized specialty area(s) of advanced nursing practice may include six (6) hours of education in pharmacology and 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 Nursing Practice Act;

(ii) A licensee, who has been denied 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 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 receipt of the notice shall result in the board's decision becoming final.

(d) Grounds for Discipline

(i) Inability to function with reasonable skill and safety for the following reasons, including but not limited to:

(A) Physical or mental disability;

(B) Substance abuse/dependency;

(C) Client abandonment;

(D) Client abuse, including sexual abuse;

(E) Fraud or deceit;

(F) Client neglect;

(G) Client boundaries, including sexual boundaries;

(H) Performance of unsafe client care;

(ii) Misappropriation of property;

(iii) Criminal felony conviction;

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

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

(vi) Practicing outside the premises of a nonprofit health care facility in this state;

(vii) Providing care to persons other than low income uninsured;

(viii) 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.



**Wyoming
Hospital
Association**

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WY BOARD OF NURSING

March 30, 2012

Mary Kay Goetter, PhD, RN, NEA-BC
Executive Director
Wyoming State Board of Nursing
1810 Pioneer Ave
Cheyenne, WY 82002

Dear Mary Kay:

The Wyoming Hospital Association Board of Directors met in Casper on March 16 and, among other things, reviewed the proposed changes to the Wyoming State Board of Nursing (WSBN) rules. As a result of that review and the discussion that ensued, I offer the following comments.

We certainly recognize the financial pressures that the WSBN is facing and the challenges you've had with lack of legislative funding. Our hospitals are also experiencing their own budget problems, as well as having difficulty attracting health care workers in general and nurses in particular. For the most part, nurse's salaries paid by hospitals have remained relatively flat. However, we cannot support your attempt to increase licensure fees for nurses.

The WSBN's proposal to set licensure fees higher than those of our neighboring states places us in unfair competitive disadvantage when trying to recruit nurses to our facilities. We would request that you maintain your fees that are comparable, not more, than surrounding states.

As you know, we've had discussions with you and your Board in regard to joining the Nursing Licensure Compact. The Board has always maintained that by doing so a decrease in your revenues would result and that inadequate background procedures are still a problem within the Compact. However, we would ask that you re-visit that issue to potentially learn from other Boards of Nursing while jointly solving problems, improving processes and efficiencies.

Respectfully submitted,


Dan Perdue
President



2816 DOGWOOD AVE, PMB 101
GILLETTE, WYOMING 82718
1-800-795-6381

May 14, 2012

Wyoming State Board of Nursing
Mary Kay Goetter, PhD, RN, NEA-BC
1810 Pioneer Ave
Cheyenne, WY 82002

Dear Mary Kay;

On behalf of the Wyoming Nurses Association Board of Directors we are responding to your request for WNA to endorse your proposed changes to chapter 2 and 5. The WNA Board reviewed this requested during our April 9th board meeting; upon doing so we felt that the proposed changes were needed and would have an overall positive impact. However, because these issues are not currently on our legislative agenda which is voted on by our membership, we as a Board felt we needed to survey our membership.

We sent a survey to all of our members to obtain their voice and 18% of our membership participated. The results were as follows:

- As it relates to Chapter 2 - 67.9% are in favor of these changes and 32.1% are opposed.
- As it relates to Chapter 5 - 47.4% are in favor of these changes and 52.6% are opposed.

Based upon the findings WNA can support the proposed changes relating to chapter 2 but can't support the proposed changes to Chapter 5.

During the survey we provided our membership the opportunity to make additional comments. After reviewing the comments, we felt it was important to share these with the WSBON. The following comments were gathered on the survey:

- I am however very much in favor of the increase because I feel the Board of Nursing needs to be autonomous and not rely on money from the state or fed government. We should pay our own way.
- If we are going electronic with notifications, should send out a mass email reminder and should require the nurse to keep the board informed of up to date email, like it says to keep the board up to date on address
- They are supposedly going to cut costs by not sending out the mailings for renewal, yet licensing will double in 4 years
- I think fee increases are needed to support the work of the Board, These proposals that are in Ch 2 and 5 are sound
- I think it is important that the Governor knows that we support each other
- Before supporting chapter 5 proposals, the Wyoming Board should conduct an internal audit of its operating expenses and practices over the period it appears it has been operating outside the

constraints of a responsible budget. Perhaps a new and less expensive home base location should be considered.

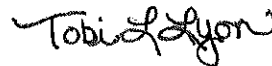
- I have a problem with the expenditures the board incurs for mainly soundless complaints
- I had questions on the specialty recognition for CNA II and MA-C. Is the \$20 fee a recurring fee or is it just one time. That doesn't seem clear as it is not in the fee schedule, but it is in the early part of the chapter. As it is written, I vote no.
- Fees are getting too high and to purpose going to \$210 is wrong with the present economy. Do only one increase and see what happens over time. Also all groups need to learn to budget just like they would at their own home.
- Wyoming Board of Nursing is a biased, worthless government entity that does not support nurses. They are antiquated and biased.
- We need to provide for an effective board of nursing for our state. This is such an important part of being a profession. It is important as we work to maintain the health and safety of Wyoming. We are in a state that does not provide money for operations of the board through general funds, so we must support the board fully.
- Fee structure is far too high in a single year
- If the fees have to go up for a license then we should at least get a compact license out of it. The board should look into that.
- Chapter 2 proposal is reasonable. Consider an email reminder. Chapter 5 needs more justification
- Need to support our board, they protect our profession as well as the public
- The independence advanced practice nurses have in Wyoming makes this a good state for me to practice in and having read the reasons the increase is necessary, I support it.
- Wyoming's licensure fees currently are significantly higher than many other states
- These changes and fee increases are important for the welfare of all Wyoming nurses. I suggest as a future Legislative agenda item we look for legislative support in funding WSNB so that Wyoming nurses can have fewer future increases in their licensure fees.

On behalf of the WNA Board, we hope this input from us and our membership will be helpful in the decisions to move forward or not with these changes. Thank you for allowing us the opportunity to provide feedback; please contact either of us if you have any questions or need additional information.

Sincerely,



Faith M Jones, MSN, RN, NEA-BC
WNA President



Tobi L. Lyon, MBA, CAE, CFRE
WNA Executive Director

WSBN Rule Change Comments
Chapter 2
Public Comment Period February10 – May 15, 2012

From: Patricia Dameron <pdameron@mhccwyo.org>

Date: Tue, Feb 14, 2012 at 12:58 PM

I am writing to let you know that I am very opposed to increasing the licensing fee! I'm not sure where all your figures came from, but there is no way I make the amount of money you have suggested. I only wish! I am widowed and live pretty much paycheck to paycheck. I don't own my own house, drive fancy cars or spend money frivolously. For you to raise my licensing fee when the cost of living doesn't even go up that much, is irresponsible. My daughter, who is a full time student and has her CNA license, will also have a hard time paying your proposed fee increase. I'm sure she is not the only full time student out there who had to get her CNA license just to get into nursing school, who will run into the same financial hardship. I strongly urge you to reconsider your licensing fee increase.

Sincerely, Patti Dameron, RN, BSN

Patricia,

Thank you for your comment on the proposed rule changes. We will be compiling all communications we receive and providing formal responses after the public comment period is up.

The average salary estimates were taken directly from a Wyoming Workforce Study and compares to other national salary reports. We used biennial wage projections (2 year totals) to calculate the new fees. We do want to lessen the impact and the proposal is designed to spread the new fees over 3 renewal periods. To put it in perspective, the two year license fee is paid for in the first 8 hours of work leaving 720 days to earn a living as a licensed professional.

Your daughter will note that the changes to Chapter 2 make it much easier for her to retain her CNA certification while in school. We are fully aware of your concerns. After reading the proposal we hope we can gain your understanding as well as your support.

Todd Berger, MSN, APRN, ACNP-BC

Assistant Executive Director

From: Ludwig, Patti <pludwig@tetonhospital.org>

Date: Wed, Feb 15, 2012 at 1:08 AM

WSBN - And To Whom It May Concern:

In regards to the proposed changes to licensure fees, I am NOT in favor. With less than average wages in the State of Wyoming and general cost of living, I feel the proposed changes would not be advantageous to those who hold licenses in this state. In researching what other states are charging this is huge increase in cost, to go from \$110.00, current fees (biannual) to \$140.00 this year(effective 10/2012), then to \$170.00 (effective 10/2014), and eventually \$210.00 (by 10/2016), which is almost double from what it is now, seems unrealistic with current economy.

As I'm sure you are aware, Utah's current renewal fee is \$58.00 (Compact license state), Idaho \$90.00 (Compact license state), Montana \$100.00. Cost comparison of licensure is considerably less, with no current plans for increase proposed in the future.

In regards to Chapter 2 changes in electronic filing for licenses and saving Wyoming State Board of Nursing \$20,000.00 a year in postage, I am in favor, and proposing applying this savings to our licensing cost, and possible reduction in licensing.

Patricia Ludwig, RN

Dear Patti,

Thank you for your comment on the proposed rule changes. We will be compiling all communications we receive and providing formal responses after the public comment period is up.

It is important to realize that when you compare states you cant simply look at licensing fees. There are many factors that go into setting fees and population is one of them. You mention a Utah license is \$58. Utah has over 4X as many nurses as Wyoming. If they spread their fees over the same number of nurses as in Wyoming their fee would be \$232. Wyoming has no state income tax but Utah has a 5% tax. If you make \$60K/yr you would take home about \$3000 less in Utah than in Wyoming. The question becomes would you rather pay a \$58 licensing fee in Utah or have a license that allows you to earn an additional \$3000 in Wyoming? It is not the cost of the license but the worth that is most important.

Regarding Chapter 2, the savings in postage is over a 2 year period and has already been factored into our budget. It does not help reduce the \$500,000 deficit we currently project for this biennium.

We are fully aware of your concerns. WSBN does not *want* to raise fee, we *must* raise fees. After reading the full proposal we hope we can gain your understanding as well as your support.

Todd Berger, MSN, APRN, ACNP-BC

Assistant Executive Director

From: **Mo O'Leary** <grumpyelk@gmail.com>

Date: Sat, Mar 3, 2012 at 10:27 PM

To: WSBN, Gov. Mead, L Christiansen, RA Petroff, J Roscoe, K Gingery, D Dockstader

I have reviewed the proposed changes to Wyoming State Board of Nursing, Ch 2 & 5

Changes to Chapter 2 are fine.

I think the new fee schedule is highway robbery, extortion and outrageous!! Almost doubling the initial fees over 6 years??.

Proposing over a 27% increase in the 2 yr renewal fee for an RN this year, and over a 90% increase the next 6 years (\$110 currently to \$200 in s2016)

We are in a Recession, if you have not noticed! In the newspaper in Jackson recently listed jobs being eliminated around the country - 185 from INL in Idaho Falls, ID; 8,700 Pepsi. Kodak is no longer going to make cameras - it is unknown how many jobs will be lost. The U. S. Postal service is closing many small post offices and is planning on closing a distribution center in Pocatello, ID

I do not know how you can justify such raises in fees. You already stated that you are saving \$20,000 per year by not mailing out renewal notices.

You have been saving money already by not printing and mailing licenses, as they are now online.

Maybe you should consider making the quarterly journal web based so you can save additional funds by eliminating printing and mailing costs. Also more friendly to the environment.

Would it be more beneficial to analyse your costs and consider where you could make cost cuts that do not effect the bedside nurse that is taking care of the public??

Can you make the license renewals totally online, similar to Wyoming Game and Fish licenses. Complete forms online, give credit card number and done. That would decrease paper work that someone has to go through and then enter into your online system. It would be there so all you have to do is approve it.

Cost of living increases have only been 3%. Many people have not had raises or only 1-3%.

How can the average bedside nurse continue with this outrageous increase in nursing licensure??

I just reviewed other states 2 yr renewal fees for RNs, if those states can manage with lower fees, why can't

Wyoming??? Minnesota State Board of Nursing states that it needs to have fees close to their expenses, like WY

Minnesota \$ 93.50

Idaho* \$ 90.00

N Dakota* \$ 90.00

S Dakota* \$ 90.00

Montana \$100.00

Utah* \$ 58.00

Colorado* \$113.00

Wyoming is currently \$110 which is at least in the same ball park as surrounding states, but you want to increase it to \$140 for the renewals this fall???

Is there a reason that Wyoming has not joined the "Compact States" contract, with the 24 other states? Being part of the "Compact States", would be very beneficial to nurses and employers in Wyoming. It would allow staff to be sent to larger medical centers, University Hospital to do work study programs that will improve knowledge and skills to bring back to the many smaller rural hospitals in Wyoming. This helps small hospitals to "Grow there Own", and help with the retention of staff and eliminate some recruitment with less expense. As staff would not need to obtain and pay for a nursing license in another state for only a month or so. It should save the WSBN money as they would not have to redo background checks, and all the paper work needed for initial application. At least at the hospital I work at, we send staff to both Idaho and Utah for specialty training in OB, ICU and Emergency. A nurse with a permanent residency in a NLC state has a multi-state nursing license and is eligible to work in other states that make up the "compact states."

I am against the proposed fee changes and hope the WSBN and the Governor, Senators and Representatives will not approve the proposed changes. I have lived and worked as a nurse in Wyoming since 1978.

thank you for taking time to review.

Maureen O'Leary, RN

po box 4239

Jackson, WY 83001

Dear Maureen,

Your comments are important to us and we will be providing a formal response to everyone when the comment period is closed. I wanted to take the opportunity to respond to a few of your thoughts regarding the fee proposal. We are required by law to set fees to cover expenses. We have been fortunate to be able to absorb the tremendous increases in our costs of services without increasing your fees for the past 12 years. Did you notice when fees doubled during the 1990s? What was your starting salary in 1978?

1980 -- annual salary for nurse = 13,624

1990 -- annual salary for a nurse = 29,588

2001 -- annual salary for a nurse = 41,060

2010 -- annual salary for a nurse = 60,055 <http://scrubsmag.com/quiz-history-of-the-nursing-salary/>

Doubling is a term relative to the initial amount and we believe our new fees continue to be reasonable for our state. The question is what is it worth to you to be an RN in Wyoming? You mention Minnesota in comparison but did you know that Minnesota has nearly ten times the active nurses to spread costs over? (56,010 RN vs 4,790 RN...source:

www.statehealthfacts.org). To reverse the analogy, if Minnesota had our licensing base their license might cost \$935!

The New Fee Structure document on our website explains in great detail the reasoning and figures used to develop the proposal.

As a self sustaining regulatory agency, we are required to set fees to approximate our expenses. There are other advantages that Wyoming offers besides a lifestyle to nurses who work here which offset the cost.

State Tax Comparisons

State	Median State IncomeTax Rate	RN Base Salary	Income Lost	State Sales Tax	Sales tax on \$10K	Total Tax Impact
Colorado	4.63%	\$60,055	(\$2,781)	2.9%	(\$290)	(\$3,071)
Idaho	5.10%	\$60,055	(\$3,063)	6.0%	(\$600)	(\$3,663)
Nebraska	5.12%	\$60,055	(\$3,075)	5.5%	(\$550)	(\$3,625)
N Dakota	2.82%	\$60,055	(\$1,694)	5.0%	(\$500)	(\$2,194)
Montana	4.00%	\$60,055	(\$2,402)	0.0%	\$0	(\$2,402)
Kansas	6.25%	\$60,055	(\$3,753)	6.3%	(\$630)	(\$4,383)
Utah	5.00%	\$60,055	(\$3,003)	4.7%	(\$470)	(\$3,473)
S Dakota	0.00%	\$60,055	\$0	4.0%	(\$400)	(\$400)
Wyoming	0.00%	\$60,055	\$0	4.0%	(\$400)	(\$400)

The increase was calculated at 0.001 of a biennial/2-year salary which amounts to \$5/month for the average RN. We do not believe this action will drive nurses to states with lower fees or impact our ability to draw nurses to our state. It is not the cost of the license but the worth. To put it in perspective, the license is paid off in the first 8 hours of employment leaving 730 days to earn an income as a professional.

We instituted online renewals in 2010 which allowed us to cut the application mailings. The Wyoming Nurse Reporter can be found online already but advertising revenue pays the publisher for mailing the magazine. Providing a copy to our licensees costs the WSNB nothing. But the money saved on mailings does not come close to solving our revenue shortfall. Changes to our database and technological upgrades are not free and these types of expenses are examples of things not even contained in the budget 12 years ago.

The board will consider joining the National Licensure Compact when all the states in the compact can demonstrate compliance with the standards they've agreed upon...to date, many states lack the legislation necessary to comply with the core requirements for criminal background checks and other core licensure requirements. Just because a state board of nursing decides to join the compact does not mean that their state legislature agrees to change their laws. Wyoming has stringent requirements for criminal background checks that other states (including Colorado and Montana) do not have. While we strive to balance the desires of nurses and advocacy for the profession, please recall that the primary mission of the board is to protect the

public. Compact licensure, as it exists today, does not assure protection of the public. While 24 states have joined the compact, 26 still do not see it as being in their best interest. Very few professional licenses transfer across state lines. We are fully aware of your concerns. After fully reading the proposal we hope we can gain your understanding as well as your support.

Todd Berger, MSN, APRN, ACNP-BC
Assistant Executive Director

From: Toni Decklever <tonisrn@gmail.com>

Date: Mon, Mar 5, 2012 at 11:29 PM

The changes to Chapter 2 are purely updates and language changes and do not change the intent of the rule.

It is appropriate given that licenses and certificates are renewed through an online process. Changing the word "inservice" to continuing education for the CNA's is a good change. It makes the requirement clearer and easier to understand.

Chapter 5 - Fees

Though there has probably been many comments regarding the increase of fees, this is needed for the WSBN to operate as a self funded board. Expenses have increased dramatically over the past 10 years, and yet our licensing fee has remained the same. Wyoming tends to have a higher licensing/certification fees than other states because it has a smaller number of people in the data base than other states. This is to be expected given our small population.

As a Registered Nurse, I currently pay 115.00 every 2 years for my license. \$57.50 per year equates to \$4.80 per month. Increasing this fee to 200.00 over the next few years still has me paying less than \$10.00 per month to have a license that allows me to work in a field where I am making a pretty good wage. LPN's and CNA's license and certification fees are even less. These fees are reasonable and realistic.

I'm appreciative that the WSBN gives us some advance notice that our fees are going to increase. This doesn't happen with many things that people purchase on a regular basis. Having it increase in stages is also helpful

And for those that are complaining about the small increase -- I wonder if they do the same for their 100.00 a month phone or cable or internet bills. Prices go up all the time - it's reality and we make the adjustment and move on.

Toni Decklever, MA, RN

Dear Toni,

Thank you for your comment on the proposed rule changes. We will be compiling all communications we receive and providing formal responses after the public comment period is up.

No one wants their fees to go up but we think that this is a reasonable proposal and we certainly appreciate your support.

Todd Berger, MSN, APRN, ACNP-BC
Assistant Executive Director

From: Clarissa Wells <cssw@silverstar.com>

Date: Mon, Mar 12, 2012 at 1:08 PM

I was reviewing the proposed new rule changes and I agree with the chapter 2 change, however, I believe sending an e-mail notice in leu of the postcard would be very helpful & cost effective.

I feel the chapter 5 change to a new fee structure needs to be different then the one you are preposing. I feel the \$30 increase for this year and another \$30 increase in 2014 and then a \$40 increase in 2016, that is \$100 in 6 years, that is a huge inflation rate for us nurses. In my workplace there has been a salary freeze for 3 years, I did get one this year, but it was only 0.40 cents and we are all unsure of what will happen next year, please revisit this.

Thank you,

Clarissa Wells RN, BSN

Victor, ID 83455

Dear Clarissa,

Thank you for your comments on the proposed rule changes. We will be compiling all responses and issuing a formal reply when the public comment period is over.

I agree that email notification would be an effective method to communicate with all our licensees but that upgrade to our database would be expensive and we can't fund it now.

The incremental increases are designed to lessen the impact of the necessary revenue. We are proud of the fact that we have absorbed such large budget increases for 12 years and the fact that we are planning almost 6 years ahead for the fee increase.

That gives all nurses the ability to plan in advance for the extra \$30 it will take to renew their 2 year license.

We do understand your concerns. No one wants to pay more for something that has been very inexpensive for so long. But we do hope that we can gain your understanding and your support.

Thanks for all you do.

Todd Berger, MSN, APRN, ACNP-BC
Assistant Executive Director