

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

AN ACT relating to nursing; amending requirements for the practice of nursing as specified; providing for the regulation of advance practice registered nurses; providing definitions; providing for the membership of the board of nursing; providing that the board shall report violations of the act to prosecuting attorneys; authorizing the board to collect data; amending fees; providing that board rules and regulations may be more stringent than federal rules; providing qualifications for an executive director; providing for examinations; removing grace period for renewal of licenses; providing for approval and evaluation of nursing education programs and providing for a fee; providing for competency examinations; providing for unlicensed practice in the case of emergency or disaster; providing for licensure of nurse volunteers; and providing for an effective date.

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

Section 1. W.S. 33-21-119, 33-21-120(a), 33-21-121(a) through (c) and (f), 33-21-122(c) and (d), 33-21-123(b) and (c), 33-21-125(c), 33-21-127(a)(iii), (iv) and (b), 33-21-128(b), 33-21-129(c) and (d), 33-21-130, 33-21-131, 33-21-132(a) through (d), 33-21-134 through 33-21-140, 33-21-145(a)(iii), (vii) and by creating a new paragraph (viii), 33-21-146(a)(ii), (iii)(B), (vi), (x) and by creating a new paragraph (xi), 33-21-150(a), 33-21-153(a), 33-21-154(a)(iv), (vi) through (viii) and by creating a new paragraph (ix) and by creating a new subsection (b), 33-21-155(a), 33-21-156(a) through (d) and (f), 33-21-157(b), (c), (d)(intro), (ii), (iii)(A), (B), (iv)(A), (B), (e) through (j) are amended to read:

33-21-119. Short title.

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

This act shall be known and may be cited as the "Wyoming ~~Nursing-Nurse~~ Practice Act".

33-21-120. Definitions.

(a) As used in this act:

(i) "Advanced ~~practitioner of nursing practice~~ registered nurse (APRN)" means a ~~registered professional nurse who~~ performs advanced nursing acts and who

(A) May perform medical acts including prescribing or providing prepackaged prescribe, administer, dispense or provide nonprescriptive and prescriptive medications including prepackaged medications, except schedule I drugs as defined in W.S. 35-7-1013 and 35-7-1014; in collaboration with a licensed or otherwise legally authorized physician or dentist, in such manner to assure quality and appropriateness of services rendered. The advanced practitioner of nursing performs such acts by reason of postgraduate education and additional nursing preparation which provides for the knowledge, judgment and skill beyond that required of a registered professional nurse in paragraph (ix) of this subsection, and who

(B) Has responsibility for the direct care and management of patients and clients in relation to their human needs, disease states and therapeutic and technological interventions;

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

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

(D) Has completed a nationally accredited educational an advanced program for preparation as an advanced practitioner of nursing or who of study in a specialty area in an accredited nursing program, has taken and passed a national certification examination of a nationally recognized accrediting agency accepted in the same area and has been granted recognition by the board to practice as an APRN;

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

(iii) "Approval" is the process by which the board provides for evaluation and grants official recognition to nursing educational programs which meet established uniform and reasonable standards;

(iv) "Board" means the Wyoming state board of nursing;

(v) "Certificate" means a document issued by the board permitting the performance by a nursing assistant/nurse aide of basic related nursing tasks and skills delegated by a licensed nurse and as allowed by statute and board rule;

(vi) "Competence" in nursing means performing skillfully and proficiently the functions within the role of the licensee, and demonstrating the interrelationship of essential the application of knowledge, judgment and the interpersonal, critical thinking, decision-making and psychomotor skills expected for the practice role within the context of public health, safety and welfare;

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

(vii) "Impaired" means the inability to practice nursing with reasonable skill and safety to patients by reason of one (1) or more of the following:

(A) Lack of nursing competence;

(B) Mental illness;

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

(D) Chemical or alcohol impairment.

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

~~(vi) "Medical act" means an aspect of care which implements the medical plan as prescribed by a licensed or otherwise legally authorized physician or dentist;~~

~~(vii)~~ (ix) "Nursing process" means the investigative approach to nursing practice utilizing a method of problem identification by means of:

(A) Assessment: A systematic and continuous collection of objective and subjective data about the health status of individuals and groups derived from observations, health assessment including physical assessment, ~~skills,~~ interviews, written records and reports;

(B) Nursing Diagnosis: The identification of actual or potential responses to health needs or problems based on collecting, analyzing and comparing data

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

with appropriate nursing standards to serve as the basis for ~~indicating~~ providing nursing care or for which referral to appropriate medical or community resources is required;

~~(viii)~~ (x) "Practice of practical nursing" means the performance of technical services ~~requiring and nursing procedures which require~~ basic knowledge of the biological, physical, behavioral, psychological and sociological sciences. ~~and of nursing procedures.~~ These skills and services are performed under the direction of a licensed physician or dentist, advanced practice registered nurse or registered professional nurse, ~~and utilize~~ Standardized procedures leading that lead to predictable outcomes are utilized in the observation and care of the ill, injured and infirm, in provision of care for the maintenance of health, in action ~~to safeguard directed toward safeguarding~~ life and health, ~~and in the~~ administration of medications and treatments prescribed by any person authorized by state law to prescribe and in delegation to appropriate assistive personnel as provided by state law and board rules and regulations;

~~(ix)~~ (xi) "Practice of professional nursing" means the performance of professional services requiring substantial knowledge of the biological, physical, behavioral, psychological and sociological sciences, and of nursing theory as the basis for applying the nursing process which consists of assessment, diagnosis, planning, intervention and evaluation. The nursing process is utilized in the promotion and maintenance of health, ~~the~~ case finding and management of illness, injury or infirmity, ~~the~~ restoration of optimum function ~~or the and~~ achievement of a dignified death. Nursing practice includes but is not limited to administration, teaching, counseling, supervision, delegation, evaluation of nursing practice and execution ~~or of~~ the medical regimen, ~~including~~ The

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

therapeutic plan includes the administration of medications and treatments prescribed by any person authorized by state law to prescribe. Each registered professional nurse is accountable and responsible for the quality of nursing care rendered;

~~(*)~~ (xii) "Practice of a certified nursing assistant/nurse aide" means, regardless of title or care setting, the performance of ~~delegated~~ nursing related tasks and services delegated by a ~~person, regardless of title or care setting, who has completed~~ licensed nurse. The nursing assistant/nurse aide shall complete a specified course of study, ~~has met~~ approved by the board, meet minimum competency requirements and ~~is~~ be certified by the board;

~~(xi) "Functions of a nursing assistant/nurse aide" means those limited tasks and services that a licensed nurse may delegate to a nursing assistant;~~

~~(xii)~~ (xiii) "This act" means W.S. 33-21-119 through 33-21-157.

33-21-121. Board of nursing; membership; appointment; qualifications; term of office; vacancies; removal.

(a) The board of nursing shall consist of seven (7) members to be appointed by the governor. ~~Four (4)~~ Five (5) members shall be registered nurses, ~~two (2) members~~ one (1) member shall be a licensed practical ~~nurses~~ nurse and one (1) member shall be a representative of the public. Membership shall be restricted to no more than one (1) person who is associated with a particular agency, educational institution, corporation or other enterprise or subsidiary at one time. Membership shall represent various geographical areas of Wyoming.

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

(b) Each registered nurse member of the board shall be a resident of this state, licensed in good standing under the provisions of this act, currently engaged in the practice of nursing as a registered nurse and shall have had no less than five (5) years of experience as a registered nurse, at least three (3) of which immediately preceded appointment. Of the ~~four (4)~~ five (5) registered nurse members on the board, one (1) member shall have had at least two (2) years of experience in an administrative or teaching position in a nursing education program, one (1) member shall have had at least two (2) years of experience in administration in nursing service or public health nursing, one (1) member shall have at least two (2) years experience as an advanced practice registered nurse, and the remaining two (2) members shall be appointed from various areas of nursing.

(c) ~~Each~~ The practical nurse member shall be a resident of this state, licensed in good standing under the provisions of this act, currently engaged in the practice of nursing as a licensed practical nurse, and shall have had no less than five (5) years of experience as a licensed practical nurse, at least three (3) of which immediately preceded appointment.

(f) The present members of the board holding office under the provisions of the Wyoming ~~Nursing Nurse~~ Practice Act ~~(formerly W.S. 33-21-101 through 33-21-118)~~ as of July 1, 2005 shall serve as members for their respective terms.

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

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

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

(i) Develop by rules and regulations uniform and reasonable standards for nursing practice;

(ii) Appoint advisory committees to provide expertise in specific areas of education or practice under consideration by the board;

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

(iv) Report alleged violations of this act to the district attorney of the county where the violation occurred;

~~(iv)~~ (v) Examine, license, renew, relicense and reactivate the licenses of duly qualified individuals, may grant ~~the~~ individuals a temporary ~~permits~~ permit to engage in the practice of professional and practical nursing in this state within the limits imposed in this act and may develop, by board rules and regulations, standards for continued competency of licensees continuing in or returning to practice;

~~(v)~~ (vi) Deny any applicant a license or temporary permit to practice professional or practical

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

nursing, ~~for~~ whether by examination, licensure, endorsement, renewal, relicensure or reactivation, if the applicant fails to meet the requirements of this act or board rules and regulations;

~~(vi)~~ (vii) Conduct surveys ~~of~~ and collect data related to licensure and educational enrollments and report to the public;

~~(vii)~~ (viii) Conduct investigations, hearings and proceedings concerning alleged violations of this act and board rules and regulations and shall request criminal history background information on license or certificate applicants as authorized under W.S. 7-19-106(a) (viii);

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

~~(ix)~~ (x) Determine and administer appropriate disciplinary action against all individuals found guilty of violating this act and board rules and regulations;

~~(x)~~ (xi) Develop and enforce uniform and reasonable standards for nursing education programs as stated in board rules and regulations;

~~(xi)~~ (xii) Approve nursing education programs that meet the prescribed standards of the board;

~~(xii)~~ (xiii) Deny or withdraw approval of nursing education programs that fail to meet the prescribed standards of the board;

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

~~(xiii)~~ (xiv) Regulate by board rules and regulations the qualifications of advanced ~~practitioners of nursing practice~~ registered nurses;

~~(xiv)~~ (xv) Maintain records of proceedings as required by state law;

~~(xv)~~ (xvi) Conduct conferences, forums, studies and research on nursing practice and education;

~~(xvi)~~ (xvii) Maintain nursing statistics for purposes of nursing manpower planning and nursing education;

~~(xvii)~~ (xviii) Appoint and employ a ~~qualified~~ registered nurse qualified by nursing experience and a minimum of a master's degree in nursing to serve as executive director, ~~and~~ approve ~~such~~ additional staff positions as may be necessary in the opinion of the board to administer and enforce the provisions of this act and determine qualifications for such positions;

~~(xviii)~~ (xix) Participate in and pay membership fees to organizations that develop and regulate the national nursing licensure examinations and exclusively promote the improvement of the uniform and reasonable standards for the practice of nursing for protection of the public health, safety and welfare;

~~(xix)~~ (xx) Submit an annual report to the governor, summarizing the board's proceedings and activities;

~~(xx)~~ (xxi) Determine and collect reasonable fees not to exceed ~~two hundred dollars (\$200.00)~~ five hundred

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

dollars (\$500.00) as established by board rules and regulations;

~~(xxi)~~ (xxii) Receive and expend funds for the pursuit of the authorized objectives of the board of nursing. Funds shall be maintained in a separate account and periodic reports of the receipt ~~of~~ and expenditure of funds shall be submitted to the governor; ~~and~~

~~(xxii)~~ (xxiii) Adopt a seal which shall be in the care of the executive director and which shall be affixed only in a manner as prescribed by the board; and

~~(xxiii)~~ (xxiv) By board rule and regulation, regulate the qualifications, certification, recertification, examination and discipline of nursing assistants and nurse aides. For purposes of carrying out this paragraph, fingerprints and other information necessary for a criminal history record background check pursuant to W.S. 7-19-201 shall be provided to the board. ~~Board rules and regulations under this paragraph shall be no more stringent than federal rules and regulations.~~

(d) Notwithstanding any other provision of this act, the board shall not, by rule or otherwise, limit the right of licensed nurses to practice with other health professionals or in an association, partnership, corporation or other lawful entity, ~~or~~ nor limit the right of licensed nurses to practice under the name "nursing clinic", "nursing center" or other descriptive terms, provided the term is not misleading regarding the nature of services provided.

33-21-123. Executive director; appointment; assistant; powers and duties; salary and expenses.

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

(b) The executive director and assistant to the executive director shall be registered nurses, licensed in the state of Wyoming and qualified by ~~education and nursing~~ experience and a minimum of a master's degree in nursing.

(c) The executive director and assistant to the executive director may act ~~in~~on the board's behalf during the period between board meetings ~~on~~in matters of licensure, examination, disciplinary and other administrative functions.

33-21-125. Board; meetings; notice; quorum; board action; conflict of interest.

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

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

(a) An applicant for licensure by examination to practice as a registered nurse or licensed practical nurse shall:

(iii) Pass a board approved national nursing licensure examination; ~~given by the board;~~

(iv) Have committed no acts which are grounds for disciplinary action as set forth in W.S. 33-21-146, or if the act has been committed, the board ~~has found~~may, at its discretion and after investigation, determine that sufficient restitution has been made; and

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

(b) An applicant for licensure by endorsement to practice as a registered nurse or licensed practical nurse shall:

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

~~(ii)~~ (iii) Have committed no acts which are grounds for disciplinary action as set forth in W.S. 33-21-146, or if the act has been committed, the board ~~has found~~ may, at its discretion and after investigation, determine that sufficient restitution has been made;

~~(iii)~~ (iv) Remit fees as specified by the board;
and

~~(iv)~~ (v) Submit proof of initial licensure by an examination acceptable to the board, provided that when the applicant secured his or her initial license, the requirements for licensure included the requirements then necessary for licensure in this state and have submitted proof that the license has not been suspended, revoked or otherwise restricted for any reason; ~~other than failure to renew or to obtain required continuing education credits;~~
or

~~(v)~~ (vi) Be required to pass an examination or meet other requirements as specified by the board, if the applicant has not passed an examination acceptable to the board.

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

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

(b) The board may employ, contract and cooperate with any organization in the preparation, administration and grading of an appropriate national nursing licensure examination., ~~but shall retain sole discretion and responsibility for determining the standard of successful completion of the examination. When a national examination is utilized, access to questions and answers shall be restricted by the board.~~

33-21-129. Renewal of licenses.

(c) Any license issued by the board shall expire if the licensee fails to renew the license as established in board rules and regulations, including the remittance of all fees. ~~Upon compliance with board rules and regulations regarding renewal and remittance of fees, a period of up to, but not exceeding, sixty (60) days from date of expiration shall be allowed for renewal of a license.~~

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

33-21-130. Relicensure.

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

33-21-131. Inactive status; reactivation.

Licensees who hold an active license to practice in this state, and who wish to discontinue the practice of

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

professional or practical nursing in this state, may request in writing that the board place their license on inactive status. A licensee on inactive status shall not be considered lapsed or expired. ~~No~~ A biennial renewal fee ~~will~~ shall be required ~~of any licensee whose license has been placed on~~ to retain the inactive status. Licensees on inactive status may apply for reactivation pursuant to board rules and regulations.

33-21-132. Temporary permit.

(a) The board may issue a temporary permit to practice nursing to a registered nurse or licensed practical nurse who is awaiting licensure by endorsement and who is currently licensed in good standing in another jurisdiction, territory or possession of the United States. ~~., for a~~ The period for a temporary permit shall not ~~to~~ exceed ninety (90) days, provided the applicant submits a written application for licensure by endorsement, ~~which is~~ is in a form and substance satisfactory to the board.

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

(c) The board may issue a temporary permit to practice nursing to a graduate of an approved nursing education program, pending the results of the first board

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

approved national nursing licensure examination offered after graduation. A temporary permit shall not be issued to any applicant ~~who has not taken the first examination offered after the applicant's graduation or~~ who has previously failed a board approved national nursing licensure examination. The temporary permit shall be surrendered in event of failure of the licensure examination. A new graduate holding a temporary permit shall practice only under the direction and supervision of a registered professional nurse.

(d) The board may issue a temporary permit to graduates of foreign schools of nursing who have met the requirements for licensure by examination or endorsement pursuant to board rules and regulations. Applicants showing evidence of ~~Commission on Graduates of Foreign Nursing Schools (CGFNS)~~ certification from a board approved national certifying organization for graduates of foreign nursing schools shall take the first board approved national nursing licensure examination offered for which they are eligible.

33-21-134. Registered professional nurse; use of R.N.; advanced practice registered nurse; use of A.P.R.N.

(a) Any person who holds a license to practice as a registered professional nurse in this state, shall have the right to use the title "Registered Nurse" and the abbreviation "R.N.". No other person shall assume this title or use this abbreviation or any words, letters, signs or devices to indicate that the person using same is a registered professional nurse.

(b) Any person who holds a license to practice as an advanced practice registered nurse in this state shall have the right to use the title "Advanced Practice Registered

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

Nurse" and the abbreviation "A.P.R.N." No other person shall assume this title or use this abbreviation or any words, letters, signs or devices to indicate that the person using same is an advance practice registered nurse.

33-21-135. Licensed practical nurse; use of L.P.N.

Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to use the title "Licensed Practical Nurse" and the abbreviation "L.P.N." No other person shall assume this title or use this abbreviation or any words, letters, signs or devices to indicate that the person using same is a licensed practical nurse.

33-21-136. New graduate professional nurse; use of G.N.; new graduate advanced practice registered nurse; use of G.A.P.R.N.

(a) Any person who holds a temporary permit as a new graduate professional nurse in this state shall use the title "Graduate Nurse" and the abbreviation "G.N." No other person shall assume this title or use this abbreviation or any words, letters, signs or devices to indicate that the person using same is a new graduate professional nurse.

(b) Any person who holds a temporary permit as a new graduate advanced practice registered nurse in this state shall use the title "Graduate Advanced Practice Registered Nurse" and the abbreviation "G.A.P.R.N." No other person shall assume this title or use this abbreviation or any words, letters, signs or devices to indicate that the person using same is a new graduate advanced practice registered nurse.

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

33-21-137. New graduate practical nurse; use of G.P.N.

Any person who holds a temporary permit as a new graduate practical nurse in this state shall use the title "Graduate Practical Nurse" and the abbreviation "G.P.N." ~~and~~ No other person shall assume this title or use this abbreviation or any words, letters, signs or devices to indicate that the person using same is a new graduate practical nurse.

33-21-138. Nursing education programs; approval by board.

The board shall by rules and regulations that establish standards for nursing education programs, ~~and shall survey and may approve such programs as meet the requirements of this act and the board rules and regulations~~ define the process for board approval of nursing education programs and collect actual costs incurred for the approval process for nursing education programs, not to exceed five thousand dollars (\$5,000.00).

33-21-139. Nursing education programs; approval by board; procedure.

An institution ~~within the state or program~~ in this state desiring to initiate a nursing education program shall apply to the board and submit evidence that its nursing program is able to meet the standards established by the board. If upon investigation the board finds that the program meets the established standards for nursing education programs, it may grant approval to the applicant program.

33-21-140. Nursing education programs; periodic evaluation.

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

The board shall periodically provide for reevaluation of approved nursing education programs based on actual reports or resurveys and shall publish a list of approved programs. The board shall collect actual costs incurred for the survey and approval process from the nursing education program, not to exceed five thousand dollars (\$5,000.00).

33-21-145. Violations; penalties.

(a) No person shall:

(iii) Use any words, abbreviations, figures, letters, titles, signs, cards or devices tending to imply that the person is a registered nurse, ~~or~~ licensed practical nurse, or advanced practice registered nurse unless the person is duly licensed ~~to practice as a registered nurse, licensed practical nurse, or recognized as an advanced practice registered nurse~~ under this act;

(vii) Otherwise violate or aid or abet another person to violate any ~~provisions~~ provision of this act; ~~or~~

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

33-21-146. Disciplining licensees; grounds.

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

(ii) Has been found guilty by a court, has entered an Alford plea or has entered a plea of nolo

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

contendere to a misdemeanor or felony that relates adversely to the practice of nursing or to the ability to practice nursing;

(iii) Has practiced fraud or deceit:

(B) In filing ~~any reports or completing patient or reporting any health care information, including but not limited to client documentation, agency records or other essential health documents;~~

(vi) Has had a license to practice nursing or to practice in another health care discipline in another jurisdiction, territory or possession of the United States denied, revoked, suspended or otherwise restricted; ~~other than by reason of failure to renew or to meet continuing education requirements;~~

(x) Has knowingly engaged in an act which the licensee knew was beyond the scope of the individual's nursing practice prior to committing the act, ~~as evidenced by insufficient or performed acts without sufficient education, and knowledge, or inability ability~~ to apply nursing principles and skills; ~~or~~

(xi) Has failed to submit to a mental, physical or medical competency examination following a proper request by the board made pursuant to board rules and regulations and the Wyoming Administrative Procedure Act.

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

(a) Any member or agent of the board, ~~and or~~ any person ~~reporting information to the board of nursing under oath and in good faith without fraud or malice relating to~~

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

~~alleged incidents of negligence or malpractice or the qualifications, fitness or character of a person licensed or applying for a license to practice nursing, is not subject to a civil action for damages as a result of reporting the information.~~ under oath, is not subject to a civil action for damages as a result of reporting information in good faith, without fraud or malice, relating to alleged violations of this act or board rules and regulations including, but not limited to:

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

(ii) Violations of the standards of nursing education programs as defined by board rule and regulations.

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

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

33-21-154. Exemptions.

(a) No provisions in this act prohibit:

(iv) The rendering of nursing services on a fee-for-service basis, or the reimbursement for nursing services directly to a registered nurse, ~~or~~ licensed

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

practical nurse or advanced practice registered nurse by any governmental program, commercial insurance company, hospital or medical services plan, or any other third-party payor;

(vi) The practice of any currently registered nurse, ~~or~~ licensed practical nurse or advanced practice registered nurse of another state who is employed by the United States government, or any bureau, division or agency thereof while in the discharge of official duties;

(vii) The practice of any currently registered nurse, ~~or~~ licensed practical nurse or advanced practice registered nurse of another state who is employed by an individual, agency or corporation located in another state and whose employment responsibilities include transporting patients into, out of, or through this state. The exemptions shall be limited to a period not to exceed forty-eight (48) hours for each transport;

(viii) The practice of any currently registered nurse, ~~or~~ licensed practical nurse or advanced practice registered nurse of another state who is presenting educational programs or consultative services within this state for a period not to exceed a total of fourteen (14) days per year; ~~;~~

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

(b) Nothing in this act shall be construed as:

(i) Restricting the practice, services or activities of any person licensed under this title while

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

practicing within the scope of practice provided in the person's licensure act under this title; or

(ii) Prohibiting or regulating the delegation of functions within the scope of practice by any person other than a nurse licensed pursuant to this title provided that the delegation does not violate the act under which the person is licensed and provided that the board of nursing may discipline anyone licensed pursuant to this act for accepting any delegation that is beyond the person's scope of practice as defined by this act and that presents a danger of harm to a patient.

33-21-155. Board to establish fees; disposition of fees; appropriations to board.

(a) The board may establish appropriate fees as stated in board rules and regulations not to exceed the maximum stated in W.S. ~~33-21-122(c)(xx)~~ 33-21-122(c)(xxi).

33-21-156. Persons licensed under previous law.

(a) Any individual holding a license to practice nursing as a registered nurse in this state that is valid on July 1, ~~1983-2005~~, shall be deemed to be licensed as a registered nurse under this act.

(b) Any individual holding a license to practice nursing as a licensed practical nurse in this state that is valid on July 1, ~~1983-2005~~, shall be deemed to be licensed as a licensed practical nurse under this act.

(c) Any individual eligible for reactivation of a license to practice nursing as a registered nurse or as a licensed practical nurse in this state on July 1, ~~1983~~

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

2005, shall be deemed to be eligible to be licensed as a registered nurse or as a licensed practical nurse.

(d) Any individual as of July 1, ~~1983~~2005, who has allowed a license to practice nursing as a registered nurse or licensed practical nurse in this state to lapse because of failure to renew, may become licensed as a registered nurse or as a licensed practical nurse by applying for relicensure pursuant to relicensure requirements established in this act and in board rules and regulations.

(f) Any individual ~~authorized in W.S. 33-21-101(a)(i)(D) and (E) as those paragraphs existed prior to July 1, 1983, who was a Wyoming resident,~~ holding recognition to practice as an advanced practice registered nurse in this state that is valid on July 1, 2005 shall be deemed to be an advanced ~~practitioner of nursing practice registered nurse~~ under this act.

33-21-157. Nurses volunteer license.

(b) For purposes of this section, a person shall be considered retired from the practice of practical, professional or advanced practice registered nursing if the person's license ~~or certificate~~ has expired.

(c) The state board of nursing may issue, with or without examination, a volunteer's ~~certificate license~~ to a person who is retired from practice so that the person may provide nursing services to low income uninsured persons at nonprofit health care facilities. The board shall deny issuance of a volunteer's ~~certificate license~~ to a person who is not qualified under this section to hold a volunteer's ~~certificate license~~.

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

(d) An application for a volunteer's ~~certificate~~ license shall include all of the following:

(ii) ~~One (1) of the following, as applicable:~~

~~(A) A copy of the applicant's most recent license or certificate authorizing the practice of nursing issued by a jurisdiction in the United States that licenses persons to practice nursing; or~~

~~(B) A copy of the applicant's most recent license equivalent to a license to practice nursing in one (1) or more branches of the United States armed services that the United States government issued.~~

(iii) Evidence of one (1) of the following, as applicable:

(A) ~~That~~ The applicant has maintained for at least ten (10) years immediately prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice nursing; or

(B) ~~That~~ The applicant has practiced for at least ten (10) years immediately prior to retirement in good standing as a nurse in one (1) or more of the branches of the United States armed services; and

(iv) A notarized statement from the applicant, on a form prescribed by the board, that the applicant:

(A) Will not accept any form of remuneration for any nursing services rendered while in possession of a volunteer's ~~certificate~~ license;

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

(B) Will devote his nursing practice exclusively and totally to providing ~~medical~~-nursing services to low income uninsured persons at a nonprofit health care facility in this state; and

(e) The holder of a volunteer's ~~certificate~~-license may provide nursing services only on the premises of a nonprofit health care facility in this state and only to low income uninsured persons. The holder shall not accept any form of remuneration for providing nursing services while in possession of the ~~certificate~~-license. The board may revoke a volunteer's ~~certificate~~-license on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the ~~certificate~~-license.

(f) A volunteer's ~~certificate~~-license shall be valid for a period of one (1) year, unless earlier revoked under subsection (e) of this section or pursuant to title 33, chapter 21 of the Wyoming statutes. A volunteer's ~~certificate~~-license may be renewed upon the application of the holder. The board shall maintain a register of all persons who hold volunteer's ~~certificates~~-licenses. The board shall not charge a fee for issuing or renewing a ~~certificate~~-license pursuant to this section.

(g) To be eligible for renewal of a volunteer's ~~certificate~~-license, the holder of the ~~certificate~~-license shall certify to the board completion of any continuing education required under this act as if the holder of the ~~certificate~~-license were in active practice. The board shall not renew a ~~certificate~~-license if the holder has not complied with the continuing education requirements. The nonprofit health care facility in which the holder provides nursing services may pay for or reimburse the holder for

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

any costs incurred in obtaining the required continuing education.

(h) The board shall issue to each person who qualifies under this section a volunteer's ~~certificate~~ license that states the ~~certificate—~~license holder is authorized to provide nursing services pursuant to the laws of this state.

(j) Except as provided in this section, any person holding a volunteer's ~~certificate—~~license issued by the board under this section shall be subject to the requirements of this act and the jurisdiction of the board as if he were licensed to practice nursing under this act.

Section 2. W.S. 33-21-128(a) is repealed.

ORIGINAL SENATE
FILE NO. 0093

ENROLLED ACT NO. 97, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

Section 3. This act is effective July 1, 2005.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk