



# Certification Page Regular and Emergency Rules

Revised September 2016

**Emergency Rules** *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

**Regular Rules**

## 1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address	h. Adoption Date	
i. Program		

## 2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.  Yes. Please provide the Enrolled Act Numbers and Years Enacted:

## 3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.  
*(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)*

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

**3. State Government Notice of Intended Rulemaking**

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were: **April 23, 2018**

- approved as to form by the Registrar of Rules; and
- provided to the Legislative Service Office and Attorney General:

**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.  No.  Yes.  N/A

b. A public hearing was held on the proposed rules.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

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

**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: **November 9, 2018**

b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office: **November 9, 2018**

c.  The Statement of Reasons is attached to this certification.

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Cynthia LaBonde
Signatory Title	Executive Director
Date of Signature	November 8, 2018

**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	



*Matthew H Mead*  
Governor

# Wyoming

## STATE BOARD OF NURSING

*Cynthia LaBonde MN, RN*  
Executive Director

130 Hobbs Ave., Suite B • Cheyenne, Wyoming 82002 • Phone: 307-777-7601 • FAX: 307-777-3519 • <http://nursing.state.wy.us>

### Statement of Principal Reasons

#### Chapter 2 – Licensure/Certification Requirements

The Wyoming State Board of Nursing is proposing to amend Chapter 2 - Licensure/Certification Requirements. The revisions in Chapters 2 are intended to address concerns from the Wyoming Nurses Association (WNA) related to competency for continued licensure. Other revisions clarify existing language and add language to align with the Nurse Practice Act (NPA).

For clarification, definitions were added for “active nursing practice,” “continuing competency,” and “continuing education.” Specifically, “active nursing practice” recognizes paid, unpaid, and volunteer activity as methods to achieve continuing competency. These additional methods allow retired nurses the opportunity to maintain their nursing licenses while engaged in unpaid or volunteer activity that utilizes their wealth of nursing knowledge, judgment, and skills.

The term “continuing competency” was defined to emphasize the importance of maintaining, updating, and demonstrating sufficient knowledge, skills, judgment, and qualifications necessary to practice safely and ethically in a designated role and setting. Also, the term “continuing education” was added to identify learning experiences obtained after initial licensure or certification.

In addition, to align with the NPA, the State Board Test Pool Exam option was removed for “licensure by examination” because it is no longer an available examination, and it was added for “licensure by endorsement.” Finally, the Advanced Practice Registered Nurse (APRN) grandfathering date was also changed to align with the NPA. Other minor revisions restructured the MAC application process, simplified APRN renewal language, corrected grammatical errors, and clarified existing language.

We are requesting the revisions to Chapter 2 be approved.

Respectfully submitted,

Cynthia LaBonde MN, RN  
Executive Director, WSNB



Matthew H. Mead  
Governor

# Wyoming

## STATE BOARD OF NURSING

Cynthia LaBonde, MN RN  
Executive Director

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### Concise Summary of Comments and Agency Responses for Chapter 2: Licensure/Certification Requirements

- Licensure base notified by:
  - Notice of Intent published in Casper Star Tribune April 23, 2018.
  - Documentation posted on WSBN website April 23, 2018.
  - Notice of Intent emailed to interested parties ie Board of Medicine, Board of Pharmacy, Wyoming Medical Society, and Wyoming Nurses Association on April 23, 2018.
- Public comment period open from April 23, 2018 to June 11, 2018:
  - Eleven (11) comments were received from a licensure base of approximately 18,000.
    - Five (5) of the eleven (11) nurses supported the expanded definition of “active nursing practice” and “strike-out” of practice examples.
    - Five (5) of the eleven (11) nurses, which include representatives of the Wyoming Nurse Association, disagreed with removing continuing education as a mechanism to maintain an active nursing license for nurses who have not practiced during the last five (5) years.
    - One (1) of the eleven (11) nurses asked specific questions regarding continuing competency requirements for an “active” and “inactive” license.
    - One (1) of the eleven (11) nurses, who was also a Board Member and Chair of the Application Review Committee, suggested an exception for the time frame to sit for the NCLEX for graduates of approved military equivalency programs.

- One (1) of the eleven (11) nurses suggested using an advanced nursing degree as a means of demonstrating competency.
    - One (1) of the eleven (11) nurses suggested adding the word or “maintain” after “obtain” a specialty certification to identify an additional method of demonstrating competency.
- The Board accepted changes to the rules based on the following comments:
  - Add “maintain” after “obtain” specialty certification.
    - Provides an additional means to achieve competency as maintaining a specialty certification is nearly as rigorous as obtaining a specialty certification.
  - Delete practice examples in the definition of “active nursing practice.” The new definition reads “Active nursing practice may include volunteering in health or nursing professional organizations.”
    - This change reinforces volunteering in health or nursing professional organizations as a means to maintain an active license.
- The Board did not accept changes to the rules based on the following comments:
  - Change “has not engaged in active nursing practice” to “has not maintained an active nursing license.”
    - The change in language would mean the nurse has allowed their license to lapse and would allow the licensee to use continuing education as the sole method for continuing competency for an unlimited number of years.
  - Allow continuing education as a method to prove continuing competency if a nurse has not engaged in “active nursing practice” in the last five (5) years.
    - The previous rules allowed a nurse to maintain an active nursing license for an unlimited number of years using only continuing education ie reading nursing related articles, as a means of demonstrating competency. However healthcare technology, procedures and services advance at a rapid rate. According to research, active nursing practice has been determined to be the best

means of demonstrating competency. A nurse who has not engaged in active nursing practice in the last five (5) years is at a disadvantage in being able to provide safe patient care when he/she returns to practice.

- The revised rules allow a nurse to “step away” from active nursing practice, for any variety of reasons, for a period of five (5) years while maintaining an active nursing license. However, after five (5) years of non-practice, the nurse must engage in more robust methods to demonstrate competency and maintain an active nursing license.
  - If the nurse chooses not to engage in active nursing practice, the nurse can opt to obtain an “inactive” nursing license, meaning the nurse still holds a nursing license, but cannot practice again until relicensure and competency are established.
  - As stated by the American Nurses Association (ANA) in their 2014 position statement on Professional Role Competence, “the public has a right to expect registered nurses to demonstrate professional competence throughout their careers.” The ANA indicates the assurance of competence is a shared responsibility among the nurse, employer, profession and other stakeholders, including the regulatory agencies who define the minimal standards.
- Allow an exception for the time frame to sit for the NCLEX for graduates of approved military equivalency programs.
    - The proposed language is not considered a “logical outgrowth” of the proposed rule revisions, meaning interested parties could not have anticipated the change. If the recommended change is to be made, the change would require another public comment or new promulgation period. The proposed language will be considered at a later date.

- Allow an advanced nursing degree as a means of demonstrating competency.
  - Not a current method of demonstrating competency among state boards of nursing. Requires additional study.
- Initial response sent to each individual that provided comments to recognize receipt of comment and identify the review process.
- Formal response sent to each individual who provided comments identifying final Board action.

## CHAPTER 2

### LICENSURE / CERTIFICATION REQUIREMENTS

#### **Section 1. Statement of Purpose.**

(a) These Board Rules are adopted to implement the Board's authority to establish and regulate the requirements and procedures for application and renewal of a license, certificate, or permit.

(b) An applicant for licensure, certification or permit shall have committed no acts that 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.

#### **Section 2. Definitions.**

(a) "Active nursing practice" means engagement in paid, unpaid, or volunteer activity in which the nurse applies knowledge or clinical judgement in a way that influences patients, nurses, organizations or systems. Active nursing practice may include volunteering in health or nursing professional organizations.

(b) "CBC" means Criminal Background Check. Fingerprints or other biometric data are submitted in connection with an application for initial licensure by exam or endorsement, for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining the state's criminal records.

(c) "Continuing competency" for a nurse is the ongoing ability of a nurse to maintain, update and demonstrate sufficient knowledge, skills, judgment and qualifications necessary to practice safely and ethically in a designated role and setting in accordance with the scope of nursing practice. A nurse achieves continuing competency through active nursing practice and continuing education.

(d) "Continuing competency" for a CNA is the ongoing ability of a CNA to maintain, update and demonstrate sufficient knowledge, skills and qualifications necessary to practice safely and ethically in the designated role and setting in accordance with the role of the CNA. A CNA achieves continuing competency through employment in the CNA role and continuing education.

(e) "Continuing education" refers to learning experiences obtained after initial licensure or certification and designed to augment the knowledge and skills of nurses and CNAs and enrich their contributions to quality health care and the pursuit of nursing career goals.

(f) "eNLC" means the enhanced Nurse Licensure Compact enacted on March 1, 2016. The eNLC is a mutual recognition model of nurse licensure that allows a nurse to have one license, issued by the state in which the nurse claims primary residence, to practice in all states



entered into the eNLC. An applicant must meet all of the eNLC Uniform Licensure Requirements to be eligible for a multistate license.

(g) “Equivalent” means equal to or exceeding the requirements as stated in these Board rules.

(h) “GAPRN” means Graduate Advanced Practice Registered Nurse.

(i) “GN” means Graduate Nurse.

(j) “GNA” means Graduate Nursing Assistant/Nurse Aide.

(k) “GPN” means Graduate Practical Nurse.

(l) “GVN” means Graduate Vocational Nurse.

(m) “Home state” means the party state which is the nurse’s primary state of residence.

(n) “IV” means intravenous.

(o) “IV-C” means intravenous certified.

(p) “Multistate license” means a license to practice as a RN or LPN/VN issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.

(q) “Multistate licensure privilege” means a legal authorization associated with a multistate license permitting the practice of nursing as either RN or LPN/VN in a remote state.

(r) “NATCEP” means Nurse Aide Training and Competency Evaluation Program.

(s) “Party state” means any state that has adopted the eNLC.

(t) “Primary State of Residence” means the state in which the licensee resides when applying for a multi-state license.

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

(v) “Remote state” means a party state, other than the home state.

(w) “Renewal cycle” means the period for meeting competency for renewal of licensure or certification which is from January 1st of every odd year to December 31st of every

even year.

(x) “Single-state license” means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

(y) “SBTPE” means State Board Test Pool Examination. An examination which preceded NCLEX-RN to test the competency of a person to perform safely as a newly licensed registered nurse.

(z) “Uniform Licensure Requirements” means the requirements for an applicant to obtain or retain a multistate license in the home state.

(aa) “VN” means Vocational Nurse.

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

(a) APRN. Applicant shall:

(i) Graduate from a nationally accredited graduate or post-graduate level advanced practice nurse educational program;

(ii) Complete a program of study in a role and population focus area of advanced practice nursing;

(iii) Successfully pass a national certification examination in the same role and population focus area of their program of graduate study;

(iv) Submit completed application and fees;

(v) Submit CBC fingerprint cards and fee; and

(vi) Submit evidence of meeting competency under Section 13.

(b) RN or LPN/VN.

(i) Applicant shall:

(A) Graduate from a licensing board-approved RN or LPN/VN pre-licensure nursing education program;

(B) Submit completed application and fee;

(C) Submit CBC fingerprint cards and fee; and

(D) Successfully pass a NCLEX-RN or NCLEX-PN examination.

- (ii) The Board shall notify the applicant of official test results.
- (iii) If an applicant fails the NCLEX, the applicant may retake the NCLEX and shall:
  - (A) Submit completed application and fee for licensure by re-examination; and
  - (B) Submit CBC fingerprint cards and fee, as needed.
- (iv) The Board may allow an applicant to sit for the NCLEX no more than ten (10) times within a five (5) year period following graduation.
- (c) CNA.
  - (i) Applicant shall:
    - (A) Graduate from a state approved CNA training and competency evaluation program;
    - (B) Submit completed application and fee;
    - (C) Submit CBC fingerprint cards and fee; and
    - (D) Successfully pass the NATCEP or similar national exam.
  - (ii) The Board shall notify the applicant of official test results.
  - (iii) The Board may allow an applicant to sit for the NATCEP or similar national exam no more than five (5) times within a one (1) year period following graduation.

**Section 4. Licensure/Certification by Endorsement.**

- (a) An applicant who is unable to provide satisfactory verification of education, training, or competency shall be required to meet the requirements for licensure or certification by examination.
- (b) APRN. Applicant shall:
  - (i) Graduate from a nationally accredited graduate or post-graduate level advanced practice nurse educational program or have completed an accredited APRN education program prior to January 1, 1999;
  - (ii) Complete a program of study in a role and population focus area of advanced practice registered nursing;

(iii) Submit evidence of current national certification in the same role and population focus area of graduate study from the certifying body;

(iv) Submit verification of an active APRN license from another jurisdiction.

(v) Submit completed application and fees;

(vi) Submit CBC fingerprint cards and fee;

(vii) Submit evidence of meeting competency under Section 13.

(c) RN or LPN/VN. Applicant shall:

(i) Graduate from a licensing board-approved RN or LPN/VN pre-licensure nursing education program;

(ii) Submit verification of an active license from another jurisdiction;

(iii) Submit completed application and fee;

(iv) Submit CBC fingerprint cards and fee;

(v) Successfully pass a NCLEX-RN or NCLEX-PN examination or a recognized predecessor examination (SBTPE);

(vi) Submit verification of initial state of licensure by examination; and

(vii) Submit evidence of meeting competency under Section 13.

(d) CNA. Applicant shall:

(i) Graduate from a state approved CNA training and competency evaluation program;

(ii) Submit verification of an active certificate from another jurisdiction;

(iii) Submit completed application and fee;

(iv) Submit CBC fingerprint cards and fee;

(v) Submit verification of initial state of certification by examination; and

(vi) Submit evidence of meeting competency under Section 13.

**Section 5. Other Certifications/Recognitions.**

- (a) APRN Additional Certification. Applicant shall:
  - (i) Submit completed application and fee; and
  - (ii) Submit evidence of completion of coursework for each certification.
- (b) APRN Prescriptive Authority. Applicant shall:
  - (i) Submit completed application and fee; and
  - (ii) Submit evidence of completion of coursework in pharmacology and clinical management of drug therapy within the five (5) year period immediately before the date of application, specifically:
    - (A) Two (2) semester credit hours; or
    - (B) Three (3) quarter credit hours; or
    - (C) Thirty (30) contact hours of coursework.
- (c) LPN/VN IV. Applicant shall:
  - (i) Meet qualifications for LPN/VN licensure by examination or endorsement;
  - (ii) Complete a licensing board-approved LPN/VN IV-C course; or
  - (iii) Complete an equivalent course from another licensing jurisdiction; and
  - (iv) Submit evidence of completion of an LPN/VN IV-C course or an equivalent course from another licensing jurisdiction.
- (d) Medication Aide Certified (MAC). Applicant shall:
  - (i) Meet qualifications for State CNA II certification;
  - (ii) Complete a Board-approved MAC training and competency evaluation program;
  - (iii) Submit completed application and evidence of MAC course completion; and
  - (iv) Successfully pass a national MAC examination.
- (e) CNA II. Applicant shall:
  - (i) Meet qualifications for CNA by examination or endorsement;

- (ii) Complete a Board-approved CNA II training and competency evaluation program; and
  - (iii) Submit evidence of completion of CNA II course.
- (f) Home Health Aide. Applicant shall:
- (i) Meet qualifications for CNA by examination or endorsement;
  - (ii) Complete a Board-approved Home Health Aide training and competency evaluation program; and
  - (iii) Submit evidence of completion of a Home Health Aide training and competency evaluation program.

**Section 6. Licensure of Foreign Educated RN or LPN/VN.**

- (a) Applicant shall:
- (i) Graduate from a foreign RN or LPN/VN pre-licensure nursing education program that has been:
    - (A) Approved by the authorized approving body in the applicable country; and
    - (B) Verified by an independent credential review agency, approved by the Board, to be comparable to a Board-approved pre-licensure nursing education program.
  - (ii) Submit written evidence of English proficiency by:
    - (A) Indicating English as the individual's native language; or
    - (B) Graduating from a foreign pre-licensure nursing education program taught in English; or
    - (C) Successfully passing an English proficiency examination that includes the components of reading, speaking, writing and listening;
  - (iii) Submit verification from an independent credential review agency, approved by the Board, for:
    - (A) Graduation from a foreign RN or LPN/VN pre-licensure nursing education program; and
    - (B) English proficiency, if English is not the first language of the

applicant;

- (iv) Submit completed application and fee;
  - (v) Submit CBC fingerprint cards and fee; and
  - (vi) Successfully pass an NCLEX-RN or NCLEX-PN examination; or
  - (vii) Successfully pass a recognized predecessor examination (SBTPE).
- (b) If an applicant fails the NCLEX, the applicant may retake the NCLEX and shall:
- (i) Submit completed application and fee for licensure by re-examination; and
  - (ii) Submit CBC fingerprint cards and fee, as needed.
- (c) The Board may allow an applicant to sit for the NCLEX no more than ten (10) times within a five (5) year period following graduation.

**Section 7. Temporary Permit.**

- (a) A temporary permit may be issued for the following upon submission of a completed application and fee.
- (i) Graduate Temporary Permit for licensure or certification exam applicants.
  - (ii) Temporary Permit while applicant seeking licensure or endorsement; or
  - (iii) Temporary Permit without Licensure or Certification for an applicant not seeking permanent licensure or certification.
- (b) A temporary permit is non-renewable and may be revoked by the Board at any time.
- (c) Graduate Temporary Permit.
- (i) The Board may issue a graduate temporary permit for APRN, RN, LPN/VN and CNA applicant. However, a graduate temporary permit shall not include:
    - (A) Prescriptive authority for G APRNs.
    - (B) Ability to work as a Home Health Aide for GNAs.
  - (ii) A graduate temporary permit holder shall:
    - (A) Be held to the established standards of nursing practice and CNA

role; and

follows:

physician;

(B) Practice only under appropriate direction and supervision as

(I) GAPRN supervised by APRN within the same specialty or

(II) GN, GPN or GVN supervised by an APRN or RN; or

(III) GNA supervised by an APRN, RN, or LPN/VN.

(iii) If the applicant does not successfully pass the initial national examination, the graduate temporary permit shall expire and the applicant cannot practice nursing in the State.

(d) Temporary Permit while seeking Licensure or Certification. An APRN, RN, LPN/VN, or CNA applicant seeking licensure or certification may request a temporary permit.

(e) Temporary Permit without Licensure or Certification.

(i) An APRN, RN, LPN/VN, or CNA applicant not seeking permanent licensure or certification may request a temporary permit.

(ii) Applicant shall:

(A) Submit evidence of current licensure or certification in good standing from another jurisdiction;

(B) Submit completed application and fee; and

(C) Submit CBC fingerprint cards and fee.

## **Section 8. Biennial Renewal of Licensure and Certification.**

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

(b) Failure to receive a renewal notice from the Board does not excuse an APRN, RN, LPN/VN or CNA from the requirements for renewal under the NPA or these Board Rules.

(c) An APRN, RN, LPN/VN or CNA seeking renewal shall:

(i) Submit completed renewal application and fees;

(ii) Submit evidence of meeting competency under Section 13.



**Section 9. Failure to Renew.**

- (a) All licenses and certificates expire on December 31st of the renewal year.
- (b) Unless an APRN, RN, LPN/VN or CNA renews his or her license or certification on or before December 31st, the APRN, RN, LPN/VN or CNA shall not practice after December 31st of the renewal year.
- (c) On January 1st after the renewal year, an APRN, RN, LPN/VN, or CNA's license or certification that was not renewed shall lapse.
- (d) An APRN, RN, LPN/VN, or CNA shall not resume practice until the APRN, RN, LPN/VN or CNA submits a completed relicensure/recertification application and the Board issues a license or certificate.
- (e) Any APRN, RN, LPN/VN, or CNA who practices on an expired or lapsed license or before the Board issues a license or certificate shall be subject to discipline.

**Section 10. Relicensure/Recertification.** Applicant seeking relicensure or recertification shall:

- (a) Submit completed application and fees;
- (b) Submit CBC fingerprint cards and fees; and
- (c) Submit evidence of meeting competency under Section 13.

**Section 11. Inactive Status and Reactivation.**

- (a) The Board may grant an APRN, RN, LPN/VN or CNA request for inactive status.
- (b) The APRN, RN, LPN/VN or CNA shall not practice nursing in this State until the license or certificate is reactivated. Applicant may apply for reactivation and shall:
  - (i) Submit completed application and fee;
  - (ii) Submit CBC fingerprint cards fees; and
  - (iii) Submit evidence of meeting competency under Section 13.
- (c) If the APRN, RN, LPN/VN or CNA was under investigation or on a conditional license at the time inactive status was granted, the investigation or conditions shall continue upon reactivation.

**Section 12. Reinstatement of Licensure and Certification.**

(a) An APRN, RN, LPN/VN or CNA whose license or certificate has been revoked, surrendered, suspended, or conditioned may apply for reinstatement and shall:

- (i) Submit completed application and fees;
- (ii) Submit CBC fingerprint cards and fees;
- (iii) Submit evidence of meeting competency under Section 13;
- (iv) Submit evidence of meeting requirements of the previous Board's order;
- (v) Submit evidence demonstrating just cause for reinstatement.

and

(b) Licenses or certificates that have been suspended pursuant to Wyoming Statute § 33-21-146(b) shall be reinstated pursuant to W.S. 20-6-112(c).

**Section 13. Competency for Licensure/Certification Continuing In Or Returning To Practice.**

(a) Timeframe for meeting competency.

(i) If an applicant is renewing his or her license or certificate, competency shall be met during the renewal cycle.

(ii) For those applicants seeking licensure or certification by endorsement, reactivation, reinstatement, relicensure/recertification, or returning to practice, competency shall be met during the timeframe identified prior to date of application.

(b) APRN.

(i) An APRN shall demonstrate continuing competency by submitting evidence of:

(A) Current national certification as an APRN in the recognized role and population focus area; or

(B) If recognized as an APRN in the State prior to January 1, 1999, and has maintained continuous licensure, but is not nationally certified, the APRN shall submit evidence of:

(I) Sixty (60) hours of continuing education related to the APRN's recognized role and population focus area; and

(II) Four hundred (400) hours of active nursing practice as an APRN during the last two (2) years.

(ii) An APRN with prescriptive authority shall submit documentation of completion of fifteen (15) hours of continuing education in pharmacology and clinical management of drug therapy within the two (2) years prior to license expiration.

(c) RN/LPN/VN.

(i) A RN or LPN/VN shall demonstrate continuing competency by completing *one* of the following in the past two (2) years (waived during first renewal period if you were licensed by exam):

(A) Four hundred (400) hours of active nursing practice; or

(B) Two hundred (200) hours of active nursing practice; and fifteen (15) hours of continuing education; or

(C) Thirty (30) hours of continuing education.

(ii) If the applicant has not engaged in active nursing practice during the last five (5) years, the applicant shall:

(A) Successfully complete a refresher course or the equivalent, accepted by the Board; or

(B) Successfully complete a nursing education program that confers a degree beyond the applicant's basic nursing education; or

(C) Obtain or maintain certification by a nationally recognized professional accrediting agency in a specialty area of nursing that is accepted by the Board; or

(D) Successfully pass the NCLEX.

(d) CNA.

(i) A CNA shall demonstrate continuing competency by completing *one* of the following in the past two (2) years (waived during first renewal period if you were licensed by exam):

(A) Four hundred (400) hours of employment in the CNA role; or

(B) Two hundred (200) hours of employment in the CNA role and fifteen (15) hours of continuing education; or

(C) Thirty (30) hours of continuing education.

(ii) A CNA who is unable to meet competency shall be required to repeat the

training and competency evaluation.

**Section 14. Nurse Volunteer License.** Applicant shall:

- (a) Meet qualifications under W.S. 33-21-157; and
- (b) Submit completed application.

## CHAPTER 2

### LICENSURE / CERTIFICATION REQUIREMENTS

#### Section 1. Statement of Purpose.

(a) These Board Rules are adopted to implement the Board's authority to establish and regulate the requirements and procedures for application and renewal of a license, certificate, or permit.

(b) An applicant for licensure, certification or permit shall have committed no acts that 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.

#### Section 2. Definitions.

(a) “Active nursing practice” means engagement in paid, unpaid, or volunteer activity in which the nurse applies knowledge or clinical judgement in a way that influences patients, nurses, organizations or systems. Active nursing practice may include volunteering in health or nursing professional organizations.

(ab) “CBC” means Criminal Background Check. Fingerprints or other biometric data are submitted in connection with an application for initial licensure by exam or endorsement, for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining the state's criminal records.

(c) “Continuing competency” for a nurse is the ongoing ability of a nurse to maintain, update and demonstrate sufficient knowledge, skills, judgment and qualifications necessary to practice safely and ethically in a designated role and setting in accordance with the scope of nursing practice. A nurse achieves continuing competency through active nursing practice and continuing nursing education.

(d) “Continuing competency” for a certified nursing assistant (CNA) is the ongoing ability of a CNA to maintain, update and demonstrate sufficient knowledge, skills and qualifications necessary to practice safely and ethically in the designated role and setting in accordance with the role of the CNA. A CNA achieves continuing competency through employment in the CNA role and continuing education.

(e) “Continuing education” refers to learning experiences obtained after initial licensure or certification and designed to augment the knowledge and skills of nurses and CNAs and enrich their contributions to quality health care and the pursuit of nursing career goals.

(bf) “eNLC” means the enhanced Nurse Licensure Compact enacted on March 1, 2016. The eNLC is a mutual recognition model of nurse licensure that allows a nurse to have one

license, issued by the state in which the nurse claims primary residence, to practice in all states entered into the eNLC. An applicant must meet all of the eNLC Uniform Licensure Requirements to be eligible for a multistate license.

(~~e~~g) “Equivalent” means equal to or exceeding the requirements as stated in these Board rules.

(~~d~~h) “GAPRN” means Graduate Advanced Practice Registered Nurse.

(~~e~~i) “GN” means Graduate Nurse.

(~~f~~j) “GNA” means Graduate Nursing Assistant/Nurse Aide.

(~~g~~k) “GPN” means Graduate Practical Nurse.

(~~h~~l) “GVN” means Graduate Vocational Nurse.

(~~i~~m) “Home state” means the party state which is the nurse’s primary state of residence.

(~~j~~n) “IV” means intravenous.

(~~k~~o) “IV-C” means intravenous certified.

(~~l~~p) “Multistate license” means a license to practice as a RN or LPN/VN issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.

(~~m~~q) “Multistate licensure privilege” means a legal authorization associated with a multistate license permitting the practice of nursing as either a RN or LPN/VN in a remote state.

(~~n~~r) “NATCEP” means Nurse Aide Training and Competency Evaluation Program.

(~~o~~s) “Party state” means any state that has adopted the eNLC.

(~~p~~t) “Primary State of Residence” means the state in which the licensee resides when applying for a multi-state license.

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

(~~r~~v) “Remote state” means a party state, other than the home state.

(~~s~~w) “Renewal cycle” means the period for meeting competency for renewal of licensure or certification which is from January 1st of every odd year to December 31st of every even year.

(~~t~~x) “Single-state license” means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

(~~h~~y) “SBTPE” means State Board Test Pool Examination. An examination which preceded NCLEX-RN to test the competency of a person to perform safely as a newly licensed registered nurse.

(~~v~~z) “Uniform Licensure Requirements” means the requirements for an applicant to obtain or retain a multistate license in the home state.

(~~w~~aa) “VN” means Vocational Nurse.

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

(a) APRN. Applicant shall:

(i) Graduate from a nationally accredited graduate or post-graduate level advanced practice nurse educational program;

(ii) Complete a program of study in a role and population focus area of advanced practice nursing;

(iii) Successfully pass a national certification examination in the same role and population focus area of their program of graduate study;

(iv) Submit completed application and fees;

(v) Submit CBC fingerprint cards and fee; and

(vi) Submit evidence of meeting competency under Section 13.

(b) RN or LPN/VN.

(i) Applicant shall:

(A) Graduate from a licensing board-approved RN or LPN/VN pre-licensure nursing education program;

(B) Submit completed application and fee;

(C) Submit CBC fingerprint cards and fee; and

(D) Successfully pass a NCLEX-RN or NCLEX-PN examination; ~~or.~~

~~(E) Successfully pass a recognized predecessor examination (SBTPE).~~

(ii) The Board shall notify the applicant of official test results.

(iii) If an applicant fails the NCLEX, the applicant may retake the NCLEX and shall:

(A) Submit completed application and fee for licensure by re-examination; and

(B) Submit CBC fingerprint cards and fee, as needed.

(iv) The Board may allow an applicant to sit for the NCLEX no more than ten (10) times within a five (5) year period following graduation.

(c) CNA.

(i) Applicant shall:

(A) Graduate from a state approved CNA training and competency evaluation program;

(B) Submit completed application and fee;

(C) Submit CBC fingerprint cards and fee; and

(D) Successfully pass the NATCEP or similar national exam.

(ii) The Board shall notify the applicant of official test results.

(iii) The Board may allow an applicant to sit for the NATCEP or similar national exam no more than five (5) times within a one (1) year period following graduation.

#### **Section 4. Licensure/Certification by Endorsement.**

(a) An applicant who is unable to provide satisfactory verification of education, training, or competency shall be required to meet the requirements for licensure or certification by examination.

(b) APRN. Applicant shall:

(i) Graduate from a nationally accredited graduate or post-graduate level advanced practice nurse educational program or have completed an accredited APRN education



program prior to January 1, 1999;

(ii) Complete a program of study in a role and population focus area of advanced practice registered nursing;

(iii) Submit evidence of current national certification in the same role and population focus area of graduate study from the certifying body;

(iv) Submit verification of an active APRN license from another jurisdiction.

(v) Submit completed application and fees;

(vi) Submit CBC fingerprint cards and fee; ~~and~~

(vii) Submit evidence of meeting competency under Section 13.

(c) RN or LPN/VN. Applicant shall:

(i) Graduate from a licensing board-approved RN or LPN/VN pre-licensure nursing education program;

(ii) Submit verification of an active license from another jurisdiction;

(iii) Submit completed application and fee;

(iv) Submit CBC fingerprint cards and fee;

(v) Successfully pass a NCLEX-RN or NCLEX-PN examination or a recognized predecessor examination (SBTPE);

~~(vi)~~ (vi) Submit verification of initial state of licensure by examination; and

~~(vii)~~ (vii) Submit evidence of meeting competency under Section 13.

(d) CNA. Applicant shall:

(i) Graduate from a state approved CNA training and competency evaluation program;

(ii) Submit verification of an active certificate from another jurisdiction;

(iii) Submit completed application and fee;

(iv) Submit CBC fingerprint cards and fee;

(v) Submit verification of initial state of certification by examination; and

- (vi) Submit evidence of meeting competency under Section 13.

**Section 5. Other Certifications/Recognitions.**

- (a) APRN Additional Certification. Applicant shall:
  - (i) Submit completed application and fee; and
  - (ii) Submit evidence of completion of coursework for each certification.
- (b) APRN Prescriptive Authority. Applicant shall:
  - (i) Submit completed application and fee; and
  - (ii) Submit evidence of completion of coursework in pharmacology and clinical management of drug therapy within the five (5) year period immediately before the date of application, specifically:
    - (A) Two (2) semester credit hours;~~;~~ or
    - (B) Three (3) quarter credit hours;~~;~~ or
    - (C) Thirty (30) contact hours of coursework.
- (c) LPN/VN IV. Applicant shall:
  - (i) Meet qualifications for LPN/VN licensure by examination or endorsement;
  - (ii) Complete a licensing board-approved LPN/VN IV-C course; or
  - (iii) Complete an equivalent course from another licensing jurisdiction; and
  - (iv) Submit evidence of completion of an LPN/VN IV-C course or an equivalent course from another licensing jurisdiction.
- (d) Medication Aide Certified (MAC). Applicant shall:
  - (i) Meet qualifications for State CNA II certification;
  - (ii) Complete a Board-approved MAC training and competency evaluation program;
  - (iii) Submit completed application and evidence of MAC course completion;
  - and
  - ~~(iii)~~ (iv) Successfully pass a national MAC examination.

~~(iv) Submit completed application and evidence of MAC course completion.~~

(e) CNA II. Applicant shall:

(i) Meet qualifications for CNA by examination or endorsement;

(ii) Complete a Board-approved CNA II training and competency evaluation program; and

(iii) Submit evidence of completion of CNA II course.

(f) Home Health Aide. Applicant shall:

(i) Meet qualifications for CNA by examination or endorsement;

(ii) Complete a Board-approved Home Health Aide training and competency evaluation program; and

(iii) Submit evidence of completion of a Home Health Aide training and competency evaluation program.

**Section 6. Licensure of Foreign Educated RN or LPN/VN.**

(a) Applicant shall:

(i) Graduate from a foreign RN or LPN/VN pre-licensure nursing education program that has been:

(A) Approved by the authorized approving body in the applicable country; and

(B) Verified by an independent credential review agency, approved by the Board, to be comparable to a Board-approved pre-licensure nursing education program.

(ii) Submit written evidence of English proficiency by:

(A) Indicating English as individual's native language; or

(B) Graduating from a foreign pre-licensure nursing education program taught in English; or

(C) Successfully passing an English proficiency examination that includes the components of reading, speaking, writing and listening;

(iii) Submit verification from an independent credential review agency,

approved by the Board, for:

- (A) Graduation from a foreign RN or LPN/VN pre-licensure nursing education program; and
- (B) English proficiency, if English is not the first language of the applicant;
- (iv) Submit completed application and fee;
- (v) Submit CBC fingerprint cards and fee; and
- (vi) Successfully pass an NCLEX-RN or NCLEX-PN examination; or
- (vii) Successfully pass a recognized predecessor examination (SBTPE).
- (b) If an applicant fails the NCLEX, the applicant may retake the NCLEX and shall:
  - (i) Submit completed application and fee for licensure by re-examination; and
  - (ii) Submit CBC fingerprint cards and fee, as needed.
- (c) The Board may allow an applicant to sit for the NCLEX no more than ten (10) times within a five (5) year period following graduation.

**Section 7. Temporary Permit.**

- (a) A temporary permit may be issued for the following upon submission of a completed application and fee.
  - (i) Graduate Temporary Permit for licensure or certification exam applicants.
  - (ii) Temporary Permit while applicant seeking licensure or endorsement; or
  - (iii) Temporary Permit without Licensure or Certification for an applicant not seeking permanent licensure or certification.
- (b) A temporary permit is non-renewable and may be revoked by the Board at any time.
- (c) Graduate Temporary Permit.
  - (i) The Board may issue a graduate temporary permit for APRN, RN, LPN/VN and CNA applicant. However, a graduate temporary permit shall not include:
    - (A) Prescriptive authority for G APRNs.

(B) Ability to work as a Home Health Aide for GNAs.

(ii) A graduate temporary permit holder shall:

(A) Be held to the established standards of nursing practice and CNA

role; and

(B) Practice only under appropriate direction and supervision as

follows:

(I) GAPRN supervised by APRN within the same specialty or

physician;

(II) GN, GPN or GVN supervised by an APRN or RN; or

(III) GNA supervised by an APRN, RN, or LPN/VN.

(iii) If the applicant does not successfully pass the initial national examination, the graduate temporary permit shall expire and applicant cannot practice nursing in the State.

(d) Temporary Permit while seeking Licensure or Certification. An APRN, RN, LPN/VN, or CNA applicant seeking licensure or certification may request a temporary permit.

(e) Temporary Permit without Licensure or Certification.

(i) An APRN, RN, LPN/VN, or CNA applicant not seeking permanent licensure or certification may request a temporary permit.

(ii) Applicant shall:

(A) Submit evidence of current licensure or certification in good standing from another jurisdiction;

(B) Submit completed application and fee; and

(C) Submit CBC fingerprint cards and fee.

## **Section 8. Biennial Renewal of Licensure and Certification.**

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

(b) Failure to receive a renewal notice from the Board does not excuse an APRN, RN, LPN/VN or CNA from the requirements for renewal under the NPA or these Board Rules.

- (c) An APRN, RN, LPN/VN or CNA seeking renewal shall:
  - (i) Submit completed renewal application and fees;
  - (ii) Submit evidence of meeting competency under Section 13.

**Section 9. Failure to Renew.**

- (a) All licenses and certificates expire on December 31st of the renewal year.
- (b) Unless an APRN, RN, LPN/VN or CNA renews his or her license or certification on or before December 31st, the APRN, RN, LPN/VN or CNA shall not practice after December 31st of the renewal year.
- (c) On January 1st after the renewal year, an APRN, RN, LPN/VN, or CNA's license or certification that was not renewed shall lapse.
- (d) An APRN, RN, LPN/VN, or CNA shall not resume practice until the APRN, RN, LPN/VN or CNA submits a completed relicensure/recertification application and the Board issues a license or certificate.
- (e) Any APRN, RN, LPN/VN, or CNA who practices on an expired or lapsed license or before the Board issues a license or certificate shall be grounds for discipline.

**Section 10. Relicensure/Recertification.** Applicant seeking relicensure or recertification shall:

- (a) Submit completed application and fees;
- (b) Submit CBC fingerprint cards and fees; and
- (c) Submit evidence of meeting competency under Section 13.

**Section 11. Inactive Status and Reactivation.**

- (a) The Board may grant an APRN, RN, LPN/VN or CNA request for inactive status.
- (b) The APRN, RN, LPN/VN or CNA shall not practice nursing in this State until the license or certificate is reactivated. Applicant may apply for reactivation and shall:
  - (i) Submit completed application and fee;
  - (ii) Submit CBC fingerprint cards fees; and
  - (iii) Submit evidence of meeting competency under Section 13.

(c) If the APRN, RN, LPN/VN or CNA was under investigation or on a conditional license at the time inactive status was granted, the investigation or conditions shall continue upon reactivation.

## **Section 12. Reinstatement of Licensure and Certification.**

(a) An APRN, RN, LPN/VN or CNA whose license or certificate has been revoked, surrendered, suspended, or conditioned may apply for reinstatement and shall:

- (i) Submit completed application and fees;
  - (ii) Submit CBC fingerprint cards and fees;
  - (iii) Submit evidence of meeting competency under Section 13;
  - (iv) Submit evidence of meeting requirements of the previous Board's order;
- and
- (v) Submit evidence demonstrating just cause for reinstatement.

(b) Licenses or certificates that have been suspended pursuant to Wyoming Statute § 33-21-146(b) shall be reinstated pursuant to W.S. 20-6-112(c).

## **Section 13. Competency for Licensure/Certification Continuing In Or Returning To Practice.**

(a) Timeframe for meeting competency.

(i) If applicant is renewing his or her license or certificate, competency shall be met during the renewal cycle.

(ii) For those applicants seeking licensure or certification by endorsement, reactivation, reinstatement, relicensure/recertification, or returning to practice, competency shall be met during the timeframe identified prior to date of application.

(b) APRN.

(i) An APRN shall demonstrate continuing competency by submitting evidence of:

(A) Current national certification as an APRN in the recognized role and population focus area; or

(B) If recognized APRN in the State prior to ~~July 1, 2005~~ **January 1, 1999**, and has maintained continuous licensure, but is not nationally certified, the APRN shall submit evidence of:

(I) ~~Completion of s~~Sixty (60) or more contact hours of continuing education related to the APRN's recognized role and population focus area; and

(II) ~~Completion of f~~Four hundred (400) or more hours of active nursing practice as an APRN during the last two (2) years.

(ii) An APRN with prescriptive authority shall submit documentation of completion of fifteen (15) hours of ~~coursework~~ continuing education in pharmacology and clinical management of drug therapy within the two (2) years prior to license expiration.

(c) RN/LPN/VN.

(i) RN or LPN/VN shall demonstrate continuing competency by completing *one* of the following in the past two (2) years (waived during first renewal period if you were licensed by exam):

(A) Four hundred (400) hours of ~~employment in the practice of nursing~~ active nursing practice; or

(B) Two hundred (200) hours of ~~employment in the practice of nursing~~ active nursing practice; and fifteen (15) hours of continuing education ~~that provide learning activities related to nursing practice~~; or

(C) Thirty (30) hours of continuing education ~~that provide learning activities related to nursing practice~~.

(ii) If the applicant has not engaged in active nursing practice~~practiced nursing~~ during the last five (5) years, applicant shall:

(A) Successfully complete a refresher course or the equivalent, accepted by the Board; or

(B) Successfully complete a nursing education program that confers a degree beyond the licensee's basic nursing education; or

(C) Obtain or maintain certification by a nationally recognized professional accrediting agency in a specialty area of nursing that is accepted by the Board; or

(D) Successfully pass NCLEX.

(d) CNA.

(i) A CNA shall demonstrate continuing competency by completing *one* of the following in the past two (2) years (waived during first renewal period if you were licensed by exam):



(A) Four hundred (400) hours of employment in the CNA role; or

(B) Two hundred (200) hours of employment in the CNA role and fifteen (15) hours of continuing education ~~that provide learning activities related to nursing practice~~; or

(C) Thirty (30) hours of continuing education ~~that provide learning activities related to nursing practice~~.

(ii) A CNA who is unable to meet competency shall be required to repeat the training and competency evaluation.

**Section 14. Nurse Volunteer License.** Applicant shall:

(a) Meet qualifications under W.S. 33-21-157; and

(b) Submit completed application.