Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at https://rules.wyo.gov

Revised August 2023

1. General Information

a. Agency/Board Name*
Nursing, Board of

b. Agency/Board Address	c. City	d. Zip Code
130 Hobbs Ave, Suite B	Cheyenne	82002

e. Name of Agency Liaison	f. Agency Liaison Telephone Number
Rachael Fillbrandt	307-777-8504

g. Agency Liaison Email Address
rachael.fillbrandt@wyo.gov

h. Date of Public Notice	i. Comment Period End Date
01/06/2025	03/07/2025

j. Public Comment URL or Email Address:
wsbn.admin@wyo.gov

k. Program
General

Amended Program Name (*if applicable*):

* ☐ *By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.*

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular non-emergency 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 non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

	Chapter:	Year:
■ **No.** ☐ **Yes.** If the rules are new, please provide the Legislative Chapter Number and Year Enacted:		

3. Rule Type and Information

For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. *Please use the "Additional Rule Information" form to identify additional rule chapters.*

Chapter Number:	Chapter Name:	
2	Licensure/Certification Requirements	☐ New ■ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*):	
Chapter Number:	Chapter Name:	☐ New ☐ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*):	
Chapter Number:	Chapter Name:	☐ New ☐ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*):	
Chapter Number:	Chapter Name:	☐ New ☐ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*):	
Chapter Number:	Chapter Name:	☐ New ☐ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*):	
Chapter Number:	Chapter Name:	☐ New ☐ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*):	

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. ■ **No.** ☐ **Yes. Please complete the boxes below.**

Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?

■ By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

■ To the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. ■ **No.** ☐ **Yes. Please complete the boxes below.**

Applicable Federal Law or Regulation Citation:

Indicate one (1):

☐ The proposed rules meet, but do not exceed, minimum federal requirements.

☐ The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

☐ To the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

■ The proposed rule change *MEETS* minimum substantive statutory requirements.

☐ The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. ■ The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

■ By contacting the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

■ These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

☐ The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

_____

(Provide chapter numbers)

☐ These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

_____

(Provide chapter numbers)

b. Checklist

■ The Statement of Principal Reasons is attached to this Notice and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

☐ If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual	Rachael Fillbrandt
Title of Authorized Individual	Executive Director
Date of Authorization	01/07/2025

Wyoming State Board of Nursing

Chapter 2: Licensure / Certification Requirements

Intent to Adopt Amended Rules

Statement of Reasons

The Wyoming State Board of Nursing (WSBN) has voted to initiate a change to WSBN Rules Chapter 2: Licensure / Certification Requirements. As required by Wyoming Statute § 16-3-103(a)(i)(G), these proposed changes meet minimum substantive state statutory requirements.

Chapter 2: Licensure / Certification Requirements

Changes to Chapter 2 are pursuant to Wyo. Stat. Ann. § 33-21-122 allowing the Board of nursing to (v) examine, license, renew, relicense, and reactivate the licenses of duly qualified individuals, may grant individuals a temporary 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 or returning to practice; (vi) deny any applicant a license or temporary permit to practice professional or practical nursing, 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; (xiv) regulate by Board rules and regulations the qualifications of advanced practice registered nurses; (xxiv) by board rule and regulation, regulate the qualifications, certification, recertification, examination, and discipline of nursing assistants and nurse aides.

Section 1:

- Add statement of authority because it is required for each chapter.

Section 2:

- Section unchanged.

Section 3:

- Amend Licensed Practical Nurses (LPN) and Registered Nurses (RN) licensure by examination requirements, requiring remediation after four years of inability to pass the NCLEX. The NCLEX is a measurement of safe, entry-level practice; this amendment would assist in ensuring safe, competent nurses and is aligns with §33-21-128 (c).
- Amend the number of attempts to five (5) and establish a lifetime maximum number of attempts to pass the NCLEX of five (5) to provide clarity. This would align Wyoming with the national average of three (3) to six (6) times to pass the NCLEX.
- Amend Certified Nursing Assistant (CNA) certification requirements to clarify language and provide consistency throughout. Certified Nursing Assistant (CNA) applicants shall have a maximum number of attempts at passing the NATCEP exam within two (2) years following course completion. If the applicant is unsuccessful within two (2) years of course completion, the applicant must retake the course. This would assist in ensuring safe, competent, and current standards of practice for the CNA. *Sect 3(c)*

Section 4:

- Correct errors in formatting.
- Amend language to reflect CNA course completion accurately.

Section 5:

- Amend APRN Additional Certification requirements to align with the NCSBN Consensus Model.
- Amend Medication Aide-Certified (MA-C) certification requirements to clarify language and provide consistency. Medication Aide-Certified applicants shall have a maximum number of attempts at passing the MA-C exam within two (2) years following course completion. If the applicant is unsuccessful within two years of course completion, the applicant must retake the course. This would assist in ensuring safe, competent, and current standards of practice of the medication aide-certified (MA-C). *Sect 5 (c)*

Section 6:

- Amend NCLEX examination attempts for foreign-educated applicants, requiring remediation after four years of being unable to pass the NCLEX and establishing a lifetime maximum number of attempts to pass the NCLEX. This would align Wyoming with the national average of three (3) to six (6) times to pass the NCLEX. The NCLEX is a measurement of safe, entry-level practice; this amendment would assist in ensuring safe, competent nurses and is aligned with §33-21-128 (c). *Sect 6 (c)*

Section 7:

- Amend the language of temporary permits to align with §33-21-132. *Sect 7 (b)*
- Correct wording to accurately reflect the Nurse Practice Act.

Section 8:

- Update to reflect the change in formatting accurately.

Section 9:

- Amend wording to provide clarity.

Section 10:

- Amend to provide clarity and comply with Nurse Practice Act.

Section 11:

- Added section for submitted applications to expire in twelve (12) months. This would align with the current licensing system and require applicants to resubmit to a background check after twelve (12) months, ensuring public safety. *Sect 11(a)*
- Update to reflect the change in formatting accurately.

Section 12:

- Update to reflect the change in formatting accurately.

Section 13:

- Update to reflect the change in formatting accurately.

Section 14:

- Add in required continuing education for Licensed Practice Nurses (LPN) and Registered Nurses (RN) related to suicide assessment, treatment, and management. This continuing education aligns with the Zero Suicide Initiative. *Sect 14(d)*
- Amend continuing competency requirements for Certified Nursing Assistants (CNA), Licensed Practical Nurses (LPN), and Registered Nurses (RN) to continue to practice in Wyoming, providing multiple options for individuals to maintain licensure or reenter practice. *Sect 14(d)*

Section 15:

- Amend to include the submission of completed application and fees.

Section 16:

- Add a rule to allow for quality assurance and audits, aligning with §33-21-122(c)(vii).

CHAPTER 2

LICENSURE/CERTIFICATION REQUIREMENTS

Section 1. Statement of Authority.

(a) The Board promulgates these rules according to its authority under Wyo. Stat. Ann. § 33-21-122(b), -122(c)(viii),(x), and (xxiv).

Section 2. Definitions.

(a) "Active nursing practice" means engagement in paid, unpaid, or volunteer activity in which the nurse applies knowledge or clinical judgment 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) "Equivalent**"** means equal to or exceeding the requirements as stated in these Board rules.

(g) "GAPRN" means Graduate Advanced Practice Registered Nurse.

(h) "GN" means Graduate Nurse.

(i) "GNA" means Graduate Nursing Assistant/Nurse Aide.

(j) "GPN" means Graduate Practical Nurse.

(k) "GVN" means Graduate Vocational Nurse.

(l) "Home state" means the party state which is the nurse's primary state of residence.

(m) "IV" means intravenous.

(n) "IV-C" means intravenous certified.

(o) "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 privilege to practice.

(p) "NATCEP" means Nurse Aide Training and Competency Evaluation Program.

(q) "NLC" means the enhanced Nurse Licensure Compact enacted on March 1, 2016. The NLC 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 NLC. An applicant must meet all of the NLC Uniform Licensure Requirements to be eligible for a multistate license.

(r) "Party state" means any state that has adopted the NLC.

(s) "Primary state of residence" means the state in which the licensee resides when applying for a multistate license.

(t) "Privilege to practice" 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.

(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 engaged in active nursing practice and are preparing for re-entry into active 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 nursing 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 to test the competency of a person to perform safely as a newly licensed nurse.

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

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;

(A) All national APRN certification boards require an active, unencumbered RN license for initial national certification, but not all boards require an active, unencumbered RN license for renewing national certification.

(B) Because APRN licenses and RN licenses are separate under the Nurse Practice Act, an APRN applicant who requires a Wyoming RN license for initial or renewal national certification will need to submit a separate RN application and pay the appropriate fees.

(iv) Submit completed application and fees;

(v) Submit CBC fingerprint cards and fees; and

(vi) Comply with Section 5, if applicable.

(vii) Submit evidence of completion of advanced pharmacology

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

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

(ii) Submit completed application and fees;

(iii) Submit CBC fingerprint cards and fees; and

(iv) Successfully pass the NCLEX-RN or NCLEX-PN examination, accordingly.

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

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

(I) Submit completed application and fees for licensure by re-examination; and

(II) Submit CBC fingerprint cards and fees, as needed.

(C) Applicants may take the NCLEX a maximum of five (5) times within four (4) years from the date of graduation

(I) An applicant who has not passed the NCLEX - within four (4) years from the date of graduation and who has not used the maximum number of lifetime attempts, must complete a Board approved nursing refresher program in order to take or retake the examination.

(D) An applicant shall have a lifetime total of five (5) opportunities to successfully pass the NCLEX.

(c) CNA. Applicant shall:

(i) Successfully complete a state approved CNA training and competency evaluation program;

(ii) Submit completed application and fees;

(iii) Submit CBC fingerprint cards and fees; and

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

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

(B) An applicant may sit for the NATCEP or similar national exam no more than five (5) times within the two (2) year period following graduation.

(C) An applicant who has not passed the NATCEP or similar national exam within two (2) years from the completion of the state-approved CNA program must complete a state-approved CNA program again.

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 fees;

(vii) Comply with Section 5, if applicable; and

(viii) Submit evidence of completion of advanced pharmacology.

(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 fees;

(iv) Submit CBC fingerprint cards and fees;

(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 14.

(d) CNA. Applicant shall:

(i) Successfully complete a state approved CNA training and competency evaluation program;

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

(iii) Submit completed application and fees;

(iv) Submit CBC fingerprint cards and fees;

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

(vi) Submit evidence of meeting competency under Section 14.

Section 5. Other Certifications.

(a) APRN Additional Certification. Applicant shall:

(i) Submit completed application and fees; and

(ii) Submit evidence of current national certification in the role and population focus area for each additional certification.

(b) LPN/VN IV. Applicant shall:

(i) Meet qualifications for LPN/VN licensure by examination or endorsement;

(ii) Submit completed application and fees; and

(iii) Submit evidence of completion of LPN/VN IV-C coursework or an equivalent course from another licensing jurisdiction.

(c) Medication Aide-Certified (MA-C). Applicant shall:

(i) Meet qualifications for State CNA II certification;

(ii) Complete a Board-approved MA-C training and competency evaluation course;

(iii) Submit completed application and fees and evidence of MA-C course completion; and

(iv) Successfully pass a national MA-C examination.

(v) An applicant may sit for the MA-C examination no more than five (5) times within the two (2) year period following course completion.

(A) An applicant who has not passed the MA-C exam within two (2) years from the completion of the Board approved MA-C course must complete a Board approved MA-C course again.

(d) CNA II. Applicant shall:

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

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

(iii) Submit completed application and fees and evidence of CNA II course completion.

(e) Home Health Aide. Applicant shall:

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

(ii) Complete Board-approved Home Health Aide training and competency evaluation (sixteen (16) hours); and

(iii) Submit completed application and fees; and evidence of Home Health Aide training completion.

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 fees;

(v) Submit CBC fingerprint cards and fees; 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 fees for licensure by re-examination; and

(ii) Submit CBC fingerprint cards and fees, as needed.

(c) Applicants may take the NCLEX a maximum of five (5) times within four (4) years from the date of graduation.

(i) An applicant who has not passed the NCLEX within four (4) years from the date of graduation and who has not used the maximum number of lifetime attempts, must complete a Board approved nursing refresher program in order to take or retake the examination.

(d) An applicant shall have a lifetime total of five (5) opportunities to successfully pass the NCLEX.

Section 7. Temporary Permit.

(a) A temporary permit may be issued for the following upon submission of a completed application and fees:

(i) Graduate Temporary Permit for licensure or certification exam applicants; or

(ii) Temporary Permit while an applicant is seeking licensure by endorsement.

(b) A temporary permit:

(i) Shall not exceed ninety (90) days for endorsement applicants;

(ii) Shall be issued only one (1) time per licensure type;

(iii) Shall not be issued for applicants seeking reinstatement or recertification; and

(iii) May be revoked by the Board at any time.

(c) Graduate Temporary Permit. The Board may issue a graduate temporary permit for all exam applicants.

(i) A graduate temporary permit shall not include:

(A) Prescriptive authority for GAPRNs.

(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 under the direction and supervision of a registered professional nurse.

(iii) A GNA temporary permit is valid for 120 days.

(iv) A GAPRN, GN, GPN, and GVN temporary permit shall not exceed ninety (90) days.

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

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; and

(ii) Submit evidence of meeting competency under Section 14.

Section 9. Failure to Renew.

(a) All licenses and certificates expire on December 31st of the renewal year.

(b) Failure to renew the license/certificate on or before the date of expiration shall result in an expired license/certificate and the forfeiture of the right to practice nursing in the State until the Board reissues the license/certificate.

(c) Any APRN, RN, LPN/VN, or CNA who practices on an expired license shall be subject to discipline.

Section 10. Relicensure or Recertification of License/Certificate Following Failure to Renew. An individual whose license is inactive by failure to renew shall:

(a) Submit completed application and fees;

(b) Submit CBC fingerprint cards and fees; and

(c) Submit evidence of meeting competency under Section 14.

Section 11. Expiration Dates of Applications

(a) Applications awaiting documentation shall be active for twelve (12) months.

(b) If the Board office does not receive an applicant's completed application within twelve (12) months of submission of the application, the application shall expire.

(i) If the application has expired, the individual seeking licensure or certification shall submit a new application along with the appropriate fees and all required documentation.

Section 12. Inactive Status and Reactivation.

(a) The Board may grant an APRN, RN, LPN/VN, or CNA request for inactive status, which includes retired licensure/certification.

(b) The APRN, RN, LPN/VN, or CNA shall not practice nursing in this State until the license or certificate is reactivated.

(c) Applicants applying for reactivation after being granted inactive status by the Board shall:

(i) Submit completed application and fees;

(ii) Submit CBC fingerprint cards and fees; and

(iii) Submit evidence of meeting competency under Section 14.

(d) 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 13. 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 14;

(iv) Submit evidence of compliance with the previous Board's order or correction of underlying conduct; and

(v) Submit evidence demonstrating just cause for reinstatement.

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

Section 14. Competency for Licensure/Certification Continuing In Or Returning To Practice.

(a) An APRN who holds an active Wyoming RN license shall only be required to meet the continuing competency requirements of the APRN in Section 14(c).

(b) Timeframe for meeting competency.

(i) If an applicant is renewing their license or certificate, the applicant shall meet competency as outlined in this Section for each license/certificate type.

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

(c) 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.

(C) Submit evidence of three (3) hours of continuing education related to the responsible prescribing of controlled substances or treatment of substance abuse disorders.

(d) RN/LPN/VN.

(i) An A RN or LPN/VN shall demonstrate continuing competency by completing the following in the past two (2) years:

(A) Five hundred (500) hours of active nursing practice; or

(B) Successfully pass the NCLEX; or

(C) Complete a refresher course or the equivalent, accepted by the Board; or

(D) Complete a nursing education program that confers a degree beyond the applicant's basic nursing education; or

(E) Submit evidence of fifty (50) hours of continuing education; **AND**

(F) An RN or LPN/VN must submit evidence of two (2) hours of continuing education related to suicide assessment, treatment, and management each renewal cycle.

(e) CNA.

(i) A CNA shall demonstrate continuing competency by completing one of the following in the past two (2) years:

(A) Five hundred (500) hours of employment in the CNA role; or

(B) Twenty-five (25) hours of continuing education; or

(C) Successfully pass the NATCEP.

Section 15. Nurse Volunteer License.

(a) Applicant shall:

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

(ii) Submit completed application and fees.

Section 16. Quality Assurance/Documentation and Audit.

(a) The Board may conduct audits to verify competencies as outlined in Section 14.

(b) Upon request of the Board, licensees or certificate holders shall submit documentation of compliance.

CHAPTER 2

LICENSURE / CERTIFICATION REQUIREMENTS

Section 1. Statement of ~~Purpose~~ Authority.

(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. The Board promulgates these rules according to its authority under Wyo. Stat. Ann. § 33-21-122(b), -122(c)(viii),(x), and (xxiv).

~~(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 judgment 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) "Equivalent**"** means equal to or exceeding the requirements as stated in these Board rules.

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

(h) “GN” means Graduate Nurse.

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

(j) “GPN” means Graduate Practical Nurse.

(k) “GVN” means Graduate Vocational Nurse.

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

(m) “IV” means intravenous.

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

(o) “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 privilege to practice.

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

(q) “NLC” means the enhanced Nurse Licensure Compact enacted on March 1, 2016. The NLC 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 NLC. An applicant must meet all of the NLC Uniform Licensure Requirements to be eligible for a multistate license.

(r) “Party state” means any state that has adopted the NLC.

(s) “Primary state of residence” means the state in which the licensee resides when applying for a multistate license.

(t) “Privilege to practice” 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.

(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 engaged in active nursing practice and are preparing for re-entry into active 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 nursing 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 to test the competency of a person to perform safely as a newly licensed nurse.

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

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;

(A) All national APRN certification boards require an active, unencumbered RN license for initial national certification, but not all boards require an active, unencumbered RN license for renewing national certification.

(B) Because APRN licenses and RN licenses are separate under the Nurse Practice Act, an APRN applicant who requires a Wyoming RN license for initial or renewal national certification will need to submit a separate RN application and pay the appropriate fees.

(iv) Submit completed application and fees;

(v) Submit CBC fingerprint cards and fees; and

(vi) Comply with Section 5, if applicable.

(vii) Submit evidence of completion of advanced pharmacology

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

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

(ii) Submit completed application and fees;

(iii) Submit CBC fingerprint cards and fees; and

(iv) Successfully pass the NCLEX-RN or NCLEX-PN examination, accordingly.

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

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

(I) Submit completed application and fees for licensure by re-examination; and

(II) Submit CBC fingerprint cards and fees, as needed.

(C) ~~An applicant may sit for the NCLEX no more than ten (10) times within a five (5) year period following graduation.~~ Applicants may take the NCLEX a maximum of five (5) times within four (4) years from the date of graduation.

~~(D) The five (5) year period following graduation may be waived for LPN graduates of approved military equivalency programs.~~

(I) An applicant who has not passed the NCLEX - within four (4) years from the date of graduation and who has not used the maximum number of lifetime attempts, must complete a Board approved nursing refresher program in order to take or retake the examination.

(~~E~~D) An applicant shall have a lifetime total of five (5) opportunities to successfully pass the NCLEX.

(c) CNA. Applicant shall:

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

(ii) Submit completed application and fees;

(iii) Submit CBC fingerprint cards and fees; and

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

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

(B) An applicant may sit for the NATCEP or similar national exam no more than five (5) times within ~~a~~ the two (2) year period following graduation.

(C) An applicant who has not passed the NATCEP or similar national exam within two (2) years from the completion of the state-approved CNA program must complete a state-approved CNA program again.

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 fees; ~~and~~

(vii) Comply with Section 5, if applicable; and

(viii) Submit evidence of completion of advanced pharmacology.

(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 fees;

(iv) Submit CBC fingerprint cards and fees;

(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~~14.

(d) CNA. Applicant shall:

(i) ~~Graduate~~ Successfully complete ~~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 fees;

(iv) Submit CBC fingerprint cards and fees;

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

(vi) Submit evidence of meeting competency under Section ~~13~~14.

Section 5. Other Certifications.

(a) APRN Additional Certification. Applicant shall:

(i) Submit completed application and fees; and

(ii) Submit evidence of ~~completion of coursework~~ current national certification in the role and population focus area for each additional certification.

~~(b) APRN Prescriptive Authority. Applicant shall:~~

~~(i) Submit completed application and fees; and~~

~~(ii) Submit evidence of completion of advanced pharmacology.~~

(~~c~~b) LPN/VN IV. Applicant shall:

(i) Meet qualifications for LPN/VN licensure by examination or endorsement;

(ii) Submit completed application and fees; and

(iii) Submit evidence of completion of LPN/VN IV-C coursework or an equivalent course from another licensing jurisdiction.

(~~d~~c) Medication Aide-Certified (MA-C). Applicant shall:

(i) Meet qualifications for State CNA II certification;

(ii) Complete a Board-approved MA-C training and competency evaluation ~~program~~ course;

(iii) Submit completed application and fees and evidence of MA-C course completion; and

(iv) Successfully pass a national MA-C examination.

(v) An applicant may sit for the MA-C examination no more than five (5) times within the two (2) year period following course completion.

(A) An applicant who has not passed the MA-C exam within two (2) years from the completion of the Board approved MA-C course must complete a Board approved MA-C course again.

(~~e~~d) 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~~ course; and

(iii) Submit completed application and fees and evidence of CNA II course completion.

(~~f~~e) Home Health Aide. Applicant shall:

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

(ii) Complete Board-approved Home Health Aide training and competency evaluation ~~program~~ (sixteen (16) hours); and

(iii) Submit completed application and fees; and evidence of Home Health Aide training completion.

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 fees;

(v) Submit CBC fingerprint cards and fees; 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 fees for licensure by re-examination; and

(ii) Submit CBC fingerprint cards and fees, as needed.

(c) ~~An applicant may sit for the NCLEX no more than ten (10) times within a five (5) year period following graduation.~~ Applicants may take the NCLEX a maximum of five (5) times within four (4) years from the date of graduation.

(i) An applicant who has not passed the NCLEX within four (4) years from the date of graduation and who has not used the maximum number of lifetime attempts, must complete a Board approved nursing refresher program in order to take or retake the examination.

(d) An applicant shall have a lifetime total of five (5) opportunities to successfully pass the NCLEX.

Section 7. Temporary Permit.

(a) A temporary permit may be issued for the following upon submission of a completed application and fees:

(i) Graduate Temporary Permit for licensure or certification exam applicants; or

(ii) Temporary Permit while an applicant is seeking licensure ~~or~~ by endorsement.

(b) A temporary permit:

(i) Shall not exceed ninety (90) days for endorsement applicants;

(ii) Shall be issued only one (1) time per licensure type;

(iii) Shall not be issued for applicants seeking reinstatement or recertification; and

(iii) May be revoked by the Board at any time.

(c) Graduate Temporary Permit. The Board may issue a graduate temporary permit for all exam applicants.

(i) ~~The Board may issue a graduate temporary permit for all exam applicants.~~ A graduate temporary permit shall not include:

(A) Prescriptive authority for GAPRNs.

(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 under ~~appropriate~~ the direction and supervision of a registered professional nurse.

(iii) A GNA temporary permit is valid for 120 days.

(iv) A GAPRN, GN, GPN, and GVN temporary permit shall not exceed ninety

(90) days.

(~~i~~v) If the applicant does not successfully pass the initial national examination, the graduate temporary permit shall expire, and the applicant shall not practice in the State.

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; and

(ii) Submit evidence of meeting competency under Section ~~13~~14.

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.~~ Failure to renew the license/certificate on or before the date of expiration shall result in an expired license/certificate and the forfeiture of the right to practice nursing in the State until the Board reissues the license/certificate.

~~(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 isues a license or certificate.~~

(e~~c~~) 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~~ Relicensure or Recertification of License/Certificate Following Failure to Renew. ~~Applicant seeking relicensure or recertification~~ An individual whose license is inactive by failure to renew shall:

(a) Submit completed application and fees;

(b) Submit CBC fingerprint cards and fees; and

(c) Submit evidence of meeting competency under Section ~~13~~14.

Section 11. Expiration Dates of Applications

(a) Applications awaiting documentation shall be active for twelve (12) months.

(b) If the Board office does not receive an applicant's completed application within twelve (12) months of submission of the application, the application shall expire.

(i) If the application has expired, the individual seeking licensure or certification shall submit a new application along with the appropriate fees and all required documentation.

Section ~~11~~12. Inactive Status and Reactivation.

(a) The Board may grant an APRN, RN, LPN/VN, or CNA request for inactive status, which includes retired licensure/certification.

(b) The APRN, RN, LPN/VN, or CNA shall not practice nursing in this State until the license or certificate is reactivated.

(c) Applicants ~~may apply for reactivation and~~ applying for reactivation after being granted inactive status by the Board shall:

(i) Submit completed application and fees;

(ii) Submit CBC fingerprint cards and fees; and

(iii) Submit evidence of meeting competency under Section ~~13~~14.

(~~c~~d) 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~~13. 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~~14;

(iv) Submit evidence of compliance with the previous Board's order or

correction of underlying conduct; and

(v) Submit evidence demonstrating just cause for reinstatement.

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

Section ~~13~~14. Competency for Licensure/Certification Continuing In Or Returning To Practice.

(a) An APRN who holds an active Wyoming RN license shall only be required to meet the continuing competency requirements of the APRN in Section ~~13~~14(c).

(b) Timeframe for meeting competency.

(i) If an applicant is renewing ~~his or her~~ their license or certificate, the applicant shall meet competency ~~shall be met during the renewal cycle~~ as outlined in this Section for each license/certificate type.

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

(c) 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.

(C) ~~An APRN with prescriptive authority shall also~~ Submit evidence of three (3) hours of continuing education related to the responsible prescribing of controlled substances or treatment of substance abuse disorders.

(d) RN/LPN/VN.

(i) An A RN or LPN/VN shall demonstrate continuing competency by completing ~~one of~~ the following in the past two (2) years:

(A) ~~Four hundred (400) hours~~ Five hundred (500) 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; or~~

(~~D~~B) Successfully pass the NCLEX; or

(C) Complete a refresher course or the equivalent, accepted by the Board; or

(D) Complete a nursing education program that confers a degree beyond the applicant's basic nursing education; or

(E) Submit evidence of fifty (50) hours of continuing education; **AND**

(F) An RN or LPN/VN must submit evidence of two (2) hours of continuing education related to suicide assessment, treatment, and management each renewal cycle.

~~(ii) If the applicant has not engaged in four hundred (400) hours of active nursing practice or two hundred (200) hours of active nursing practice and fifteen (15) hours of continuing education 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 a second time.~~

(e) CNA.

(i) A CNA shall demonstrate continuing competency by completing one of the following in the past two (2) years:

(A) ~~Four hundred (400)~~ Five hundred (500) 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~~B) ~~Thirty (30)~~ Twenty-five (25) hours of continuing education; or

(~~D~~C) Successfully pass the NATCEP.

~~(ii) If the applicant has not engaged in four hundred (400) hours of employment in the CNA role or two hundred (200) hours of employment in the CNA role and fifteen (15) hours of continuing education during the last five (5) years, the applicant shall:~~

~~(A) Successfully complete a State approved CNA training and competency evaluation program again; or~~

~~(B) Successfully pass the NATCEP or similar national exam again.~~

Section 15. Nurse Volunteer License.

(a) Applicant shall:

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

(ii) Submit completed application and fees.

Section 16. Quality Assurance/Documentation and Audit.

(a) The Board may conduct audits to verify competencies as outlined in Section 14.

(b) Upon request of the Board, licensees or certificate holders shall submit documentation of compliance.