

SENATE FILE NO. SF0093

Nursing practice act amendments.

Sponsored by: Senator(s) Massie, Boggs, Cooper and Scott  
and Representative(s) Davison, Esquibel,  
Iekel, Illoway, Lubnau, Robinson and  
Wasserburger

A BILL

for

1 AN ACT relating to nursing; amending requirements for the  
2 practice of nursing as specified; providing for the  
3 regulation of advance practice registered nurses; providing  
4 definitions; providing for the membership of the board of  
5 nursing; providing that the board shall report violations  
6 of the act to prosecuting attorneys; authorizing the board  
7 to collect data; amending fees; providing that board rules  
8 and regulations may be more stringent than federal rules;  
9 providing qualifications for an executive director;  
10 providing for examinations; removing grace period for  
11 renewal of licenses; providing for approval and evaluation  
12 of nursing education programs and providing for a fee;  
13 providing for competency examinations; providing for  
14 unlicensed practice in the case of emergency or disaster;

1 providing for licensure of nurse volunteers; and providing  
2 for an effective date.

3

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

5

6       **Section 1.** W.S. 33-21-119, 33-21-120(a), 33-21-121(a)  
7 through (c) and (f), 33-21-122(c) and (d), 33-21-123(b) and  
8 (c), 33-21-125(c), 33-21-127(a)(iii), (iv) and (b),  
9 33-21-128(b), 33-21-129(c) and (d), 33-21-130, 33-21-131,  
10 33-21-132(a) through (d), 33-21-134 through 33-21-140,  
11 33-21-145(a)(iii), (vii) and by creating a new paragraph  
12 (viii), 33-21-146(a)(ii), (iii)(B), (vi), (x) and by  
13 creating a new paragraph (xi), 33-21-150(a), 33-21-153(a),  
14 33-21-154(a)(iv), (vi) through (viii) and by creating a new  
15 paragraph (ix) and by creating a new subsection (b),  
16 33-21-155(a), 33-21-156(a) through (d) and (f),  
17 33-21-157(b), (c), (d)(intro), (ii), (iii)(A), (B),  
18 (iv)(A), (B), (e) through (j) are amended to read:

19

20       **33-21-119. Short title.**

21

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

24

1           **33-21-120. Definitions.**

2

3           (a) As used in this act:

4

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

8

9                           (A) ~~May perform medical acts including~~  
10 ~~prescribing or providing prepackaged~~ prescribe, administer,  
11 dispense or provide nonprescriptive and prescriptive  
12 medications including prepackaged medications, except  
13 schedule I drugs as defined in W.S. 35-7-1013 and  
14 35-7-1014; ~~in collaboration with a licensed or otherwise~~  
15 ~~legally authorized physician or dentist, in such manner to~~  
16 ~~assure quality and appropriateness of services rendered.~~  
17 ~~The advanced practitioner of nursing performs such acts by~~  
18 ~~reason of postgraduate education and additional nursing~~  
19 ~~preparation which provides for the knowledge, judgment and~~  
20 ~~skill beyond that required of a registered professional~~  
21 ~~nurse in paragraph (ix) of this subsection, and who~~

22

23                           (B) Has responsibility for the direct care  
24 and management of patients and clients in relation to their

1 human needs, disease states and therapeutic and  
2 technological interventions;

3  
4 (C) Has a master's degree in nursing, or an  
5 advanced practice registered nurse specialty or has  
6 completed an accredited advanced practice registered nurse  
7 educational program prior to January 1, 1999; and

8  
9 (D) Has completed ~~a nationally accredited~~  
10 ~~educational~~ an advanced program ~~for preparation as an~~  
11 ~~advanced practitioner of nursing or who~~ of study in a  
12 specialty area in an accredited nursing program, has taken  
13 and passed a national certification examination ~~of a~~  
14 ~~nationally recognized accrediting agency accepted~~ in the  
15 same area and has been granted recognition by the board to  
16 practice as an APRN;

17  
18 (ii) "Alford plea" means a plea agreement where  
19 the defendant has pled guilty yet not admitted to all the  
20 facts that comprise the crime;

21  
22 ~~(ii)~~ (iii) "Approval" is the process by which the  
23 board provides for evaluation and grants official

1 recognition to nursing educational programs which meet  
2 established uniform and reasonable standards;

3

4 ~~(iii)~~ (iv) "Board" means the Wyoming state board  
5 of nursing;

6

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

12

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

21

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

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(A) Lack of nursing competence;

(B) Mental illness;

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

(D) Chemical or alcohol impairment.

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

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

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

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

7  
8 (B) Nursing Diagnosis: The identification  
9 of actual or potential responses to health needs or  
10 problems based on collecting, analyzing and comparing data  
11 with appropriate nursing standards to serve as the basis  
12 for ~~indicating~~ providing nursing care or for which referral  
13 to appropriate medical or community resources is required;

14  
15 ~~(viii)~~ (x) "Practice of practical nursing" means  
16 the performance of technical services ~~requiring~~ and nursing  
17 procedures which require basic knowledge of the biological,  
18 physical, behavioral, psychological and sociological  
19 sciences. ~~and of nursing procedures.~~ These skills and  
20 services are performed under the direction of a licensed  
21 physician or dentist, advanced practice registered nurse or  
22 registered professional nurse, ~~and utilize~~ Standardized  
23 procedures ~~leading~~ that lead to predictable outcomes are  
24 utilized in the observation and care of the ill, injured

1 and infirm, in provision of care for the maintenance of  
2 health, in action ~~to safeguard~~ directed toward safeguarding  
3 life and health, ~~and in the~~ administration of medications  
4 and treatments prescribed by any person authorized by state  
5 law to prescribe and in delegation to appropriate assistive  
6 personnel as provided by state law and board rules and  
7 regulations;

8

9 ~~(ix)~~ (xi) "Practice of professional nursing"  
10 means the performance of professional services requiring  
11 substantial knowledge of the biological, physical,  
12 behavioral, psychological and sociological sciences, and of  
13 nursing theory as the basis for applying the nursing  
14 process which consists of assessment, diagnosis, planning,  
15 intervention and evaluation. The nursing process is  
16 utilized in the promotion and maintenance of health, ~~the~~  
17 case finding and management of illness, injury or  
18 infirmity, ~~the~~ restoration of optimum function ~~or the~~ and  
19 achievement of a dignified death. Nursing practice includes  
20 but is not limited to administration, teaching, counseling,  
21 supervision, delegation, evaluation of nursing practice and  
22 execution ~~or of~~ the medical regimen, ~~including~~ The  
23 therapeutic plan includes the administration of medications  
24 and treatments prescribed by any person authorized by state

1 law to prescribe. Each registered professional nurse is  
2 accountable and responsible for the quality of nursing care  
3 rendered;

4  
5 ~~(x)~~ (xii) "Practice of a certified nursing  
6 assistant/nurse aide" means, regardless of title or care  
7 setting, the performance of ~~delegated~~-nursing related tasks  
8 and services delegated by a ~~person, regardless of title or~~  
9 ~~care setting, who has completed~~ licensed nurse. The nursing  
10 assistant/nurse aide shall complete a specified course of  
11 study, ~~has met~~ approved by the board, meet minimum  
12 competency requirements and ~~is~~ be certified by the board;

13  
14 ~~(xi) "Functions of a nursing assistant/nurse~~  
15 ~~aide" means those limited tasks and services that a~~  
16 ~~licensed nurse may delegate to a nursing assistant;~~

17  
18 ~~(xii)~~ (xiii) "This act" means W.S. 33-21-119  
19 through 33-21-157.

20  
21 **33-21-121. Board of nursing; membership; appointment;**  
22 **qualifications; term of office; vacancies; removal.**

23

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

11

12 (b) Each registered nurse member of the board shall  
13 be a resident of this state, licensed in good standing  
14 under the provisions of this act, currently engaged in the  
15 practice of nursing as a registered nurse and shall have  
16 had no less than five (5) years of experience as a  
17 registered nurse, at least three (3) of which immediately  
18 preceded appointment. Of the ~~four (4)~~ five (5) registered  
19 nurse members on the board, one (1) member shall have had  
20 at least two (2) years of experience in an administrative  
21 or teaching position in a nursing education program, one  
22 (1) member shall have had at least two (2) years of  
23 experience in administration in nursing service or public  
24 health nursing, one (1) member shall have at least two (2)

1 years experience as an advanced practice registered nurse,  
2 and the remaining two (2) members shall be appointed from  
3 various areas of nursing.

4  
5 (c) ~~Each~~The practical nurse member shall be a  
6 resident of this state, licensed in good standing under the  
7 provisions of this act, currently engaged in the practice  
8 of nursing as a licensed practical nurse, and shall have  
9 had no less than five (5) years of experience as a licensed  
10 practical nurse, at least three (3) of which immediately  
11 preceded appointment.

12  
13 (f) The present members of the board holding office  
14 under the provisions of the Wyoming ~~Nursing~~Nurse Practice  
15 Act ~~(formerly W.S. 33-21-101 through 33-21-118)~~ as of July  
16 1, 2005 shall serve as members for their respective terms.

17

18 **33-21-122. Board of nursing; powers and duties.**

19

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

22

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

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

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

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

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

9

10           ~~(v)~~(vi) Deny any applicant a license or  
11 temporary permit to practice professional or practical  
12 nursing, ~~for~~whether by examination, licensure,  
13 endorsement, renewal, relicensure or reactivation, if the  
14 applicant fails to meet the requirements of this act or  
15 board rules and regulations;

16

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

20

21           ~~(vii)~~(viii) Conduct investigations, hearings and  
22 proceedings concerning alleged violations of this act and  
23 board rules and regulations and shall request criminal

1 history background information on license or certificate  
2 applicants as authorized under W.S. 7-19-106(a)(viii);

3

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

7

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

11

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

15

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

18

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

22

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

4  
 5           ~~(xiv)~~(xv) Maintain records of proceedings as  
 6 required by state law;

7  
 8           ~~(xv)~~(xvi) Conduct conferences, forums, studies  
 9 and research on nursing practice and education;

10  
 11           ~~(xvi)~~(xvii) Maintain nursing statistics for  
 12 purposes of nursing manpower planning and nursing  
 13 education;

14  
 15           ~~(xvii)~~(xviii) Appoint and employ a ~~qualified~~  
 16 registered nurse qualified by nursing experience and a  
 17 minimum of a master's degree in nursing to serve as  
 18 executive director, ~~and~~ approve ~~such~~ additional staff  
 19 positions as may be necessary in the opinion of the board  
 20 to administer and enforce the provisions of this act and  
 21 determine qualifications for such positions;

22  
 23           ~~(xviii)~~(xix) Participate in and pay membership  
 24 fees to organizations that develop and regulate the

1 national nursing licensure examinations and exclusively  
2 promote the improvement of the uniform and reasonable  
3 standards for the practice of nursing for protection of the  
4 public health, safety and welfare;

5

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

9

10 ~~(xx)~~ (xxi) Determine and collect reasonable fees  
11 not to exceed ~~two hundred dollars (\$200.00)~~ five hundred  
12 dollars (\$500.00) as established by board rules and  
13 regulations;

14

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

20

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

24

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

10

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

20

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

23

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

5  
6           (c) The executive director and assistant to the  
7 executive director may act ~~in~~on the board's behalf during  
8 the period between board meetings ~~on~~in matters of  
9 licensure, examination, disciplinary and other  
10 administrative functions.

11  
12           **33-21-125. Board; meetings; notice; quorum; board**  
13 **action; conflict of interest.**

14  
15           (c) A majority of the board members including the  
16 president or vice president ~~and one (1) licensed practical~~  
17 ~~nurse~~ constitutes a quorum for the conduct of a board  
18 meeting. The act of the majority of members present at a  
19 meeting, which includes a quorum, shall be the act of the  
20 board of nursing.

21  
22           **33-21-127. Qualifications for licensure; application**  
23 **requirements.**

24

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

4  
5 (iii) Pass a board approved national nursing  
6 licensure examination; ~~given by the board;~~

7  
8 (iv) Have committed no acts which are grounds  
9 for disciplinary action as set forth in W.S. 33-21-146, or  
10 if the act has been committed, the board ~~has found~~ may, at  
11 its discretion and after investigation, determine that  
12 sufficient restitution has been made; and

13  
14 (b) An applicant for licensure by endorsement to  
15 practice as a registered nurse or licensed practical nurse  
16 shall:

17  
18 (ii) Be a graduate of a state board approved  
19 nursing education program recognized by the board which  
20 prepares for the level of licensure being sought;

21  
22 ~~(ii)~~ (iii) Have committed no acts which are  
23 grounds for disciplinary action as set forth in W.S.  
24 33-21-146, or if the act has been committed, the board ~~has~~

1 ~~found~~ may, at its discretion and after investigation,  
2 determine that sufficient restitution has been made;

3

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

6

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

16

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

21

22 **33-21-128. Examinations for licensure; reexamination.**

23

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

9  
10 **33-21-129. Renewal of licenses.**

11  
12 (c) Any license issued by the board shall expire if  
13 the licensee fails to renew the license as established in  
14 board rules and regulations, including the remittance of  
15 all fees. ~~Upon compliance with board rules and regulations~~  
16 ~~regarding renewal and remittance of fees, a period of up~~  
17 ~~to, but not exceeding, sixty (60) days from date of~~  
18 ~~expiration shall be allowed for renewal of a license.~~

19  
20 (d) Failure to renew the license by the expiration  
21 date shall result in forfeiture of the right to practice  
22 nursing in this state.

23  
24 **33-21-130. Relicensure.**

1

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

8

9

**33-21-131. Inactive status; reactivation.**

10

11 Licensees who hold an active license to practice in this  
12 state, and who wish to discontinue the practice of  
13 professional or practical nursing in this state, may  
14 request in writing that the board place their license on  
15 inactive status. A licensee on inactive status shall not be  
16 considered lapsed or expired. ~~No~~A biennial renewal fee  
17 ~~will~~shall be required ~~of any licensee whose license has~~  
18 ~~been placed on~~to retain the inactive status. Licensees on  
19 inactive status may apply for reactivation pursuant to  
20 board rules and regulations.

21

22

**33-21-132. Temporary permit.**

23

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

10  
11           (b) The board may issue a temporary permit to  
12 practice nursing to a registered nurse or licensed  
13 practical nurse who is not seeking licensure by endorsement  
14 and who is currently licensed in good standing in another  
15 jurisdiction, territory or possession of the United  
16 States.~~, for a~~ The period for a temporary permit shall not  
17 ~~to~~ exceed ninety (90) days, provided the applicant submits  
18 a written application for licensure by endorsement, ~~which~~  
19 ~~is~~ in a form and substance satisfactory to the board. A  
20 temporary permit for such a request shall be issued only  
21 one (1) time.

22  
23           (c) The board may issue a temporary permit to  
24 practice nursing to a graduate of an approved nursing

1 education program, pending the results of the first board  
2 approved national nursing licensure examination offered  
3 after graduation. A temporary permit shall not be issued to  
4 any applicant ~~who has not taken the first examination~~  
5 ~~offered after the applicant's graduation or~~ who has  
6 previously failed a board approved national nursing  
7 licensure examination. The temporary permit shall be  
8 surrendered in event of failure of the licensure  
9 examination. A new graduate holding a temporary permit  
10 shall practice only under the direction and supervision of  
11 a registered professional nurse.

12

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

23

1           **33-21-134. Registered professional nurse; use of**  
2 **R.N.; advanced practice registered nurse; use of A.P.R.N.**

3  
4           (a) Any person who holds a license to practice as a  
5 registered professional nurse in this state, shall have the  
6 right to use the title "Registered Nurse" and the  
7 abbreviation "R.N.". No other person shall assume this  
8 title or use this abbreviation or any words, letters, signs  
9 or devices to indicate that the person using same is a  
10 registered professional nurse.

11  
12           (b) Any person who holds a license to practice as an  
13 advanced practice registered nurse in this state shall have  
14 the right to use the title "Advanced Practice Registered  
15 Nurse" and the abbreviation "A.P.R.N." No other person  
16 shall assume this title or use this abbreviation or any  
17 words, letters, signs or devices to indicate that the  
18 person using same is an advance practice registered nurse.

19  
20           **33-21-135. Licensed practical nurse; use of L.P.N.**

21  
22 Any person who holds a license to practice as a licensed  
23 practical nurse in this state shall have the right to use  
24 the title "Licensed Practical Nurse" and the abbreviation

1 "L.P.N."- No other person shall assume this title or use  
2 this abbreviation or any words, letters, signs or devices  
3 to indicate that the person using same is a licensed  
4 practical nurse.

5

6 **33-21-136. New graduate professional nurse; use of**  
7 **G.N.; new graduate advanced practice registered nurse; use**  
8 **of G.A.P.R.N.**

9

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

17

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

1 person using same is a new graduate advanced practice  
2 registered nurse.

3

4 **33-21-137. New graduate practical nurse; use of**  
5 **G.P.N.**

6

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

13

14 **33-21-138. Nursing education programs; approval by**  
15 **board.**

16

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

1

2           **33-21-139. Nursing education programs; approval by**  
3 **board; procedure.**

4

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

13

14           **33-21-140. Nursing education programs; periodic**  
15 **evaluation.**

16

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

23

24           **33-21-145. Violations; penalties.**

1

2 (a) No person shall:

3

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

11

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

14

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

18

19 **33-21-146. Disciplining licensees; grounds.**

20

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

1

2 (ii) Has been found guilty by a court, has  
3 entered an Alford plea or has entered a plea of nolo  
4 contendere to a misdemeanor or felony that relates  
5 adversely to the practice of nursing or to the ability to  
6 practice nursing;

7

8 (iii) Has practiced fraud or deceit:

9

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

14

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

21

22 (x) Has knowingly engaged in an act which the  
23 licensee knew was beyond the scope of the individual's  
24 nursing practice prior to committing the act, as evidenced

1 ~~by insufficient~~ or performed acts without sufficient  
2 education, ~~and~~ knowledge, or ~~inability~~ ability to apply  
3 nursing principles and skills; ~~or~~ or

4  
5 (xi) Has failed to submit to a mental, physical  
6 or medical competency examination following a proper  
7 request by the board made pursuant to board rules and  
8 regulations and the Wyoming Administrative Procedure Act.

9  
10 **33-21-150. Immunity of board members and persons**  
11 **reporting information to board.**

12  
13 (a) Any member or agent of the board, ~~and~~ or any  
14 person ~~reporting information to the board of nursing under~~  
15 ~~oath and in good faith without fraud or malice relating to~~  
16 ~~alleged incidents of negligence or malpractice or the~~  
17 ~~qualifications, fitness or character of a person licensed~~  
18 ~~or applying for a license to practice nursing, is not~~  
19 ~~subject to a civil action for damages as a result of~~  
20 ~~reporting the information.~~ under oath, is not subject to a  
21 civil action for damages as a result of reporting  
22 information in good faith, without fraud or malice,  
23 relating to alleged violations of this act or board rules  
24 and regulations including, but not limited to:

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

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

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

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

**33-21-154. Exemptions.**

(a) No provisions in this act prohibit:

1           (iv) The rendering of nursing services on a fee-  
2 for-service basis, or the reimbursement for nursing  
3 services directly to a registered nurse, ~~or~~ licensed  
4 practical nurse or advanced practice registered nurse by  
5 any governmental program, commercial insurance company,  
6 hospital or medical services plan, or any other third-party  
7 payor;

8  
9           (vi) The practice of any currently registered  
10 nurse, ~~or~~ licensed practical nurse or advanced practice  
11 registered nurse of another state who is employed by the  
12 United States government, or any bureau, division or agency  
13 thereof while in the discharge of official duties;

14  
15           (vii) The practice of any currently registered  
16 nurse, ~~or~~ licensed practical nurse or advanced practice  
17 registered nurse of another state who is employed by an  
18 individual, agency or corporation located in another state  
19 and whose employment responsibilities include transporting  
20 patients into, out of, or through this state. The  
21 exemptions shall be limited to a period not to exceed  
22 forty-eight (48) hours for each transport;

23

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

7  
8           (ix) The practice of any nurse, currently  
9 licensed in another jurisdiction, in the provision of  
10 nursing care in the case of an emergency or disaster as  
11 declared by the governor.

12  
13           (b) Nothing in this act shall be construed as:

14  
15           (i) Restricting the practice, services or  
16 activities of any person licensed under this title while  
17 practicing within the scope of practice provided in the  
18 person's licensure act under this title; or

19  
20           (ii) Prohibiting or regulating the delegation of  
21 functions within the scope of practice by any person other  
22 than a nurse licensed pursuant to this title provided that  
23 the delegation does not violate the act under which the  
24 person is licensed and provided that the board of nursing

1 may discipline anyone licensed pursuant to this act for  
2 accepting any delegation that is beyond the person's scope  
3 of practice as defined by this act and that presents a  
4 danger of harm to a patient.

5  
6 **33-21-155. Board to establish fees; disposition of**  
7 **fees; appropriations to board.**

8  
9 (a) The board may establish appropriate fees as  
10 stated in board rules and regulations not to exceed the  
11 maximum stated in W.S. ~~33-21-122(c) (xx)~~ 33-21-122(c) (xxi).

12  
13 **33-21-156. Persons licensed under previous law.**

14  
15 (a) Any individual holding a license to practice  
16 nursing as a registered nurse in this state that is valid  
17 on July 1, ~~1983~~ 2005, shall be deemed to be licensed as a  
18 registered nurse under this act.

19  
20 (b) Any individual holding a license to practice  
21 nursing as a licensed practical nurse in this state that is  
22 valid on July 1, ~~1983~~ 2005, shall be deemed to be licensed  
23 as a licensed practical nurse under this act.

24

1 (c) Any individual eligible for reactivation of a  
2 license to practice nursing as a registered nurse or as a  
3 licensed practical nurse in this state on July 1, ~~1983~~  
4 2005, shall be deemed to be eligible to be licensed as a  
5 registered nurse or as a licensed practical nurse.

6  
7 (d) Any individual as of July 1, ~~1983~~2005, who has  
8 allowed a license to practice nursing as a registered nurse  
9 or licensed practical nurse in this state to lapse because  
10 of failure to renew, may become licensed as a registered  
11 nurse or as a licensed practical nurse by applying for  
12 relicensure pursuant to relicensure requirements  
13 established in this act and in board rules and regulations.

14  
15 (f) Any individual ~~authorized in W.S.~~  
16 ~~33-21-101(a)(i)(D) and (E) as those paragraphs existed~~  
17 ~~prior to July 1, 1983, who was a Wyoming resident,~~ holding  
18 recognition to practice as an advanced practice registered  
19 nurse in this state that is valid on July 1, 2005 shall be  
20 deemed to be an advanced ~~practitioner of nursing practice~~  
21 registered nurse under this act.

22  
23 **33-21-157. Nurses volunteer license.**

24

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

5  
6 (c) The state board of nursing may issue, with or  
7 without examination, a volunteer's ~~certificate~~ license to a  
8 person who is retired from practice so that the person may  
9 provide nursing services to low income uninsured persons at  
10 nonprofit health care facilities. The board shall deny  
11 issuance of a volunteer's ~~certificate~~ license to a person  
12 who is not qualified under this section to hold a  
13 volunteer's ~~certificate~~ license.

14  
15 (d) An application for a volunteer's ~~certificate~~  
16 license shall include all of the following:

17  
18 (ii) ~~One (1) of the following, as applicable:~~

19  
20 ~~(A)~~ A copy of the applicant's most recent  
21 license ~~or certificate~~ authorizing the practice of nursing  
22 issued by a jurisdiction in the United States that licenses  
23 persons to practice nursing; ~~or~~

24

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

5  
6                   (iii) Evidence of one (1) of the following, as  
7 applicable:

8  
9                   (A) ~~That~~The applicant has maintained for  
10 at least ten (10) years immediately prior to retirement  
11 full licensure in good standing in any jurisdiction in the  
12 United States that licenses persons to practice nursing; or

13  
14                   (B) ~~That~~The applicant has practiced for at  
15 least ten (10) years immediately prior to retirement in  
16 good standing as a nurse in one (1) or more of the branches  
17 of the United States armed services; and

18  
19                   (iv) A notarized statement from the applicant,  
20 on a form prescribed by the board, that the applicant:

21  
22                   (A) Will not accept any form of  
23 remuneration for any nursing services rendered while in  
24 possession of a volunteer's ~~certificate~~license;

1

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

6

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

17

18 (f) A volunteer's ~~certificate~~license shall be valid  
19 for a period of one (1) year, unless earlier revoked under  
20 subsection (e) of this section or pursuant to title 33,  
21 chapter 21 of the Wyoming statutes. A volunteer's  
22 ~~certificate~~license may be renewed upon the application of  
23 the holder. The board shall maintain a register of all  
24 persons who hold volunteer's ~~certificates~~licenses. The

1 board shall not charge a fee for issuing or renewing a  
2 ~~certificate~~license pursuant to this section.

3

4 (g) To be eligible for renewal of a volunteer's  
5 ~~certificate~~license, the holder of the ~~certificate~~license  
6 shall certify to the board completion of any continuing  
7 education required under this act as if the holder of the  
8 ~~certificate~~license were in active practice. The board  
9 shall not renew a ~~certificate~~license if the holder has not  
10 complied with the continuing education requirements. The  
11 nonprofit health care facility in which the holder provides  
12 nursing services may pay for or reimburse the holder for  
13 any costs incurred in obtaining the required continuing  
14 education.

15

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

21

22 (j) Except as provided in this section, any person  
23 holding a volunteer's ~~certificate~~license issued by the  
24 board under this section shall be subject to the

1 requirements of this act and the jurisdiction of the board  
2 as if he were licensed to practice nursing under this act.

3

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

5

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

7

8

(END)