

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), 33-21-155(a), 33-21-156(a) through (d) and
16 (f), 33-21-157(b), (c), (d)(intro), (ii), (iii)(A), (B),
17 (iv)(A), (B), (e) through (j) are amended to read:

18
19 **33-21-119. Short title.**

20
21 This act shall be known and may be cited as the "Wyoming
22 ~~Nursing~~Nurse Practice Act".

23
24 **33-21-120. Definitions.**

1

2 (a) As used in this act:

3

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

7

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

21

22 (B) Has primary responsibility for the
23 direct care and management of patients and clients in

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

3
4 (C) Has a master's degree in nursing, has
5 completed ~~a nationally accredited educational~~ an advanced
6 program ~~for preparation as an advanced practitioner of~~
7 ~~nursing or who~~ of study in a specialty area in an
8 accredited nursing program, has taken and passed a national
9 certification examination ~~of a nationally recognized~~
10 ~~accrediting agency accepted~~ in the same area, and has been
11 granted recognition by the board to practice as an APRN;

12
13 (ii) "Alford plea" means a plea agreement where
14 the defendant has pled guilty yet not admitted to all the
15 facts that comprise the crime;

16
17 ~~(ii)~~ (iii) "Approval" is the process by which the
18 board provides for evaluation and grants official
19 recognition to nursing educational programs which meet
20 established uniform and reasonable standards;

21
22 ~~(iii)~~ (iv) "Board" means the Wyoming state board
23 of nursing;

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

6
7 ~~(iv)~~ (vi) "Competence" ~~in nursing~~ means
8 ~~performing skillfully and proficiently the functions within~~
9 ~~the role of the licensee, and demonstrating the~~
10 ~~interrelationship of essential~~ the application of
11 knowledge, judgment and the interpersonal, critical
12 thinking, decision-making, and psychomotor skills expected
13 for the practice role, within the context of public health,
14 safety and welfare;

15
16 (vii) "Impaired" means the inability to practice
17 nursing with reasonable skill and safety to patients by
18 reason of one (1) or more of the following:

19
20 (A) Lack of nursing competence;

21
22 (B) Mental illness;

23

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

4
5 (D) Chemical or alcohol impairment.

6
7 ~~(v)~~ (viii) "License" means a current document
8 permitting the practice of nursing as a registered nurse or
9 licensed practical nurse;

10
11 ~~(vi) "Medical act" means an aspect of care which~~
12 ~~implements the medical plan as prescribed by a licensed or~~
13 ~~otherwise legally authorized physician or dentist;~~

14
15 ~~(vii)~~ (ix) "Nursing process" means the
16 investigative approach to nursing practice utilizing a
17 method of problem identification by means of:

18
19 (A) Assessment: A systematic and continuous
20 collection of objective and subjective data about the
21 health status of individuals and groups derived from
22 observations, health assessment including physical
23 assessment, ~~skills,~~ interviews, written records and
24 reports;

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

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

1 assistive personnel as provided by state law and board
2 rules and regulations;

3
4 ~~(ix)~~ (xi) "Practice of professional nursing"
5 means the performance of professional services requiring
6 substantial knowledge of the biological, physical,
7 behavioral, psychological and sociological sciences, and of
8 nursing theory as the basis for applying the nursing
9 process which consists of assessment, diagnosis, planning,
10 intervention and evaluation. The nursing process is
11 utilized in the promotion and maintenance of health, ~~the~~
12 case finding and management of illness, injury or
13 infirmity, ~~the~~ restoration of optimum function ~~or the~~ and
14 achievement of a dignified death. Nursing practice includes
15 but is not limited to administration, teaching, counseling,
16 supervision, delegation, evaluation of nursing practice and
17 execution ~~or~~ of the medical regimen. ~~, including~~ The
18 therapeutic plan includes the administration of medications
19 and treatments prescribed by any person authorized by state
20 law to prescribe. Each registered professional nurse is
21 accountable and responsible for the quality of nursing care
22 rendered;

23

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

9
10 ~~(xi)~~ "Functions of a nursing assistant/nurse
11 aide" means those limited tasks and services that a
12 licensed nurse may delegate to a nursing assistant;

13
14 ~~(xii)~~(xiii) "This act" means W.S. 33-21-119
15 through 33-21-157.

16
17 **33-21-121. Board of nursing; membership; appointment;**
18 **qualifications; term of office; vacancies; removal.**

19
20 (a) The board of nursing shall consist of seven (7)
21 members to be appointed by the governor. ~~Four (4)~~ Five (5)
22 members shall be registered nurses, ~~two (2) members~~ one (1)
23 member shall be a licensed practical ~~nurses~~ nurse and one
24 (1) member shall be a representative of the public.

1 Membership shall be restricted to no more than one (1)
2 person who is associated with a particular agency,
3 educational institution, corporation or other enterprise or
4 subsidiary at one time. Membership shall represent various
5 geographical areas of Wyoming.

6
7 (b) Each registered nurse member of the board shall
8 be a resident of this state, licensed in good standing
9 under the provisions of this act, currently engaged in the
10 practice of nursing as a registered nurse and shall have
11 had no less than five (5) years of experience as a
12 registered nurse, at least three (3) of which immediately
13 preceded appointment. Of the ~~four (4)~~ five (5) registered
14 nurse members on the board, one (1) member shall have had
15 at least two (2) years of experience in an administrative
16 or teaching position in a nursing education program, one
17 (1) member shall have had at least two (2) years of
18 experience in administration in nursing service or public
19 health nursing, one (1) member shall have at least two (2)
20 years experience as an advanced practice registered nurse,
21 and the remaining two (2) members shall be appointed from
22 various areas of nursing.

23

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

8
9 (f) The present members of the board holding office
10 under the provisions of the Wyoming ~~Nursing~~Nurse Practice
11 Act ~~(formerly W.S. 33-21-101 through 33-21-118)~~as of July
12 1, 2005 shall serve as members for their respective terms.

13
14 **33-21-122. Board of nursing; powers and duties.**

15
16 (c) Without limiting the foregoing, the board of
17 nursing may do the following:

18
19 (i) Develop by rules and regulations uniform and
20 reasonable standards for nursing practice;

21
22 (ii) Appoint advisory committees to provide
23 expertise in specific areas of education or practice under
24 consideration by the board;

1
2 (iii) Publish advisory opinions ~~regarding~~
3 relative to whether the nursing ~~practice~~ procedures, ~~or~~
4 policies ~~authorized, condoned or acquiesced to by~~ and other
5 practices of any agency, facility, institution, ~~or other~~
6 organization or other setting that employs individuals
7 licensed under this act ~~comply~~ complies with ~~acceptable~~ the
8 standards of nursing practice as defined in this act and
9 board rules and regulations. ~~and~~ The board may submit
10 comments, register complaints or file charges with the
11 appropriate advisory, certifying or regulatory body
12 governing the agency, facility, institution, ~~or~~
13 organization or other setting that authorizes or condones
14 violations of current nursing standards when appropriate;

15
16 (iv) Report alleged violations of this act to
17 the district attorney of the county where the violation
18 occurred;

19
20 ~~(iv)~~ (v) Examine, license, renew, relicense and
21 reactivate the licenses of duly qualified individuals, may
22 grant ~~the~~ individuals a temporary ~~permits~~ permit to engage
23 in the practice of professional and practical nursing in
24 this state within the limits imposed in this act and may

1 develop, by board rules and regulations, standards for
2 continued competency of licensees continuing in or
3 returning to practice;

4
5 ~~(v)~~ (vi) Deny any applicant a license or
6 temporary permit to practice professional or practical
7 nursing, ~~for~~ whether by examination, licensure,
8 endorsement, renewal, relicensure or reactivation, if the
9 applicant fails to meet the requirements of this act or
10 board rules and regulations;

11
12 ~~(vi)~~ (vii) Conduct surveys ~~of~~ and collect data
13 related to licensure and educational enrollments and report
14 to the public;

15
16 ~~(vii)~~ (viii) Conduct investigations, hearings and
17 proceedings concerning alleged violations of this act and
18 board rules and regulations and shall request criminal
19 history background information on license or certificate
20 applicants as authorized under W.S. 7-19-106(a)(viii);

21
22 ~~(viii)~~ (ix) Compel attendance of witnesses, issue
23 subpoenas and administer oaths to those testifying at
24 hearings;

1

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

5

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

9

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

12

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

16

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

20

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

23

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

3

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

7

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

15

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

22

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

4
5 ~~(xx)~~ (xxi) Determine and collect reasonable fees
6 not to exceed ~~two hundred dollars (\$200.00)~~ seven hundred
7 dollars (\$700.00) as established by board rules and
8 regulations;

9
10 ~~(xxi)~~ (xxii) Receive and expend funds for the
11 pursuit of the authorized objectives of the board of
12 nursing. Funds shall be maintained in a separate account
13 and periodic reports of the receipt ~~of~~ and expenditure of
14 funds shall be submitted to the governor; ~~and~~

15
16 ~~(xxii)~~ (xxiii) Adopt a seal which shall be in the
17 care of the executive director and which shall be affixed
18 only in a manner as prescribed by the board; and

19
20 ~~(xxiii)~~ (xxiv) By board rule and regulation,
21 regulate the qualifications, certification,
22 recertification, examination and discipline of nursing
23 assistants and nurse aides. For purposes of carrying out
24 this paragraph, fingerprints and other information

1 necessary for a criminal history record background check
2 pursuant to W.S. 7-19-201 shall be provided to the board.

3 ~~Board rules and regulations under this paragraph shall be~~
4 ~~no more stringent than federal rules and regulations.~~

5
6 (d) Notwithstanding any other provision of this act,
7 the board shall not, by rule or otherwise, limit the right
8 of licensed nurses to practice with other health
9 professionals or in an association, partnership,
10 corporation or other lawful entity, ~~or~~ nor limit the right
11 of licensed nurses to practice under the name "nursing
12 clinic", "nursing center" or other descriptive terms,
13 provided the term is not misleading regarding the nature of
14 services provided.

15
16 **33-21-123. Executive director; appointment;**
17 **assistant; powers and duties; salary and expenses.**

18
19 (b) The executive director and assistant to the
20 executive director shall be registered nurses, licensed in
21 the state of Wyoming and qualified by ~~education and~~ nursing
22 experience and a minimum of a master's degree in nursing.

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

6
7 **33-21-125. Board; meetings; notice; quorum; board**
8 **action; conflict of interest.**

9
10 (c) A majority of the board members including the
11 president or vice president ~~and one (1) licensed practical~~
12 ~~nurse~~ constitutes a quorum for the conduct of a board
13 meeting. The act of the majority of members present at a
14 meeting, which includes a quorum, shall be the act of the
15 board of nursing.

16
17 **33-21-127. Qualifications for licensure; application**
18 **requirements.**

19
20 (a) An applicant for licensure by examination to
21 practice as a registered nurse or licensed practical nurse
22 shall:

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

3
4 (iv) Have committed no acts which are grounds
5 for disciplinary action as set forth in W.S. 33-21-146, or
6 if the act has been committed, the board ~~has found~~ may, at
7 its discretion and after investigation, determine that
8 sufficient restitution has been made; and

9
10 (b) An applicant for licensure by endorsement to
11 practice as a registered nurse or licensed practical nurse
12 shall:

13
14 (ii) Be a graduate of a state board approved
15 nursing education program recognized by the board which
16 prepares for the level of licensure being sought;

17
18 ~~(ii)~~ (iii) Have committed no acts which are
19 grounds for disciplinary action as set forth in W.S.
20 33-21-146, or if the act has been committed, the board ~~has~~
21 ~~found~~ may, at its discretion and after investigation,
22 determine that sufficient restitution has been made;

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

3
4 ~~(iv)~~ (v) Submit proof of initial licensure by an
5 examination acceptable to the board, provided that when the
6 applicant secured his or her initial license, the
7 requirements for licensure included the requirements then
8 necessary for licensure in this state and have submitted
9 proof that the license has not been suspended, revoked or
10 otherwise restricted for any reason; ~~other than failure to~~
11 ~~renew or to obtain required continuing education credits;~~
12 or

13
14 ~~(v)~~ (vi) Be required to pass an examination or
15 meet other requirements as specified by the board, if the
16 applicant has not passed an examination acceptable to the
17 board.

18
19 **33-21-128. Examinations for licensure; reexamination.**

20
21 (b) The board may employ, contract and cooperate with
22 any organization in the preparation, administration and
23 grading of an appropriate national nursing licensure
24 examination. ~~, but shall retain sole discretion and~~

~~responsibility for determining the standard of successful completion of the examination. When a national examination is utilized, access to questions and answers shall be restricted by the board.~~

33-21-129. Renewal of licenses.

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

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

33-21-130. Relicensure.

Licensees who have allowed their license to lapse by failure to renew as herein provided, may apply for relicensure according to board rules and regulations. Upon

1 satisfaction of the requirements for ~~licensure~~relicensure,
2 the board shall issue a renewal of license to practice
3 nursing.

4
5 **33-21-131. Inactive status; reactivation.**

6
7 Licensees who hold an active license to practice in this
8 state, and who wish to discontinue the practice of
9 professional or practical nursing in this state, may
10 request in writing that the board place their license on
11 inactive status. A licensee on inactive status shall not be
12 considered lapsed or expired. ~~No~~A biennial renewal fee
13 ~~will~~shall be required ~~of any licensee whose license has~~
14 ~~been placed on~~to retain the inactive status. Licensees on
15 inactive status may apply for reactivation pursuant to
16 board rules and regulations.

17
18 **33-21-132. Temporary permit.**

19
20 (a) The board may issue a temporary permit to
21 practice nursing to a registered nurse or licensed
22 practical nurse who is awaiting licensure by endorsement
23 and who is currently licensed in good standing in another
24 jurisdiction, territory or possession of the United

1 States ~~., for a~~ The period for a temporary permit shall not
2 ~~to~~ exceed ninety (90) days, provided the applicant submits
3 a written application for licensure by endorsement, ~~which~~
4 ~~is~~ in a form and substance satisfactory to the board.

5
6 (b) The board may issue a temporary permit to
7 practice nursing to a registered nurse or licensed
8 practical nurse who is not seeking licensure by endorsement
9 and who is currently licensed in good standing in another
10 jurisdiction, territory or possession of the United
11 States ~~., for a~~ The period for a temporary permit shall not
12 ~~to~~ exceed ninety (90) days, provided the applicant submits
13 a written application for licensure by endorsement, ~~which~~
14 ~~is~~ in a form and substance satisfactory to the board. A
15 temporary permit for such a request shall be issued only
16 one (1) time.

17
18 (c) The board may issue a temporary permit to
19 practice nursing to a graduate of an approved nursing
20 education program, pending the results of the first board
21 approved national nursing licensure examination offered
22 after graduation. A temporary permit shall not be issued to
23 any applicant ~~who has not taken the first examination~~
24 ~~offered after the applicant's graduation or~~ who has

1 previously failed a board approved national nursing
2 licensure examination. The temporary permit shall be
3 surrendered in event of failure of the licensure
4 examination. A new graduate holding a temporary permit
5 shall practice only under the direction and supervision of
6 a registered professional nurse.

7
8 (d) The board may issue a temporary permit to
9 graduates of foreign schools of nursing who have met the
10 requirements for licensure by examination or endorsement
11 pursuant to board rules and regulations. Applicants showing
12 evidence of ~~Commission on Graduates of Foreign Nursing~~
13 ~~Schools (CGFNS)~~ certification from a board approved
14 national certifying organization for graduates of foreign
15 nursing schools shall take the first board approved
16 national nursing licensure examination offered for which
17 they are eligible.

18
19 **33-21-134. Registered professional nurse; use of**
20 **R.N.; advanced practice registered nurse; use of A.P.R.N.**

21
22 (a) Any person who holds a license to practice as a
23 registered professional nurse in this state, shall have the
24 right to use the title "Registered Nurse" and the

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

5
6 (b) Any person who holds a license to practice as an
7 advanced practice registered nurse in this state shall have
8 the right to use the title "Advanced Practice Registered
9 Nurse" and the abbreviation "A.P.R.N." No other person
10 shall assume this title or use this abbreviation or any
11 words, letters, signs or devices to indicate that the
12 person using same is an advance practice registered nurse.

13
14 **33-21-135. Licensed practical nurse; use of L.P.N.**

15
16 Any person who holds a license to practice as a licensed
17 practical nurse in this state shall have the right to use
18 the title "Licensed Practical Nurse" and the abbreviation
19 "L.P.N."- No other person shall assume this title or use
20 this abbreviation or any words, letters, signs or devices
21 to indicate that the person using same is a licensed
22 practical nurse.

23
24 **33-21-136. New graduate professional nurse; use of**

1 **G.N.; new graduate advanced practice registered nurse; use**
2 **of G.A.P.R.N.**

3
4 (a) Any person who holds a temporary permit as a new
5 graduate professional nurse in this state shall use the
6 title "Graduate Nurse" and the abbreviation "G.N." No
7 other person shall assume this title or use this
8 abbreviation or any words, letters, signs or devices to
9 indicate that the person using same is a new graduate
10 professional nurse.

11
12 (b) Any person who holds a temporary permit as a new
13 graduate advanced practice registered nurse in this state
14 shall use the title "Graduate Advanced Practice Registered
15 Nurse" and the abbreviation "G.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 a new graduate advanced practice
19 registered nurse.

20
21 **33-21-137. New graduate practical nurse; use of**
22 **G.P.N.**

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

7

8 **33-21-138. Nursing education programs; approval by**
9 **board.**

10

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

19

20 **33-21-139. Nursing education programs; approval by**
21 **board; procedure.**

22

23 An institution ~~within the state~~ or program desiring to
24 initiate a nursing education program in this state shall

1 apply to the board and submit evidence that its nursing
2 program is able to meet the standards established by the
3 board. If upon investigation the board finds that the
4 program meets the established standards for nursing
5 education programs, it may grant approval to the applicant
6 program.

7

8 **33-21-140. Nursing education programs; periodic**
9 **evaluation.**

10

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

17

18 **33-21-145. Violations; penalties.**

19

20 (a) No person shall:

21

22 (iii) Use any words, abbreviations, figures,
23 letters, titles, signs, cards or devices tending to imply
24 that the person is a registered nurse, ~~or~~ licensed

1 practical nurse, or advanced practice registered nurse
2 unless the person is duly licensed ~~to practice as a~~
3 registered nurse, licensed practical nurse, or recognized
4 as an advanced practice registered nurse under this act;

5
6 (vii) Otherwise violate or aid or abet another
7 person to violate any ~~provisions~~ provision of this act; ~~or~~ or

8
9 (viii) Practice nursing during the time a
10 license is suspended, revoked, surrendered, inactive or
11 lapsed.

12
13 **33-21-146. Disciplining licensees; grounds.**

14
15 (a) The board of nursing may refuse to issue or
16 renew, or may suspend or revoke the license, certificate or
17 temporary permit of any person, or to otherwise discipline
18 a licensee, upon proof that the person:

19
20 (ii) Has been found guilty by a court, has
21 entered an Alford plea or has entered a plea of nolo
22 contendere to a misdemeanor or felony that relates
23 adversely to the practice of nursing or to the ability to
24 practice nursing;

1

2

(iii) Has practiced fraud or deceit:

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

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

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

(xi) Has failed to submit to a mental, physical
or medical competency examination following a proper

1 request by the board made pursuant to board rules and
2 regulations and the Wyoming Administrative Procedure Act.

3
4 **33-21-150. Immunity of board members and persons**
5 **reporting information to board.**

6
7 (a) Any member or agent of the board, ~~and~~or any
8 person reporting information to the board of nursing under
9 oath and in good faith, without fraud or malice, relating
10 to alleged incidents of violations of this act or board
11 rules and regulations, including, but not limited to
12 negligence, or malpractice, or the qualifications, fitness
13 or character of a person licensed or applying for a license
14 to practice nursing or violations of the standards of
15 nursing education programs as defined by board rules and
16 regulations, is not subject to a civil action for damages
17 as a result of reporting the information.

18
19 **33-21-153. Names of terminated licensees to board;**
20 **enforcement by court order; civil contempt for**
21 **noncompliance; immunity.**

22
23 (a) Hospitals, nursing homes and other employers of
24 registered nurses, ~~and~~and licensed practical nurses, and

1 advanced practice registered nurses shall report to the
2 board the names of those licensees whose employment has
3 been terminated voluntarily or involuntarily for any
4 reasons stipulated in W.S. 33-21-146.

5
6 **33-21-154. Exemptions.**

7
8 (a) No provisions in this act prohibit:

9
10 (iv) The rendering of nursing services on a fee-
11 for-service basis, or the reimbursement for nursing
12 services directly to a registered nurse, ~~or~~ licensed
13 practical nurse or advanced practice registered nurse by
14 any governmental program, commercial insurance company,
15 hospital or medical services plan, or any other third-party
16 payor;

17
18 (vi) The practice of any currently registered
19 nurse, ~~or~~ licensed practical nurse or advanced practice
20 registered nurse of another state who is employed by the
21 United States government, or any bureau, division or agency
22 thereof while in the discharge of official duties;

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

9
10 (viii) The practice of any currently registered
11 nurse, ~~or~~ licensed practical nurse or advanced practice
12 registered nurse of another state who is presenting
13 educational programs or consultative services within this
14 state for a period not to exceed a total of fourteen (14)
15 days per year;

16
17 (ix) The practice of any nurse, currently
18 licensed in another jurisdiction, in the provision of
19 nursing care in the case of an emergency or disaster as
20 declared by the governor.

21
22 **33-21-155. Board to establish fees; disposition of**
23 **fees; appropriations to board.**

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

4
5 **33-21-156. Persons licensed under previous law.**
6

7 (a) Any individual holding a license to practice
8 nursing as a registered nurse in this state that is valid
9 on July 1, ~~1983~~ 2005, shall be deemed to be licensed as a
10 registered nurse under this act.
11

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

17 (c) Any individual eligible for reactivation of a
18 license to practice nursing as a registered nurse or as a
19 licensed practical nurse in this state on July 1, ~~1983~~
20 2005, shall be deemed to be eligible to be licensed as a
21 registered nurse or as a licensed practical nurse.
22

23 (d) Any individual as of July 1, ~~1983~~ 2005, who has
24 allowed a license to practice nursing as a registered nurse

1 or licensed practical nurse in this state to lapse because
2 of failure to renew, may become licensed as a registered
3 nurse or as a licensed practical nurse by applying for
4 relicensure pursuant to relicensure requirements
5 established in this act and in board rules and regulations.
6

7 (f) Any individual ~~authorized in W.S.~~
8 ~~33-21-101(a)(i)(D) and (E) as those paragraphs existed~~
9 ~~prior to July 1, 1983, who was a Wyoming resident,~~ holding
10 recognitions to practice as an advanced practice registered
11 nurse in this state that is valid on July 1, 2005 shall be
12 deemed to be an advanced ~~practitioner of nursing practice~~
13 registered nurse under this act.
14

15 **33-21-157. Nurses volunteer license.**
16

17 (b) For purposes of this section, a person shall be
18 considered retired from the practice of practical,
19 professional or advanced practice registered nursing if the
20 person's license ~~or certificate~~ has expired.
21

22 (c) The state board of nursing may issue, with or
23 without examination, a volunteer's ~~certificate~~ license to a
24 person who is retired from practice so that the person may

1 provide nursing services to low income uninsured persons at
2 nonprofit health care facilities. The board shall deny
3 issuance of a volunteer's ~~certificate~~license to a person
4 who is not qualified under this section to hold a
5 volunteer's ~~certificate~~license.

6
7 (d) An application for a volunteer's ~~certificate~~
8 license shall include all of the following:

9
10 (ii) ~~One (1) of the following, as applicable:~~

11
12 ~~(A)~~ A copy of the applicant's most recent
13 license ~~or certificate~~ authorizing the practice of nursing
14 issued by a jurisdiction in the United States that licenses
15 persons to practice nursing; ~~or~~

16
17 ~~(B) A copy of the applicant's most recent~~
18 ~~license equivalent to a license to practice nursing in one~~
19 ~~(1) or more branches of the United States armed services~~
20 ~~that the United States government issued.~~

21
22 (iii) Evidence of one (1) of the following, as
23 applicable:

1 (A) ~~That~~The applicant has maintained for
2 at least ten (10) years immediately prior to retirement
3 full licensure in good standing in any jurisdiction in the
4 United States that licenses persons to practice nursing; or
5

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

11 (iv) A notarized statement from the applicant,
12 on a form prescribed by the board, that the applicant:
13

14 (A) Will not accept any form of
15 remuneration for any nursing services rendered while in
16 possession of a volunteer's ~~certificate~~license;
17

18 (B) Will devote his nursing practice
19 exclusively and totally to providing ~~medical~~nursing
20 services to low income uninsured persons at a nonprofit
21 health care facility in this state; and
22

23 (e) The holder of a volunteer's ~~certificate~~license
24 may provide nursing services only on the premises of a

1 nonprofit health care facility in this state and only to
2 low income uninsured persons. The holder shall not accept
3 any form of remuneration for providing nursing services
4 while in possession of the ~~certificate~~license. The board
5 may revoke a volunteer's ~~certificate~~license on receiving
6 proof satisfactory to the board that the holder has engaged
7 in practice in this state outside the scope of the
8 ~~certificate~~license.

9
10 (f) A volunteer's ~~certificate~~license shall be valid
11 for a period of one (1) year, unless earlier revoked under
12 subsection (e) of this section or pursuant to title 33,
13 chapter 21 of the Wyoming statutes. A volunteer's
14 ~~certificate~~license may be renewed upon the application of
15 the holder. The board shall maintain a register of all
16 persons who hold volunteer's ~~certificates~~licenses. The
17 board shall not charge a fee for issuing or renewing a
18 ~~certificate~~license pursuant to this section.

19
20 (g) To be eligible for renewal of a volunteer's
21 ~~certificate~~license, the holder of the ~~certificate~~license
22 shall certify to the board completion of any continuing
23 education required under this act as if the holder of the
24 ~~certificate~~license were in active practice. The board

1 shall not renew a ~~certificate~~license if the holder has not
2 complied with the continuing education requirements. The
3 nonprofit health care facility in which the holder provides
4 nursing services may pay for or reimburse the holder for
5 any costs incurred in obtaining the required continuing
6 education.

7
8 (h) The board shall issue to each person who
9 qualifies under this section a volunteer's ~~certificate~~
10 license that states the ~~certificate~~license holder is
11 authorized to provide nursing services pursuant to the laws
12 of this state.

13
14 (j) Except as provided in this section, any person
15 holding a volunteer's ~~certificate~~license issued by the
16 board under this section shall be subject to the
17 requirements of this act and the jurisdiction of the board
18 as if he were licensed to practice nursing under this act.

19
20 **Section 2.** W.S. 33-21-128(a) is repealed.

21
22 **Section 3.** This act is effective July 1, 2005.

23
24 (END)