

# The Vermont Statutes Online

## Title 26: Professions and Occupations

### *Chapter 28: NURSING*

#### *Sub-Chapter 1: Registered And Licensed Practical Nursing*

#### **§ 1571. Purpose and effect**

In order to safeguard the life and health of the people of this state, no person shall practice, or offer to practice, registered or practical nursing unless currently licensed under this chapter. (Added 1979, No. 192 (Adj. Sess.), § 1; amended 1993, No. 201 (Adj. Sess.), § 1.)

#### **§ 1572. Definitions**

As used in this chapter:

- (1) "Board" means the Vermont state board of nursing.
- (2) "Registered nursing" means the practice of nursing which includes:
  - (A) Assessing the health status of individuals and groups.
  - (B) Establishing a nursing diagnosis.
  - (C) Establishing goals to meet identified health care needs.
  - (D) Planning a strategy of medical or health care.
  - (E) Prescribing nursing interventions to implement the strategy of care.
  - (F) Implementing the strategy of care.
  - (G) Delegating nursing interventions that may be performed by others and that do not conflict with this subchapter.
  - (H) Maintaining safe and effective nursing care rendered directly or indirectly.
  - (I) Evaluating responses to interventions.
  - (J) Teaching the theory and practice of nursing.
  - (K) Managing and supervising the practice of nursing.

(L) Collaborating with other health professionals in the management of health care.

(M) Addressing patient pain.

(N) Performance of such additional acts requiring education and training and which are recognized jointly by the medical and nursing professions as proper to be performed by registered nurses.

(3)(A) "Licensed practical nursing" means a directed scope of nursing practice which includes, but is not limited to:

(i) Contributing to the assessment of the health status of individuals and groups.

(ii) Participating in the development and modification of the strategy of care.

(iii) Implementing the appropriate aspects of the strategy of care as defined by the board.

(iv) Maintaining safe and effective nursing care rendered directly or indirectly.

(v) Participating in the evaluation of responses to interventions.

(vi) Delegating nursing interventions that may be performed by others and that do not conflict with this chapter.

(B) A licensed practical nurse functions at the direction of a registered nurse, advanced practice registered nurse, licensed physician, or licensed dentist in the performance of activities delegated by that health care professional.

(4) "Advanced practice registered nurse" or "APRN" means a licensed registered nurse authorized to practice in this state who, because of specialized education and experience, is endorsed to perform acts of medical diagnosis and to prescribe medical, therapeutic, or corrective measures under administrative rules adopted by the board.

(5) "License" means a current authorization permitting the practice of nursing as a registered nurse, licensed practical nurse, or advanced practice registered nurse. (Added 1979, No. 192 (Adj. Sess.), § 1; amended 1993, No. 201 (Adj. Sess.), § 1; 2009, No. 25, § 11; 2011, No. 66, § 5, eff. June 1, 2011.)

### **§ 1573. Vermont state board of nursing**

(a) There is hereby created a Vermont state board of nursing consisting of six registered nurses, including at least two licensed as advanced practice registered nurses, two practical nurses, one nursing assistant, and two public members. Board members shall be appointed by the governor pursuant to 3 V.S.A. §§ 129b and 2004.

(b) Appointments of registered and licensed practical nurse members shall be made in a manner designed to be representative of the various types of nursing education programs and nursing services.

(c) Each member of the board shall be a citizen of the United States, and a resident of this state.

(1) The registered nurse members shall:

(A) Hold a license to practice registered nursing in Vermont;

(B) Have at least five years' experience in the practice of registered nursing. Three of these five years shall have been immediately preceding appointment.

(2) The licensed practical nurse members shall:

(A) Hold a license to practice practical nursing in Vermont;

(B) Have at least five years' experience in the practice of practical nursing. Three of these five years shall have been immediately preceding appointment.

(3) The public members shall not be members of any other health-related licensing boards, licensees of any health-occupation boards, or employees of any health agencies or facilities, and shall not derive primary livelihood from the provision of health services at any level of responsibility.

(d) Any vacancy occurring on the board shall be filled for the unexpired term by appointment to be made by the governor. (Added 1979, No. 192 (Adj. Sess.), § 1; amended 1993, No. 201 (Adj. Sess.), § 1; 2005, No. 27, § 45; 2007, No. 163 (Adj. Sess.), § 11; 2011, No. 66, § 5, eff. June 1, 2011.)

#### **§ 1573a. APRN subcommittee**

The board shall appoint a subcommittee to study and report to the board on matters relating to advanced practice registered nurse practice. The subcommittee shall be composed of at least five members. The majority shall be advanced practice registered nurses who are licensed and in good standing in this state. At least one member shall be a member of the public, and at least one member shall be a physician designated by the board of medical practice. Members of the subcommittee shall be entitled to compensation at the rate provided in 32 V.S.A. § 1010. (Added 2011, No. 66, § 5, eff. June 1, 2011.)

#### **§ 1574. Powers and duties**

The board shall:

(1) Hold annual meetings at which it shall elect a chair, a vice chair, and a secretary from its members; and hold such other meetings as may be deemed necessary to transact its business;

(2) Conduct business at any meeting only if five members are present to constitute a quorum; and keep a record of its proceedings which shall be a public record;

(3) Prescribe standards for educational programs and approve such nursing education programs in Vermont as meet the requirements of this chapter and board rules;

(4) Establish standards for registration and licensure of individuals for the practice of nursing, including the endorsement of advanced practice registered nurses and those in special areas of nursing practice which require additional education and experience;

(5) Examine, register, license, and renew the licenses of duly qualified applicants and keep a record of all persons registered by this state, all persons currently licensed as registered nurses and practical nurses, and all persons meeting standards which may be established in defined special areas of nursing practice;

(6) Provide standards for and approve education programs for the benefit of nurses who are reentering practice following a lapse of five or more years;

(7) Investigate complaints and charges of unauthorized practice, unprofessional conduct, or incompetency against any person and take proper action under section 1582 or 1584 of this title, as the case may be;

(8) Compel the attendance of witnesses and the furnishing of evidentiary material in connection with a hearing by subpoenas issued by the executive officer of the board with the approval of the board; and

(9) Adopt rules necessary to perform its duties under this subchapter, and may adopt rules establishing a program to serve as an alternative to the disciplinary process for nurses and nursing assistants with chemical dependencies or other professional practice issues as designated by the board. (Added 1979, No. 192 (Adj. Sess.), § 1; amended 1993, No. 201 (Adj. Sess.), § 1; 2007, No. 29, § 25; 2009, No. 103 (Adj. Sess.), § 10.)

#### **§ 1575. Staff**

With the approval of the board, the director of the office of professional regulation may employ or contract for such persons as may be necessary to carry on the work of the board. (Added 1979, No. 192 (Adj. Sess.), § 1; amended 1989, No. 250 (Adj. Sess.), § 4(d); 1993, No. 201 (Adj. Sess.), § 1.)

#### **§ 1576. Registered nurse and practical nurse registration and licensure**

(a) Qualifications of applicants. An applicant for registration and a license to practice registered or practical nursing shall submit to the Board evidence deemed satisfactory to it that the applicant has completed all requirements in an approved nursing education program preparing individuals for the practice of either registered or practical nursing.

(b) Registration and licensure by examination.

(1) The applicant shall be required to pass an examination in such subjects as the Board considers necessary to determine the ability of the applicant to practice registered or practical nursing:

(2) Upon passing the required examination, the Board shall register and issue to the applicant a current license to practice as a registered nurse (R.N.) or a licensed practical nurse (L.P.N.).

(3) The Board shall hold at least one examination annually for registered nurse candidates and one for practical nurse candidates at such place and at such time as the Board shall determine.

(4) Any qualified applicant shall be entitled to reexaminations.

(c) Registration and licensure by endorsement. The Board shall register and issue a current license to practice registered or practical nursing to an applicant who has been duly licensed by examination as a registered nurse or a practical nurse under the laws of another state, territory, or foreign country if the applicant meets the qualifications required in this State and has previously achieved passing scores on the licensing examination required in this State or its equivalent as determined by the Board, and has met active practice requirements established by the Board by rule.

(d) Temporary licenses. The Board may issue a temporary license to practice nursing for a period not to exceed 90 days to a registered nurse or licensed practical nurse currently licensed in another jurisdiction of the United States and who has applied for licensure by endorsement in accordance with the rules of the Board.

(e) Notwithstanding the provisions of this section and any other provision of law, a nurse who holds an unrestricted license in all jurisdictions in which the nurse is currently licensed, who certifies to the Vermont Board of Nursing that he or she will limit his or her practice in Vermont to providing pro bono services at a free or reduced fee clinic in Vermont and who meets the criteria of the Board, shall be licensed by the Board within 60 days of the licensee's certification without further examination, interview, fee, or any other requirement for Board licensure. The nurse shall file with the Board, on forms provided by the Board and based on criteria developed by the Board, information on nursing qualifications, professional discipline, criminal record, malpractice claims, or any other such information as the Board may require. A license granted under this subsection shall authorize the licensee to practice nursing on a voluntary basis in Vermont. (Added 1979, No. 192 (Adj. Sess.), § 1; amended 1993, No. 201 (Adj. Sess.), § 1; 2001, No. 151 (Adj. Sess.), § 19c, eff. June 27, 2002; 2013, No. 27, § 17.)

## § 1577. Fees

Applicants and persons regulated under this subchapter shall pay the following fees:

(1) Application	\$ 60.00
(2) Registered nurse application by endorsement	\$ 150.00
(3) Biennial renewal	\$ 95.00
(4) Limited temporary license	\$ 25.00
(5) Initial endorsement of advanced practice registered nurses	\$ 75.00

(6) Biennial renewal of advanced practice registered

nurses

\$ 50.00

(Added 1979, No. 192 (Adj. Sess.), § 1; amended 1989, No. 250 (Adj. Sess.), § 44; 1993, No. 201 (Adj. Sess.), § 1; 1995, No. 47, § 23; 1997, No. 59, § 54, eff. June 30, 1997; 2001, No. 143 (Adj. Sess.), § 25, eff. June 27, 2002; 2005, No. 202 (Adj. Sess.), § 13.)

**§ 1578. Existing licenses**

Any person registered or licensed to practice registered or practical nursing by the board on or before July 1, 1980 shall retain all rights and privileges granted thereunder as if registered or licensed under this chapter. (Added 1979, No. 192 (Adj. Sess.), § 1; amended 1993, No. 201 (Adj. Sess.), § 1.)

**§ 1579. Renewal of license**

(a) Licenses shall be renewed by the board for periods of up to two years.

(b) Any registrant who has held a valid license and practiced nursing within the past five years may apply for renewal without further examination or qualifying requirements not otherwise imposed on current licensees.

(c) All applicants for renewal of a license to practice shall have practiced nursing within the last five years as defined in section 1572 of this title or comply with the requirements for updating knowledge and skills as defined by board rules. (Added 1979, No. 192 (Adj. Sess.), § 1; amended 1993, No. 201 (Adj. Sess.), § 1; 2007, No. 29, § 26.)

**§ 1580. Repealed. 1993, No. 201 (Adj. Sess.), §§ 1, 3.**

**§ 1581. Nursing education programs**

(a) The board shall, by rule, establish standards for the creation and conduct of nursing education programs, including all clinical facilities used for learning experiences. The board shall survey programs and approve those programs which meet the requirements of this subchapter and the board rules.

(b) A postsecondary educational institution within the state of Vermont desiring to conduct a nursing education program shall apply to the board and submit evidence that its nursing program is designed to meet the standards established by the board. If upon investigation, the board finds that the program meets the established standards for nursing education programs, it shall approve the applicant program.

(c) The board shall periodically survey and evaluate approved nursing education programs and shall publish a list of approved programs. A nursing education program shall reimburse the board for actual and necessary costs incurred for site surveys.

(d) The board may deny or withdraw approval or take such action as it deems necessary

when nursing education programs fail to meet the standards established by the board, provided that such action shall be in accordance with this chapter, board rules, and the Administrative Procedure Act.

(e) Reinstatement of approval. The board shall reinstate approval of a nursing education program based on satisfactory evidence that the program meets the standards established by the board. (Added 1979, No. 192 (Adj. Sess.), § 1; amended 1993, No. 201 (Adj. Sess.), § 1.)

### **§ 1582. Regulatory authority; unprofessional conduct**

(a) The board may deny an application for registration, licensure, or relicensure; revoke or suspend any license to practice nursing issued by it; or discipline or in other ways condition the practice of a registrant or licensee upon due notice and opportunity for hearing in compliance with the provisions of 3 V.S.A. chapter 25 if the person engages in the following conduct or the conduct set forth in 3 V.S.A. § 129a:

(1) Has made or caused to be made a false, fraudulent, or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing;

(2) Whether or not committed in this state, has been convicted of a crime related to the practice of nursing or a felony which evinces an unfitness to practice nursing;

(3) Is unable to practice nursing competently by reason of any cause;

(4) Has willfully or repeatedly violated any of the provisions of this chapter;

(5) Is habitually intemperate or is addicted to the use of habit-forming drugs;

(6) Has a mental, emotional, or physical disability, the nature of which interferes with ability to practice nursing competently;

(7) Engages in conduct of a character likely to deceive, defraud, or harm the public;

(8) Has willfully omitted to file or record or has willfully impeded or obstructed a filing or recording or has induced another person to omit to file or record medical reports required by law;

(9) Has knowingly aided or abetted a health care provider who is not legally practicing within the state in the provision of health care services;

(10) Has permitted his or her name or license to be used by a person, group, or corporation when not actually in charge of or responsible for the treatment given;

(11) Has failed to comply with the patient bill of rights provisions of 18 V.S.A. § 1852; or

(12) Has committed any sexual misconduct that exploits the provider-patient relationship, including sexual contact with a patient, surrogates, or key third parties.

(b) Procedure. The board shall establish a discipline process based on this chapter and the Administrative Procedure Act.

(c) Appeals. Any person or institution aggrieved by any action of the board under this section or section 1581 of this title may appeal as provided in 3 V.S.A. § 130a.

(d) A person shall not be liable in a civil action for damages resulting from the good faith reporting of information to the board about incompetent, unprofessional, or unlawful conduct of a nurse. (Added 1979, No. 192 (Adj. Sess.), § 1; amended 1993, No. 201 (Adj. Sess.), § 1; 1997, No. 145 (Adj. Sess.), § 39; 2011, No. 66, § 5, eff. June 1, 2011.)

### **§ 1583. Exceptions**

This chapter does not prohibit:

(1) The furnishing of assistance in the case of an emergency or disaster.

(2) The practice of nursing which is incidental to their program of study by persons enrolled in approved nursing education programs approved by the board, or graduates of approved nursing education programs pending the results of the first licensing examination scheduled by the board following graduation. Graduates shall so practice under supervision of a professional nurse and shall have an application for registration and licensure by examination on file.

(3) The practice of any nurse who is employed by the United States government or any bureau, division, or agency thereof, while in the discharge of her or his official duties.

(4) The practice of nursing in this state by any currently licensed nurse whose engagement was made outside of this state but required the nurse to accompany and care for the patient while in Vermont. This exception shall not exceed six months.

(5) The care of the sick by domestic help of any type, whether employed regularly or because of illness, provided such person is employed primarily in a domestic capacity.

(6) The work and duties of attendants in attendant care services programs.

(7) The practice of any other occupation or profession licensed under the laws of this state.

(8) The providing of care for the sick in accordance with the tenets of any church or religious denomination by its adherents if the individual does not hold himself or herself out to be a registered nurse, licensed practical nurse, or licensed nursing assistant and does not engage in the practice of nursing as defined in this chapter. (Added 1979, No. 192 (Adj. Sess.), § 1; amended 1989, No. 75, § 2; 1993, No. 201 (Adj. Sess.), § 1; 2009, No. 54, § 88, eff. June 1, 2009; 2011, No. 79 (Adj. Sess.), § 30, eff. April 4, 2012.)

### **§ 1584. Prohibitions; offenses**

(a) It shall be a violation of this chapter for any person, including any corporation, association, or individual, to:



- (1) Sell or fraudulently obtain or furnish any nursing degree, diploma, certificate of registration, license, or any other related document or record, or to aid or abet therein;
- (2) Practice nursing under cover of any degree, diploma, registration, license, or related document or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;
- (3) Practice nursing unless duly registered and currently licensed to do so under the provisions of this chapter;
- (4) Use in connection with a name any words, letters, signs, or figures which imply that a person is a registered or practical nurse or an advanced practice registered nurse when not authorized under this chapter;
- (5) Practice nursing during the time a license issued under this chapter is suspended or revoked;
- (6) Conduct a nursing education program unless the program has been approved by the board;
- (7) Employ unlicensed persons to practice registered nursing, practical nursing, or as a nursing assistant.
- (8) [Deleted.]

(b) Any person violating this section shall be subject to the penalties provided in 3 V.S.A. § 127(c).

(c) [Deleted.] (Added 1979, No. 192 (Adj. Sess.), § 1; amended 1993, No. 201 (Adj. Sess.), § 1; 2005, No. 148 (Adj. Sess.), § 13; 2007, No. 29, § 27; 2011, No. 66, § 5, eff. June 1, 2011.)

### **§ 1585. Professional corporations; registered or licensed practical nursing**

A person licensed to practice registered or licensed practical nursing under this chapter may own shares in a professional corporation created under 11 V.S.A. chapter 4 which provides professional services in the medical and nursing professions. (Added 2007, No. 14, § 2, eff. May 2, 2007.)

## ***Sub-Chapter 2: Nursing Assistants***

### **§ 1591. Registry**

The board of nursing shall establish, implement, and maintain a registry of nursing assistants and medication nursing assistants. (Added 1993, No. 201 (Adj. Sess.), § 1, eff. Jan. 1, 1995; amended 2011, No. 116 (Adj. Sess.), § 14.)

### **§ 1592. Definitions**

As used in this subchapter:

(1) "Nursing assistant" means an individual, regardless of title, who performs nursing or nursing related functions under the supervision of a licensed nurse.

(2) "Nursing and nursing related functions" means nursing related activities as defined by rule which include basic nursing and restorative duties for which the nursing assistant is prepared by education and supervised practice.

(3) "Medication nursing assistant" means a licensed nursing assistant holding a currently valid endorsement authorizing the delegation to the nursing assistant of tasks of medication administration performed in a nursing home. (Added 1993, No. 201 (Adj. Sess.), § 1, eff. Jan. 1, 1995; amended 2011, No. 116 (Adj. Sess.), § 15.)

#### **§ 1592a. Endorsement of medication administration for licensed nursing assistants**

(a) The board may issue an endorsement of medication administration to a current licensed nursing assistant who:

(1) has participated in and completed a board-approved medication administration education and competency evaluation program;

(2) has passed an examination approved by the board; and

(3) has paid the application fee.

(b) The endorsement shall be renewed by the medication nursing assistant according to a schedule established by the board and pursuant to any other requirements as the board may establish by rule. (Added 2011, No. 116 (Adj. Sess.), § 16.)

#### **§ 1593. Eligibility**

A person who meets the requirements of this section shall be listed on the registry and licensed as a nursing assistant.

(1) An applicant shall be no less than 16 years of age and have:

(A) completed an approved nursing assistant education and competency evaluation program or met requirements prescribed by the Board and completed a competency evaluation program; and

(B) committed no acts or omissions which are grounds for disciplinary action unless the Board has found that sufficient restitution or rehabilitation has been made.

(2) An applicant may be licensed by showing a current listing on the nursing assistant registry of another state whose requirements are substantially equivalent to those of Vermont. (Added 1993, No. 201 (Adj. Sess.), § 1, eff. Jan. 1, 1995; amended 2013, No. 27, § 18.)

#### **§ 1593a. Temporary licenses**

The board may issue a temporary license to practice as a nursing assistant for a period not to exceed 90 days to a nurse assistant currently licensed in another jurisdiction and who has applied for licensure by endorsement in accordance with the rules of the board. (Added 1995, No. 7, § 1, eff. March 28, 1995.)

#### **§ 1594. Renewal; requalification**

(a) A license shall be renewed every two years by the nursing assistant according to a schedule established by the board.

(b) A nursing assistant applying for renewal must have practiced nursing or nursing related functions under the supervision of a licensed nurse during the preceding two-year period in accordance with applicable federal and state laws and regulations.

(c) A person whose license has lapsed by failure to renew or to meet renewal requirements may reapply for initial licensure. (Added 1993, No. 201 (Adj. Sess.), § 1, eff. Jan. 1, 1995.)

#### **§ 1595. Regulatory authority; unprofessional conduct**

The board may deny an application for licensure or renewal or revoke, suspend, discipline, or otherwise condition the license of a nursing assistant who engages in the following conduct or the conduct set forth in 3 V.S.A. § 129a:

(1) has been convicted of a crime that evinces an unfitness to act as a nursing assistant;

(2) has been disciplined as a registered or licensed practical nurse or nursing assistant by competent authority in any jurisdiction;

(3) has been fraudulent or deceitful in procuring or attempting to procure a license, in filing or completing patient records, in signing reports or records, or in submitting any information or records to the board;

(4) has abused or neglected a patient or misappropriated patient property;

(5) is unfit or incompetent to function as a nursing assistant by reason of any cause;

(6) has diverted or attempted to divert drugs for unauthorized use;

(7) is habitually intemperate or is addicted to the use of habit-forming substances; or

(8) has failed to report to the board any violation of this chapter or of the board's rules.

(9) [Repealed.] (Added 1993, No. 201 (Adj. Sess.), § 1, eff. Jan. 1, 1995; amended 1997, No. 145 (Adj. Sess.), § 40; 2011, No. 116 (Adj. Sess.), § 17.)

#### **§ 1596. Approval of programs**

(a) The board shall adopt standards for nursing assistant and medication nursing assistant education and competency evaluation programs and shall survey and approve those programs which meet the standards.

(b) After an opportunity for a hearing, the board may deny or withdraw approval or take lesser action when a program fails to meet the standards.

(c) A program whose approval has been denied or withdrawn may be reinstated upon satisfying the board that deficiencies have been remedied and the standards have been met. (Added 1993, No. 201 (Adj. Sess.), § 1, eff. Jan. 1, 1995; amended 2011, No. 116 (Adj. Sess.), § 18.)

### **§ 1597. Appeals**

A person aggrieved by an action of the board under this subchapter may appeal in the manner provided by 3 V.S.A. § 130a. (Added 1993, No. 201 (Adj. Sess.), § 1, eff. Jan. 1, 1995; amended 2007, No. 29, § 28.)

### **§ 1598. Board of nursing; powers and duties**

In addition to the powers and duties conferred by subchapter 1 of this chapter, the board of nursing shall have the power to:

(1) Investigate complaints against nursing assistants and take disciplinary actions as appropriate.

(2) Adopt rules necessary to perform its duties under this subchapter. (Added 1993, No. 201 (Adj. Sess.), § 1, eff. Jan. 1, 1995.)

### **§ 1599. Fees**

Applicants and persons regulated under this subchapter shall pay the following fees:

(1) Application	\$20.00
(2) Biennial renewal	\$30.00

(Added 1993, No. 201 (Adj. Sess.), § 1, eff. Jan. 1, 1995; amended 1997, No. 59, § 55, eff. June 30, 1997; 2001, No. 143 (Adj. Sess.), § 26, eff. June 21, 2002; 2005, No. 202 (Adj. Sess.), § 14.)

### **§ 1600. Prohibitions; offenses**

(a) No person shall use any letters, words, or insignia in connection with the person's name which indicate or imply that the person is a nursing assistant unless the person is licensed and listed on the registry in accordance with this subchapter.

(b) No person shall practice nursing or nursing-related functions as defined in section 1592 of this title without being licensed by the board.

(c) A person who violates this section shall be fined not more than \$1,000.00. (Added 1993, No. 201 (Adj. Sess.), § 1, eff. Jan. 1, 1995.)

### **§ 1601. Exemptions**

(a) Nothing in this subchapter shall be construed to prohibit other licensed or certified professionals from carrying on in the usual manner any of the functions of their professions.

(b) The board may, by rule, establish standards for waiver of education and competency requirements.

(c) This subchapter does not prohibit the performance of nursing or nursing related functions that are incidental to their program of study by persons enrolled in approved nursing assistant education and competency evaluation programs, or graduates of such programs, pending the results of the first examination following graduation. Graduates practicing under this subsection shall practice under supervision of a licensed nurse and shall have filed an application for licensure.

(d) Nothing in this subchapter shall be construed to conflict with the administration of medication by nonlicensees pursuant to the residential care home licensing regulations promulgated by the department of disabilities, aging, and independent living. (Added 1993, No. 201 (Adj. Sess.), § 1, eff. Jan. 1, 1995; amended 1995, No. 7, § 2, eff. March 28, 1995; 2011, No. 116 (Adj. Sess.), § 19.)

### ***Sub-Chapter 3: Advanced Practice Registered Nurses***

#### **§ 1611. Advanced practice registered nurse licensure**

To be eligible for an APRN license, an applicant shall:

(1) have a degree or certificate from a Vermont graduate nursing program approved by the board or a graduate program approved by a state or a national accrediting agency that includes a curriculum substantially equivalent to programs approved by the board. The educational program shall meet the educational standards set by the national accrediting board and the national certifying board. Programs shall include a supervised clinical component in the role and population focus of the applicant's certification. The program shall prepare nurses to practice advanced nursing in a role as a nurse practitioner, certified nurse midwife, certified nurse anesthetist, or clinical nurse specialist in psychiatric or mental health nursing and shall include, at a minimum, graduate level courses in:

(A) advanced pharmacotherapeutics;

(B) advanced patient assessment; and

(C) advanced pathophysiology;

(2) hold a degree or certificate from an accredited graduate-level educational program preparing the applicant for one of the four recognized APRN roles described in subdivision (1) of this section and have educational preparation consistent with the applicant's certification, role, population focus, and specialty practice; and

(3) hold current advanced nursing certification in a role and population focus granted by a national certifying organization recognized by the board. (Added 2011, No. 66, § 5, eff. June 1, 2011.)

#### **§ 1612. Practice guidelines**

(a) APRN licensees shall submit for review individual practice guidelines and receive board approval of the practice guidelines. Practice guidelines shall reflect current standards of advanced nursing practice specific to the APRN's role, population focus, and specialty.

(b) Licensees shall submit for review individual practice guidelines and receive board approval of the practice guidelines:

(1) prior to initial employment;

(2) if employed or practicing as an APRN, upon application for renewal of an APRN's registered nurse license; and

(3) prior to a change in the APRN's employment or clinical role, population focus, or specialty. (Added 2011, No. 66, § 5, eff. June 1, 2011; amended 2011, No. 116 (Adj. Sess.), § 21.)

#### **§ 1613. Transition to practice**

(a) Graduates with fewer than 24 months and 2,400 hours of licensed active advanced nursing practice in an initial role and population focus or fewer than 12 months and 1,600 hours for any additional role and population focus shall have a formal agreement with a collaborating provider as required by board rule. APRNs shall have and maintain signed and dated copies of all required collaborative provider agreements as part of the practice guidelines. An APRN required to practice with a collaborative provider agreement may not engage in solo practice, except with regard to a role and population focus in which the APRN has met the requirements of this subsection.

(b) An APRN who satisfies the requirements to engage in solo practice pursuant to subsection (a) of this section shall notify the board that these requirements have been met. (Added 2011, No. 66, § 5, eff. June 1, 2011.)

#### **§ 1614. APRN renewal**

An APRN license renewal application shall include:

(1) documentation of completion of the APRN practice requirement;

(2) a current certification by a national APRN specialty certifying organization;

(3) current practice guidelines; and

(4) a current collaborative provider agreement if required for transition to practice.  
(Added 2011, No. 66, § 5, eff. June 1, 2011.)

**§ 1615. Regulatory authority; unprofessional conduct**

(a) The board may deny an application for licensure or renewal or may revoke, suspend, or otherwise discipline an advanced practice registered nurse upon due notice and opportunity for hearing in compliance with the provisions of 3 V.S.A. chapter 25 if the person engages in the conduct set forth in 3 V.S.A. § 129a or section 1582 of this title or any of the following:

(1) Abandonment of a patient in violation of the duty to maintain a provider-patient relationship within the reasonable expectations of continuing care or referral.

(2) Solicitation of professional patronage by agents or persons or profiting from the acts of those representing themselves to be agents of the licensed APRN.

(3) Division of fees or agreeing to split or divide the fees received for professional services for any person for bringing or referring a patient.

(4) Practice beyond those acts and situations that are within the practice guidelines approved by the board for an APRN and within the limits of the knowledge and experience of the APRN, and, for an APRN who is practicing under a collaborative agreement, practice beyond those acts and situations that are within both the usual scope of the collaborating provider's practice and the terms of the collaborative agreement.

(5) For an APRN who acts as the collaborating provider for an APRN who is practicing under a collaboration agreement, allowing the mentored APRN to perform a medical act which is outside the usual scope of the mentor's own practice or which the mentored APRN is not qualified to perform by training or experience or which is not consistent with the requirements of this chapter and the rules of the board.

(6) Providing, prescribing, dispensing, or furnishing medical services or prescription medication or prescription-only devices to a person in response to any communication transmitted or received by computer or other electronic means when the licensee fails to take the following actions to establish and maintain a proper provider-patient relationship:

(A) a reasonable effort to verify that the person requesting medication is in fact the patient and is in fact who the person claims to be;

(B) establishment of documented diagnosis through the use of accepted medical practices; and

(C) maintenance of a current medical record.

(7) prescribing, selling, administering, distributing, ordering, or dispensing any drug legally classified as a controlled substance for his or her own use or for an immediate family member.

(8) Signing a blank or undated prescription form.

(b)(1) For the purposes of subdivision (a)(6) of this section, an electronic, online, or telephonic evaluation by questionnaire is inadequate for the initial evaluation of the patient.

(2) The following would not be in violation of subdivision (a)(6) of this section:

(A) initial admission orders for newly hospitalized patients;

(B) prescribing for a patient of another provider for whom the prescriber has taken call;

(C) prescribing for a patient examined by a licensed APRN, physician assistant, or other practitioner authorized by law and supported by the APRN;

(D) continuing medication on a short-term basis for a new patient prior to the patient's first appointment; or

(E) emergency situations where the life or health of the patient is in imminent danger. (Added 2011, No. 66, § 5, eff. June 1, 2011.)

#### **§ 1616. Nurse practitioner and nurse midwife signature authority**

Whenever any provision of Vermont statute or rule or any form provided to any person in this state requires a signature, certification, stamp, verification, affidavit, or other endorsement by a physician, such statute, rule, or form shall be deemed to include a signature, certification, stamp, verification, affidavit, or other endorsement by an advanced practice registered nurse (APRN) licensed pursuant to this chapter and certified as a nurse practitioner or a nurse midwife; provided, however, that nothing in this section shall be construed to expand the scope of practice of APRNs. (Added 2011, No. 122 (Adj. Sess.), § 1.)

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