



NCSBN
Leading Regulatory Excellence

NCSBN Model Act

Revised August 2026



Mission Statement

NCSBN empowers and supports nursing regulators in their mandate to protect the public.

Purpose and Functions

The purpose of NCSBN is to provide an organization through which nursing regulatory bodies act and counsel together on matters of common interest and concern affecting the public health, safety and welfare, including the development of licensing examinations in nursing.

The major functions of NCSBN include developing the NCLEX-RN® and NCLEX-PN® Examinations, performing policy analysis and promoting uniformity in relationship to the regulation of nursing practice, disseminating data related to NCSBN's purpose and serving as a forum for information exchange for NCSBN members.

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NCSBN MODEL ACT

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Article I. Title and Purpose

- A. This Act shall be known and may be cited as <Jurisdiction> Nurse Practice Act (NPA), which creates and empowers the Board of Nursing (BON) to regulate nursing and to enforce the provisions of this Act.
- B. The purpose of this Act is to protect the health, safety and welfare of the public.

Article II. Definitions

As used in Articles III through XII of this Act, unless the context thereof requires otherwise:

1. “Advanced assessment” means the taking, by an advanced practice registered nurse (APRN), of the history, physical and psychological assessment of a patient’s signs, symptoms, pathophysiologic status, and psychosocial variations in the determination of differential diagnoses and treatment.
2. “Advanced practice registered nurse” (“APRN”) means an individual with knowledge and skills acquired in basic nursing education, licensure as a registered nurse (RN), graduation from or completion of a graduate-level APRN program accredited by a national accrediting body, and current certification by a national certifying body in the appropriate APRN role and at least one population focus. APRNs include certified nurse practitioners, certified registered nurse anesthetists, certified nurse midwives or clinical nurse specialists. Advanced practice nursing means an expanded scope of nursing in a role and population focus approved by the BON, with or without compensation or personal profit, and includes the RN scope of practice. The scope of APRN includes performing acts of advanced assessment, diagnosing, prescribing and ordering.
3. “Assign” means the process of transferring responsibility and accountability between licensed nurses based on their skills, qualifications and workload.
4. “Competence” means the ability of the nurse to integrate knowledge, skills, judgment, and personal attributes to practice safely and ethically in a designated role and setting according to their scope of practice.
5. “Delegatee” means an LPN/VN, RN, APRN or nursing assistive personnel who is delegated a nursing responsibility by either an LPN/VN, RN or APRN, is competent to perform it and verbally accepts the responsibility.
6. “Delegating” means transferring the authority to perform a selected nursing task in a selected situation to a competent individual while maintaining accountability of the outcome.
7. “Emerging technologies” means innovations or new applications of existing technology which represent evolving developments aimed at improving the nursing profession and practice.
8. “Encumbered” means a license with current discipline, conditions or restrictions.

9. "Incompetence" means failure to perform due to lack of knowledge, skills, judgment or interest in performing the role.
10. "Internationally educated applicant" means a person educated outside the U.S. who applies for licensure or seeks temporary authorization to practice.
11. "License" means the legal authority granted by the BON to practice as an LPN/VN, RN or APRN.
12. "Licensed nurse" means LPN/VNs, RNs and APRNs.
13. "Licensed Practical/Vocational Nurse" ("LPN/VN") means an individual who holds a valid license pursuant to the terms of this Act and performs, with or without compensation, acts involving the care of the ill, injured, or infirm or the delegation of certain nursing practices to other personnel as determined by the BON under the direction of an RN, APRN or other appropriate healthcare provider which acts do not require the substantial specialized skill, judgment and knowledge required in the nursing profession.
14. "Nursing" means a profession focused on the care of individuals, families and populations to attain, maintain or recover optimal health and quality of life from conception to death.
15. "Nursing assessment" means the collection, analysis and synthesis of data used to establish a health status baseline, plan care and address changes in a patient's condition within the licensee's scope of practice.
16. "Nursing assistive personnel" means any personnel trained to function in a supportive role, regardless of title, to whom a nursing responsibility may be delegated. This includes but is not limited to certified nurse assistants, patient care technicians, certified medication aides and home health aides.
17. "Nursing education standards" means the evidence-based criteria used to monitor the quality of nursing education programs that are in place to ensure that graduates of these programs are prepared for safe and effective nursing practice.
18. "Patient" means a recipient of care; may be an individual, family, group or community. May also be referred to as client.
19. "Patient-centered healthcare plan" means incorporating the patient's values, beliefs and preferences, identification of desired goals, strategies for meeting goals and process for promoting, attaining and maintaining optimal patient health outcomes while actively collaborating with the patient.
20. "Registered Nurse" ("RN") means an individual who performs professional nursing services with or without compensation, holds a valid license pursuant to the terms of this Act, and bears primary responsibility and accountability for nursing practices based on specialized knowledge, judgment and skill derived from the principles of biological, physical and behavioral sciences.
21. "Reactivation" means restoring a license or authorization to practice that has lapsed, expired or been placed on inactive status in absence of disciplinary action from the BON.

22. "Reinstatement" means restoring a license or authorization to practice following disciplinary action by the BON.
23. "Supervision" means provision of guidance or oversight by a qualified nurse for the accomplishment of a nursing task or activity with initial direction of the task or activity and periodic inspection of the actual act of accomplishing the task or activity.
24. "Temporary license" means issuance of a time-limited license to a qualified applicant for licensure by endorsement or under emergency provisions as determined by the BON.

Article III. Scope of LPN/VN, RN and APRN Practice

An LPN/VN, RN, or APRN:

1. May not practice or offer to practice as an LPN/VN, RN or APRN in this jurisdiction unless the person is licensed in the state as provided by this article or unless the licensee holds a multistate license under the provisions of the Nurse Licensure Compact.
2. Must wear identification which clearly identifies the licensee as an LPN/VN, RN or APRN when providing direct patient care, unless wearing identification creates a safety or health risk for either the nurse or the patient.
3. May perform other acts that require education and training consistent with professional standards as prescribed by the BON and commensurate with the LPN/VN's, RN's or APRN's education, demonstrated competencies and experience.

Section 1. Licensed Practical/Vocational Nurse (LPN/VN)

- A. Licensed practical/vocational nurse (LPN/VN) is the title given to an individual licensed to practice practical/vocational nursing.
- B. The practice of LPN/VNs shall include the following guided by nursing standards established or recognized by the BON:
 1. Plans for patient care, including:
 - a. Planning nursing care for a patient whose condition is stable or predictable;
 - b. Assisting other authorized healthcare professionals in identification of patient needs and goals; and
 - c. Determining priorities of care together with other authorized healthcare professionals.
 2. Providing patient surveillance and monitoring.
 3. Contributing to the nursing assessments of the health status of patients through dependent collaboration with other healthcare professionals.
 4. Participating with other healthcare providers and contributing to the development, modification and implementation of the patient-centered healthcare plan.
 5. Participating in nursing care, health maintenance, patient teaching, counseling, collaborative planning and rehabilitation.

6. Implementing nursing interventions within a patient-centered healthcare plan.
7. Assisting in the evaluation of responses to interventions.
8. Providing for the maintenance of safe and effective nursing care rendered directly or indirectly.
9. Advocating for the best interest of patients.
10. Communicating and collaborating with patients and members of the healthcare team.
11. Providing healthcare information to patients.
12. Delegating nursing interventions to implement the plan of care while maintaining accountability of the outcome.
13. Assigning nursing interventions to implement the plan of care.
14. Other acts that require education and training consistent with professional standards as prescribed by the BON and commensurate with the LPN/VN's education, demonstrated competencies and experience.

Section 2. Registered Nurse (RN)

- A. Registered nurse (RN) is the title given to an individual licensed to practice registered nursing.
- B. Practices within the legal boundaries of nursing through the scope of practice as provided in this Act and administrative rules governing nursing.
- C. The practice of RNs shall be guided by nursing standards established by the BON and include the following:
 1. Independently conducting nursing assessments of the health status of patients.
 2. Providing patient surveillance and monitoring.
 3. Identifying changes in patient's health status and taking appropriate action.
 4. Documenting nursing care, changes in the patient's condition and all relevant information.
 5. Collaborating with healthcare team to develop and coordinate an integrated patient centered healthcare plan.
 6. Developing the comprehensive patient centered healthcare plan, including:
 - a. Applying knowledge based on the biological, psychological and social aspects of the patient's condition;
 - b. Participating in and establishing patient diagnoses;
 - c. Setting goals to meet identified healthcare needs; and
 - d. Prescribing nursing interventions.

7. Implementing nursing care through the execution of independent nursing strategies, and the provision of regimens requested, ordered or prescribed by authorized healthcare providers.
8. Evaluating responses to interventions and the effectiveness of the plan of care.
9. Providing education by:
 - a. Designing and implementing teaching plans based on patient needs or patient populations;
 - b. Teaching the theory and practice of nursing; and
 - c. Educating others as appropriate.
10. Delegating nursing interventions to implement the plan of care while maintaining accountability of the outcome.
 - a. Delegates to another only those nursing measures for which that delegate has the necessary skills and competence to accomplish safely.
11. Assigning nursing interventions to implement the plan of care.
12. Providing for the maintenance of safe and effective nursing care rendered directly or indirectly.
13. Advocating for the best interest of patients.
14. Communicating, consulting, and collaborating with other healthcare team members and others in the management of healthcare and the implementation of the total healthcare regimen within and across care settings.
15. Managing, supervising and evaluating the practice of nursing.
16. Taking preventative measures to protect patients, others and self.
17. Actively engaging in healthcare policies, procedures and systems.

Section 3. Advanced Practice Registered Nurse (APRN)

- A. Advanced practice registered nurse (APRN) is the title given to an individual licensed to practice advanced practice registered nursing within one of the following roles: certified nurse practitioner (CNP), certified registered nurse anesthetist (CRNA), certified nurse-midwife (CNM) or clinical nurse specialist (CNS).
- B. Population focus shall include nationally recognized foci:
 1. Family/individual across the lifespan;
 2. Adult-gerontology;
 3. Neonatal;
 4. Pediatrics;

5. Women's health/gender-related; and,
 6. Psychiatric/mental health.
- C. In addition to the RN scope of practice stated in Article III Section 2, and within the APRN academic education and national certification, designated role and population focus, APRN practice shall include:
1. Conducting an advanced assessment.
 2. Ordering and interpreting diagnostic procedures.
 3. Establishing a diagnosis.
 4. Prescribing, ordering, administering, furnishing, and dispensing therapeutic measures and pharmacological agents including over the counter, legend and controlled substances.
 5. Delegating and assigning therapeutic measures to assistive personnel.
 6. Consulting with other disciplines and providing referrals to healthcare agencies, healthcare providers and community resources.
- D. The BON shall grant prescribing, ordering, dispensing and furnishing authority through the APRN license. This shall include the authority to:
1. Diagnose, prescribe and institute therapy or referrals of patients to healthcare agencies, healthcare providers and community resources.
 2. Prescribe, procure, administer, dispense and furnish therapeutic measure and pharmacological agents, including over the counter, legend and controlled substances.
 3. Plan and initiate a therapeutic regimen that includes ordering and prescribing nonpharmacological interventions, including but not limited to durable medical equipment, medical devices, nutrition, blood and blood products, and diagnostic and supportive services, including but not limited to home healthcare, hospice and physical and occupational therapy.

Article IV. Board of Nursing (BON)

Section 1. Membership

- A. The BON shall consist of < > members to be appointed by the <applicable authority>.
- B. In order to carry out the provisions of this Act, the membership of the BON shall consist of a majority of LPN/VNs, RNs, and APRNs who are licensed under this Act and have the knowledge and skill necessary for expertly regulating the nursing profession. The membership shall include < > LPN/VNs, < > RNs, < > APRNs and < > public members.
- C. Each LPN/VN member shall be a resident in this jurisdiction, hold an active unencumbered license under the provisions of this chapter, be currently engaged in LPN/VN practice and have no less than five years of experience as an LPN/VN, at least three of which immediately preceded appointment.

- D. Each RN member shall be a resident in this jurisdiction, hold an active unencumbered license under the provisions of this chapter, be currently engaged in RN practice and have no less than five years of experience as an RN, at least three of which immediately preceded appointment.
- E. Each APRN member shall be a resident in this jurisdiction, hold an active unencumbered license under the provisions of this chapter, be currently engaged in APRN practice and have no less than five years of experience as an APRN, at least three of which immediately preceded appointment.
- F. The public member(s) of the BON shall be a resident in this jurisdiction and shall not be, nor shall ever have been, a person who has ever had any material financial interest in the provision of healthcare services or who has engaged in any activity directly related to healthcare services.
- G. Members of the BON shall be appointed for a term of < > years. Terms shall be staggered. Appointment of a person to an unexpired term is not considered a full term for this purpose. Each member may serve until a qualified successor has been appointed. At the expiration of a term, or if a vacancy occurs, the <appointing authority> shall appoint a new member. The appointee's term expires on < > in the < > year of appointment.
- H. No member shall serve more than < > consecutive full terms or < > consecutive years.

Section 2. Officers

- A. The BON shall elect a first and second officer who shall serve a term of < > years, beginning < > and ending < >.
- B. The <first officer> shall preside at BON meetings and shall be responsible for the performance of all duties and functions of the BON required or permitted by this Act. In the absence of the first officer, the <second officer> shall assume these duties. In the absence of both the first and second officer, the chair may appoint another member to act as their designee.
- C. Additional officer positions may be established by the BON at its discretion.

Section 3. Meetings and Attendance

- A. The BON shall meet at least < > times per year for the purpose of transacting business in person or virtually.
- B. A majority of the members of the BON constitutes a quorum; however, if there is a vacancy on the BON, a majority of the members serving constitutes a quorum.
- C. A BON member is required to attend meetings or to provide proper notice and justification of their inability to do so. Unexcused absences from meetings may result in removal from the BON.
- D. Additional meetings may be called by the <first officer> of the BON, or at the request of < > BON members.

- E. The BON may adopt rules with respect to calling, holding, and conducting regular and special meetings and attendance at meetings.
- F. Notice of all BON meetings shall be given in the manner and pursuant to requirements prescribed by the jurisdiction's applicable statutes, rules and regulations.

Section 4. Vacancies and Removal

- A. Any vacancy that occurs in the membership of the BON shall be filled by the <applicable authority> in the manner prescribed in the provisions of this article regarding appointments. A person appointed to fill a vacancy shall serve for the unexpired portion of the term.
- B. The <applicable authority> may remove any member from the BON for neglect of any duty required by law, for incompetence, for unprofessional or dishonorable conduct or any other reason pursuant to jurisdictional law.
- C. A BON member's term ends when any of the following occur:
 - 1. Death;
 - 2. Letter of resignation submitted to the BON or applicable authority; or
 - 3. Failure to attend < > consecutive meetings and/or < > percentage of meetings within a year.

Section 5. Powers and Duties

The BON shall be responsible for the interpretation and enforcement of the provisions of this Act. The BON shall have all of the duties, powers and authority necessary for the enforcement of this Act, or any other applicable law, including:

- 1. Make, adopt, amend, repeal and enforce such administrative rules consistent with the law, as it deems necessary for the administration of this Act and to protect the public health, safety and welfare.
- 2. Develop and enforce standards and processes for nursing education programs.
- 3. Provide consultation, conduct conferences, forums, studies and research on nursing education and practice.
- 4. Provide guidance regarding the interpretation and application of the jurisdiction's nursing law and regulation.
- 5. Participate or hold membership in national organizations that promote the provisions of this article.
- 6. Grant temporary licenses for qualified applicants.
- 7. License qualified applicants for LPN/VN, RN and APRN licensure and regulate their practice.
- 8. Develop standards for maintaining competence of licensees and requirements for returning to practice.

9. Implement the discipline process, in person or virtually, in accordance with jurisdictional law.
10. Develop and enforce standards for nursing practice.
11. Discipline a license or certification issued under the Act for violation of any provision of this Act.
12. Maintain a record of all persons regulated by the BON.
13. Regulate the practice of nursing, which occurs in the jurisdiction where the patient is located at the time.
14. Collect, analyze and share data regarding nursing education, nursing practice and nursing resources. Data may be collected from licensure applications.
15. Appoint and employ an executive officer.
16. Adopt a seal that shall be in the care of the executive officer and shall be affixed only in a manner as prescribed by the BON.
17. Share investigative information with other regulatory bodies and law enforcement entities.
18. Conduct criminal background checks for applicants and licensees regulated under this Act.
19. Order competency to practice nursing evaluations for applicants and licensees as necessary to determine the individual's competence and/or ability to practice safely.
20. In the event of a declared state of emergency in this jurisdiction, for and in the interest of the preservation of the health, safety and welfare of the public, the BON may waive applicable requirements to the extent necessary to safely administer this Act.
21. Any other act that is necessary for the enforcement of this Act or other applicable law as determined by the BON.

Section 6. Financial

- A. The BON is authorized to establish by rule fees for licensure by examination, reexamination, endorsement, reinstatement, reactivation and such other reasonable fees, fines and monetary penalties related to regulating the profession.
- B. All fees, fines and monetary penalties collected by the BON shall be administered according to the established fiscal policies of this jurisdiction to implement the provisions of this Act.
- C. The BON may accept grants, contributions, devices, bequests, and gifts that shall be kept in a separate fund and shall be used by the BON to enhance the practice of nursing.
- D. The BON may receive and expend funds, in addition to appropriations from this jurisdiction, provided such funds are received and expended for the pursuit of the authorized objectives of the BON. Such funds are maintained in a separate account, and periodic reports of the receipt and expenditures of such funds are submitted to the <applicable authority>.

- E. All fees, fines and monetary penalties collected by the BON shall be retained by the BON. The monies retained shall be used for any of the BON's duties, including but not limited to the addition of full-time equivalent positions for program services and investigations. Monies retained by the BON pursuant to this section are not subject to reversion to the general fund of the jurisdiction.

Section 7. Executive Officer

The executive officer shall be responsible for and have the authority to:

1. Perform the operation and administration of the agency and such additional powers and duties delegated by the BON.
2. Employ and supervise personnel needed to carry out the functions of the BON.

Section 8. Immunity

Within the scope of duties, all members of the BON shall have immunity from individual civil liability while acting as BON members or in accordance with jurisdictional law.

Article V. LPN/VN, RN and APRN Licensure Exemptions

Section 1. Titles and abbreviations for Licensed Nurses

- A. Title: "Licensed Practical/Vocational Nurse" and the abbreviation "LPN/VN"
- B. Title: "Registered Nurse" and the abbreviation "RN"
- C. Title: "Advanced Practice Registered Nurse;" the roles of "certified registered nurse anesthetist," "certified nurse-midwife," "clinical nurse specialist," "certified nurse practitioner;" and the abbreviations "APRN," "CRNA," "CNM," "CNS" and "CNP" respectively. The abbreviation for the APRN designation of a certified registered nurse anesthetist, certified nurse-midwife, clinical nurse specialist, and for a certified nurse practitioner will be APRN plus the role title, i.e. CRNA, CNM, CNS and CNP.
- D. It shall be unlawful for any person to use the titles in this section or any other title that would lead a person to believe the individual is a licensee, unless permitted by this Act.

Section 2. LPN/VN and RN Examinations

- A. The BON shall authorize a national examination for applicants for licensure as LPN/VNs or RNs.
- B. The BON may employ, contract, and cooperate with any entity in the preparation of a national examination and process for determining results of a licensure examination. When such an examination is utilized, the BON shall restrict access to questions and answers.
- C. The BON shall authorize applicants for examination for licensure to practice as an LPN/VN or RN. The BON shall adopt rules governing qualification of applicants.

Section 3. Licensure by Examination

The BON may issue licensure by examination to practice as an LPN/VN or RN.

1. An applicant for licensure by examination to practice as an LPN/VN or RN must successfully meet the applicable requirements of this Act and those determined by the BON as set forth in rule including:
 - a. Graduate from a BON approved education program;
 - b. Pass the NCLEX-PN® or NCLEX-RN® examination; and
 - c. Submit fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation (FBI) and the agency responsible for retaining that jurisdiction's criminal records.
2. When the BON determines that an applicant has met those criteria, submitted the required fee and has demonstrated to the BON's satisfaction that they are competent to practice nursing, the BON may issue a license to the applicant.
3. An internationally educated applicant, in addition to satisfying any requirements of this Act and those set forth in rule, shall, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual's native language, successfully pass an English proficiency examination that includes the components of reading, speaking, writing and listening.
4. Graduates from an RN prelicensure program may take the NCLEX-PN® if they have completed the BON approved LPN/VN role delineation course. The BON shall set standards for approval of the role delineation course by rule.

Section 4. LPN/VN and RN Licensure by Endorsement

The BON may issue a license to an applicant without examination if the applicant is duly licensed as an LPN/VN or RN under the laws of another jurisdiction.

1. An applicant for licensure by endorsement to practice as an LPN/VN or RN shall meet the applicable requirements of this Act and those determined by the BON as set forth in rule including:
 - a. Pass the NCLEX-PN® or NCLEX-RN® examination or recognized predecessor;
 - b. Submit fingerprints or other biometric data for the purpose of obtaining criminal history record information from the FBI and the agency responsible for retaining that jurisdiction's criminal records; and
 - c. Demonstrate competency to practice nursing.

Section 5. APRN Licensure

The BON may issue initial licensure by endorsement to practice as an APRN.

1. An applicant for initial licensure to practice as an APRN shall meet the applicable requirements of this Act and those determined by the BON set forth in rules including:
 - a. Hold current licensure as an RN;
 - b. Pass the NCLEX-RN® examination or recognized predecessor;
 - c. Pass a national certification examination that measures APRN, role and population-focused competencies. Certification programs must be accredited by a national accreditation body as determined by the BON;
 - d. Submit fingerprints or other biometric data for the purpose of obtaining criminal history record information from the FBI and the agency responsible for retaining that jurisdiction's criminal records; and
 - e. Demonstrate competency to practice nursing.
2. An applicant for licensure by endorsement as an APRN shall meet the qualifications for licensure in this jurisdiction and meet the requirements of this Act and those determined by the BON set forth in rule including:
 - a. Pass the NCLEX-RN® examination or recognized predecessor;
 - b. Pass a national certification examination that measures APRN, role and population-focused competencies. Certification programs must be accredited by a national accreditation body as determined by the BON;
 - c. Submit fingerprints or other biometric data for the purpose of obtaining criminal history record information from the FBI and the agency responsible for retaining that jurisdiction's criminal records; and
 - d. Demonstrate competency to practice nursing.
3. The BON may issue an initial license by endorsement to an applicant from an international APRN education program. An internationally educated applicant, in addition to satisfying any requirements of this Act and those set forth in rule, shall, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual's native language, successfully pass an English proficiency examination that includes the components of reading, speaking, writing and listening.

Section 6. Temporary Licenses

- A. The BON may issue time-limited authorization to practice nursing through the granting of a temporary license for applicants approved as an applicant for licensure by endorsement.
- B. In the event of a declared state of emergency in this jurisdiction, the BON may issue time-limited authorization to practice nursing through the granting of a temporary license to an applicant who retired from the practice of nursing as defined by this Act with an unencumbered license in this jurisdiction in the last < > years.
- C. In the event of a declared state of emergency in this jurisdiction, the BON may issue time-

limited authorization to practice nursing through the granting of a temporary license to an applicant who voluntarily deactivated their license to practice nursing as defined by this Act with an unencumbered license in this jurisdiction in the last < > years. The applicant must have had an unencumbered license at the time of voluntary deactivation.

- D. An applicant for a temporary license shall meet the applicable requirements of this Act and those determined by the BON set forth in rule including criminal history disclosure.
- E. Temporary licenses for licensure by endorsement are valid for < > days.
- F. Any person who has been granted a temporary license shall have the right to use the applicable titles as outlined in this Act.
- G. The BON may issue an extension for < > days for any person who has been granted a temporary license.

Section 7. Renewal of Licenses

The BON shall provide for renewal of licensure for LPN/VN, RN and APRN licenses:

1. LPN/VN and RN licenses issued under this Act may be renewed every < > years according to a schedule established by the BON.
 - a. An applicant for renewal of license to practice as an LPN/VN or RN shall meet the requirements determined by the BON including demonstrating competency to practice nursing;
 - b. Failure to renew the license shall result in deactivation of the license and forfeiture of the right to practice nursing in this jurisdiction; and
 - c. In the event of a declared state of emergency in this jurisdiction, the BON may delay licensure renewal dates for any licensees under this Act.
2. APRN licenses issued under this Act may be renewed every < > years according to a schedule established by the BON.
 - a. An applicant for APRN licensure renewal shall meet the applicable requirements of this Act and those determined by the BON set forth in rule including:
 - i. Maintain national certification in the appropriate APRN role and at least one population focus authorized by licensure through an ongoing certification maintenance program of a nationally recognized certifying body recognized by the BON.
 - ii. Demonstrate competency to practice nursing.
 - b. If an applicant or licensee is no longer authorized to practice as an APRN, the BON may make a determination on authorization to practice as an RN.
 - c. If an APRN applicant or licensee is no longer authorized to practice as an RN, they shall be unauthorized to practice as an APRN.

- d. If national certification expires, authorization to practice as an APRN in this jurisdiction also expires.
- e. In the event of a declared state of emergency in this jurisdiction, the BON may delay licensure renewal dates for any licensee under this Act.
- f. Failure to renew the license shall result in deactivation of the license and forfeiture of the right to practice advanced practice registered nursing in this jurisdiction.

Section 8. Reactivation of Licensure

- A. The BON may provide for the reactivation of a license for individuals whose licenses have lapsed, expired or been placed on inactive status in the absence of disciplinary action.
- B. Applicants for LPN/VN, RN or APRN licensure reactivation shall meet the requirements of this Act and those determined by the BON set forth in rule for reactivation of licensure as an LPN/VN, RN or APRN, whichever is applicable.

Section 9. Reinstatement of Licensure

- A. The BON may provide for the reinstatement of a license for individuals following disciplinary action.
- B. Applicants for LPN/VN, RN, or APRN licensure reinstatement shall meet the applicable requirements of this Act and those determined by the BON set forth in rule for reinstatement of licensure including competency to practice nursing.

Section 10. Duty to Report

A licensee shall report to the BON within < > days any criminal charges, arrests, conviction or finding of guilt, or entering into an agreed disposition of a criminal offense, under applicable state or federal criminal law.

Section 11. Criminal Background Checks

- A. The BON shall require applicants to submit fingerprints to the <state criminal background check entity> for the purpose of conducting a state and federal fingerprint-based criminal history background check.
- B. The BON may require that such fingerprint submissions be made as part of an application seeking <license, permit, certificate, or registration of authority> for <categories/type of license, permit, certificate, registration of authority>, as defined in <applicable statute(s)>.
- C. The fingerprints and any required fees shall be sent to the <state criminal background check entity> central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the FBI for a federal criminal records search under section <>. The <state criminal background check entity> shall notify the BON of any criminal history record information or lack of criminal history record information discovered on

the individual. Notwithstanding <prohibiting provisions> to the contrary, all records related to any criminal history information discovered shall be accessible and available to the BON.

D. <Definitions of categories, if not clearly defined in other areas of statute.>

Section 12. Criminal History

The BON is authorized to consider the criminal history of an applicant, licensee or others authorized to practice under this Act.

1. Except as provided in paragraph (3), an applicant's criminal history may be reviewed by the BON on a case-by-case basis to determine eligibility for licensure, authorization to practice and competency to practice.
2. If an applicant's criminal history reveals a conviction, the BON may consider any of the following factors regarding the criminal history:
 - a. Level of seriousness of the conduct;
 - b. Date of the conduct;
 - c. Age of the applicant at the time of the conduct;
 - d. Circumstances surrounding the commission of the conduct, if known;
 - e. A nexus between the criminal conduct of the applicant and competence to practice nursing;
 - f. Evidence of rehabilitation; and
 - g. Evidence of repeated similar conduct.
3. All individuals convicted of a sexual offense involving a minor or performing a sexual act against the will of another person, or of a person who is legally incapacitated and incapable of giving consent, shall be subject to a BON order for evaluation by a qualified expert approved by the BON. If the evaluation identifies sexual behaviors of a predatory nature, the BON shall deny licensure.

Section 13. Competence to Practice Evaluation

- A. The BON shall determine whether an applicant, licensee or individual with authorization to practice is competent to practice nursing with reasonable skill and safety.
- B. The BON may require an applicant or licensee to submit to a:
 1. Mental health evaluation by a licensed mental health professional designated by the BON; and
 2. Physical evaluation by a licensed healthcare professional designated by the BON.
- C. The BON may order an applicant or licensee to be evaluated before or after charges are presented against the applicant or licensee.

- D. The results of the evaluation shall be reported directly to the BON and shall be admissible into evidence in a hearing before the BON.

Section 14. Exemptions

No provisions of this Act shall be construed to prohibit the following Acts as established by this Act and those determined by the BON set forth in rule:

1. The practice of nursing by students as part of a curriculum in a BON approved nursing education program leading to initial licensure.
2. The provision of gratuitous nursing services to family members or in emergency situations.
3. The engagement by an individual in the practice of nursing by discharging official duties while employed by or under contract with the U.S. government or any agency thereof.
4. The temporary activities of an individual with an active or unencumbered license in another jurisdiction, such as travel with a patient to and within the jurisdiction, teaching activities, activities involving program accreditation, consultation with healthcare providers located within the jurisdiction, gratuitous volunteer nursing services and other activities determined by the BON.
5. The practice of an individual in the jurisdiction pursuant to any provision of this section is authorized to practice for a time not exceeding < >.

Section 15. Audit

The BON may conduct a random audit of licensees and upon request of the BON, licensees shall submit documentation of compliance with this Act and rules.

Article VI. Prelicensure Nursing Education

Section 1. Prelicensure Nursing Education Standards

All nursing education programs shall meet these standards:

1. Administrative Requirements:
 - a. The program shall have criteria for admission, progression and student performance;
 - b. Written policies shall be vetted by faculty and students and be readily accessible;
 - c. The program shall hold students responsible for professional behavior, including honesty and integrity, while in their program of study; and
 - d. The program shall hold students responsible for meeting health standards and criminal background check requirements.
2. Program Administrator:
 - a. Shall hold a current, active RN license or privilege to practice that is unencumbered and meets requirements in the jurisdiction where the program is approved;

- b. Of an LPN/VN program shall have a minimum of a graduate degree in nursing, or a bachelor's degree in nursing with a graduate degree;
- c. Of an RN program shall be doctorally prepared and have a degree in nursing, or a graduate degree in nursing and a doctoral degree;
- d. Shall have institutional authority and administrative responsibility over the program; and
- e. Shall be responsible for completing regulatory reports, including the nursing education annual report.

3. Nursing Faculty:

- a. At a minimum, 35% of nursing faculty shall be full time;
- b. In LPN/VN programs, faculty shall:
 - i. Hold a current, active RN license or privilege to practice that is unencumbered and meets requirements in the jurisdiction where the program is approved; and
 - ii. Hold a BSN degree.
- c. In RN programs, faculty shall:
 - i. Hold a current active RN license or privilege to practice that is unencumbered and meets requirements in the jurisdiction where the program is approved; and
 - ii. Hold a graduate degree.
- d. Shall demonstrate that they have been educated in basic instruction of teaching and adult learning principles and curriculum development.
- e. Nursing education programs shall provide opportunities for nursing faculty professional development.
- f. Formal orientation and mentoring of new full-time and part-time nursing faculty shall be implemented.
- g. Clinical faculty have supervisory and direct patient care experience within the past five years.
- h. Simulation nursing faculty are certified or have developed a plan to be certified within the next five years of being hired.

4. Student Support and Resources:

- a. Assistance shall be provided for non-native English speakers;
- b. Assistance shall be available for students with disabilities;
- c. Program shall provide strategies to help students obtain books and resources for students in need;

- d. Remediation strategies shall be in place at the beginning of each course and students shall be aware of how to seek help. This shall include processes to remediate errors and near misses in the clinical setting;
 - e. Simulation lab shall be accredited or endorsed by an agency acceptable to the BON; and
 - f. The fiscal, human, physical, library, clinical and technical learning resources shall be adequate to support program processes, security and outcomes.
5. Curriculum and Clinical Experiences
- a. There is a sound foundation in biological, physical, social and behavioral sciences.
 - b. A systematic evaluation of the program shall be utilized for continuous quality improvement.
 - c. Didactic and clinical content shall include prevention of illness and the promotion, restoration and maintenance of health in patients, communities and populations, in a variety of clinical settings, across the lifespan and from diverse social, cultural, ethnic and economic backgrounds.
 - d. Didactic courses and clinical experiences shall include content in the areas of medical/surgical, obstetric, pediatric, psychiatric/mental health and community health nursing.
 - e. Quality and safety shall be integrated into the curriculum, including clinical reasoning and judgment, clinical supervision, delegating effectively, emergency preparedness, interprofessional communication, time management and understanding of healthcare systems.
 - f. Legal and ethical issues and professional responsibilities shall be integrated into didactic and clinical experiences.
 - g. Didactic and clinical experiences shall be equivalent regardless of modality of delivery, including distance education.

Section 2. Determination of Compliance with Standards

- A. The parent institution offering nursing education programs shall have institutional accreditation, as determined by the BON.
- B. Accreditation by a national nursing accrediting body, set forth by the U.S. Department of Education (USDE), shall be required, and evidence of compliance with the accreditation standards may be used for evaluating continuing approval.
 - 1. Nursing programs shall submit to the BON copies of accreditation related correspondence with the national nursing accrediting agency within 30 days of receipt.
 - 2. The BON shall identify the required correspondence that the programs must submit.

Section 3. Purposes of Prelicensure Nursing Education Program Approval

- A. To promote the safe practice of nursing by implementing standards for individuals seeking licensure as LPN/VNs and RNs.
- B. To grant legal recognition to nursing education programs that have met the standards.
- C. To ensure graduates meet the educational and legal requirements for the level of licensure for which they are preparing and to facilitate their endorsement to other jurisdictions.
- D. To provide the public and prospective students with a published list of in-state nursing programs that meet the standards established by the BON.

Section 4. Establishment of Prelicensure Nursing Education Programs

- A. Phase I: Application to BON providing evidence of regulatory compliance.
- B. Phase II: Initial approval for admission of students. The proposed program shall provide the BON with verification of a curriculum and nurse administrator as determined by the BON set forth in rule.
- C. Phase III: Full approval of program. The BON shall grant full approval when the program demonstrates regulatory compliance.

Section 5. Continuing Approval of Prelicensure Nursing Education Programs

- A. Every < > years previously approved nursing education programs with full program approval status shall be evaluated for continuing approval by the BON.
- B. Focused site visits may be required, as determined by the BON.
- C. The BON shall review and analyze various sources of information regarding program performance.
- D. Continuing approval shall be granted upon the BON's verification that the program is in compliance with the BON's nursing education administrative rules.

Section 6. Conditional/Probationary Approval of Prelicensure Nursing Education Programs

- A. The BON may grant conditional/probationary approval when it determines that a program does not fully meet approval standards.
- B. The nursing program shall submit an action plan and correct the identified program deficiencies within the timeframe determined by the BON.

Section 7. Withdrawal of Approval

The BON shall withdraw approval if, after proper notice and opportunity, it determines that:

1. A nursing education program fails to correct the identified deficiencies within the time specified; and
2. A nursing education program fails to meet the standards.

Section 8. Appeal

A program denied approval or given less than full approval may appeal that decision. All such actions shall be in accordance with due process.

Section 9. Reinstatement of Approval

The BON may reinstate full approval if the program submits evidence of compliance with nursing education standards within the specified timeframe.

Section 10. Closure of Prelicensure Nursing Education Programs and Storage of Records

- A. A nursing education program may be closed due to withdrawal of BON approval or may close voluntarily.
- B. If the closure is voluntary, the reason for the closure and the intended date of the closure shall be submitted to the BON.
- C. Provisions shall be made for maintenance of the standards for nursing education during the transition to closure.
- D. Arrangements shall be made for the secure storage and access to academic records and transcripts, in a timeframe determined by the BON.
- E. An acceptable plan shall be developed for students to complete a BON approved program.
- F. Confirmation shall be provided to the BON, in writing, that the plan has been fully implemented.

Section 11. Innovative Approaches in Prelicensure Nursing Education Programs

A program may use innovative approaches when approved by the BON to address the changing needs in healthcare while assuring they are conducted in a manner consistent with the BON's role of public protection.

Section 12. Emerging Nursing Education Technologies

- A. Using professional simulation guidelines, a program may use simulation as determined by the BON set forth in rules, as a substitute for direct care clinical experiences not to exceed 50% of its clinical hours per course.

- B. A program may use artificial intelligence (AI), as determined by the BON set forth in rules, to supplement teaching and evaluation methods.

Section 13. State of Emergency

During a declared state of emergency, the BON may authorize approved nursing education programs to implement mitigation efforts to address, including but not limited to, the availability of clinical placement sites, transition to virtual learning from in-person platforms and changes in use of simulation. The program shall keep records of any mitigation policies or strategies used and shall include the information in the annual report submitted to the BON.

Article VII. BON Action and Proceedings

Section 1. BON Action

The BON retains jurisdiction over all licensees regardless of status and may take action if the act occurred while licensed. The BON may take action on an application for licensure, a license, a privilege to practice or prescriptive authority for any of the following:

1. Convicted or found guilty, or has entered into an agreed disposition, of:
 - a. A felony offense under applicable state or federal criminal law; or
 - b. A misdemeanor offense related to the practice of nursing under applicable state or federal criminal law.
2. Confidentiality, patient privacy, consent or disclosure violations.
3. Patient Abuse.
4. Fraud, deception or misrepresentation.
5. Unsafe practice or substandard care.
6. Unprofessional conduct.
7. Drug or alcohol related offenses.
8. Revocation, suspension or denial of, or any other action relating to, the person's license or privilege to practice nursing in another jurisdiction or under federal law.
9. Other violations of the Act or administrative rules adopted under this Act, BON orders issued under this Act and any applicable state or federal law.

Section 2. Authority

- A. For any one or combination of the grounds set forth in Section 1 above, the BON is authorized to take any of the following actions on a license:
1. Deny;
 2. Revoke;

3. Suspend;
 4. Place on probation;
 5. Issue an emergency limitation or suspension thereof;
 6. Reprimand or censure;
 7. Order restitution;
 8. Impose fine forfeiture or monetary penalty;
 9. Require an applicant or licensee to submit to an evaluation at their expense to determine their ability to practice safe nursing;
 10. Impose monitoring requirements;
 11. Require additional education;
 12. Accept voluntary surrenders or limitations;
 13. Issue notice of cease and desist;
 14. Issue letter of concern; and
 15. Plan any other limitations or restrictions as necessary, or any other action as warranted by the facts of the case in accordance with the state Administrative Procedure Act.
- B. The BON is authorized to recover the costs of the proceedings for actions resulting in discipline against a nursing license which may include but are not limited to:
1. Costs paid by the BON to the Office of Administrative Hearings and the Office of the Attorney General or other BON counsel for legal and investigative services;
 2. Costs of a court reporter, witness reimbursements, expert witnesses, security services and peer review services;
 3. Costs for reproduction of records;
 4. BON staff time, travel and expenses; and
 5. BON members' per diem reimbursements, travel costs and expenses.

Section 3. Reporting

- A. Licensees shall report, within <> days of the event, the following: change of physical, mailing, and/or email address(es), arrests, charges, criminal convictions, malpractice claims and disposition, discipline or complaints pending, enrollment in a BON recognized alternative to discipline program, actions issued in another jurisdiction or by another professional licensing board.
- B. A licensed nurse, or any individual, shall report a nurse to the BON if the nurse or individual has reasonable cause to suspect that a nurse or an applicant engaged in conduct that may

constitute a violation under this Act.

- C. Persons required to report under this section include but are not limited to: employees of LPN/VNs, RNs, or APRNs; jurisdictional agencies required to license, register or survey a facility or agency employing a licensee under this Act; an insurer providing professional liability insurance pertaining to the practice of a licensee under this Act.
- D. Alternative to discipline programs have a duty to report to the BON any nurse's failure to comply with the program requirements or termination from the program.
- E. A licensed health care professional shall not be required to report a nurse to the BON under this code section as a result of professional knowledge obtained in the course of the healthcare professional-patient relationship when the nurse is the patient.

Section 4. Immunity and Protection from Retaliation

- A. Any person, including BON staff, BON members or an organization reporting in good faith information to the BON under this article shall be immune from civil action.
- B. Any licensed healthcare professional who examines an applicant or licensee under this Act at the request of the BON shall be immune from suit for damages by the individual examined if the examining healthcare professional conducted the examination and made findings or diagnoses in good faith. The immunity does not extend to willful or wanton behavior by the licensed health care professional.
- C. A person shall not suspend, terminate, or otherwise discipline, discriminate against or retaliate against anyone who reports, or advises on reporting, in good faith under this section.

Section 5. Emergency Action

- A. Summary suspension
 - 1. The BON is authorized to summarily suspend the license of a nurse without a hearing if:
 - a. The BON finds that there is probable cause to believe that the nurse has violated a statute or rule that the BON is empowered to enforce and continued practice by the nurse would create imminent and serious risk of harm to others; or
 - b. The nurse fails to obtain a BON ordered evaluation.
 - 2. The suspension shall remain in effect until the BON issues a stay of suspension or a final order in the matter after a hearing or upon agreement between the BON and licensee.
 - 3. The BON shall schedule a disciplinary hearing to be held under the Administrative Procedures Act.
- B. Injunctive relief

1. The BON or any prosecuting officer, upon a proper showing of the facts, is authorized to petition a court of competent jurisdiction or an order to enjoin any person:
 - a. Who is practicing nursing within the meaning of this Act from practicing without a valid license, unless exempted under this Act;
 - b. Employing, with or without compensation, any person who is not licensed to practice nursing under this Act or exempted under this Act;
 - c. Firm, corporation, institution or association from operating a school of nursing without approval;
 - d. Whose license has been suspended or revoked from practicing as an LPN/VN, RN or APRN; or
 - e. From using the title “nurse,” “licensed practical/vocational nurse,” “registered nurse,” “advanced practice registered nurse” or their authorized abbreviations unless licensed or privileged to practice nursing in this jurisdiction.
 2. The court may, without notice or bond, enjoin such acts and practice. A copy of the complaint shall be served on the defendant and the proceedings thereafter shall be conducted as in other civil cases.
- C. The emergency proceedings herein described shall be in addition to, not in lieu of, all penalties and other remedies provided by law.

Article VIII. Violations and Penalties

Section 1. Violations.

No person shall:

1. Use the title “nurse,” “licensed practical/vocational nurse,” “registered nurse,” “advanced practice registered nurse,” their authorized abbreviations or any other words, abbreviations, figures, letters, title, sign, card or device that would lead a person to believe the individual is a licensed nurse unless permitted by this Act.
2. Employ or contract, with or without compensation, a person who does not have the authority to practice nursing as defined in this Act in this jurisdiction.
3. Engage in the practice of nursing as defined in this Act without a valid, current license or privilege to practice, except as otherwise permitted in this Act.
4. Fraudulently obtain or furnish a license.
5. Conduct a program for the preparation for licensure under this chapter, unless the BON has approved the program.
6. Engage in inappropriate behavior in connection with the licensure or certification examination, including but not limited to the giving or receiving of aid in the examination or the unauthorized possession, reproduction or disclosure of examination questions or answers.

7. Otherwise violate, or aid or abet another person to violate, any provision of this Act.

Section 2. Penalties

- A. Violation of any provision of this article shall also constitute a <class> misdemeanor/crime.
- B. The BON may impose on any person violating a provision of this Act a civil penalty not to exceed <\$> for each count or separate offense.

Section 3. Criminal Prosecution.

Nothing in this Act shall bar criminal prosecution for violation of the provisions of this Act.

Article IX. Severability

The provisions of this Act are severable. If any provision of this Act is declared unconstitutional, illegal or invalid, the constitutionality, legality and validity of the remaining portions of this Act shall be unaffected and shall remain in full force and effect.

Article X. Emerging Technologies

The licensee is responsible for obtaining the requisite competence prior to implementing emerging technology and ensuring appropriate use. Nurses are accountable for their practice and the responsibility to provide competent care remains even in instances of technological failure.

Article XI. Nurse Licensure Compact

Article XII. APRN Compact

