



SPONSOR: Sen. Walsh & Sen. Henry & Rep. Bolden  
Sen. Ennis; Reps. Baumbach, Briggs King, Heffernan,  
Mitchell, Mulrooney

DELAWARE STATE SENATE  
149th GENERAL ASSEMBLY

SENATE BILL NO. 63

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF NURSING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 1902, Title 24 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 1902. Definitions.

4 (a) "Administration of medications" means a process whereby a single dose of a prescribed drug or biological is  
5 given to a patient by an authorized licensed person by 1 of several routes, oral, inhalation, topical, or parenteral. The person  
6 verifies the properly prescribed drug order, removes the individual dose from a previously dispensed, properly labeled  
7 container (including a unit dose container), assesses the patient's status to assure that the drug is given as prescribed to the  
8 patient for whom it is prescribed and that there are no known contraindications to the use of the drug or the dosage that has  
9 been prescribed, gives the individual dose to the proper patient, records the time and dose ~~given~~ given, and assesses the  
10 patient following the administration of medication for possible untoward side effects.

11 (b) ~~"Advanced practice nurse" means an individual whose education and certification meet criteria established by~~  
12 ~~the Board of Nursing who is currently licensed as a registered nurse and has a master's degree or a postbasic program~~  
13 ~~certificate in a clinical nursing specialty with national certification. When no national certification at the advanced level~~  
14 ~~exists, a master's degree in a clinical nursing specialty will qualify an individual for advanced practice nurse licensure.~~  
15 "Advanced practice nurse" shall include nurse practitioners, certified registered nurse anesthetists, certified nurse midwives  
16 or clinical nurse specialists. Advanced practice nursing means "the practice of professional nursing", as defined in this  
17 section. [Repealed.]

18 (c)(1) "Advanced practice registered nurse" ("APRN") means an individual with knowledge and skills acquired in  
19 basic nursing education; licensure as ~~an RN~~ a registered nurse ("RN"); and graduation from or completion of a graduate  
20 level APRN program accredited by a national accrediting body and current certification by a national certifying body in the  
21 appropriate APRN role and at least 1 population focus. "Advanced practice registered nurse" ~~shall include~~ includes certified  
22 nurse practitioners, certified registered nurse anesthetists, certified nurse ~~midwives~~ midwives, or clinical nurse specialists.

23 Advanced practice nursing means an expanded scope of nursing in a role and population focus approved by the Board of  
24 Nursing, with or without compensation or personal profit, and includes the RN scope of practice. The scope of an APRN  
25 includes, ~~but is not limited to,~~ performing acts of advanced assessment, diagnosing, ~~prescribing~~ prescribing, and ordering.  
26 Advanced practice nursing is the application of nursing principles, including those described in ~~subsection (x)~~ subsection  
27 (y) of this section, at an advanced level and includes:

28 a. For those advanced practice registered nurses who do not perform independent acts of diagnosis or  
29 prescription, the authority as granted within the scope of practice rules and regulations promulgated by the Board  
30 of Nursing; and

31 b. For those advanced practice registered nurses performing independent acts of diagnosis ~~and/or~~ or  
32 prescription with the collaboration of a licensed physician, ~~dentist, podiatrist~~ podiatrist, or licensed Delaware  
33 health-care delivery system without written guidelines or protocols and within the scope of practice as defined in  
34 the rules and regulations promulgated by the ~~Joint Practice Committee and approved by the Board of Medical~~  
35 ~~Licensure and Discipline~~ Board of Nursing.

36 Nothing in this ~~aet chapter~~ is to be construed to limit the practice of nursing by advanced practice registered  
37 nurses as is currently being done or allowed including nursing diagnosis ~~as pursuant to under paragraph (u)(2)~~  
38 paragraph (y)(2) of this section.

39 ~~Advanced practice nurses~~ All new APRN graduates and APRNs seeking to obtain independent practice shall  
40 operate in collaboration with a licensed physician, ~~dentist,~~ podiatrist, or licensed Delaware health-care delivery system  
41 to cooperate, coordinate, and consult with each other as appropriate pursuant to a collaborative agreement defined in  
42 the rules and regulations promulgated by the Board of Nursing, in the provision of health care to their patients.  
43 Advanced practice registered nurses desiring to practice independently or to prescribe independently must do so  
44 ~~pursuant to § 1906(a)(20) of Title 24~~ under § 1906(a)(20) of this title.

45 (2) Those individuals who wish to engage in independent practice without written guidelines or protocols  
46 ~~and/or~~ or wish to have independent prescriptive authority ~~shall~~ must apply to the Advanced Practice Registered Nurse  
47 Committee for such privilege ~~or privileges to the Joint Practice Committee~~ and do so only in collaboration with a  
48 licensed physician, ~~dentist, podiatrist~~ podiatrist, or licensed Delaware health-care delivery system. This does not  
49 include those individuals who have protocols ~~and/or~~ or waivers approved by the Board of Medical Licensure and  
50 Discipline.

51 (d) "Collaborative agreement" means a written document expressing an arrangement between a licensed physician,  
52 podiatrist, or licensed Delaware health-care delivery system and an advanced practice registered nurse.

53 (e) The "Compact Administrator" ~~shall be~~ means the Executive Director of the Delaware Board of Nursing who  
54 ~~shall be~~ is designated as the Compact Administrator under Chapter 19A of this title by the President of the Board.

55 (f) "Consultation" means the communication and decision-making process among health-care professionals related  
56 to the treatment and care of a patient, including the exchange of clinical observations and assessments; accessing and  
57 assessment of appropriate additional resources or expertise; arrangement of appropriate referrals, testing, or studies; and  
58 development of an appropriate plan of care that includes decisions regarding the health care provided.

59 (g) "Dispensing" means providing medication according to an order of a practitioner duly licensed to prescribe  
60 medication. The term ~~shall include~~ includes both the repackaging and labeling of medications from bulk to individual  
61 dosages.

62 (h) "Distant site" means a site at which a health-care provider legally allowed to practice in the State is located  
63 while providing health-care services by means of telemedicine or telehealth.

64 (i) "Full-practice authority," as granted to an advanced practice registered nurse, means all of the following:

65 (1) Practicing within standards established or recognized by the Board of Nursing.

66 (2) Being accountable to patients, the nursing profession, and the Board of Nursing for complying with the  
67 requirements of this chapter and the quality of advanced nursing care rendered.

68 (3) Recognizing limits of knowledge and experience.

69 (4) Planning for the management of situations beyond the APRN's expertise.

70 (5) Consultation with or referring patients to other health-care providers as appropriate.

71 (j) "Head of the Nursing Licensing Board" means the President of the Delaware Board of Nursing.

72 (k) "Independent practice" means practice and prescribing by an advanced practice registered nurse who is not  
73 subject to a collaborative agreement and works outside the employment of an established health-care organization, health-  
74 care delivery system, physician, podiatrist, or practice group owned by a physician or podiatrist. Independent practice ~~shall~~  
75 be in an area substantially related to the population ~~and~~ focus of the APRN's ~~education~~, education and certification.

76 (l) "Licensure" means the authorization to practice nursing within this State granted by the Delaware Board of  
77 Nursing and includes the authorization to practice in Delaware under the Interstate Nurse Licensure Compact [Chapter 19A  
78 of this title].

79 (m) "Limited lay administration of medications (LLAM)" means a process by which LLAM trained unlicensed  
80 assistive personnel, functioning in a setting authorized by § 1932 of this title, ~~gives~~ give a prescribed medication to  
81 ~~clients/patients/residents/students~~ clients, patients, residents, or students as ordered by a licensed practitioner authorized to  
82 prescribe medications or gives a nonprescription medication pursuant to the Delacare regulations.

83 (n) "LLAM trained unlicensed assistive personnel (UAP)" means an individual who has successfully completed  
84 the Board of Nursing approved LLAM course, including the core course and any program specific specialized training  
85 modules required.

86 (o) "Nurse educator" ~~is~~ means a registered nurse who is a faculty member or director of a Delaware board-  
87 approved nursing education program preparing individuals at the registered nurse entry level.

88 (p) "Nursing diagnosis" means the description of the individual's actual or potential health needs which are  
89 identified through a nursing assessment and are amenable to nursing intervention. The focus of the nursing diagnosis is on  
90 the individual's response to illness or other factors that may adversely affect the ~~attainment~~/attainment or maintenance of  
91 wellness. These diagnostic acts are distinct from medical, ~~osteopathic~~ osteopathic, and dental diagnosis.

92 (q) "Nursing education program" means a course of instruction offered and conducted to prepare persons for  
93 licensure as a registered or licensed practical nurse, ~~and/or~~ or a course of instruction offered and conducted to increase the  
94 knowledge and skills of the nurse and leads to an academic degree in nursing, ~~and/or~~ or refresher courses in nursing.

95 (r) "Originating site" means a site in Delaware at which a patient is located at the time health-care services are  
96 provided to ~~him or her~~ the patient by means of telemedicine or telehealth, unless the term is otherwise defined with respect  
97 to the provision in which it is used; provided, however, notwithstanding any other provision of law, insurers and providers  
98 may agree to alternative siting arrangements deemed appropriate by the parties.

99 (s) "Standards of nursing practice" means those standards of practice adopted by the Board that interpret the legal  
100 definitions of nursing, as well as provide criteria against which violations of the law can be determined. Such standards of  
101 nursing practice ~~shall~~ may not be used to directly or indirectly affect the employment practices and deployment of  
102 personnel by duly licensed or accredited hospitals and other duly licensed or accredited health-care facilities and  
103 organizations. In addition, such standards ~~shall~~ may not be assumed the only evidence in civil malpractice litigation, nor  
104 ~~shall~~ may they be given a different weight than any other evidence.

105 (t) "Store and forward transfer" means the transmission of a patient's medical information either to or from an  
106 originating site or to or from the provider at the distant site, but does not require the patient being present nor must it be in  
107 real time.

108 (u) "Substantially related" means the nature of the criminal conduct, for which the person was convicted, has a  
109 direct bearing on the fitness or ability to perform 1 or more of the duties or responsibilities necessarily related to the  
110 practice of nursing.

111 (v) "Telehealth" means the use of information and communications technologies consisting of telephones, remote  
112 patient monitoring ~~devices~~ devices, or other electronic means which support clinical health care, provider consultation,

113 patient and professional health-related education, public health, health administration, and other services as described in  
114 regulation.

115 (w) "Telemedicine" means the delivery of clinical health-care services by means of real time 2-way audio, visual,  
116 or other telecommunications or electronic communications, including the application of secure video conferencing or store  
117 and forward transfer technology to provide or support health-care delivery, which facilitate the assessment, diagnosis,  
118 consultation, treatment, education, care ~~management~~ management, and self-management of a patient's health care by a  
119 licensee practicing within his or her scope of practice as would be practiced in-person with a patient and with other  
120 restrictions as defined in regulation.

121 (x) "The practice of practical nursing" as a licensed practical nurse means the performance for compensation of  
122 nursing services by a person who holds a valid license pursuant to the terms of this chapter and who bears accountability  
123 for nursing practices which require basic knowledge of physical, ~~social~~ social, and nursing sciences. These services, at the  
124 direction of a registered nurse or a person licensed to practice medicine, ~~surgery~~ surgery, or dentistry, include:

- 125 (1) Observation;
- 126 (2) Assessment;
- 127 (3) Planning and giving of nursing care to the ill, injured and infirm;
- 128 (4) The maintenance of health and well being;
- 129 (5) The administration of medications and treatments prescribed by a licensed physician, dentist, ~~podiatrist~~  
130 podiatrist, or advanced practice registered nurse; and
- 131 (6) Additional nursing services and supervision commensurate with the licensed practical nurse's continuing  
132 education and demonstrated competencies;
- 133 (7) Dispensing activities only as permitted in the Board's Rules and Regulations. Nothing contained in this  
134 chapter shall be deemed to permit acts of surgery or medical diagnosis; nor shall it be deemed to permit dispensing of  
135 drugs, ~~medications~~ medications, or therapeutics independent of the supervision of a physician who is licensed to  
136 practice medicine and surgery, or those licensed to practice dentistry or podiatry; and
- 137 (8) The use of telemedicine, as defined in this chapter, and practice of and participation in telehealth as further  
138 defined in regulation.

139 (y) "The practice of professional nursing" as a registered nurse means the performance of professional nursing  
140 services by a person who holds a valid license pursuant to the terms of this chapter, and who bears primary responsibility  
141 and accountability for nursing practices based on specialized knowledge, ~~judgment~~ judgment, and skill derived from the

142 principles of biological, ~~physical~~ physical, and behavioral sciences. The registered nurse practices in the profession of  
143 nursing by the performance of activities, among which are:

- 144 (1) Assessing human responses to actual or potential health conditions;
- 145 (2) Identifying the needs of the individual ~~and/or~~ or family by developing a nursing diagnosis;
- 146 (3) Implementing nursing interventions based on the nursing diagnosis;
- 147 (4) Teaching health-care practices. Nothing contained ~~herein shall limit~~ in this subsection limits other  
148 qualified persons or agencies from teaching health-care practices without being licensed under this chapter;
- 149 (5) Advocating the provision of health care-services through collaboration with other health service personnel;
- 150 (6) Executing regimens, as prescribed by a licensed physician, dentist, ~~podiatrist~~ podiatrist, or advanced  
151 practice registered nurse, including the dispensing ~~and/or~~ or administration of medications and treatments;
- 152 (7) Administering, supervising, ~~delegating~~ delegating, and evaluating nursing activities;
- 153 (8) The use of telemedicine, as defined in this chapter, and participation in telehealth, as further defined in  
154 regulation.
- 155 (9) Nothing contained in this chapter shall be deemed to permit acts of surgery or medical diagnosis; nor shall  
156 it be deemed to permit dispensing of drugs, ~~medications~~ medications, or therapeutics independent of the supervision of  
157 a physician who is licensed to practice medicine and surgery, or those licensed to practice dentistry or podiatry.

158 A registered nurse shall have the authority, as part of the practice of professional nursing, to make a  
159 pronouncement of death; provided, however, that this provision shall only apply to attending nurses caring for terminally ill  
160 patients or patients who have "do not resuscitate" orders in the home or place of residence of the deceased as a part of a  
161 hospice program or a certified home health-care agency program; in a skilled nursing facility; in a residential community  
162 associated with a skilled nursing facility; any licensed assisted living community; in an extended care facility; or in a  
163 hospice; and provided that the attending physician of record has agreed in writing to permit the attending registered nurse to  
164 make a pronouncement of death in that case.

165 (z) "The profession of nursing" is an art and process based on a scientific body of knowledge. The practitioner of  
166 nursing assists patients in the maintenance of ~~health~~, health; the management of illness, ~~injury~~ injury, or ~~infirmity~~ infirmity;  
167 or ~~in the achieving~~ the achievement of a dignified death.

168 Section 2. Amend § 1903, Title 24 of the Delaware Code by making deletions as shown by strike through and  
169 insertions as shown by underline as follows:

170 § 1903. Delaware Board of Nursing — Appointments; qualifications; terms of office; vacancies; suspension or  
171 removal.

172 (a) The Delaware Board of Nursing (hereafter referred to as the Board) shall consist of 15 members. The term of  
173 office of every member appointed to the Board, except those appointed to fill vacancies occurring during any term of office,  
174 is 3 years. The Board shall be composed of 5 registered nurses, 1 licensed practical nurse, 1 nurse at-large which shall be  
175 either a registered nurse or licensed practical nurse, 2 advanced practice registered nurses representing different practice  
176 roles, 1 registered nurse educator, and 5 public members.

177 Section 3. Amend § 1910, Title 24 of the Delaware Code by making deletions as shown by strike through and  
178 insertions as shown by underline as follows:

179 § 1910. Qualifications for registered nurse.

180 An applicant for a license to practice as a registered nurse shall submit to the Board written evidence, verified by  
181 oath, that the applicant:

182 (1) Is a graduate of and holds a certificate from a State Board of Nursing approved nursing education program  
183 that is authorized to prepare persons for licensure as a registered nurse;

184 (2) Demonstrates competence in English related to nursing;

185 (3) ~~Must show evidence of an earned~~ Has earned a high school diploma or its equivalent;

186 (4) Is of such satisfactory physical and mental health as is consistent with the Americans with Disabilities Act  
187 [42 U.S.C. § 12101 et. seq.];

188 (5) Has committed no acts which are grounds for disciplinary action as set forth in § 1922(a) of this title;  
189 however, after a hearing or review of documentation demonstrating that the applicant meets the specified criteria for a  
190 waiver, the Board, by an affirmative vote of a majority of the quorum may waive § 1922(a)(2) of this title, ~~herein~~, if it  
191 finds all of the following:

192 a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At  
193 the time of the application the applicant may not be incarcerated, on work release, on probation, on ~~parole~~ parole,  
194 or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining  
195 to fines, ~~restitution~~ restitution, and community service.

196 b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may  
197 not be incarcerated, on work release, on probation, on ~~parole~~ parole, or serving any part of a suspended sentence  
198 and must be in substantial compliance with all court orders pertaining to fines, ~~restitution~~ restitution, and  
199 community service.

200 c. The applicant is capable of practicing nursing in a competent and professional manner.

201 d. The granting of a waiver will not endanger the public health, ~~safety~~ safety, or welfare.

202 e. The applicant has not been convicted of a felony sexual ~~offense; and offense;~~

203 (6) If seeking licensure by endorsement, demonstrates active employment in professional nursing in the past 5  
204 years, or satisfactory completion of a professional nursing refresher program with an approved agency within 2 years  
205 prior to filing an application. In the event no refresher course is available the Board may consider alternate methods of  
206 evaluating current knowledge in professional ~~nursing; nursing; and~~

207 (7) Has passed the standard national examination for registered nursing. The National Council of State Boards  
208 of Nursing shall establish the passing score.

209 Section 4. Amend § 1911, Title 24 of the Delaware Code by making deletions as shown by strike through and  
210 insertions as shown by underline as follows:

211 § 1911. ~~Licensure by examination for registered nurse.~~

212 ~~The applicant shall be required to pass the standard national examination for professional nursing. The passing~~  
213 ~~score shall be as recommended by the National Council of State Boards of Nursing. Every applicant who shall pass the~~  
214 ~~prescribed examination shall receive a license to practice nursing as a registered nurse. [Repealed.]~~

215 Section 5. Amend § 1912, Title 24 of the Delaware Code by making deletions as shown by strike through and  
216 insertions as shown by underline as follows:

217 § 1912. Reciprocity for registered nurse.

218 (a) The Board may, by endorsement, without written examination, license as a registered nurse an applicant who,  
219 on or after July 1, 1983, is duly licensed as a registered nurse or is entitled to perform similar services under a different title  
220 under the laws of ~~another state, territory~~ another state or territory of the United States or a foreign country if, in the opinion  
221 of the Board, the applicant meets the qualifications specified by this chapter for registered nurses in this State.

222 Section 6. Amend § 1914, Title 24 of the Delaware Code by making deletions as shown by strike through and  
223 insertions as shown by underline as follows:

224 § 1914. Qualifications for licensed practical nurse.

225 An applicant for a license to practice as a licensed practical nurse shall submit to the Board written evidence,  
226 verified by oath, that such applicant:

227 (1) Is a graduate of and holds a certificate from a State Board of Nursing approved practical nursing education  
228 program. The Board may, by an affirmative vote of a majority of a quorum of the Board, waive this requirement for  
229 application for licensure by endorsement if it finds clear and convincing evidence that the applicant's education,  
230 training, ~~experience~~ experience, and conduct have been sufficient to overcome the deficiency in meeting this  
231 requirement;



232 (2) Demonstrates competence in English related to nursing;  
233 (3) ~~Must show evidence of an earned~~ Has earned a high school diploma or its equivalent;  
234 (4) Is of such satisfactory physical and mental health as is consistent with the Americans with Disabilities Act  
235 [42 U.S.C. § 12101 et. seq.];

236 (5) Has committed no acts which are grounds for disciplinary action as set forth in § 1922(a) of this title;  
237 however, after a hearing or review of documentation demonstrating that the applicant meets the specified criteria for a  
238 waiver, the Board, by an affirmative vote of a majority of the quorum may waive ~~§ 1922(a)(2) of this title, herein, §~~  
239 1922(a) of this title if it finds all of the following:

240 a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At  
241 the time of the application the applicant may not be incarcerated, on work release, on probation, on ~~parole~~ parole  
242 or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining  
243 to fines, ~~restitution~~ restitution, and community service.

244 b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may  
245 not be incarcerated, on work release, on probation, on ~~parole~~ parole, or serving any part of a suspended sentence  
246 and must be in substantial compliance with all court orders pertaining to fines, ~~restitution~~ restitution, and  
247 community service.

248 c. The applicant is capable of practicing nursing in a competent and professional manner.

249 d. The granting of a waiver will not endanger the public health, ~~safety~~ safety, or welfare.

250 e. The applicant has not been convicted of a felony sexual ~~offense; and~~ offense;

251 (6) If seeking licensure by endorsement, demonstrates active employment in practical nursing in the past 5  
252 years, or satisfactory completion of a practical nursing refresher program with an approved agency within 2 years prior  
253 to filing an application. In the event no refresher course is available the Board may consider alternate methods of  
254 evaluating current knowledge in practical ~~nursing; and~~ nursing; and

255 (7) Has passed the standard national examination for practical nursing. The National Council of State Boards  
256 of Nursing shall establish the passing score.

257 Section 7. Amend § 1915, Title 24 of the Delaware Code by making deletions as shown by strike through and  
258 insertions as shown by underline as follows:

259 § 1915. ~~Licensure by examination for licensed practical nurse.~~

260           The applicant shall be required to pass the standard national examination for practical nursing. The passing score  
261 shall be as recommended by the National Council of State Boards of Nursing. Every applicant who shall pass the prescribed  
262 examination shall receive a license to practice as a licensed practical nurse. ~~[Repealed.]~~

263           Section 8. Amend § 1916, Title 24 of the Delaware Code by making deletions as shown by strike through and  
264 insertions as shown by underline as follows:

265           § 1916. Reciprocity for licensed practical nurse.

266           (a) The Board may, by endorsement, without written examination, license as a practical nurse an applicant who, as  
267 ~~of on or after~~ July 1, 1983, is duly licensed as a practical nurse or is entitled to perform similar services under a different  
268 title under the laws of ~~another state, territory~~ another state or a territory of the United States or a foreign country, if in the  
269 opinion of the Board, the applicant meets the qualifications specified by this chapter for licensed practical nurses in this  
270 State.

271           Section 9. Amend § 1918, Title 24 of the Delaware Code by making deletions as shown by strike through and  
272 insertions as shown by underline as follows:

273           § 1918. Renewal of license; lapse of license; late renewal; penalties; retirement from practice; temporary permit to  
274 practice; inactive status.

275           (a) Every advanced practice registered ~~nurse,~~ nurse or registered or licensed practical nurse licensed under this  
276 chapter shall reregister biennially by filing an application; provided however, that the license of any licensee who is on  
277 active military duty with the armed forces of the United States and serving in a theater of hostilities on the date such  
278 application or reregistration is due shall be deemed to be current and in full compliance with this chapter until the  
279 expiration of 60 days after such licensee is no longer on active military duty in a theater of hostilities. The advanced  
280 practice registered nurses' licensure ~~and/or~~ or prescriptive authority ~~shall be~~ is subject to biennial renewal coinciding with  
281 RN license renewal. In the event the applicant has not been actively employed in professional, practical, or advanced  
282 practice registered nursing in the past 5 years, the applicant ~~will be required to give~~ must provide evidence of satisfactory  
283 completion of an appropriate ~~board~~ Board-approved nursing advanced practice refresher program within 1 year ~~prior to~~  
284 before licensure by reinstatement.

285           ~~APRNs not in clinical practice for more than the past 2 years must provide evidence of satisfactory completion of~~  
286 ~~24 contact hours of CE, 12 in pharmacotherapeutics and 12 in the clinical management of patients within 1 year prior to~~  
287 ~~applying for renewal. APRNs not in clinical practice for more than the past 5 years must complete 45 hours of~~  
288 ~~pharmacotherapeutics CE within 1 year prior to application in addition to the advanced practice nursing refresher program.~~  
289 APRNs who have been out of active clinical practice more than 2 years but less than 5 years must submit 24 hours of CE

290 with 12 hours in pharmacotherapeutics and 12 hours in the clinical management of patients taken within 1 year before  
291 application. APRNs who have been out of active clinical practice more than 5 years must submit 45 hours of  
292 pharmacotherapeutics CE taken within 1 year before application and the advanced practice refresher program. In the event  
293 no advanced practice refresher program is available, the applicant must complete 600 hours of supervised clinical  
294 experience in the appropriate advanced practice role and population focus, with a qualified preceptor within 1 year ~~prior to~~  
295 before licensure by reinstatement. A qualified APRN preceptor ~~holds~~ must hold an active unencumbered license or  
296 privilege to practice as an APRN or ~~is~~ be a physician who has an active unencumbered license and practices in a  
297 comparable practice focus in the clinical setting.

298 (j) An individual licensed under this chapter may, upon written request to the Board, be placed in an inactive status  
299 in accordance with the Board's rules and regulations. An individual may reenter practice from inactive status if the  
300 individual provides written notification to the Board of the individual's intent and complies with any relevant provisions of  
301 this chapter and the Board's regulations.

302 Section 10. Amend § 1922, Title 24 of the Delaware Code by making deletions as shown by strike through and  
303 insertions as shown by underline as follows:

304 § 1922. Disciplinary proceedings; appeal.

305 (a) Grounds. — The Board may impose any of the following sanctions (subsection (b) of this section) singly or in  
306 combination when it finds a licensee or former licensee is guilty of any offense described herein, except that the license of  
307 any licensee who is convicted of a felony sexual offense shall be permanently revoked:

308 (1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; or

309 (2) ~~Is~~ Has been convicted of a crime that is substantially related to the practice of nursing; or

310 (3) Is unfit or incompetent by reason of negligence, ~~habits~~ habits, or other causes; or

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

312 (5) Is mentally incompetent; or

313 (6) ~~Whose physical condition is~~ Has a physical condition such that the performance of nursing service is or  
314 may be injurious or prejudicial to patients or to the public; or

315 (7) Has had a license to practice as a registered nurse or licensed practical nurse suspended or revoked in any  
316 jurisdiction; or

317 (8) Is guilty of unprofessional conduct ~~as shall be determined by the Board~~, or the wilful neglect of a patient;

318 or

319 (9) Has wilfully or negligently violated this chapter; or

- 320 (10) Has failed to report child abuse or neglect as required by § 903 of Title 16, or any successor thereto; or
- 321 (11) Has failed to report to the Division of Professional Regulation as required by § 1930 of this title.
- 322 (b) Disciplinary sanctions. —
- 323 (1) Permanently revoke a license to practice.
- 324 (2) Suspend a license.
- 325 (3) Censure a licensee.
- 326 (4) Issue a letter of reprimand.
- 327 (5) Place a licensee on probationary status and require the licensee to do one or more of the following:
- 328 a. Report regularly to the Board upon the matters which are the basis of probation.
- 329 b. Limit practice to those areas prescribed by the Board.
- 330 c. Continue or renew professional education until satisfactory degree of skill has been attained in those
- 331 areas which are the basis of the probation.
- 332 (6) Refuse a license.
- 333 (7) Refuse to renew a license.
- 334 (8) ~~Or otherwise discipline~~ Impose a monetary penalty not to exceed \$500 for each violation.
- 335 (9) Take any other disciplinary action.
- 336 (c) Procedure. —
- 337 (1) When a complaint is filed pursuant to § 8735 of Title 29, alleging a violation of this chapter, the complaint
- 338 shall be received and investigated by the Division of Professional Regulation and the Division shall be responsible for
- 339 issuing a final written report at the conclusion of its investigation.
- 340 (2) The Board shall cause a copy of the complaint, together with a notice of the time and place fixed for the
- 341 hearing, to be served upon the practitioner at least 30 days before the date fixed for the hearing. In cases where the
- 342 practitioner cannot be located or where personal service cannot be effected, substitute service shall be effected in the
- 343 same manner as with civil litigation.
- 344 (3) In all proceedings ~~herein~~ under this chapter:
- 345 a. The accused may be represented by counsel who shall have the right of examination and cross-
- 346 examination.
- 347 b. The accused and the Board may subpoena witnesses. Subpoenas shall be issued by the President or the
- 348 Vice-President of the Board upon written request and shall be served as provided by the rules of the Superior
- 349 Court and shall have like effect as a subpoena issued by said Court.

350 c. Testimony before the Board shall be under oath. Any member of the Board shall have power to  
351 administer oaths for this purpose.

352 d. A stenographic record of the hearing shall be made by a qualified court reporter. At the request and  
353 expense of any party such record shall be transcribed with a copy to the other party.

354 e. The decision of the Board shall be based upon sufficient legal evidence. If the charges are supported by  
355 such evidence, the Board may refuse to issue, or revoke or suspend a license, or otherwise discipline a licensee. A  
356 suspended license may be reissued upon a further hearing initiated at the request of the suspended licensee by  
357 written application in accordance with the rules of the Board.

358 f. All decisions of the Board shall be final and conclusive. Where the practitioner is in disagreement with  
359 the action of the Board, the practitioner may appeal the Board's decision to the Superior Court within 30 days of  
360 service or of the postmarked date of the copy of the decision mailed to the practitioner. The appeal shall be on the  
361 record to the Superior Court and shall be as provided in §§ 10142-10145 of Title 29.

362 g. Upon reaching its conclusion of law and determining an appropriate disciplinary action, if any, the  
363 Board shall issue a written decision and order in accordance with § 10128 of Title 29. The order must restate the  
364 factual findings, but need not summarize the evidence presented. However, notwithstanding the provisions of §  
365 10128(c) of Title 29, the decision and order, including an order issued pursuant to § 1923 of this title, may be  
366 issued over the signature of only the President or other officer of the Board. The decision and order must be sent  
367 by certified mail, return receipt requested, to the person complained about, with a copy to the Executive Director.

368 Section 11. Amend § 1934, Title 24 of the Delaware Code by making deletions as shown by strike through and  
369 insertions as shown by underline:

370 § 1934. Advanced Practice Registered Nurse Committee.

371 (a) ~~The purpose of the Advanced Practice Registered Nurse Committee shall be~~ Committee's ("Committee")  
372 purpose is to:

373 (1) ~~Advise the Board of Nursing by recommending rules and~~ Recommend and draft regulations regarding  
374 the practice of advance practice registered nurses; and

375 (2) Review collaborative agreements upon submission to the Board; and

376 (3) ~~Draft regulations to be reviewed by the Board of Nursing; and~~

377 (4) Review collaborative agreements of advanced practice registered nurses (APRNs) who seek  
378 independent practice to determine if independent practice may be granted.

379 Section 12. Amend § 1935, Title 24 of the Delaware Code by making deletions as shown by strike through and  
380 insertions as shown by underline as follows:

381 § 1935. Advanced Practice Registered Nurse (APRN) — Authority and duties.

382 (a)(1) The Board of Nursing grants full-practice and prescriptive authority upon the issuance of an APRN license.  
383 The granting of full-practice authority does not equate to the granting of independent practice.

384 (2) The Board may, by endorsement, license as an advanced practice registered nurse an applicant who is duly  
385 licensed as an advanced practice registered nurse or is entitled to perform similar services under a different title under  
386 the laws of another state or a territory of the United States or a foreign country if, in the opinion of the Board, the  
387 applicant meets all qualifications specified by this chapter and its regulations for advanced practice registered nurses in  
388 this State.

389 Section 13. Amend § 1936, Title 24 of the Delaware Code by making deletions as shown by strike through and  
390 insertions as shown by underline as follows:

391 § 1936. Collaborative agreements.

392 (c) An APRN already practicing ~~pursuant to~~ under a collaborative agreement as of July 1, 2015, ~~shall be~~  
393 ~~required to~~ who seeks to obtain independent practice must resubmit the collaborative agreement to ~~the Committee, the~~  
394 APRN Committee in order to be granted credit for any hours accumulated, and required to accumulated and must  
395 otherwise comply with the relevant provisions of this chapter and the Board's regulations ~~in order to obtain~~  
396 ~~independent practice.~~

#### SYNOPSIS

Section 1 of this Act updates the Delaware Code relating to the Board of Nursing (“Board”) by eliminating conflicting definitions of an “advanced practice registered nurse” in the Code, correcting inaccurate cross-references, and eliminating references to the Joint Practice Committee, a now defunct body, and replacing such references with the newly enacted Advanced Practice Registered Nurse Committee.

Section 2 of this Act corrects the Delaware Code to use the correct defined term, “advanced practice registered nurse” rather than “advanced practice nurse,” which is deleted by Section 1 of this Act.

Section 3 of this Act adds passage of the national examination to the qualifications for licensure as a registered nurse currently listed in § 1910, Title 24.

Section 4 of this Act eliminates reference to the national examination for registered nurses in § 1911, Title 24. The change made by Sections 3 and 4 of this Act ensures that all of the qualifications in § 1910, Title 24, including passage of the examination, are required to be a registered nurse.

Section 5 of this Act makes a technical correction to make it clear that “state” and “territory” as referenced in § 1912, Title 24 means a state or territory of the United States. Additional changes of this type are made in Sections 8 and 12 of this Act.

Section 6 of this Act adds passage of the national examination to the qualifications for licensure as a licensed practical nurse currently listed in § 1914, Title 24.

Section 7 of this Act eliminates reference to the national examination for licensed practical nurses in § 1915, Title 24. The change made by Sections 6 and 7 of this Act ensures that all of the qualifications in § 1914, including passage of the examination, are required to be a licensed practical nurse.

Section 8 of this Act corrects the reciprocity provision for licensed practical nurses who obtain licensure in another jurisdiction on or after July 1, 1983, so that the licensed practical nurse provision is consistent with the registered nurse provision in § 1912, Title 24.

Section 9 of Act clarifies what an advanced practice registered nurse who has been out of active clinical practice for at least 2 years must complete in order to renew a license. In addition, this Section adds a provision that specifically allows nursing licensees to apply for inactive status.

Section 10 of this Act adds a provision authorizing the Board to impose a monetary penalty upon a licensee guilty of any offense described in § 1922, Title 24.

Section 11 of this Act eliminates redundant purposes of the Advanced Practice Registered Nurse Committee.

Section 12 of this Act adds a provision that enables an advanced practice registered nurse applicant to apply by endorsement.

Section 13 of this Act clarifies that only advanced practice registered nurses with at least 2 years and 4,000 hours of experience who seek to obtain independent practice are required to maintain a collaborative agreement.

Each Section of this Act makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Walsh