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
AS AMENDED BY
SENATE AMENDMENT NO. 1

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:

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

§ 1902. Definitions.

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

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 [Repealed.]

(c)~~(1)~~ "Advanced practice registered nurse" ("APRN") means an individual with knowledge and skills acquired in basic nursing education; licensure as ~~an RN~~ a registered nurse ("RN"); and 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 1 population focus. "Advanced practice registered nurse" ~~shall include~~ includes certified

LC : MJC : RAY : 0401490053
LC : HVW : RAY : 5081490086
Released: 07/02/2017 01:38 PM

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

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

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

~~Nothing in this act is to be construed to limit the practice of nursing by advanced practice nurses as is currently being done or allowed including nursing diagnosis as pursuant to paragraph (u)(2) of this section.~~

~~Advanced practice nurses shall operate in collaboration with a licensed physician, dentist, podiatrist, or licensed Delaware health-care delivery system to cooperate, coordinate, and consult with each other as appropriate pursuant to a collaborative agreement defined in the rules and regulations promulgated by the Board of Nursing, in the provision of health care to their patients. Advanced practice nurses desiring to practice independently or to prescribe independently must do so pursuant to § 1906(a)(20) of Title 24.~~

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

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

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

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

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

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

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

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

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

(3) Recognizing limits of knowledge and experience.

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

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

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

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

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

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

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

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

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

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

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

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

(t) "Store and forward transfer" means the transmission of a patient's medical information either to or from an 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 real time.

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

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

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

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

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

(1) Observation;

(2) Assessment;

(3) Planning and giving of nursing care to the ill, injured and infirm;

(4) The maintenance of health and well being;

(5) The administration of medications and treatments prescribed by a licensed physician, dentist, ~~podiatrist~~ podiatrist, or advanced practice registered nurse; and

(6) Additional nursing services and supervision commensurate with the licensed practical nurse's continuing education and demonstrated competencies;

(7) Dispensing activities only as permitted in the Board's Rules and Regulations. Nothing contained in this chapter shall be deemed to permit acts of surgery or medical diagnosis; nor shall it be deemed to permit dispensing of drugs, ~~medications~~ medications, or therapeutics independent of the supervision of a physician who is licensed to practice medicine and surgery, or those licensed to practice dentistry or podiatry; and

(8) The use of telemedicine, as defined in this chapter, and practice of and participation in telehealth as further defined in regulation.

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

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

(1) Assessing human responses to actual or potential health conditions;

(2) Identifying the needs of the individual ~~and/or~~ or family by developing a nursing diagnosis;

(3) Implementing nursing interventions based on the nursing diagnosis;

(4) Teaching health-care practices. Nothing contained ~~herein shall limit~~ in this subsection limits other qualified persons or agencies from teaching health-care practices without being licensed under this chapter;

(5) Advocating the provision of health care-services through collaboration with other health service personnel;

(6) Executing regimens, as prescribed by a licensed physician, dentist, ~~podiatrist~~ podiatrist, or advanced practice registered nurse, including the dispensing ~~and/or~~ or administration of medications and treatments;

(7) Administering, supervising, ~~delegating~~ delegating, and evaluating nursing activities;

(8) The use of telemedicine, as defined in this chapter, and participation in telehealth, as further defined in regulation.

(9) Nothing contained in this chapter shall be deemed to permit acts of surgery or medical diagnosis; nor shall it be deemed to permit dispensing of drugs, ~~medications~~ medications, or therapeutics independent of the supervision of a physician who is licensed to practice medicine and surgery, or those licensed to practice dentistry or podiatry.

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

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

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

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

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

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

§ 1910. Qualifications for registered nurse.

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

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

(2) Demonstrates competence in English related to nursing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 1912. Reciprocity for registered nurse.

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

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

§ 1914. Qualifications for licensed practical nurse.

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

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

(2) Demonstrates competence in English related to nursing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 1916. Reciprocity for licensed practical nurse.

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

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

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

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

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

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

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

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

§ 1922. Disciplinary proceedings; appeal.

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

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

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

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

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

(5) Is mentally incompetent; or

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

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

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

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

(10) Has failed to report child abuse or neglect as required by § 903 of Title 16, or any successor thereto; or

(11) Has failed to report to the Division of Professional Regulation as required by ~~§ 1930 of this title~~ §§ 1930 and 1930A of this title.

(b) Disciplinary sanctions. —

(1) Permanently revoke a license to practice.

(2) Suspend a license.

(3) Censure a licensee.

(4) Issue a letter of reprimand.

(5) Place a licensee on probationary status and require the licensee to do one or more of the following:

a. Report regularly to the Board upon the matters which are the basis of probation.

b. Limit practice to those areas prescribed by the Board.

c. Continue or renew professional education until satisfactory degree of skill has been attained in those areas which are the basis of the probation.

(6) Refuse a license.

(7) Refuse to renew a license.

(8) ~~Or otherwise discipline~~ Impose a monetary penalty not to exceed $500 for each violation.

(9) Take any other disciplinary action.

(c) Procedure. —

(1) When a complaint is filed pursuant to § 8735 of Title 29, alleging a violation of this chapter, the complaint shall be received and investigated by the Division of Professional Regulation and the Division shall be responsible for issuing a final written report at the conclusion of its investigation.

(2) The Board shall cause a copy of the complaint, together with a notice of the time and place fixed for the hearing, to be served upon the practitioner at least 30 days before the date fixed for the hearing. In cases where the practitioner cannot be located or where personal service cannot be effected, substitute service shall be effected in the same manner as with civil litigation.

(3) In all proceedings ~~herein~~ under this chapter:

a. The accused may be represented by counsel who shall have the right of examination and cross-examination.

b. The accused and the Board may subpoena witnesses. Subpoenas shall be issued by the President or the Vice-President of the Board upon written request and shall be served as provided by the rules of the Superior Court and shall have like effect as a subpoena issued by said Court.

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

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

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

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

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

§ 1930A. Duty to self-report.

(a) A licensee shall self-report to the Board all of the following:

(1) Any arrest for, or the bringing of an indictment or information charging the licensee with, a crime substantially related to the practice of nursing as defined by the Board in its rules and regulations.

(2) The conviction of the licensee, including any verdict of guilty or plea of guilty or no contest, for any crime substantially related to the practice of nursing as defined by the Board in its rules and regulations.

(b) The report required by this section must be made in writing within 30 days of the date of the arrest, bringing of the indictment or information, or of the conviction.

(c) Failure to make a report required by this section constitutes grounds for discipline under § 1922 of this title.

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

§ 1934. Advanced Practice Registered Nurse Committee.

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

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

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

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

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

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

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

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

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

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

§ 1936. Collaborative agreements.

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