

DEPARTMENT OF REGULATORY AGENCIES

Division of Registrations

3 CCR 716-1

CHAPTER I

RULES AND REGULATIONS FOR THE LICENSURE OF PRACTICAL AND PROFESSIONAL NURSES

BASIS: The authority for the promulgation of these rules and regulations by the State Board of Nursing is set forth in sections 12-38-108(1)(b),(c) and (j); 12-38-110; 12-38-111; 12-38-112; 12-38-112.5 and 12-38-118, C.R.S.

PURPOSE: To specify requirements for obtaining and maintaining professional and practical nursing licensure.

1. **DEFINITIONS:** For the purposes of these Chapter I Rules, the following terms have the indicated meaning:
 - 1.1 Applicant: Any individual seeking a license to practice as a professional or practical nurse in the state of Colorado.
 - 1.2 Approved Nursing Education Program (Approved Professional Nursing Education Program/Approved Practical Nursing Education Program): A course of study which implements the basic practical or professional nursing curriculum prescribed and approved by the Board.
 - 1.3 Board: The State Board of Nursing.
 - 1.4 Clinical Supervision: The on-site guidance, direction and review by a professional nurse designated as an instructor/preceptor of the nursing care provided by a holder of a special permit pursuant to Section 6 of these Chapter I Rules. This supervision includes evaluating the competency of the individual nurse and assigning nursing responsibilities for patient care appropriately.
 - 1.5 Executive Officer: The executive administrator appointed by the director of the division of registrations pursuant to section 12-38-107, C.R.S. The Executive Officer has been delegated authority to administer examinations, issue licenses by endorsement and examination, renew licenses, and issue temporary licenses and permits to qualified Applicants.
 - 1.6 Graduate: An individual who has successfully completed the requirements for a degree, diploma, or certificate from an Approved Nursing Education Program.
 - 1.7 Licensee: An individual licensed to practice as a professional or practical nurse by the Board.
 - 1.8 NCLEX: The National Council Licensure Examination maintained, owned, and created by the National Council of State Boards of Nursing.

- 1.9 Nontraditional Nursing Education Program: A program with curricula that does not include a faculty supervised teaching/learning component in clinical settings taught concurrently with theoretical content.

2. REQUIREMENTS FOR ALL APPLICANTS

- 2.1 Submit application on Board approved form.
- 2.2 Pay application fee.
- 2.3 Submit proof of successful completion of an Approved Nursing Education Program, as set forth in section 4 below.
- 2.4 Submit proof of having passed:
 - A. The NCLEX examination for professional or practical nurses; OR
 - B. The State Board Test Pool Examination for Professional Nurses given between 1951 and 1982/1983; OR
 - C. The State Board Test Pool Examination for Practical Nurses given between 1952 and 1982/1983; OR
 - D. A state licensing examination for professional nurses given prior to 1951 or a state licensing examination for practical nurses given prior to 1952.

Note: In the event that Applicant examination responses are lost or destroyed through circumstances beyond the control of the Board, the Applicant will be required to retake the NCLEX in order to meet requirements for licensure.

- 2.5 Attest:
 - A. Whether or not the Applicant has committed any of the acts which would be grounds for discipline under section 12-38-117, C.R.S.; and
 - B. That within the twelve month period immediately preceding the date of application, the Applicant has not been addicted to or a regular user without a prescription of any controlled substance or habitually intemperate in the use of intoxicating liquor; and
 - C. That the Applicant does not have an encumbered or restricted license in another state or territory of the United States or foreign country.

3. LICENSURE BY EXAMINATION

- 3.1 A Graduate of a Colorado Approved Professional Nursing Education Program is eligible to take the NCLEX examination for professional or practical nursing provided that:
 - A. An official school transcript reflecting completion of institutional requirements for the degree/diploma and the date of completion is provided to the Board in a secure manner;
 - B. All other requirements of state law and these Chapter I Rules are met.
- 3.2 A Graduate of a Colorado Approved Practical Nursing Education Program is eligible to take the NCLEX examination for practical nursing provided that:

- A. An official school transcript reflecting completion of institutional requirements for the degree/diploma and the date of completion is provided to the Board in a secure manner;
 - B. All other requirements of state law and these Chapter I Rules are met.
- 3.3 A Graduate of a nursing education program approved by a Board of nursing in another state or territory of the United States is eligible to take the NCLEX examination for professional or practical nursing provided that:
- A. The nursing program meets the minimum standards of a Colorado Approved Nursing Education Program at the time of the Applicant's graduation;
 - B. An official school transcript reflecting completion of institutional requirements for the degree/diploma and the date of completion is provided to the Board in a secure manner; and
 - C. All other requirements of state law and these Chapter I Rules are met.
- 3.4 A Graduate of a Nontraditional Nursing Education Program that meets the requirements of subsection 3.3, above, is eligible to take the professional nursing NCLEX examination provided that the following conditions are met:
- A. The Applicant is able to demonstrate satisfactory completion of 750 hours of supervised clinical experience in the role of a professional nurse; OR
 - B. The Applicant has an active license to practice as a practical nurse in any state and is able to demonstrate satisfactory completion of 350 hours of supervised clinical experience in the role of a professional nurse.
 - C. The required elements for satisfactory completion of the supervised clinical experience are as follows:
 1. Acceptable clinical sites — Acceptable clinical sites include acute care or subacute care settings or skilled nursing facilities, or other sites as approved by the Board.
 2. Clinical Supervision may be provided either in a traditional format with one instructor directly overseeing a group of students or as a preceptorship experience where a direct on-going 1:1 relationship is established.
 3. Qualifications of instructor/preceptor — The instructor/preceptor must be a Colorado licensed professional nurse educated at or above the level of the Applicant with at least two years of experience in a practice setting and no history of public disciplinary actions of probation, suspension or revocation. The Applicant must provide documentation that the instructor/preceptor meets these requirements when he/she applies for licensure and must also provide a written agreement between the Applicant, the preceptor, the faculty, and the facility where the Clinical Supervision will occur.

4. Required components of the supervised clinical experience include:
 - a. delegation and supervision;
 - b. clinical decision making and critical thinking;
 - c. patient assessment as part of the nursing process; and
 - d. interdisciplinary collaboration and evaluation of care evidenced in caring for multiple patients with both predictable and unpredictable outcomes across the variety of learning options appropriate for contemporary nursing.
 - e. a signed original checklist and instructor/preceptor agreement, provided by the Board, must be completed by the primary instructor/preceptor, documenting the Applicant's satisfactory completion of the required components. A student permit may be issued for a period of twelve consecutive months, within which the Applicant shall complete his or her supervised clinical experience.

3.5 A Graduate of a Nontraditional Nursing Education program, who meets the requirements of subsection 3.2, above, is eligible to take the practical nursing NCLEX examination provided that the following conditions are met:

- A. The Applicant is able to demonstrate satisfactory completion of 400 hours of supervised clinical experience in the role of a practical nurse.
- B. The required elements for satisfactory completion of the supervised clinical experience are as follows:
 1. Acceptable clinical sites — Acceptable clinical sites include acute care or subacute care settings or skilled nursing facilities, or other sites as approved by the Board.
 2. Clinical Supervision may be provided either in a traditional format with one instructor directly overseeing a group of students or as a preceptorship experience where a direct on-going 1:1 relationship is established.
 3. Qualifications of instructor/preceptor — The instructor/preceptor must be a Colorado licensed nurse educated at or above the level of the Applicant with at least two years of experience in a practice setting and no history of public disciplinary actions of probation, suspension or revocation. The Applicant must provide documentation that the instructor/preceptor meets these requirements when he/she applies for licensure and must also provide a written agreement between the Applicant, the preceptor, the faculty, and the facility where the Clinical Supervision will occur.
 4. Required components of the supervised clinical experience include practice in caring for stable patients with predictable

outcomes across the variety of learning options appropriate for contemporary nursing. A signed original checklist and instructor/preceptor agreement, provided by the Board, must be completed by the primary instructor/preceptor, establishing the Applicant's satisfactory completion of the required components.

- 3.6 A Graduate of a foreign nursing education program who was not instructed in English is eligible to take the NCLEX examination only after a Board review of nursing education credentials as evaluated by a Board-recognized educational credentialing agency. If deficiencies are identified, the foreign Graduate may be required to cure them by successfully completing additional coursework from an Approved Nursing Education Program. An Applicant educated in a non-English speaking country or non-English speaking institution, or an Applicant who is not educated in English, must submit proof of English proficiency as outlined by Board policy.
- 3.7 Applicants, other than Applicants of foreign nursing education programs, shall provide official school transcripts that are delivered to the Board in a secure manner. Applicants of foreign nursing education programs shall provide official school transcripts to a Board-recognized educational credentialing agency, which shall, in turn, provide the transcripts and a report directly to the Board.
- 3.8 Notwithstanding the requirements of sections 3.3 and 3.4 of these Chapter I Rules, Graduates of a Nontraditional Nursing Education Program that were enrolled in the program on or before January 1, 2006 are deemed to be Graduates of an Approved Nursing Education Program and are eligible to take the NCLEX pursuant to section 3.1, above.
- A. Within thirty days of the effective date of this Rule, each Nontraditional Nursing Education Program shall submit to the Board a list of students enrolled in such program on or before January 1, 2006. Graduates of a Nontraditional Nursing Education Program appearing on the enrollment list provided by the program are presumed to meet the enrollment requirements of these Chapter I Rules.
- B. Graduates of a Nontraditional Nursing Education Program not appearing on the enrollment list provided by the program must establish, to the Board's satisfaction, that they were enrolled in the program on or before January 1, 2006. If the Graduate is unable to establish such enrollment, the Graduate must comply with sections 3.3 or 3.4, above.
- 3.9 Applicants may be approved to take the NCLEX a maximum of three (3) times within three (3) years of the date the Applicant first took the NCLEX in any state, territory or foreign country. The three (3) NCLEX attempts include all unsuccessful attempts to pass the NCLEX in any state, territory or foreign country.
- A. Any Applicant who is unsuccessful in the first three (3) attempts of taking the NCLEX must complete the didactic portion of an approved refresher course within one (1) year of the last unsuccessful attempt of taking the NCLEX. Upon receipt of a certificate of successful completion of the didactic requirements, the Applicant may be eligible to take the NCLEX one (1) additional time within one year of the last unsuccessful attempt. This provision does not supersede the requirements of Section 8.1 of these rules.
- B. Any Applicant who does not pass the NCLEX as set forth in these rules or in the time frame set forth in these rules, may petition the Board for a waiver of these requirements. Any such waiver shall be based on the circumstances related to

the Applicant's situation. It is anticipated that such waivers would be rare. The decision to grant or deny such waiver shall be at the sole discretion of the Board.

4. LICENSURE BY ENDORSEMENT

- 4.1 Applicants licensed to practice professional or practical nursing in another state or territory of the United States shall be eligible for licensure by endorsement in Colorado if the Applicant has met the requirements of Section 2 of these Chapter I Rules, and:
- A. The Applicant holds an active license in another state or territory of the United States, and the Applicant graduated from a traditional nursing education program or a recognized military education program approved by a Board of nursing in a state or territory of the United States; OR
 - B. The registered nurse Applicant graduated from a Nontraditional Nursing Education Program and has worked a minimum of 2,000 hours as a professional nurse; OR
 - C. The practical nurse Applicant graduated from a Nontraditional Nursing Education Program and has worked a minimum of 2,000 hours as a practical nurse; OR
 - D. The Applicant has been previously licensed in another state or territory of the United States and has provided evidence of compliance with the Board's continuing competency requirements.
- 4.2
- A. A temporary license may be granted for endorsement Applicants if the Applicant has met the requirements of Section 4.1 of these Chapter I Rules.
 - B. A temporary license to practice professional or practical nursing expires upon the Board's approval or denial of the application or four months from the date of issue, whichever occurs first.

5. SPECIAL PERMITS

- 5.1 Permits may be granted, in the Board's discretion, to individuals possessing active and unrestricted licenses to practice professional or practical nursing in other states or territories of the United States, to allow for occasional nursing practice which is patient or procedure specific. However, if such nurse has any established or regularly used healthcare agency connections in this state for the provision of such services, the nurse shall possess a license to practice nursing in Colorado, except as otherwise provided in these rules.
- 5.2 Nurses possessing a license in a state that is party to the nurse licensure compact pursuant to section 24-60-3201, C.R.S., are not required to obtain a special practice permit for occasional nursing practice in Colorado.
- 5.3 Permits shall be limited to the practice performed as part of an education program or occasional nursing practice.
- 5.4 All individuals seeking a permit must submit an application on a Board approved form.
- 5.5 A permit may be granted if the individual holds an active, unencumbered and unrestricted license in another state or territory of the United States. If the individual is foreign trained, the individual must meet the requirements of 3.5, above.

- 5.6 A permit may be denied if:
- A. The Applicant has committed any of the acts which would be grounds for discipline under section 12-38-117, C.R.S., and
 - B. Within the twelve month period immediately preceding the date of application, the Applicant has been addicted to or a regular user without a prescription of any controlled substance or habitually intemperate in the use of intoxicating liquor.

6. STUDENT PERMITS

Student permits are intended for students in Nontraditional Nursing Education Programs who must obtain in-state clinical training and experience.

6.1 Eligibility.

- A. An individual who is a Graduate of a Nontraditional Nursing Education Program is eligible for a student permit if:
 - 1. The program is physically located in another state or territory of the United States; and
 - 2. The program is organized within a post-secondary institution approved or certified by the other state or territory; and
 - 3. The program is approved by the Board of nursing of the other state or territory.
- B. A student permit is not required for persons actively enrolled in an Approved Nursing Education Program in Colorado and who participate in clinical training in clinical settings as defined in the Board of Nursing Rules and Regulations, Chapter II, Section 1.12, Rules and Regulations for Approval of Nursing Education Programs.

6.2 Limitations of student permits.

- A. Individuals practicing under a student permit are subject to the requirements of the Rules of the Board.
- B. Student permit holders may not supervise Licensees or other permit holders.
- C. Individuals practicing under a student permit are responsible for arranging and obtaining their own clinical hours.
- D. Individuals practicing under a student permit may not exceed the terms of the permit.
- E. A student permit may be issued, for a period of twelve consecutive months.

7. CHANGE OF NAME AND ADDRESS

- 7.1 The Licensee shall supply to the Board legal evidence of a name change within 30 days of the effective date of the name change.
- 7.2 The Licensee shall notify the Board within 30 days of any change of address. This notification may be submitted in writing or via the Board's on-line system.

- A. Any notification by the Board to Licensees required or permitted under the Nurse Practice Act, sections 12-38-101 to -133, C.R.S or the State Administrative Procedure Act, sections 24-4-101 to -108, C.R.S. shall be addressed to the last address provided in writing to the Board by the Licensee and any such mailing shall be deemed proper service on said Licensee.

8. INCOMPLETE APPLICATIONS

- 8.1 An Applicant for licensure who does not complete the application process within one year of the date of receipt of the original application shall begin the application process again, including payment of the application fee, submission of a new application and supporting documentation.

9. RETIRED VOLUNTEER NURSE LICENSURE

- 9.1 Applicants for Retired Volunteer Licensure must meet all requirements of section 12-38-112.5, C.R.S.

- 9.2 A licensee may request retired status at time of renewal and is subject to the Board's continued competency requirements.

10. INACTIVE LICENSE STATUS – REACTIVATION

- 10.1 A licensee who elects inactive status in accordance with section 12-38-118.5 C.R.S., consequently, inactivates any and all authorities attached to that license.
- 10.2 A licensee on inactive status in accordance with section 12-38-118.5, C.R.S. may submit an application to the Board to reactivate the practice of nursing as follows:
 - A. Reactivation to active status may occur at any time and is subject to the Board's continued competency requirements.
 - B. An Applicant for reactivation of advanced practice authorities must provide proof that the licensee has maintained national certification in each Role/Specialty and Population Focus or meet the current requirements in accordance with the Chapter XIV rules, and/or meets current requirements for prescriptive authority in accordance with the Chapter XV rules
 - C. Application for reactivation of practical nurse IV authority must meet the current requirements for practical nurse IV authority in accordance with the Chapter IX rules.

Adopted: October 22, 2008

Effective: December 30, 2008