

DEPARTMENT OF REGULATORY AGENCIES

Division of Registrations

3 CCR 716-1

CHAPTER XXI – RULES AND REGULATIONS REGARDING LIABILITY INSURANCE FOR ADVANCED PRACTICE NURSES ENGAGED IN INDEPENDENT PRACTICE

BASIS: The general authority for the promulgation of rules and regulations by the State Board of Nursing (“Board”) is set forth in section 12-38-108(1)(d), C.R.S. Specific authority for the promulgation of rules regarding the professional liability insurance required for advanced practice nurses in independent practice is set forth in section 12-38-111.8, C.R.S.

PURPOSE: Section 12-38-111.8(3), C.R.S. allows for the Board by rule to exempt or establish lesser liability insurance requirements for advanced practice nurses.

1. DEFINITIONS

1.1 Advanced Practice Nurse (APN): A master’s prepared nurse holding a graduate degree in advanced practice nursing who has completed a graduate or post-graduate program of study in an advanced practice Role and/or Population Focus, in an accredited advanced practice nursing program and has been recognized and included on the Advanced Practice Registry (APR) by the Board. APN Roles recognized by the Board are nurse practitioner (NP), certified registered nurse anesthetist (CRNA), certified nurse midwife (CNM) and clinical nurse specialist (CNS). A nurse seeking recognition as an APN must be academically prepared for the expanded scope of practice described as Advanced Practice Nursing.

1.2 Independent Practice: The practice of nursing for which the nurse alone is responsible, acting on his or her own initiative and without instructions from any other discipline.

Deleted: An APN that is engaged in the independent practice in an advanced role and/or population focus approved by the Board.

2. REQUIREMENTS FOR PROFESSIONAL LIABILITY INSURANCE

2.1 Pursuant to the requirements of section 12-38-111.8 (1) it is unlawful for any APN engaged in an Independent Practice of professional nursing to practice within the state of Colorado unless the APN purchases and maintains or is covered by professional liability insurance in an amount not less than five hundred thousand dollars per claim with an aggregate liability for all claims during the year of one million five hundred thousand dollars.

2.2 Pursuant to these rules, an APN whose Independent Practice falls entirely within one or more of the following categories is exempt from the requirements set forth in section 12-38-111.8, C.R.S.:

- a) A federal civilian or military APN whose practice is limited solely to that required by his or her federal/military agency.
- b) An APN who is covered by individual professional liability coverage (or an alternative which complies with section 12-38-111.8(1) C.R.S.) or liability insurance that is maintained by an employer/contracting agency in the amounts set forth in section 12-38-111.8(1).
- c) An APN who provides uncompensated health care.

Deleted: ~~An APN who is not engaged in the Independent Practice of nursing in an advanced role and/or population focus approved by the Board.~~

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2.3 Any APN who claims exemption from the financial responsibility requirements must provide such information as may be requested by the Board in order to establish eligibility for any such exemption.

Deleted: to clients, or who does not otherwise engage in any compensation in the state of Colorado.

Emergency Rules Adopted: July 14, 2009

Effective: July 14, 2009

Expires: October 14, 2009

Deleted: June 30, 2009