

DEPARTMENT OF REGULATORY AGENCIES

Division of Professions and Occupations - Board of Nursing

**NURSING RULES AND REGULATIONS**

**3 CCR 716-1**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

**1.26 Temporary Licensure of Registered Nurses, Advanced Practice Nurses, and Certified Nurse Assistants and Temporary Suspension of Certain Nurse and Nurse Aide Education Requirements pursuant to the Governor's Executive Order D 2020 038**

**A. Basis.** Through Executive Order D 2020 038, Governor Jared Polis governor temporarily suspended the rulemaking authorities for the State Board of Nursing ("Board") set forth in section 24-1- 122(3)(gg), C.R.S. and directed the Executive Director of DORA, through the Director of the Division of Professions and Occupations (Division Director), to promulgate and issue temporary emergency rules consistent with the Executive Order. The basis for these emergency rules is Executive Order 2020-038 issued by Governor Jared Polis pursuant to the State of Emergency Declaration found in Executive Orders 2020 003, 2020 027 and 2020 032. Article IV, Section 2 of the Colorado Constitution, and the Colorado Disaster Emergency Act, sections 24-33.5-701, et. seq., C.R.S.

**B. Purpose.** These Emergency Rules are adopted by the Executive Director of the Department of Regulatory Agencies, through the Division Director, to effectuate Executive Order D 2020 038 directing the immediate expansion of the workforce of trained medical personnel available to provide healthcare services within inpatient facilities due to the coronavirus disease 2019 (COVID-19) pandemic in Colorado.

**C. TEMPORARY LICENSURE**

**1. The Board may issue a temporary license to an applicant that is a new graduate of an approved practical nursing program who meets all qualifications for licensure with the exception of successful completion of the required examination as set forth in section 12-255-109, C.R.S.**

- a. Temporary licenses will be issued beginning May 1, 2020, and for 120 days thereafter.**
- b. The temporary license is effective from the date of issuance through December 31, 2020.**
- c. Practical Nurse new graduates must submit an application for temporary licensure.**
- d. Practical Nurse applicants granted this temporary licensure shall practice under the direct supervision of a Colorado licensed professional nurse in good standing during the entire term of the temporary licensure.**

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- (1) For the purpose of this emergency rule, "direct supervision" means the Colorado licensed professional nurse must be on the premises with the temporary practical nurse licensee and immediately available to respond to an emergency or provide assistance.
- (2) For the purpose of this emergency rule, "premises" means within the same building, office or facility and within the physical proximity to establish direct contact with the patient should the need arise.
- e. Once the temporary licensee successfully completes the statutorily required examination, the temporary licensee must immediately submit an application and the required fee for full licensure.
- f. On January 1, 2021, if a full license to practice as a practical nurse in Colorado has not been issued, the temporary licensee shall cease practice immediately and until such time as full licensure to practice as a practical nurse in Colorado has been granted.
- g. This temporary license is not renewable and does not create a property interest for the holder of the temporary license.
- h. The temporary licensee may be subject to discipline by the Board as defined in section 12-255-101, et seq., C.R.S.
- 2. The Board may issue a temporary license to an applicant that is a new graduate of an approved professional nursing program who meets all qualifications for licensure with the exception of successful completion of the required examination as set forth in section 12-255-109, C.R.S..
  - a. Temporary licenses will be issued beginning May 1, 2020, and for 120 days thereafter.
  - b. The temporary license is effective from the date of issuance through December 31, 2020.
  - c. Professional Nurse new graduates must submit an application for temporary licensure.
  - d. Professional Nurse applicants granted this temporary licensure shall practice under the direct supervision of a Colorado licensed professional nurse in good standing during the entire term of the temporary licensure.
    - (1) For the purpose of this emergency rule, "direct supervision" means the Colorado licensed professional nurse must be on the premises with the temporary professional nurse licensee and immediately available to respond to an emergency or provide assistance.
    - (2) For the purpose of this emergency rule, "premises" means within the same building, office or facility and within the physical proximity to establish direct contact with the patient should the need arise.
  - e. Once the temporary licensee successfully completes the statutorily required examination, the temporary licensee must immediately submit an application and the required fee for full licensure.

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f. On January 1, 2021, if a full license to practice as a professional nurse in Colorado has not been issued, the temporary licensee shall cease practice immediately and until such time as full licensure to practice as a professional nurse in Colorado has been granted.

g. This temporary license is not renewable and does not create a property interest for the holder of the temporary license.

h. The temporary licensee may be subject to discipline by the Board as defined in section 12-255-101, C.R.S., et seq.

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D. TEMPORARY EMERGENCY NURSE AIDE CERTIFICATION

1. The Board may issue a temporary emergency certification to an applicant that is a new graduate of an approved nurse aide training program who meets all qualifications for certification with the exception of successful completion of the required examinations as set forth in section 12-260-108, C.R.S.:

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a. Temporary emergency certifications will be issued beginning May 1, 2020, and for 120 days thereafter.

b. The temporary emergency certification is effective from the date of issuance through December 31, 2020.

c. Nurse aide new graduates must submit an application for temporary emergency certification.

d. Nurse aide applicants granted this temporary emergency certification shall practice under the direct supervision of a Colorado licensed professional nurse in good standing during the entire term of the temporary emergency certification.

(1) For the purpose of this emergency rule, "direct supervision" means the Colorado licensed professional nurse must be on the premises with the temporary emergency certified nurse aide and immediately available to respond to an emergency or provide assistance.

(2) For the purpose of this emergency rule, "premises" means within the same building, office or facility and within the physical proximity to establish direct contact with the patient should the need arise.

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e. Once the temporary emergency certificate holder successfully completes the statutorily required examinations, the temporary emergency certificate must immediately submit an application and the required fee for full certification.

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f. On January 1, 2021, if a full certificate to practice as a nurses aide in Colorado has not been issued, the temporary emergency certificate shall cease practice immediately and until such time as full certificate to practice as a nurse aide in Colorado has been granted.

g. This temporary emergency certificate is not renewable and does not create a property interest for the holder of the temporary emergency certificate.

h. The temporary emergency certificate holder may be subject to discipline by the Board as defined in section 12-255-101, et seq., C.R.S.

E. TEMPORARY REGISTRY ON THE ADVANCED PRACTICE REGISTRY

1. The Board may temporarily register on the advanced practice registry an applicant that is a new graduate of an approved advanced practice nurse program who meets all qualifications for registry with the exception of national certification as set forth in section 12-255-111(3)(b), C.R.S., provided the lack of national certification is due to unavailability of the examination required for such certification.
  - a. Temporary registration on the advanced practice registry will be issued beginning May 1, 2020, and for 120 days thereafter.
  - b. The temporary registration on the advanced practice registry is effective from the date of issuance through December 31, 2020.
  - c. Advanced practice nurse new graduates must submit an application for temporary registration on the advanced practice registry.
  - d. Advanced practice nurse applicants granted this temporary registration on the advanced practice registry shall practice under the direct supervision of an Advanced Practice Nurse registered on the Colorado advanced practice registry in good standing during the entire term of the temporary licensure.
    - (1) For the purpose of this emergency rule, "direct supervision" means the Advanced Practice Nurse registered on the Colorado advanced practice registry must be on the premises with the temporarily registered advanced practice nurse and immediately available to respond to an emergency or provide assistance.
    - (2) For the purpose of this emergency rule, "premises" means within the same building, office or facility and within the physical proximity to establish direct contact with the patient should the need arise.
  - e. Once the temporarily registered advanced practice nurse successfully completes the required examination, the temporarily registered advanced practice nurse must immediately submit an application and the required fee for full registration on the advanced practice registry.
  - f. On January 1, 2021, if a full registration on the Colorado advanced practice registry has not been issued, the temporarily registered advanced practice nurse shall cease practice as an advanced practice nurse immediately and until such time as full registration on the advanced practice registry in Colorado has been granted.
  - g. This temporary registration on the advanced practice registry is not renewable and does not create a property interest for the holder of the temporary registration on the advanced practice registry.
  - h. The temporarily registered advanced practice nurse may be subject to discipline by the Board as defined in section 12-255-101, C.R.S., et seq., and shall be subject to professional liability requirements set forth in 12-255-113, C.R.S.

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F. TEMPORARY SUSPENSION OF CERTAIN NURSE AND NURSE AIDE EDUCATION REQUIREMENTS RELATED TO COVID-19

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1. Pursuant to this emergency rule, promulgated in compliance with Executive Order D 2020 038, the following State Board of Nursing Rules are temporarily suspended effective May 1, 2020 for a period of no longer than 120 days:

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a. Rule 1.2 C.11. (requiring concurrent clinical and theory experiences to allow clinical hours to be completed beyond six (6) months of relevant theory content);

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b. Rule 1.2 E. 15.c.(4)(a) (requiring a minimum of four hundred (400) clinical hours graduation from a practical nursing education program);

c. Rule 1.2 E. 15.c.(4)(b) (requiring a minimum of seven hundred fifty (750) clinical hours for graduation from a professional nursing education program);

d. Rule 1.2 E.15.c.(4)(c) (requiring fifty percent of clinical hours in the Medical Surgical Nursing II, Community Health and Capstone (practicum) courses, pediatrics, obstetrics, psychiatric and medical surgical nursing be completed in a clinical setting);

e. Rule 1.2 E.15.c.(13)(d) (requiring faculty supervision for healthcare related volunteer experiences);

f. Rule 1.10.D.12.a (requiring successful completion of a written and skills-based examination prior to certification); and

g. Rule 1.11.E.2.a ( requiring a minimum of sixteen (16) hours of clinical instruction be performed in a clinical setting).

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