

## DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under section 302(14) of the D.C. Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendment to Chapter 73 (Addiction Counselor) of Title 17 (Business, Occupations & Professions) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The purpose of this amendment is to clarify the term "Board".

**Chapter 73 of Title 17 DCMR is amended as follows:****Section 7300.4. is amended to read as follows:**

7300.4        The term "Board" shall in all instances refer to the Board of Professional Counseling, established by D.C. Official Code § 3-1202.13(a). The Board shall possess all powers and assume all functions assigned to a "Board" as defined in § 199.1 of this title, as well as the powers and functions retained by the Board.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty days after the date of publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9:00 a.m. to 5 p.m., Monday through Friday, excluding holidays.

## DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302 (14) of the District of Columbia Health Occupation Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor's Order 98-140, dated August 20, 1998, gives notice of the intent to take final rulemaking action to adopt the following amendments to chapter 55 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of the amendments is to clarify the requirements for licensure in the District of Columbia; require proof of competency in English for applicants educated in foreign countries; add regulations for licensure by endorsement; add a continuing education requirement to applications for licensure renewal; clarify the scope, duration, and requirements for the supervised practice of students, graduates, and applicants for licensure by endorsement; clarify the scope of practice for practical nurses in the District; add an assignment of nursing interventions section; add a standards of conduct section, add a provision permitting licensure by re-entry program for health professionals whose licenses have been expired more than five (5) years, and who are not currently licensed in another jurisdiction; and to further ensure the protection and safety of the District's citizens by bringing the regulations in line with the current practices and trends in practical nursing.

Proposed Rulemaking was published on June 4, 2004, at 51 DCR 5774. Two comments were received in connection with this notice recommending changes to § 5514.4(d), which prohibits licensed practical nurses from administering certain intravenous medications. Additionally written and oral comments were received from the Health Regulation Administration requesting clarification of the definitions of "supervisor" and "general supervision" and recommending that applicants for licensure by endorsement be permitted to engage in supervised practice in correctional facilities, dialysis centers, and nursing staffing agencies. Changes were made to §§ 5514.4(d), 5514.5 and 5599.1 of the regulations in response to some of the public comments received.

The Board of Nursing made additional revisions to the rulemaking at §§ 5504.4, 5504.6, 5506.4, 5508.3, 5510.3, 5512.2, 5512.4, 5515 and 5599.1 to clarify that the time limitation proscribed to when an applicant has taken and passed the NCLEX examination will be measured by the date the applicant became eligible to apply to take the examination, to eliminate the requirement that an applicant must complete an additional educational program if the applicant has not taken or passed the NCLEX three (3) or more years after the date the applicant became eligible to apply to sit for the exam, to clarify that an applicant whose license has been expired for more than (5) years may apply for licensure by re-entry program, to clarify that the Board will maintain a list of approved continuing education program sponsors, to clarify that a graduate nurse cannot practice under the supervised practice provision if the graduate nurse has failed the NCLEX exam, and to change the term Trained Unlicensed Personnel to Unlicensed Assistive Personnel and to clarify the guidelines for the delegation of health care procedures by licensed practical nurses to unlicensed assistive personnel and clarify the guidelines of practical nursing interventions. The rules are

therefore being republished for additional comment. These Proposed Rules supersede those published on June 4, 2004.

Final rulemaking action to adopt these rules shall take place in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

**Chapter 55 (PRACTICAL NURSING) of Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended in its entirety to read as follows:**

**CHAPTER 55 PRACTICAL NURSING**

**5500 GENERAL**

5500.1 This chapter shall apply to applicants for and holders of a license to practice practical nursing.

5500.2 Chapters 40 (General Rules) and 41 (Administrative Procedures) of this title shall supplement this chapter.

**5501 TERM OF LICENSE**

5501.1 Subject to § 5501.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of June 30 of each odd-numbered year.

5501.2 If the Director changes the renewal system pursuant to § 4006.3 of chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birth date of the holder of the license, or other date established by the Director.

**5502 EDUCATIONAL REQUIREMENTS**

5502.1 Except as otherwise provided in this chapter, an applicant for a license shall furnish proof satisfactory to the Board in accordance with § 504(m) of the Act, D.C. Official Code § 3-1205.04(m), of the following:

- (a) That the applicant has successfully completed an educational program leading to licensure as a practical nurse which was approved by the Board or by a nursing board in the United States or U.S. territory with standards determined by the Board to be substantially equivalent to the standards in the District; or
- (b) That the applicant is a member of or has been honorably discharged from the United States Army with the rating of clinical specialist after completing the MOS 91C practical nursing program.

**5503 EDUCATIONAL REQUIREMENTS FOR APPLICANTS EDUCATED IN FOREIGN COUNTRIES**

- 5503.1 An applicant who completed an educational program in a foreign country, which program was not approved in accordance with § 5502.1, shall furnish proof satisfactory to the Board in accordance with § 504(m) of the Act, D.C. Official Code § 3-1205.04(m) of the following:
- (a) That the applicant's education and training are substantially equivalent to the requirements of this chapter and the Act;
  - (b) That the applicant successfully completed the Commission on Graduates of Foreign Nursing Schools (CGFNS) examination by submitting a certificate from CGFNS; and
  - (c) That the applicant has spoken and written competency in English by documenting one of the following:
    - (1) Graduation from a nursing program where English was the only language of instruction throughout the applicant's inclusive dates of attendance;
    - (2) Successful completion of the Test of Spoken English (TSE) examination with a passing score of fifty (50);
    - (3) Successful completion of the International English Language Testing System (IELTS) examination with a passing score of six (6.0) overall with a spoken band score of seven (7.0); or
    - (4) Provide proof that the applicant has completed a total of twelve (12) months of full-time employment in the United States during the two (2) years immediately preceding the date of application.
- 5503.2 If a document required by this chapter is in a language other than English, an applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit the translation signed by the translator attesting to its accuracy.

**5504 LICENSURE BY EXAMINATION**

- 5504.1 To qualify for a license by examination, an applicant shall:
- (a) Receive a passing score on the National Council Licensure Examination for Practical Nurses (NCLEX-PN) developed by the National Council of State Boards of Nursing, Inc. (NCSBN). The passing score on the NCLEX-RN shall be the passing score established by the NCSBN;
  - (b) Meet the educational requirements of this chapter; and

(c) Meet any other requirements as set forth by the Board.

5504.2 To apply for a license by examination, an applicant shall:

(a) Submit a completed application to the Board on the required forms and include:

(1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and

(2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly exposes the area from the top of the forehead to the bottom of the chin;

(b) Arrange for a certified transcript of the applicant's academic record and a letter of recommendation from the nurse administrator of the school or college to be sent directly from the educational institution to the Board;

(c) Sit for the NCLEX-PN examination not later than ninety (90) days following submission of the application. The Board may, in its discretion, grant an extension of the time requirement if the applicant's failure to sit for the examination was for good cause. As used in this section "good cause" includes the following:

(1) Serious and protracted illness of the applicant; or

(2) The death or serious and protracted illness of a member of the applicant's immediate family;

(d) Submit any other required documents; and

(e) Pay all required fees.

5504.3 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for licensure, and pay the required fees.

5504.4 If an applicant has not yet taken or passed the NCLEX-PN examination three (3) months after the date the applicant became eligible to apply to sit for the exam, the applicant shall complete a review course approved by the Board and provide proof of having completed the course in order to be eligible to sit for the next available NCLEX-PN examination. For purposes of this section:

(a) Graduates of an educational program in practical nursing approved in

accordance with § 5502.1 are eligible to apply to sit for the exam upon graduation.

- (b) Graduates of an educational program in practical nursing in a foreign country not approved in accordance with § 5502.1 are eligible to apply to sit for the exam upon completion of the requirements set forth in § 5503.1.

5504.5 If an applicant has not yet taken or passed the NCLEX-RN examination more than one (1) year after the date the applicant becomes eligible to apply to sit for examination, the applicant shall submit a plan of study for approval by the Board in order to be approved to sit for the NCLEX-RN examination.

## **5505 LICENSURE BY ENDORSEMENT**

5505.1 An applicant is eligible for licensure by endorsement if the applicant is currently licensed as a practical nurse under the laws of a state or territory of the United States; and if the applicant's original licensure in a state or territory was based upon:

- (a) A score of three hundred and fifty (350) on each part of the State Board Test Pool Examination for practical nurses taken before September 1982; or
- (b) A passing score on the NCLEX-PN.

5505.2 To apply for a license by endorsement, an applicant shall:

- (a) Submit a completed application to the Board on the required forms and include:
  - (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall submit a sworn affidavit, under penalty of perjury, with the application stating that he or she does not have a social security number; and
  - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly exposes the area from the top of the forehead to the bottom of the chin;
- (b) Submit a copy of his or her current license with the application;
- (c) Obtain licensure verification from the original state or territory of licensure that the license is current and in good standing:
  - (1) If the license from the original state or territory is not current, an applicant shall obtain verification from a state or territory that the applicant holds a current license in good standing; and

(2) The licensure verification form must be sent directly to the Board, by the verifying Board;

(d) Meet any other requirements as set forth by the Board; and

(e) Pay all required fees.

5505.3 If the applicant completed an educational program for practical nursing in a foreign country, which program was not approved in accordance with the requirements set forth in § 5502.1, the applicant shall also demonstrate spoken and written competency in English by providing documentation of one of the following:

(a) Graduation from a nursing program where English was the only language of instruction throughout the applicant's inclusive dates of attendance;

(b) Successful completion of the Test of Spoken English (TSE) examination;

(c) Successful completion of the International English Language Testing System (IELTS) examination with a passing score of six (6.0) overall with a spoken band score of seven (7.0); or

(d) Provide proof that the applicant has completed a total of twelve (12) months of full-time employment at a health care facility in a state or territory of the United States during the two (2) years immediately preceding the date of application.

5505.4 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, submit the required documents and completed forms, and pay the required fees.

5505.5 Nothing in this section shall be construed to prohibit the Board from utilizing other authorized databases to verify an applicant's current licensure standing in other jurisdictions of the U.S or to review disciplinary records.

## **5506 LICENSURE BY RE-ENTRY PROGRAM**

5506.1 A health professional who fails to apply for reinstatement of a District of Columbia practical nursing license within five (5) years after the license expires, and who is not currently licensed to practice practical nursing under the laws of a state or territory of the United States, may apply for licensure to practice practical nursing in the District of Columbia under licensure by re-entry program.

5506.2 To apply for licensure by re-entry program, an applicant shall:

(a) Submit a completed application to the Board on the required forms and include:

- (1) The applicant's social security number on the application; and
  - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly exposes the area from the top of the forehead to the bottom of the chin;
- (b) Submit proof of completion of a re-entry program approved by the Board;
  - (c) Submit any other required documents; and
  - (d) Pay all required fees.

5506.3 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for licensure, and pay the required fees.

5506.4 Board shall periodically conduct a random audit of its active licensees to determine compliance. The nurses selected for the audit shall provide a completed Continuing Education Compliance Audit Form and all supporting documentation to the Board within ten (10) days of receiving notification of the audit.

#### **5507 REACTIVATION OF AN INACTIVE LICENSE**

5507.1 A licensee in inactive status, pursuant to § 511 of the Act, D.C. Official Code § 3-1205.11, may apply for reactivation of the license by submitting a completed application on the forms required by the Board and paying the required fees.

5507.2 A licensee in inactive status, pursuant to § 511 of the Act, D.C. Official Code § 3-1205.11, for twelve (12) months or more, who submits an application to reactivate a license shall:

- (a) Submit proof as set forth in § 5508.7 of having completed nine (9) hours of continuing education in the licensee's current area of practice for each year, or any portion thereof, the license was in inactive status up to a maximum of eighteen (18) hours of continuing education. Only continuing education taken in the two (2) years immediately preceding the application date will be accepted; or
- (b) Submit proof of a current license in good standing to practice practical nursing from a state or territory of licensure in the United States. Verification of good standing must be sent directly to the Board by the verifying Board.

5507.3 A licensee in an inactive status, pursuant to § 511 of the Act, D.C. Official Code § 3-

1205.11, for two (2) years or more, who submits an application to reactivate a license shall:

- (a) Submit proof as set forth in § 5508.7 of having completed nine (9) hours of continuing education in the licensee's current area of practice for each year, or any portion thereof, the license was in inactive status up to a maximum of eighteen (18) hours of continuing education. Only continuing education taken in the two (2) years immediately preceding the application date will be accepted;
- (b) Submit proof of completion of a re-entry program approved by the Board; or
- (c) Submit proof of a current license in good standing to practice practical nursing from a state or territory of licensure in the United States. Verification of good standing must be sent directly to the Board by the verifying Board.

#### **5508 REINSTATEMENT OF AN EXPIRED LICENSE**

5508.1 An applicant for reinstatement of a license shall:

- (a) Submit proof as set forth in § 5510 of having completed eighteen (18) hours of continuing education in the applicant's current area of practice in the two years immediately preceding the application date; and
- (b) Meet any other requirements that the Board may set forth to determine whether the license should be reinstated.

5508.2 An applicant for reinstatement of a license shall submit the required documents and completed forms required by the Board and pay the required fees.

5508.3 The Board shall not reinstate the license of an applicant who fails to apply for reinstatement of the license within five (5) years after the license expires. The applicant may become licensed by applying for and meeting the requirement for obtaining an initial license which shall include licensure by the re-entry program.

#### **5509 RENEWAL OF A LICENSE**

5509.1 A licensee shall renew his or her license by submitting a completed application on the forms required by the Board and paying the required fees prior to the expiration of the license.

5509.2 The Board's staff shall mail out applications for renewal at least sixty (60) days prior to the date the license expires.

5509.3 A licensee shall have the burden of notifying the Board if a renewal notice is not received.

- 5509.4 A licensee shall notify the Board in writing of a change of home or business address within thirty (30) days after the change.
- 5509.5 A licensee applying for renewal shall submit proof of completion of eighteen (18) contact hours of continuing education in the licensee's current area of practice commencing with the renewal period of 2007. Only continuing education hours obtained in the two (2) years immediately preceding the application date will be accepted.
- 5509.6 A licensee applying for renewal of a license who fails to submit proof of having completed the continuing education requirements by the date the license expires may renew the license within sixty (60) days after the date of expiration by submitting proof pursuant to § 5510 and by paying the required late fees.
- 5509.7 Upon submitting proof and paying the required late fees, the licensee shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documents and fees.
- 5509.8 If a licensee applying for renewal of a license fails to submit proof of completion of the continuing education requirements, or pay the late fee within sixty (60) days after the expiration of the applicant's license, the license shall be considered to have lapsed on the date of expiration and the health care professional shall thereafter be required to apply for reinstatement of an expired license and meet all requirements and fees for reinstatement.
- 5509.9 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew the license after expiration, if the licensee's failure to submit proof of completion of the continuing education or pay the late fee was for good cause. As used in this section "good cause" includes the following:
- (a) Serious and protracted illness of the licensee; and
  - (b) The death or serious and protracted illness of a member of the licensee's immediate family.
- 5509.10 The Board may, in its discretion, waive continuing education requirements for a licensee who submits proof of:
- (a) Serving as a speaker at an approved continuing education program. The presentation shall have been completed during the period for which credit is claimed; or
  - (b) Being the author or editor of a published periodical, if the periodical has been published or accepted for publication during the period for which credit is claimed.

5509.11 If a licensee has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless the presentation involved either a different subject or substantial additional research concerning the same subject.

**5510 CONTINUING EDUCATION**

5510.1 The Board, in its discretion, may approve continuing education programs and activities that contribute to the growth of an applicant in professional and competence in the practice of practical nursing and which meet the other requirements of this section.

5510.2 Continuing education credit may be granted only for programs or activities approved by the Board.

5510.3 The Board shall maintain a list of approved continuing education program sponsors which shall be available to the public during regular business hours.

5510.4 A licensee shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to enrolling in a program.

5510.5 At the request of a licensee, or the sponsor of a continuing education program, the Board may approve the following types of continuing education programs if the programs meet the requirements of this section:

- (a) An undergraduate course or graduate course given at an accredited college or university;
- (b) A conference, course, seminar, or workshop;
- (c) An educational course offered through the Internet; or
- (d) Other programs approved by the Board which meet the requirements of this section.

5510.6 To qualify for approval by the Board, a continuing education program shall meet the following requirements:

- (a) Be current in its subject matter;
- (b) Be developed and taught by qualified individuals; and
- (c) Meet one of the following requirements:
  - (1) Be administered and approved by a registered nurse, nursing organization, or health services organization that is recognized by the Board; or

- (2) Be administered and approved by a health care facility, institution, or organization, or a college, school or university that is accredited by the Secretary of the United States Department of Education or the Council on Post Secondary Education or the American Nurses Credentialing Council (ANCC).

5510.7 A licensee shall submit the following information with respect to each program for which continuing education is claimed, on a form required by the Board:

- (a) The name and address of the sponsor of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the name(s) of the instructor(s);
- (c) The date(s) on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Attach a verification form signed and stamped by the program sponsor.

5510.8 The Board shall grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) credit hour.

5510.9 For approved undergraduate or graduate courses, each semester hour of credit shall constitute fifteen (15) hours of continuing education credit, and each quarter hour of credit shall constitute ten (10) hours of continuing education credit.

## 5511 SUPERVISED PRACTICE OF STUDENTS

5511.1 A student may practice practical nursing only in accordance with the Act and this chapter.

5511.2 A student who is fulfilling educational requirements under § 103(c) of the Act, D.C. Official Code § 3-1201.3, shall be authorized to engage in the supervised practice of practical nursing without a District of Columbia license.

5511.3 Only a registered nurse licensed under the Act, who is an appointed faculty member of the accredited school, college, or university, or a preceptor meeting the qualifications set forth in chapter 56 of this title, shall be authorized to supervise the practice of practical nursing by a student.

5511.4 A student who practices pursuant to this section shall only practice at a hospital, long-term care facility, a health facility operated by the District or federal government, a health education center, or other health care facility considered appropriate by the school, college, or university.

- 5511.5 All supervised practice of a student shall take place under general or immediate supervision of a registered nurse.
- 5511.6 A person who has been denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or other jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.
- 5511.7 A student practicing under this section shall not assume administrative or technical responsibility for the operation of a nursing program, unit, service, or institution.
- 5511.8 A student shall identify himself or herself as such before practicing as a practical nurse. A student shall wear a picture identification badge with lettering clearly visible to the client bearing the name of the student and the position title.
- 5511.9 A student shall not receive compensation of any nature, directly or indirectly, from a client or client's family member.
- 5511.10 The appointed supervising faculty member shall be fully responsible for all practice by a student during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the student.
- 5511.11 The Board may deny an application for licensure by, or take other disciplinary action against, a student who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the student to practice.

## **5512 SUPERVISED PRACTICE OF GRADUATE NURSES**

- 5512.1 A graduate nurse may practice practical nursing only in accordance with the Act and this chapter.
- 5512.2 An individual may be authorized to engage in the supervised practice of practical nursing, as a graduate nurse, without a District of Columbia license if the individual:
- (a) Graduated from a nursing program pursuant to § 5502.1, or has met the requirements set forth in § 5503;
  - (b) Has not failed the NCLEX-PN examination; and
  - (c) Has an initial application pending for licensure by examination in the District of Columbia.
- 5512.3 A person who has been denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action

pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.

5512.4 Within five (5) business days after the application for licensure by exam has been received by the Board's staff, the Board's staff shall, at the request of the applicant, issue a supervised practice letter to the applicant to document that his or her application is pending and that he or she is authorized to practice under the Act and this chapter. The practice letter is not renewable and shall expire:

- (a) Ninety (90) days from the date of issuance;
- (b) Upon notification that the applicant has failed the NCLEX examination;
- (c) Upon receipt of written notice from the Board that the application for licensure has been denied, whichever date is the earliest.

5512.5 Upon receipt of the practice letter, the graduate nurse shall inform employers of the date of expiration of the letter and shall immediately cease professional nursing practice on that date or upon receipt of written notice from the Board that the application for licensure has been denied, whichever date is the earliest. The graduate nurse thereafter may practice in a non-professional healthcare occupation, until receipt of a license or issuance of a license number.

5512.6 Only a registered nurse licensed under the Act, who is a supervisor, shall be authorized to supervise the practice of practical nursing by a graduate nurse.

5512.7 All supervised practice of a graduate nurse shall take place under general or immediate supervision.

5512.8 A graduate nurse who practices pursuant to this section shall only practice at a hospital, long-term care facility, a health facility operated by the District or federal government, or other health care facility considered appropriate and approved by the Board.

5512.9 A graduate nurse shall not be eligible to practice practical nursing in any of the following settings;

- (a) Correctional Facility;
- (b) Dialysis Center;
- (c) Home Health Agency;
- (d) Community Residential Facility;
- (e) Nursing Staffing Agency;

- (f) Medical Group Practice;
- (g) School, (as a school nurse); and
- (h) Any other setting that does not meet the requirements of § 5512.8.

- 5512.10 A graduate nurse practicing under this section shall not assume administrative or technical responsibility for the operation of a nursing program, unit, service, or institution.
- 5512.11 A graduate nurse shall identify himself or herself as such before engaging in the supervised practice of practical nursing. A student shall wear a picture identification badge with lettering clearly visible to the client bearing the name of the student and the position title.
- 5512.12 A graduate nurse shall not receive compensation of any nature, directly or indirectly, from a client or client's family member, except for a salary based on hours worked under supervision.
- 5512.13 The supervisor shall be fully responsible for the practice by a graduate nurse during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the graduate nurse.
- 5512.14 The Board may deny an application for licensure by, or take other disciplinary action against, a graduate nurse who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the graduate nurse to practice.

**5513 SUPERVISED PRACTICE OF APPLICANTS FOR LICENSURE BY ENDORSEMENT**

- 5513.1 An applicant may practice practical nursing only in accordance with the Act and this chapter.
- 5513.2 An applicant for licensure by endorsement shall be authorized to engage in the supervised practice of practical nursing in the District of Columbia without a District of Columbia license if the applicant:
- (a) Is currently licensed, in good standing, as a practical nurse under the laws of a state or territory of the United States;
  - (b) Is a graduate of a program approved in accordance with § 5502.1, or can demonstrate competency in English pursuant to § 5505.3; and
  - (c) Has an initial application pending for licensure by endorsement in the District of

Columbia.

- 5513.3 A person who has been denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.
- 5513.4 Within five (5) business days after the application for licensure by endorsement has been received by the Board's staff, the Board's staff shall issue a practice letter to the applicant to document that his or her application is pending and that he or she is eligible to practice under the Act and this chapter. The practice letter is not renewable and shall expire:
- (a) Ninety (90) days from the date of issuance; or
  - (b) Upon receipt of written notice from the Board that the application for licensure has been denied, whichever date is the earliest.
- 5513.5 Upon receipt of the practice letter, the applicant shall inform employers of the date of expiration of the letter and shall immediately cease professional nursing practice in the District on that date or upon receipt of written notice from the Board that the application for licensure has been denied, whichever date is the earliest. The applicant thereafter may practice in a non-professional healthcare occupation, until receipt of a District of Columbia license to practice practical nursing.
- 5513.6 Only a registered nurse licensed under the Act, who is a supervisor, may be authorized to supervise the practice of practical nursing by an applicant.
- 5513.7 All supervised practice of an applicant shall take place under general or immediate supervision.
- 5513.8 An applicant shall not receive compensation of any nature, directly or indirectly, from a client or client's family member, except for a salary based on hours worked under supervision.
- 5513.9 The supervisor shall be fully responsible for the practice by an applicant during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the applicant.
- 5513.10 The Board may deny an application for licensure by, or take other disciplinary action against, an applicant who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the applicant to practice.

**5514 SCOPE OF PRACTICE**

5514.1 The practice of practical nursing means the following:

- (a) The performance of actions of preventive health care, health maintenance, and the care of persons who are ill, injured, or experiencing alterations in health processes at the direction of the delegating or supervisory registered nurse; and
- (b) The basic knowledge, judgment, and skills in nursing procedures gained through successful completion of an approved educational program in practical nursing.

5514.2 A practical nurse shall accept only those assigned nursing activities and responsibilities as set forth in the Act and this chapter, which the practical nurse can safely perform. That acceptance shall be based on the following requirements in each practice setting which shall include:

- (a) The qualifications of the practical nurse in relation to the client's needs and the integrated plan of care, including:
  - (1) Basic education and preparation of the practical nurse; and
  - (2) Knowledge and skills subsequently acquired through continuing education and practice;
- (b) The degree of supervision by a registered nurse;
- (c) The stability of each of the clients' condition;
- (d) The complexity and frequency of nursing intervention to address the needs of the client or client group;
- (e) The accessible resources within the agency or facility; and
- (f) The established policies, procedures, standards of practice, and communication channels, which lend support to the model of nursing services offered by the agency or facility.

5514.3 The practice of practical nursing shall include the following:

- (a) Participating in the performance of the ongoing comprehensive nursing assessment process of the client's biological, physiological, and behavioral health, including the client's reaction to an illness, injury, and treatment regimens by collecting data and performing focused nursing assessments;
- (b) Recording and reporting the findings and results of the ongoing nursing assessment process;
- (c) Participating in the development and modification of the client-centered plan of

care;

- (d) The administration of medication and treatment as prescribed by a legally authorized health care professional, licensed in the District of Columbia, and that is within the scope of practice of a practical nurse;
- (e) Implementing appropriate aspects of the integrated plan of care in which the practical nurse is knowledgeable, skilled, and competent to perform and that is within the scope of practice of the practical nurse;
- (f) Participating in the nursing care management through assigning and directing nursing interventions that may be performed by unlicensed, trained personnel;
- (g) Participating in the evaluation of the client response and outcome to interventions;
- (h) Promoting and maintaining a safe and therapeutic environment;
- (i) Participating in health teaching and counseling to promote, attain, and maintain the optimum health level of the client;
- (j) Communicating and collaborating with other health care team members and other professionals;
- (k) Monitoring intravenous infusion;
- (l) Inserting nasogastric tubes; and
- (m) Other acts or services which are beyond the basic education of a practical nurse as approved by the Board. The acts or services shall be commensurate with the practical nurse's experience, continuing education, and demonstrated competencies.

5514.4

A practical nurse shall not:

- (a) Function as a director of nursing or as an administrator of nursing;
- (b) Supervise the clinical practice of a registered nurse;
- (c) Supervise the practice of a graduate nurse or student; or
- (d) Administer the following medications:
  - (1) Investigational or toxins;
  - (2) Antineoplastic agents;

- (3) Anesthesia or conscious sedation;
- (4) Hypnotics;
- (5) Oxytocics; or
- (6) Medications by way of intrathecal or epidural route;

5514.5 A practical nurse may administer medications intravenously if the following conditions are met:

- (a) The Administrator for Nursing Services has developed policies, procedures, and practice standards governing the practice of medication administration by practical nurses and established specific criteria for use when approving medications for intravenous administration by practical nurses;
- (b) The practical nurse has successfully completed an educational program for intravenous medication administration;
- (c) The practical nurse has been evaluated and validated for clinical competency in intravenous medication administration; and
- (d) The practical nurse administers the approved medications under the general supervision of a licensed, registered nurse.

5514.6 A practical nurse shall not:

- (a) Administer any medications prohibited under § 5514.4(d); or
- (b) Perform intravenous therapy or administer any intravenous medications in home care settings or residential care settings.

5514.7 A practical nurse shall only administer medications which have been approved by the Administrator for Nursing Services.

5514.8 A practical nurse may perform infusion therapy upon successfully completing an approved program of infusion therapy approved by the Board and if the following requirements are met:

- (a) The Administrator of Nursing Services has developed policies, procedures and practice standards which govern the practice of infusion therapy;
- (b) The supervisor maintains documentation to validate the competency of the practical nurse; and

- (b) A registered nurse is present in the facility or on the unit when the practical nurse is performing infusion therapy.

5514.9 A practical nurse may perform the following infusion therapy acts:

- (a) Insertion of a peripheral intravenous catheter that is no more than three (3) inches in length;
- (b) Discontinuing peripheral intravenous catheters that are no more than three (3) inches in length;
- (c) Initiation of prescribed intravenous fluids;
- (d) Calculating and adjusting intravenous flow rate, including infusion pumps;
- (e) Adding intravenous fluids to an established peripheral line. Fluids must be non-medicated, commercially prepared or prepared by a licensed pharmacist. Accepted fluids are limited to those fluids that are generally used as maintenance, and isotonic in nature;
- (f) Administering pharmacy prepared medications;
- (g) Insertion of heparin locks, including flushing with normal saline or heparin 100 units;
- (h) Venipuncture or withdrawal of a blood specimen from a peripheral catheter site; and
- (i) Changing of injection cap or intravenous tubing for peripheral lines only.

5514.10 A practical nurse shall wear a picture identification badge with lettering clearly visible to a client bearing the name of the practical nurse and the title "Licensed Practical Nurse" or "L.P.N."

## **5515 DELEGATION OF PRACTICAL NURSING INTERVENTIONS**

5515.1 Nothing in this section shall be applicable to, restrict, or limit the gratuitous provision of care by self, family, or friends.

5515.2 Practical nurses may delegate nursing interventions to be performed by unlicensed assistive personnel. Such delegation shall be in a manner that does not conflict with the Act, this chapter, or with other District and federal laws and regulations which affect the practice of nursing in the District of Columbia.

5515.3 Nothing in this chapter shall be construed as permitting or authorizing an unlicensed person to perform duties beyond the scope permitted, or which are prohibited, by

any other District or federal laws or regulations.

5515.4 A practical nurse may assume the responsibilities of delegating, assigning, directing, and evaluating nursing interventions to be performed by other practical nurses and unlicensed assistive personnel, after the supervisory registered nurse has met the following requirements:

- (a) Developed a plan of nursing strategies to be integrated within the client-centered plan of care that identifies the needs of the client, nursing diagnoses, and prescribed nursing interventions; and
- (b) Implemented a client-centered plan of care, including an identification of those interventions and activities that the practical nurse has the necessary skills and competence to accomplish safely.

5515.5 The Administrator for Nursing Services, or supervisor, shall be responsible for establishing policies and procedures for nursing practice. The policies and procedures shall include a mechanism for:

- (a) Identifying those individuals, by position title and job description, to whom nursing interventions may be delegated based on education, training, and competency measurements; and
- (b) Assisting the delegating practical nurse in verifying the competency of the unlicensed assistive personnel prior to assigning nursing interventions.

5515.6 If the delegating practical nurse determines that the unlicensed assistive personnel cannot safely perform the nursing intervention, the practical nurse shall not delegate the nursing intervention.

5515.7 The delegating practical nurse shall assign and delegate in a manner that protects the health, safety, and welfare of the client and others. The nursing tasks delegated shall:

- (a) Be within the area of responsibility of the nurse delegating the act;
- (b) Be such that, in the judgment of the nurse, it can be properly and safely performed by the unlicensed assistive personnel without jeopardizing the client welfare; and
- (c) Be a task that a reasonable and prudent nurse would find is within the scope of sound nursing judgment.

5515.8 A practical nurse may assign and direct the following types of nursing activities and interventions:

- (a) Activities and interventions whose results are predictable and whose potential for risk is minimal;
- (b) Activities and interventions that frequently recur in the daily care of the client; and
- (c) Activities and interventions that utilize a standard and unchanging procedure.

5515.9 A practical nurse that is responsible for assigning and directing other practical nurses and unlicensed assistive personnel shall do the following:

- (a) Provide initial instructions;
- (b) Monitor the nursing services;
- (c) Evaluate the outcome of the assigned activity or intervention; and
- (d) Provide feedback to the delegating or supervisory registered nurse.

5515.10 Unlicensed assistive personnel shall practice under general or immediate supervision of a licensed nurse.

5515.11 The delegating licensed nurse shall be fully responsible for providing supervision of the unlicensed assistive personnel. The supervision shall include:

- (a) Instructing the unlicensed assistive personnel in the delegated nursing intervention(s);
- (b) Monitoring the performance of the delegated nursing intervention(s);
- (c) Verifying that the delegated nursing intervention(s) has been implemented; and
- (d) Evaluating the client's response and the outcome of the delegated nursing intervention(s).

5515.12 The delegating practical nurse shall determine the required degree of supervision after an evaluation of appropriate factors including:

- (a) The stability of the client's condition;
- (b) The willingness and ability of the client to be involved in the management of his or her care;
- (c) The training, experience, and competency of the unlicensed assistive personnel

implementing the nursing intervention; and

(d) The nature of the nursing intervention.

5515.13 The delegating practical nurse shall be responsible at all times for all nursing interventions provided by the unlicensed assistive personnel to whom it was delegated, and is subject to disciplinary action for any violation of the Act or this chapter in connection with the nursing intervention performed by the unlicensed assistive personnel.

## **5516 STANDARDS OF CONDUCT**

5516.1 A practical nurse shall adhere to the standards set forth in the "Code of Ethics for Nurses" as published by the American Nurses Association, as they may be amended or republished from time to time.

5516.2 A practical nurse shall respect the client's right to privacy by protecting confidential information unless obligated or allowed by law to disclose the information.

5516.3 A practical nurse shall not accept or perform professional responsibilities that the nurse is not competent to perform.

5516.4 A practical nurse shall not, after accepting an assignment or responsibility for a client's care, and without giving adequate notice to the supervisor so that arrangements can be made for continuation of nursing care by others:

(a) Unilaterally sever the established nurse-client relationship;

(b) Leave a client for a length of time, or in a manner, that exposes the client unnecessarily to risk of harm; or

(c) Leave a nursing assignment.

5516.5 A practical nurse shall know, recognize, and maintain professional boundaries of the nurse-client relationship.

5516.6 A practical nurse shall provide nursing services, without discrimination, regardless of the age, disability, economic status, gender, national origin, race, religion, or health problems of the client served.

## **5599 DEFINITIONS**

5599.1 As used in this chapter, the following terms have the meanings ascribed:

**Act**— Health Occupation Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*) (2001).

**Administrator for nursing services** – the licensed registered nurse responsible for planning, directing, and controlling the operation of nursing service within an agency, health care facility, or setting in which nursing care is being offered or provided.

**Activity of daily living (ADL)** – getting in and out of bed, bathing, dressing, eating, walking, and taking medications prescribed for self-administration.

**Agency** – any person, firm, corporation, partnership, or other business entity engaged in the business of referring nursing personnel, as employees or independent contractors, to a health care facility for the purpose of rendering temporary nursing services.

**Applicant** – person applying for a license to practice practical nursing under this chapter.

**Assignment** – the transference from the practical nurse to another individual, the authority to act on behalf of the practical nurse in the performance of a nursing intervention, while the practical nurse retains the accountability and responsibility for the assigned act and providing feedback to the delegating or supervisory registered nurse.

**Board** – the Board of Nursing, established by § 204 of the Act, D.C. Official Code § 1202.04.

**Competence** – the state or quality of being capable of performing a task or function as the result of having the required knowledge, skills, and ability.

**Complex interventions** – those interventions that require nursing judgment to safely alter standard procedures in accordance with the needs of the client, require nursing judgment to determine how to proceed from one step to the next, or require implementation of the nursing process.

**Educational program** – a program accredited by a recognized nursing body approved by the board that leads to a diploma, associate degree, or baccalaureate degree in nursing.

**General supervision** – supervision in which the supervisor is available on the premises or within vocal communication either directly or by a communication device at the time the trained unlicensed personnel, or licensed practical nurse is practicing.

**Graduate nurse** – an individual who has graduated from a nursing program for practical nursing, who has never taken the NCLEX-PN exam, and whose application for a license by examination in the District of Columbia is pending.

**Health professional** – a person who holds a license, certificate, or registration issued under the authority of this title or the Act.

**Immediate supervision**-- supervision in which the supervisor is with the trained unlicensed personnel or licensed practical nurse and either discussing or observing the person's practice.

**Nursing intervention** - the initiation and completion of a client focused action necessary to accomplish the goal(s) defined in the client-centered plan of care.

**Practical nurse** – a person licensed to practice practical nursing under the Act and this chapter.

**Re-entry program**-- a formal program of study with both didactic and clinical components, designed to prepare a nurse who has been out of practice to re-enter into nursing practice at the practical nurse level.

**Registered nurse** – a person licensed to practice registered nursing under the Act and chapter 54 of this title.

**Review course** – a course of study providing review of basic preparation for the NCLEX-PN examination.

**Supervisor**– a registered nurse licensed under the Act who is responsible and accountable for assigning, directing, evaluating and managing a unit, service or program that offers or provides nursing care or who is responsible for the supervision of trained unlicensed personnel, students, graduate nurses or other licensed nurses.

**Unlicensed assistive personnel** – a person who is not licensed to practice nursing, but has been trained to function in an assistant or subordinate role to the registered or practical nurse in providing nursing care.

5599.2 The definitions in § 4099 of Chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the D.C. Register, to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 9:00 a.m. and 5:00 p.m. at the address listed above.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, D.C. 20005

**NOTICE OF PROPOSED RULEMAKING**

**TELEPHONE TARIFF 06-5, IN THE MATTER OF THE APPLICATION OF  
VERIZON WASHINGTON, DC INC. FOR AUTHORITY TO AMEND THE  
GENERAL SERVICES TARIFF, P.S.C.-D.C.-NO. 203**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to D.C. Code Section 2-505 (2001),<sup>1</sup> of its intent to act upon the Application<sup>2</sup> of Verizon Washington, DC Inc. ("Verizon DC") in the above-captioned matter in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. On September 29, 2006, Verizon DC filed an application requesting authority to amend the following tariff pages:

**GENERAL SERVICES TARIFF, P.S.C.-D.C.-NO. 203  
Section 31, 1st Revised Page 6  
1<sup>st</sup> Revised Page 8**

3. This filing proposes to increase the monthly recurring rates for the Regional Value and Regional Essential bundled services.

4. The complete text of the tariff page is on file with the Commission. Copies of the proposed tariff pages may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., 7th Floor, East Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the tariff pages are available upon request, at a per-page reproduction cost.

5. Comments on the proposed tariff pages must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. All comments must be received within 30 days of the date of publication of this NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 45 days of the date of publication of this NOPR in the *D.C. Register*. Once the comment and reply comment periods have expired, the Commission will take final rulemaking action on Verizon DC's filing.

<sup>1</sup> D.C. Official Code, § 2-505.

<sup>2</sup> *Telephone Tariff 06-5, In the Matter of the Application of Verizon Washington, DC Inc. For Authority to Amend the General Services Tariff, P.S.C.-D.C. No. 203*. Letter from J. Henry Ambrose of Verizon Washington, DC Inc. to Dorothy Wideman, Commission Secretary, filed September 29, 2006 ("Application").

## DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), by its Panel on Rates and Rules, pursuant to the authority set forth under §§ 8 (b)(1) (J) and 9 (b) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986, (D.C. Law 6-97; D.C. Official Code §§ 50-307 (b) (1) (J), and 50-308 (b) (2001)), hereby gives notice of its proposed rulemaking action taken March 8, 2006, to amend § 111.3 of Chapter 1 of Title 31 of the District of Columbia Municipal Regulations ("DCMR"). The proposed rulemaking changes the number of Commissioners required, from seven (7) to a majority, to approve ceremonial actions taken when a Commission special or regular meeting is not feasible. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following section in 31 DCMR Chapter 1 is amended as follows:

**111 POLICY AND PROGRAMS**

- 111.3 Whenever the Commission is requested to take ceremonial action and the Chairperson determines that a regular or special meeting of the Commission is not feasible, the Chairperson shall endeavor to poll all the Commissioners and upon approval of the proposed ceremonial action by a majority (including the Chairperson) of the Commissioners in office, the Chairperson may take the action in the name of the Commission.

Any person desiring to file written comments on the Commission's proposed rulemaking action must do so not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Comments should be filed with Doreen E. Thompson, Acting General Counsel and Secretary, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. Copies of the proposed rulemaking may be obtained by writing to the above address.