



## Iowa Board of Nursing

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From: The Iowa Board of Nursing

Date: April 29, 2020

Re: New Administrative Rules Creating Emergency RN, LPN, and ARNP Licenses

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### MEMORANDUM OF RULEMAKING

On April 22, 2020, the Iowa Board of Nursing voted to amend Chapter 3, “Licensure to Practice—Registered Nurse/Licensed Practical Nurse,” 655 Iowa Administrative Code, to create a new rule governing emergency RN, LPN, and ARNP Licenses.

**Background and Legal Authority:** On March 22, 2020, Governor Reynolds issued a Proclamation of Disaster Emergency in response to the COVID-19 crisis. Section Three of the Proclamation temporarily waived the regulatory provisions of Iowa Code sections 147.2 and 152.7 to the extent they prohibit the practice of nursing for an individual who has not yet obtained an initial license, if the licensing board determines the individual has completed sufficient education and should be granted an emergency license to practice in accordance with any guidance issued by the board. Accordingly, the Board of Nursing is adopting these rules to allow for emergency licenses to be issued to graduates of nursing education programs who are unable to sit for the NCLEX or national certifying examinations due to testing centers being closed during this public health disaster emergency. Iowa Code section 29C.19 provides, “Any order issued or rule promulgated by a state agency during a declared disaster emergency and pursuant to the provisions of this chapter shall be exempt from being issued or promulgated as provided in chapter 17A.” The Board of Nursing is hereby promulgating these rules in accordance with section 29C.19 in light of the rules’ direct relationship to the public health disaster emergency and the urgent public interest in maintaining a nursing workforce during this public health disaster emergency.

**Effective Date:** New rule 655—3.11 is effective immediately.

The following new rule is adopted:

**655—3.11(152) Emergency License.** In accordance with Section Three of Governor Reynolds’s March 22, 2020 Proclamation of Disaster Emergency, and pursuant to Iowa Code section 29C.19, an individual who has not yet previously obtained a license to practice nursing in Iowa may be issued a temporary, emergency license in accordance with the following.

**3.11(1) Eligibility.** Individuals who meet the following qualifications may be issued emergency licenses to practice nursing pursuant to this rule:



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a. Graduation from an approved program for the education of licensed practical nurses or registered nurses, or graduation from an accredited graduate or postgraduate advanced practice education program, within the preceding six (6) months;

b. Registration for the NCLEX for applicants seeking emergency licensure as an RN or LPN, or confirmed eligibility to take the national certification examination from the certifying body for applicants seeking emergency licensure as an ARNP;

c. Active, unrestricted licensure as a registered nurse for applicants seeking emergency licensure as an ARNP;

d. The individual has never previously failed the NCLEX examination or the national certification examination.

**3.11(2)** *Graduates of approved RN and LPN nursing programs.* Applicants who have graduated from an approved program for the education of registered nurses or licensed practical nurses within the preceding six (6) months may be issued a temporary emergency license in accordance with this subrule, upon submission of all of the following:

a. A completed application for licensure by examination, including payment of the applicable fee;

b. Official transcript denoting the date of graduation or conferral, and the type of diploma or degree conferred, sent directly to the board from the education program;

c. Proof of NCLEX registration, including payment of applicable fees through the national test service agency.

**3.11(3)** *Graduates of accredited graduate or postgraduate advanced practice education programs.* Applicants who have graduated from an accredited graduate or postgraduate advanced practice education program within the preceding six (6) months may be issued a temporary emergency license in accordance with this subrule, upon submission of all of the following:

a. A completed application for ARNP licensure for each population focus, including payment of the applicable fee;

b. If not licensed as a registered nurse in Iowa, verification of licensure as a registered nurse in a state recognized for licensure pursuant to the nurse licensure compact contained in Iowa Code chapter 152E;

c. Official transcript denoting the date of graduation or conferral, and the type of diploma or degree conferred, sent directly to the board from the education program;

d. Confirmation of eligibility to take the national certifying examination, sent directly from the certifying body.

**3.11(4)** *Scope and duration of emergency license.* A license issued pursuant to this subrule shall be subject to the following terms and conditions:

a. The license shall expire sixty (60) days after termination or expiration of the March 22, 2020 Proclamation of Disaster Emergency, or upon receiving a failing score on the NCLEX or national certifying examination, whichever is sooner.



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*b.* The license shall be a single-state license and shall not afford the licensee any privileges under Iowa Code chapter 152E to practice in another jurisdiction.

*c.* The emergency licensee shall be subject to the jurisdiction of the board and may be subject to discipline for violation of any rules or laws governing nursing in this state.

**3.11(5)** *Transitioning to non-emergency, standard licensure.*

*a.* An emergency licensee who submits proof of passage of the NCLEX examination will be issued a single-state RN or LPN license, governed the licensing and renewal provisions of chapter 3. A licensee who thereafter submits two completed fingerprint cards and a signed criminal background check waiver form, and whose background check results satisfy the requirements of Iowa Code sections 152E.3(c)(7) and (8), will be given multi-state RN or LPN license privileges pursuant to the nurse licensure compact. All criminal background check documents must be submitted within sixty (60) days of the termination or expiration of the March 22 Proclamation of Disaster Emergency.

*b.* An emergency licensee who submits proof of passing the national certifying examination will be issued an ARNP license, governed by the licensing and renewal provisions of chapter 7.