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SENATE DRS45331-MGfqq-87B (03/11)

Short Title: Modernize Nursing Practice Act.

(Public)

Sponsors: Senators Hise and Pate (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT UPDATING AND MODERNIZING THE NURSING PRACTICE ACT.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 90-171.20 reads as rewritten:
5 "§ 90-171.20. Definitions.

6 As used in this Article, unless the context requires otherwise:

- 7 (1) Advanced assessment. – The taking by an advanced practice registered nurse
8 of the history, physical, and psychological assessment of a patient's signs,
9 symptoms, pathophysiologic status, and psychosocial variations in the
10 determination of differential diagnoses and treatment.
11 (1a) Advanced practice registered nurse or APRN. – An individual licensed by
12 the Board as an advanced practice registered nurse within one of the
13 following three roles:
14 a. Nurse practitioner or NP.
15 b. Certified nurse midwife or CNM.
16 c. Clinical nurse specialist or CNS.
17 (1b) ~~"Board" means the Board.~~ – The North Carolina Board of Nursing.
18 (2) ~~"Health care provider" means any~~Health care provider. – Any licensed
19 health care professional and any agent or employee of any health care
20 institution, health care insurer, health care professional school, or a member
21 of any allied health profession. For purposes of this Article, a person
22 enrolled in a program that prepares the person to be a licensed health care
23 professional or an allied health professional shall be deemed a health care
24 provider.
25 (3) ~~"License" means a~~License. – A permit issued by the Board to practice
26 nursing as an advanced practice registered nurse, as a registered nurse-nurse,
27 or as a licensed practical nurse, including a renewal or reinstatement thereof.
28 (4) ~~"Nursing" is a~~Nursing. – A dynamic discipline which includes the assessing,
29 caring, counseling, teaching, referring and implementing of prescribed
30 treatment in the maintenance of health, prevention and management of
31 illness, injury, disability or the achievement of a dignified death. It is
32 ministering to; assisting; and sustained, vigilant, and continuous care of
33 those acutely or chronically ill; supervising patients during convalescence
34 and rehabilitation; the supportive and restorative care given to maintain the
35 optimum health level of individuals, groups, and communities; the
36 supervision, teaching, and evaluation of those who perform or are preparing



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1 to perform these functions; and the administration of nursing programs and
2 nursing services. For purposes of this Article, the administration of required
3 lethal substances or any assistance whatsoever rendered with an execution
4 under Article 19 of Chapter 15 of the General Statutes does not constitute
5 nursing.

6 (5) ~~"Nursing program" means any~~Nursing program. – Any educational program
7 in North Carolina offering to prepare persons to meet the educational
8 requirements for licensure under this Article.~~Article as a registered nurse or~~
9 a licensed practical nurse.

10 (6) ~~"Person" means an~~Person. – An individual, corporation, partnership,
11 association, unit of government, or other legal entity.

12 (6a) Population focus. – With respect to APRN practice, includes all of the
13 following areas of focus:

14 a. The family or the individual across the life span.

15 b. Adult gerontology.

16 c. Neonatal.

17 d. Pediatrics.

18 e. Women's health or gender-related issues.

19 f. Psychiatric or mental health.

20 (6b) Practice of nursing as an advanced practice registered nurse or APRN. – In
21 addition to the RN scope of practice and within the APRN role and
22 population foci, also consists of the following six components:

23 a. Conducting an advanced assessment.

24 b. Delegating and assigning therapeutic measures to assistive personnel.

25 c. Performing other acts that require education and training consistent
26 with professional standards and commensurate with the APRN's
27 education, certification, demonstrated competencies, and experience.

28 d. Complying with the requirements of this Article and rendering
29 quality advanced nursing care.

30 e. Recognizing limits of knowledge and experience.

31 f. Planning for the management of situations beyond the APRN's
32 expertise.

33 (6c) Practice of nursing as a certified nurse midwife or CNM. – Consists of the
34 following four components:

35 a. The management, diagnosis, and treatment of women's primary
36 health care, including pregnancy, childbirth, postpartum period, care
37 of the newborn, family planning, partner care management relating to
38 sexual health, and gynecological care of women across the life span.

39 b. Ordering, performing, supervising, and interpreting diagnostic
40 studies.

41 c. Prescribing pharmacologic and nonpharmacologic therapies.

42 d. Consulting with or referring to other health care providers as
43 warranted by the needs of the patient.

44 (6d) Practice of nursing as a clinical nurse specialist or CNS. – Consists of the
45 following eight components:

46 a. The diagnosis and treatment of health and illness states.

47 b. Disease management.

48 c. Prescribing nonpharmacologic therapies.

49 d. Ordering, performing, supervising, and interpreting diagnostic
50 studies.

51 e. Preventing of illness and risk behaviors.

- 1 f. Nursing care for individuals, families, and communities.
2 g. Consulting with or referring to other health care providers as
3 warranted by the needs of the patient.
4 h. Integrating care across the continuum to improve patient outcomes.
5 (6e) Practice of nursing as a nurse practitioner or NP. – Consists of the following
6 six components:
7 a. Health promotion, disease prevention, health education, and
8 counseling.
9 b. Providing health assessment and screening activities.
10 c. Diagnosing, treating, and facilitating patients' management of their
11 acute and chronic illnesses and diseases.
12 d. Ordering, performing, supervising, and interpreting diagnostic
13 studies.
14 e. Prescribing pharmacologic and nonpharmacologic therapies.
15 f. Consulting with or referring to other health care providers as
16 warranted by the needs of the patient.
17 (7) ~~The "practice of nursing by a registered nurse" consists~~ Practice of nursing by
18 a registered nurse or RN. – Consists of the following 10 components:
19 a. Assessing the patient's physical and mental health, including the
20 patient's reaction to illnesses and treatment regimens.
21 b. Recording and reporting the results of the nursing assessment.
22 c. Planning, initiating, delivering, and evaluating appropriate nursing
23 acts.
24 d. Teaching, assigning, delegating to or supervising other personnel in
25 implementing the treatment regimen.
26 e. Collaborating with other health care providers in determining the
27 appropriate health care for a patient ~~but, subject to the provisions of~~
28 ~~G.S. 90-18.2, not prescribing a medical treatment regimen or making~~
29 ~~a medical diagnosis, except under supervision of a licensed~~
30 ~~physician-patient.~~
31 f. Implementing the treatment and pharmaceutical regimen prescribed
32 by any person authorized by State law to prescribe the regimen.
33 g. Providing teaching and counseling about the patient's health.
34 h. Reporting and recording the plan for care, nursing care given, and the
35 patient's response to that care.
36 i. Supervising, teaching, and evaluating those who perform or are
37 preparing to perform nursing functions and administering nursing
38 programs and nursing services.
39 j. Providing for the maintenance of safe and effective nursing care,
40 whether rendered directly or indirectly.
41 (8) ~~The "practice of nursing by a licensed practical nurse" consists~~ Practice of
42 nursing by a licensed practical nurse. – Consists of the following seven
43 components:
44 a. Participating in the assessment of the patient's physical and mental
45 health, including the patient's reaction to illnesses and treatment
46 regimens.
47 b. Recording and reporting the results of the nursing assessment.
48 c. Participating in implementing the health care plan developed by the
49 registered nurse and/or prescribed by any person authorized by State
50 law to prescribe such a plan, by performing tasks assigned or
51 delegated by and performed under the supervision or under orders or

1 directions of a registered nurse, physician licensed to practice
2 medicine, dentist, or other person authorized by State law to provide
3 the supervision.

- 4 c1. Assigning or delegating nursing interventions to other qualified
5 personnel under the supervision of the registered nurse.
6 d. Participating in the teaching and counseling of patients as assigned
7 by a registered nurse, physician, or other qualified professional
8 licensed to practice in North Carolina.
9 e. Reporting and recording the nursing care rendered and the patient's
10 response to that care.
11 f. Maintaining safe and effective nursing care, whether rendered
12 directly or indirectly."

13 **SECTION 2.(a)** G.S. 90-171.21 reads as rewritten:

14 **"§ 90-171.21. Board of Nursing; composition; selection; vacancies; qualifications; term of**
15 **office; compensation.**

16 (a) The Board shall consist of 14 members. Eight members shall be registered nurses.
17 Three members shall be licensed practical nurses. Three members shall be representatives of
18 the public.

19 (b) Selection. – The North Carolina Board of Nursing shall conduct an election each
20 year to fill vacancies of nurse members of the Board scheduled to occur during the next year.
21 Nominations of candidates for election of registered nurse members shall be made by written
22 petition signed by not less than 10 registered nurses eligible to vote in the election.
23 Nominations of candidates for election of licensed practical nurse members shall be made by
24 written petition signed by not less than 10 licensed practical nurses eligible to vote in the
25 election. Every registered nurse holding an active advanced practice registered nurse license
26 shall be eligible to vote in the election of the advanced practice registered nurse Board member.
27 Every licensed registered nurse holding an active license shall be eligible to vote in the election
28 of registered nurse board members. Every licensed practical nurse holding an active license
29 shall be eligible to vote in the election of licensed practical nurse board members. The list of
30 nominations shall be filed with the Board after January 1 of the year in which the election is to
31 be held and no later than midnight of the first day of April of such year. Before preparing
32 ballots, the Board shall notify each person who has been duly nominated of the person's
33 nomination and request permission to enter the person's name on the ballot. A member of the
34 Board who is nominated for reelection and who does not withdraw the member's name from the
35 ballot is disqualified to participate in conducting the election. Elected members shall begin their
36 term of office on January 1 of the year following their election.

37 Nominations of persons to serve as public members of the Board may be made to the
38 Governor or the General Assembly by any citizen or group within the State. The Governor shall
39 appoint one public member to the Board, and the General Assembly shall appoint two public
40 members to the Board. Of the public members appointed by the General Assembly, one shall
41 be appointed by the General Assembly upon the recommendation of the President Pro Tempore
42 of the Senate, and one shall be appointed by the General Assembly upon the recommendation
43 of the Speaker of the House of Representatives.

44 Board members shall be commissioned by the Governor upon their election or appointment.

45 (c) Vacancies. – All unexpired terms of Board members appointed by the General
46 Assembly shall be filled within 45 days after the term is vacated. The Governor shall fill all
47 other unexpired terms on the Board within 30 days after the term is vacated. For vacancies of
48 registered nurse or licensed practical nurse members, the Board shall notify the person who
49 received the next highest number of votes in the election when the vacating member was
50 elected in order to fulfill the remainder of the unexpired term. If the replacement Board
51 member no longer meets the qualifications under subsection (d) of this section, the Board shall

1 notify the person receiving the next highest number of votes in the election when the vacating
2 member was elected. Governor shall appoint the person who received the next highest number
3 of votes to those elected members at the most recent election for board members. Appointees
4 shall serve the remainder of the unexpired term and until their successors have been duly
5 elected or appointed and qualified.

6 (d) Qualifications. – Of the eight registered nurse members on the Board, one shall be a
7 nurse administrator employed by a hospital or a hospital system, who shall be accountable for
8 the administration of nursing services and not directly involved in patient care; one shall be an
9 individual who meets the requirements to practice as ~~a certified registered nurse anesthetist, a~~
10 ~~certified nurse midwife, a clinical nurse specialist, or a nurse practitioner;~~ an APRN; two shall
11 be staff nurses, defined as individuals who are primarily involved in direct patient care
12 regardless of practice setting; one shall be an at-large registered nurse who meets the
13 requirements of sub-subdivisions (1) a., a1., ~~and b., c., f., and g.~~ of this subsection, but is not
14 currently an educator in a program leading to licensure or any other degree-granting program;
15 and three shall be nurse educators. Minimum ongoing employment requirements for every
16 registered nurse and licensed practical nurse shall include continuous employment equal to or
17 greater than fifty percent (50%) of a full-time position that meets the criteria for the specified
18 Board member position. Of the three nurse educators, one shall be a practical nurse educator,
19 one shall be an associate degree or diploma nurse educator, and one shall be a baccalaureate or
20 higher degree nurse educator. All nurse educators shall meet the minimum education
21 requirement as established by the Board's education program standards for nurse faculty.
22 Candidates eligible for election to the Board as nurse educators are not eligible for election as
23 the at-large member.

24 (1) Except for the at-large member, every registered nurse member shall meet
25 the following criteria:

- 26 a. Hold ~~a current,~~ an active, unencumbered license to practice as a
27 registered nurse in North Carolina.
28 a1. Be a resident of North Carolina.
29 b. Have a minimum of five years of experience as a registered nurse.
30 c. Have been engaged continuously in a position that meets the criteria
31 for the specified Board position for at least three years immediately
32 preceding election.
33 d. Show evidence that the employer of the registered nurse is aware that
34 the nurse intends to serve on the Board.
35 e. Have no disciplinary history with the Board or any other licensing
36 board in this State or another state within the 10 years preceding the
37 nurse's appointment to the Board.
38 f. Have no history of felony convictions of any kind.
39 g. Have no misdemeanor convictions related to the practice of nursing.

40 (2) Every licensed practical nurse member shall meet the following criteria:

- 41 a. Hold ~~a current,~~ an active, unencumbered license to practice as a
42 licensed practical nurse in North Carolina.
43 a1. Be a resident of North Carolina.
44 c. Have a minimum of five years of experience as a licensed practical
45 nurse.
46 d. Have been engaged continuously in the position of a licensed
47 practical nurse for at least three years immediately preceding
48 election.
49 e. Show evidence that the employer of the licensed practical nurse is
50 aware that the nurse intends to serve on the Board.

- 1 f. Have no disciplinary history with the Board or any other licensing
2 board in this State or another state within the 10 years preceding the
3 nurse's appointment to the Board.
4 g. Have no history of felony convictions of any kind.
5 h. Have no misdemeanor convictions related to the practice of nursing.
6 (3) A public member ~~appointed by the Governor~~ shall not be a ~~provider of~~
7 ~~health services~~ licensed nurse or a licensed health care professional or
8 ~~employed in the health services field by a health care institution, health care~~
9 insurer, or health care professional school. ~~No~~ Additionally, no public
10 member appointed by the Governor or person in the public member's
11 immediate family as defined by G.S. 90-405(8) shall be currently employed
12 as a licensed nurse or been previously employed as a licensed nurse.
13 (4) The ~~nurse practitioner, nurse anesthetist, nurse midwife, or clinical nurse~~
14 ~~specialist~~ advanced practice registered nurse member shall be ~~recognized~~
15 licensed by the Board as ~~a registered nurse~~ an advanced practice registered
16 nurse who meets the following criteria:
17 a. ~~Has graduated from or completed a graduate level advanced practice~~
18 ~~nursing education program accredited by a national accrediting body.~~
19 b. ~~Maintains current certification or recertification from a national~~
20 ~~credentialing body approved by the Board or meets other~~
21 ~~requirements established by rules adopted by the Board.~~
22 e. ~~Practices in a manner consistent with rules adopted by the Board and~~
23 ~~other applicable law.~~
24 d. Holds an active, unencumbered license to practice as an advanced
25 practice registered nurse in North Carolina.
26 e. Is a resident of North Carolina.
27 f. Has a minimum of five years of experience as an advanced practice
28 registered nurse.
29 g. Has been engaged continuously in the position of an advanced
30 practice registered nurse for at least three years immediately
31 preceding election.
32 h. Provides evidence that the employer of the advanced practice
33 registered nurse is aware that the nurse intends to serve on the Board.
34 i. Has no disciplinary history with the Board or any other licensing
35 board in this State or another state within the 10 years preceding the
36 nurse's appointment to the Board.
37 j. Has no history of felony convictions of any kind.
38 k. Has no misdemeanor convictions related to the practice of nursing.
39 (e) Term. – Members of the Board shall serve four-year staggered terms. No member
40 shall serve more than two consecutive four-year terms or eight consecutive ~~years after January~~
41 ~~1, 2005.~~ years.
42 (f) Removal. – The Board may remove any of its members for neglect of duty,
43 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings shall
44 be disqualified from Board business until the charges are resolved.
45 (g) Reimbursement. – Board members are entitled to receive compensation and
46 reimbursement as authorized by G.S. 93B-5."
47 **SECTION 2.(b)** G.S. 90-171.21(a), as amended by this act, applies to members
48 newly appointed to the Board of Nursing after the effective date of this act.
49 **SECTION 3.** G.S. 90-171.23(b) reads as rewritten:
50 "(b) Duties, powers. The Board is empowered to:
51 (1) Administer this Article.

- 1 (2) Issue its interpretations of this Article.
- 2 (3) Adopt, amend or repeal rules and regulations as may be necessary to carry
- 3 out the provisions of this Article.
- 4 (4) Establish qualifications of, employ, and set the compensation of an executive
- 5 officer who shall be a registered nurse ~~and who holds an active North~~
- 6 Carolina license and who shall not be a member of the Board.
- 7 (5) Employ and fix the compensation of other personnel that the Board
- 8 determines are necessary to carry into effect this Article and incur other
- 9 expenses necessary to effectuate this Article.
- 10 (6) Examine, license, and renew the licenses of duly qualified applicants for
- 11 licensure.
- 12 (7) Cause the prosecution of all persons violating this Article.
- 13 (8) Establish standards to be met by the students, and to pertain to faculty,
- 14 curricula, facilities, resources, and administration for any nursing program
- 15 leading to initial licensure as a registered nurse or a licensed practical nurse
- 16 as provided in G.S. 90-171.38.
- 17 (9) Review all nursing programs leading to initial licensure as a registered nurse
- 18 or a licensed practical nurse at least every eight years or more often as
- 19 considered necessary by the Board or program director.
- 20 (10) Grant or deny approval for nursing programs as provided in G.S. 90-171.39.
- 21 (11) ~~Upon request, grant~~ Grant or deny approval of continuing education
- 22 programs for nurses as provided in G.S. 90-171.42.
- 23 (12) Keep a record of all proceedings and make an annual summary of all actions
- 24 available.
- 25 (13) Appoint, as necessary, advisory committees which may include persons
- 26 other than Board members to deal with any issue under study.
- 27 (14) ~~Appoint and maintain a subcommittee of the Board to work jointly with the~~
- 28 ~~subcommittee of the North Carolina Medical Board to develop rules and~~
- 29 ~~regulations to govern the performance of medical acts by registered nurses~~
- 30 ~~and to determine reasonable fees to accompany an application for approval~~
- 31 ~~or renewal of such approval as provided in G.S. 90 8.2. The fees and rules~~
- 32 ~~developed by this subcommittee shall govern the performance of medical~~
- 33 ~~acts by registered nurses and shall become effective when they have been~~
- 34 ~~adopted by both Boards.~~ Grant prescribing, ordering, dispensing, and
- 35 furnishing authority to holders of the advanced practice registered nurse
- 36 license pursuant to G.S. 90-171.20.
- 37 (15) ~~Recommend~~ Establish and collect such fees for licensure, license renewal,
- 38 examinations and reexaminations as it deems necessary for fulfilling the
- 39 purposes of this ~~Article.~~ Article, provided that the fees are consistent with
- 40 G.S. 90-171.27.
- 41 (16) Adopt a seal containing the name of the Board for use on all certificates,
- 42 licenses, and official reports issued by it.
- 43 (17) Enter into interstate compacts to facilitate the practice and regulation of ~~nur~~
- 44 ~~sing~~ APRNs, RNs, and LPNs.
- 45 (18) Establish programs for ~~aiding in the recovery and rehabilitation of nurses~~
- 46 ~~who experience chemical addiction or abuse or mental or physical~~
- 47 ~~disabilities and programs for monitoring such nurses for safe~~
- 48 ~~practice.~~ monitoring the treatment, recovery, and safe practice of nurses
- 49 experiencing substance use disorders, mental health disorders, or physical
- 50 conditions impacting the ability to deliver safe care.

- 1 (18a) Establish programs for aiding in the remediation of nurses who experience
- 2 practice deficiencies.
- 3 (19) Request that the Department of Public Safety conduct criminal history
- 4 record checks of applicants for licensure pursuant to G.S. 143B-940.
- 5 (20) Adopt rules requiring an applicant to submit to the Board evidence of the
- 6 applicant's continuing competence in the practice of nursing at the time of
- 7 license renewal or reinstatement.
- 8 (21) Proceed in accordance with G.S. 90-171.37A, notwithstanding
- 9 G.S. 150B-40(b), when conducting a contested case hearing in accordance
- 10 with Article 3A of Chapter 150B of the General Statutes.
- 11 (22) Designate one or more of its employees to serve papers or subpoenas issued
- 12 by the Board. Service under this subdivision is permitted in addition to any
- 13 other methods of service permitted by law.
- 14 (23) Acquire, hold, rent, encumber, alienate, and otherwise deal with real
- 15 property in the same manner as a private person or corporation, subject only
- 16 to approval of the Governor and the Council of State. Collateral pledged by
- 17 the Board for an encumbrance is limited to the assets, income, and revenues
- 18 of the Board.
- 19 (24) ~~Order the production of any records concerning the practice of nursing~~
- 20 ~~relevant to a complaint received by the Board or an inquiry or investigation~~
- 21 ~~conducted by or on behalf of the Board~~Order or subpoena the production of
- 22 any patient records, documents, or other material concerning any matter to
- 23 be heard before or inquired into by the Board, notwithstanding any other
- 24 provision of law providing for the application of any physician-patient
- 25 privilege with respect to such records, documents, or other material. All
- 26 records, documents, or other material compiled by the Board are subject to
- 27 the provisions of G.S. 90-171.37B. Notwithstanding the provisions of
- 28 G.S. 90-171.37B, in any proceeding before the Board, in any record of any
- 29 hearing before the Board, and in the notice of charges against any licensee,
- 30 the Board shall withhold from public disclosure the identity of a patient,
- 31 including information relating to dates and places of treatment, or any other
- 32 information that would tend to identify the patient, unless the patient or the
- 33 representative of the patient expressly consents to the disclosure. Upon
- 34 written request, the Board shall revoke a subpoena if, upon a hearing, it finds
- 35 that the evidence the production of which is required does not relate to a
- 36 matter in issue, or if the subpoena does not describe with sufficient
- 37 particularity the evidence the production of which is required, or if for any
- 38 other reason in law the subpoena is invalid."

39 **SECTION 4.** G.S. 90-171.24 reads as rewritten:

40 **"§ 90-171.24. Executive director.**

41 The executive director shall perform the duties prescribed by the Board and serve as
42 secretary/treasurer to the Board. Additionally, the executive director shall hold an active North
43 Carolina registered nurse license and shall meet the criteria set forth in G.S. 90-171.21(d)(1)a.,
44 a1., b., e., f., and g. The executive director shall also serve as the Administrator of the Nurse
45 Licensure Compact."

46 **SECTION 5.** G.S. 90-171.27(b) reads as rewritten:

47 **"§ 90-171.27. Expenses payable from fees collected by Board.**

48 "(b) The schedule of fees shall not exceed the following rates:

| | | |
|----|---|-----------------|
| 49 | <u>Application for license as advanced practice registered nurse.....</u> | <u>\$100.00</u> |
| 50 | <u>Renewal of license to practice as advanced practice registered nurse</u> | |
| 51 | <u>(two-year period)</u> | <u>100.00</u> |

| | | |
|----|---|---------|
| 1 | <u>Reinstatement of lapsed license to practice as advanced practice</u> | |
| 2 | <u>registered nurse and renewal fee</u> | 180.00 |
| 3 | Application for examination leading to certificate and license as | |
| 4 | registered nurse..... | \$75.00 |
| 5 | Application for certificate and license as registered nurse by | |
| 6 | endorsement..... | 150.00 |
| 7 | Application for each re-examination leading to certificate and license | |
| 8 | as registered nurse..... | 75.00 |
| 9 | Renewal of license to practice as registered nurse (two-year period)..... | 100.00 |
| 10 | Reinstatement of lapsed license to practice as a registered nurse and | |
| 11 | renewal fee..... | 180.00 |
| 12 | Application for examination leading to certificate and license as | |
| 13 | licensed practical nurse by examination..... | 75.00 |
| 14 | Application for certificate and license as licensed practical nurse by | |
| 15 | endorsement..... | 150.00 |
| 16 | Application for each re-examination leading to certificate and license | |
| 17 | as licensed practical nurse..... | 75.00 |
| 18 | Renewal of license to practice as a licensed practical nurse (two-year | |
| 19 | period)..... | 100.00 |
| 20 | Reinstatement of lapsed license to practice as a licensed practical nurse | |
| 21 | and renewal fee..... | 180.00 |
| 22 | Application fee for retired registered nurse status or retired licensed | |
| 23 | practical nurse status..... | 50.00 |
| 24 | Reinstatement of retired registered nurse to practice as a registered | |
| 25 | nurse or a retired licensed practical nurse to practice as a licensed | |
| 26 | practical nurse (two-year period)..... | 100.00 |
| 27 | Reasonable charge for duplication services and materials. | |

28 A fee for an item listed in this schedule shall not increase from one year to the next by more
 29 than twenty percent (20%)."

30 **SECTION 6.** G.S. 90-171.29 reads as rewritten:

31 **"§ 90-171.29. Qualifications of applicants for examination.**

32 In order to be eligible for licensure as a registered nurse or a licensed practical nurse by
 33 examination, the applicant shall make a written application to the Board on forms furnished by
 34 the Board submit an application in the manner prescribed by the Board and shall submit to the
 35 Board an application fee and written evidence, verified by oath, sufficient to satisfy the Board
 36 that the applicant has graduated from a course of study approved by the Board and is mentally
 37 and physically competent to practice nursing."

38 **SECTION 7.** Article 9A of Chapter 90 of the General Statutes is amended by
 39 adding a new section to read:

40 **"§ 90-171.29A. Mental or physical exam to establish competence.**

41 In considering whether an applicant or licensee is mentally or physically capable of
 42 practicing nursing with reasonable skill and safety, the Board may require an applicant or
 43 licensee to submit to a mental examination by a licensed mental health professional designated
 44 by the Board and to a physical examination by a physician or other licensed health professional
 45 designated by the Board. The Board may order an applicant or licensee to be examined before
 46 or after charges are presented against the applicant or licensee. The results of the examination
 47 shall be reported directly to the Board and shall be admissible in evidence in a hearing before
 48 the Board."

49 **SECTION 8.** G.S. 90-171.30 reads as rewritten:

50 **"§ 90-171.30. Licensure by examination.**

1 ~~At least twice each year the~~ The Board shall give an examination, at the time and place it
2 determines, to applicants for licensure to practice as a registered nurse or licensed practical
3 nurse. The Board shall adopt rules, not inconsistent with this Article, governing qualifications
4 of applicants, the conduct of applicants during the examination, and the conduct of the
5 examination. The applicants shall be required to pass the examination required by the Board.
6 The Board shall adopt rules which identify the criteria which must be met by an applicant in
7 order to be issued a license. When the Board determines that an applicant has met those criteria,
8 passed the required examination, submitted the required fee, and has demonstrated to the
9 Board's satisfaction that he or she is mentally and physically competent to practice nursing, the
10 Board shall issue a license to the applicant."

11 **SECTION 9.** G.S. 90-171.33 reads as rewritten:

12 **"§ 90-171.33. Temporary license.**

13 ~~(a) Until the implementation of the computer adaptive licensure examination, the Board~~
14 ~~may issue a nonrenewable temporary license to persons who are applying for licensure under~~
15 ~~G.S. 90-171.30, and who are scheduled for the licensure examination at the first opportunity~~
16 ~~after graduation, for a period not to exceed the lesser of nine months or the date of applicant's~~
17 ~~notification of the results of the licensure examination. The Board shall revoke the temporary~~
18 ~~license of any person who does not take the examination as scheduled, or who has failed the~~
19 ~~examination for licensure as provided by this act.~~

20 ~~(b) Upon implementation of the computer adaptive licensure examination, no~~
21 ~~temporary licenses will be issued to persons who are applying for licensure under~~
22 ~~G.S. 90-171.30.~~

23 ~~(c)~~ The Board may issue a nonrenewable temporary license to persons applying for
24 licensure under G.S. 90-171.32 for a period not to exceed the lesser of six months or until the
25 Board determines whether the applicant is qualified to practice nursing in North Carolina.
26 Temporary licensees may perform patient-care services within limits defined by the Board. In
27 defining these limits, the Board shall consider the ability of the temporary licensee to safely and
28 properly carry out patient-care services. Temporary licensees shall be held to the standard of
29 care of a fully licensed nurse."

30 **SECTION 10.** G.S. 90-171.34 reads as rewritten:

31 **"§ 90-171.34. Licensure renewal.**

32 Every unencumbered registered nurse and licensed practical nurse license, except for a
33 temporary license, issued under this Article shall be renewed for two years. On or before the
34 date the current license expires, every person who desires to continue to practice nursing shall
35 apply for licensure renewal to the ~~Board on forms furnished by the Board~~ in the manner
36 prescribed by the Board and shall also file the required fee. Failure to renew the license before
37 the expiration date shall result in automatic forfeiture of the right to practice nursing in North
38 Carolina until such time that the license has been reinstated."

39 **SECTION 11.** G.S. 90-171.35 reads as rewritten:

40 **"§ 90-171.35. Reinstatement.**

41 A registered nurse or licensed practical nurse licensee who has allowed his or her license to
42 lapse by failure to renew as herein provided may apply for reinstatement ~~on a form provided in~~
43 a manner prescribed by the Board. The Board shall require the applicant to return the
44 completed application with the required fee and to furnish a statement of the reason for failure
45 to apply for renewal prior to the deadline. If the license has lapsed for at least five years, the
46 Board shall require the applicant to ~~complete~~ satisfactorily complete a refresher course
47 approved by the Board, or provide proof of active licensure within the past five years in another
48 jurisdiction. The Board may require any applicant for reinstatement to satisfy the Board that the
49 license should be reinstated. If, in the opinion of the Board, the applicant has so satisfied the
50 Board, it shall issue a renewal of license to practice nursing, or it shall issue a license to
51 practice nursing for a limited time."

1 **SECTION 12.** G.S. 90-171.36 reads as rewritten:

2 "**§ 90-171.36. Inactive ~~list~~status.**

3 (a) When a licensee submits a request for inactive status, the Board shall issue to the
4 licensee a statement of inactive status and shall ~~place~~designate the licensee's ~~name on the~~status
5 ~~as inactive list~~inactive. While ~~on the inactive list~~inactive, the person shall not be subjected to
6 renewal requirements and shall not practice nursing in North Carolina.

7 (b) ~~When~~If, within five years of being placed on inactive status, such person desires to
8 ~~be removed from the inactive list and returned to the active list within five years of being~~
9 ~~placed on inactive status~~change their status from inactive to active, that person shall submit
10 application ~~shall be submitted to the Board on a form furnished by the Board and the fee shall~~
11 ~~be paid for license renewal~~Board, along with payment of the license reinstatement fee. The
12 Board shall require evidence of competency to resume the practice of nursing before returning
13 the applicant to active status. If the person has been ~~on the inactive list~~ for more than five years,
14 the applicant must satisfactorily complete a refresher course approved by the Board or provide
15 proof of active licensure within the past five years in another jurisdiction."

16 **SECTION 13.** G.S. 90-171.36A reads as rewritten:

17 "**§ 90-171.36A. Retired nurse status; reinstatement.**

18 (a) After a registered nurse or a licensed practical nurse has retired, upon payment of
19 the one-time fee required by G.S. 90-171.27(b), the Board ~~may issue a special license to a~~
20 ~~registered nurse or licensed practical nurse in recognition of the nurse's retired status~~shall
21 designate the nurse's status as retired.

22 (b) If a retired registered nurse or licensed practical nurse wishes to return to the
23 practice of nursing, the retired nurse shall apply for reinstatement ~~on a form provided in a~~
24 manner prescribed by the Board and satisfy any requirements the Board deems necessary to
25 reinstate the license."

26 **SECTION 14.** Article 9A of Chapter 90 of the General Statutes is amended by
27 adding new sections to read:

28 "**§ 90-171.36B. Advanced Practice Registered Nurse licensure.**

29 (a) Effective January 1, 2016, no advanced practice registered nurse shall practice as an
30 advanced practice registered nurse unless the nurse is licensed by the Board under this section.

31 (b) An applicant for a license to practice as an APRN shall apply to the Board in a
32 format prescribed by the Board and pay a fee in an amount determined under G.S. 90-171.27.

33 (c) To be eligible for licensure, an applicant shall meet all of the following criteria:

34 (1) Must hold a current North Carolina registered nurse license or demonstrate
35 eligibility for licensure as a registered nurse in this State.

36 (2) Must not hold an encumbered license as a registered nurse or advanced
37 practice registered nurse in any state or territory.

38 (3) Must have completed a graduate level APRN program accredited by a
39 nursing or nursing-related accrediting body that is recognized by the United
40 States Secretary of Education or the Council for Higher Education
41 Accreditation as acceptable to the Board. The education must be in one of
42 the four APRN roles and at least one population focus.

43 (4) Must be currently certified by a national certifying body recognized by the
44 Board in the APRN role and population focus appropriate to educational
45 preparation.

46 (5) Must report any criminal conviction, nolo contendere plea, Alford plea, or
47 other plea arrangement in lieu of conviction.

48 (6) Must not have committed any acts or omissions which are grounds for
49 disciplinary action in another jurisdiction or, if these acts have been
50 committed and would be grounds for disciplinary action in this State, the

1 Board has found, after investigation, that sufficient restitution has been
2 made.

3 **"§ 90-171.36C. Advanced Practice Registered Nurse licensure; grandfathering**
4 **exceptions.**

5 (a) The Board shall issue an APRN license to an applicant who does not meet the
6 education requirements of G.S. 91-171.36B(c)(3) if the applicant:

7 (1) Is recognized by the Board or approved to practice as an APRN in this State
8 on December 31, 2015.

9 (2) Submits an application to the Board in a format prescribed by the Board and
10 the applicable fee as determined under section G.S. 90-171.27 by January 1,
11 2016.

12 (3) Otherwise meets the requirements of G.S. 90-171.36B(c)(1), (2), (4), (5),
13 and (6).

14 (b) The Board shall issue a license to an applicant who meets the education
15 requirements of G.S. 90-171.36B(c)(3) but who is unable to meet the certification requirements
16 of G.S. 90-171.36B(c)(4) if the applicant's education and certification are substantially similar
17 to the requirements set forth in G.S. 90-171.36B.

18 (c) Applicants for advanced practice registered nurse licensure by endorsement who do
19 not meet the education requirements of G.S. 90-171.36B(c)(3) after December 31, 2015, shall
20 be deemed to have met the education requirements that were in place in North Carolina at the
21 time of their initial licensure as an advanced practice registered nurse in another jurisdiction.

22 (d) An advanced practice registered nurse licensed under this section shall maintain all
23 practice privileges provided to licensed advanced practice registered nurses under this Chapter.

24 **"§ 90-171.36D. Advanced Practice Registered Nurse licensure renewal; reinstatement.**

25 (a) APRN licenses issued under this Chapter shall be renewed according to the
26 frequency and schedule established by the Board. An applicant for APRN license renewal shall:

27 (1) Submit a renewal application in the manner prescribed by the Board and
28 remit the required fee.

29 (2) Maintain national certification in the appropriate APRN role and at least one
30 population focus, authorized by licensure, through an ongoing certification
31 maintenance program of a nationally recognized by the Board unless subject
32 to the grandfather provision in G.S. 90-171.36C.

33 (3) Meet all other requirements as set forth in statute and rule.

34 Failure to renew the APRN license before the expiration date shall result in automatic
35 forfeiture of the right to practice nursing as an APRN in North Carolina until such time as the
36 license has been reinstated.

37 (b) An APRN licensee who has allowed his or her license to lapse by failure to renew as
38 herein provided may apply for reinstatement in a manner prescribed by the Board. The Board
39 shall require the applicant to return the completed application along with the required fee and a
40 statement of the reason for failure to apply for renewal prior to the deadline."

41 **SECTION 15.** G.S. 90-171.37 reads as rewritten:

42 **"§ 90-171.37. Revocation, discipline, suspension, probation, or denial of licensure.**
43 **Disciplinary authority.**

44 (a) The Board may initiate an investigation upon receipt of information about any
45 practice that might violate any provision of this Article or any rule or regulation promulgated
46 by the Board. In accordance with the provisions of Chapter 150B of the General Statutes, the
47 Board shall have the power and authority to: (i) refuse to issue a license to practice nursing; (ii)
48 refuse to issue a certificate of renewal of a license to practice nursing; (iii) revoke or suspend a
49 license to practice nursing; and (iv) invoke other such disciplinary measures, censure, or
50 probative terms against a licensee as it deems fit and proper; in any instance or instances in
51 which the Board is satisfied that the applicant or licensee: to place on probation with or without

1 conditions, impose limitations and conditions on, accept voluntary surrender, publicly
2 reprimand, issue public letters of concern, require satisfactory completion of treatment
3 programs or remedial or educational training, refuse to issue a certificate of renewal, fine, deny,
4 suspend, or revoke a license or privilege to practice nursing in this State, issued by the Board to
5 any person who has been found by the Board to have committed any of the following acts or
6 conduct, or for any of the following reasons:

- 7 (1) Has given false information or has withheld material information from the
8 Board in procuring or attempting to procure a license to practice nursing.
- 9 (2) Has been convicted of or ~~pleaded~~ pled, guilty or nolo contendere or guilty in
10 accordance with State v. Alford of a crime involving moral turpitude, or the
11 violation of a law involving the practice of medicine, or a conviction of a
12 felony; provided that a felony conviction shall be treated as provided in
13 subsection (c) of this section to any crime which indicates that the nurse is
14 unfit or incompetent to practice nursing or that the nurse has deceived or
15 defrauded the public.
- 16 (3) Being unable to practice nursing with reasonable skill and safety to patients
17 by reason of illness, excessive use of alcohol, drugs, chemicals, or any other
18 type of material, or by reason of any physical or mental abnormality. The
19 Board is empowered and authorized to require a nurse licensed by it to
20 submit to mental or physical examination by physicians designated by the
21 Board before or after charges may be presented against the nurse, and the
22 results of the examination shall be admissible in evidence in a hearing before
23 the Board. Has a mental or physical disability or uses any drug to a degree
24 that interferes with his or her fitness to practice nursing.
- 25 (4) Engages in conduct that endangers the public health.
- 26 (5) Is unfit or incompetent to practice nursing by reason of deliberate or
27 negligent acts or omissions regardless of whether actual injury to the patient
28 is established.
- 29 (6) Engages in conduct that deceives, defrauds, or harms the public in the course
30 of professional activities or services.
- 31 (6a) Immoral or dishonorable conduct or acts involving moral turpitude.
- 32 (6b) Unprofessional conduct, including, but not limited to, departure from, or the
33 failure to conform to, the standards of acceptable and prevailing nursing
34 practice, or the ethics of the nursing profession, irrespective of whether or
35 not a patient is injured thereby, or the committing of any act contrary to
36 honesty, justice, or good morals, whether the same is committed in the
37 course of the licensee's practice or otherwise, and whether committed within
38 or without North Carolina.
- 39 (6c) Having a license to practice nursing or a privilege to practice nursing
40 revoked, suspended, restricted, or acted against or having a license to
41 practice nursing denied by the licensing authority of any jurisdiction. For
42 purposes of this subdivision, the licensing authority's acceptance of a license
43 to practice nursing voluntarily relinquished by a nurse or relinquished by
44 stipulation, consent order, or other settlement in response to or in
45 anticipation of the filing of administrative charges against the nurse's license,
46 is an action against a license to practice nursing.
- 47 (6d) The failure to respond, within a reasonable period of time and in a
48 reasonable manner as determined by the Board, to inquiries from the Board
49 concerning any matter affecting the license to practice nursing.
- 50 (7) Has violated any provision of this Article or rule promulgated by the Board.
- 51 (8) Has willfully violated any rules enacted by the Board.

1 ~~The Board may take any of the actions specified above in this section when a registered~~
2 ~~nurse approved to perform medical acts has violated rules governing the performance of~~
3 ~~medical acts by a registered nurse; provided this shall not interfere with the authority of the~~
4 ~~North Carolina Medical Board to enforce rules and regulations governing the performance of~~
5 ~~medical acts by a registered nurse.~~

6 (b) In addition to the disciplinary powers listed above, the Board may limit, restrict,
7 deny, suspend, or revoke prescriptive or dispensing authority of any advanced practice
8 registered nurse who holds prescriptive authority who has been found by the Board to have
9 committed any of the following acts or conduct, or for any of the following reasons:

10 (1) Prescribing, dispensing, administering, or distributing drugs in an unsafe
11 manner or without adequate instructions to patients according to acceptable
12 and prevailing standards.

13 (2) Selling, purchasing, trading, or offering to sell, purchase, or trade drug
14 samples.

15 (3) Prescribing, dispensing, administering, or distributing drugs for other than
16 therapeutic or prophylactic purposes.

17 (4) Prescribing or distributing drugs to individuals who are not patients of the
18 advanced practice registered nurse or who are not within that nurse's role and
19 population focus.

20 (c) The Board may reinstate a revoked license, revoke censure or ~~probative terms,~~
21 ~~probation,~~ or remove other licensure restrictions when it finds that the reasons for revocation,
22 censure or probative terms, or other licensure restrictions no longer exist and that the nurse or
23 applicant can reasonably be expected to safely and properly practice nursing.

24 (d) A felony conviction shall result in the automatic revocation of a license issued by
25 the Board, unless the Board orders otherwise or receives a request for a hearing from the person
26 within 60 days of receiving notice from the Board, after the conviction, of the provisions of this
27 subsection. If the Board receives a timely request for a hearing in such a case, the provisions of
28 G.S. 90-14.2 shall be followed.

29 (e) The Board and its members and staff shall not be held liable in any civil or criminal
30 proceeding for exercising, in good faith, the powers and duties authorized by law.

31 The Board may reinstate a revoked license, revoke censure or probative terms, or remove
32 other licensure restrictions when it finds that the reasons for revocation, censure or probative
33 terms, or other licensure restrictions no longer exist and that the nurse or applicant can
34 reasonably be expected to safely and properly practice nursing."

35 **SECTION 16.** G.S. 90-171.37A(a) reads as rewritten:

36 **"§ 90-171.37A. Use of hearing committee and depositions.**

37 (a) The Board, in its discretion, may designate in writing three or more of its members
38 to conduct hearings as a hearing committee to ~~take~~ receive evidence. A majority of the hearing
39 committee shall be licensed nurses."

40 **SECTION 17.** Article 9A of Chapter 90 of the General Statutes is amended by
41 adding new sections to read:

42 **"§ 90-171.37B. Board to keep public records.**

43 (a) All records, papers, investigative files, investigative reports, other investigative
44 information, and other documents containing information in the possession of or received or
45 gathered by the Board, or its members or employees or consultants as a result of investigations,
46 inquiries, assessments, or interviews conducted in connection with a licensing, complaint,
47 assessment, potential impairment matter, or disciplinary matter, shall not be considered public
48 records within the meaning of Chapter 132 of the General Statutes and are privileged,
49 confidential, and not subject to discovery, subpoena, or other means of legal compulsion for
50 release to any person other than the Board, its employees, or consultants involved in the
51 application for license, impairment assessment, or discipline of a license holder, except as

1 provided in subsection (b) of this section. For purposes of this subsection, investigative
2 information includes information relating to the identity of, and a report made by, a physician
3 or other person performing an expert review for the Board and transcripts of any deposition
4 taken by Board counsel in preparation for or anticipation of a hearing held pursuant to this
5 Article but not admitted into evidence at the hearing.

6 (b) The Board shall provide the licensee or applicant with access to all information in
7 its possession that the Board intends to offer into evidence in presenting its case in chief at the
8 contested hearing on the matter, subject to any privilege or restriction set forth by rule, statute,
9 or legal precedent, upon written request from a licensee or applicant who is the subject of a
10 complaint or investigation, or from the licensee's or applicant's counsel, unless good cause is
11 shown for delay. The Board shall not be required to provide any of the following:

12 (1) A Board investigative report.

13 (2) The identity of a nontestifying complainant.

14 (3) Attorney-client communications, attorney work product, or other materials
15 covered by a privilege recognized by the Rules of Civil Procedure or the
16 Rules of Evidence.

17 (c) Any notice or statement of charges against any licensee, or any notice to any
18 licensee of a hearing in any proceeding, shall be a public record within the meaning of Chapter
19 132 of the General Statutes, notwithstanding that it may contain information collected and
20 compiled as a result of any such investigation, inquiry, or interview; and provided, further, that
21 if any such record, paper, or other document containing information theretofore collected and
22 compiled by the Board, as hereinbefore provided, is received and admitted in evidence in any
23 hearing before the Board, it shall thereupon be a public record within the meaning of Chapter
24 132 of the General Statutes.

25 (d) If investigative information in the possession of the Board, its employees, or agents
26 indicates that a crime may have been committed, the Board may report the information to the
27 appropriate law enforcement agency or district attorney of the district in which the offense was
28 committed. Such information shall be confidential under G.S. 132-1.4.

29 (e) The Board shall cooperate with and assist a law enforcement agency or district
30 attorney conducting a criminal investigation or prosecution of a licensee by providing
31 information that is relevant to the criminal investigation or prosecution to the investigating
32 agency or district attorney. Information disclosed by the Board to an investigative agency or
33 district attorney remains confidential and may not be disclosed by the investigating agency
34 except as necessary to further the investigation.

35 (f) All persons licensed under this Article shall self-report to the Board within 30 days
36 of arrest or indictment any of the following:

37 (1) Any felony arrest or indictment.

38 (2) Any arrest for driving while impaired or driving under the influence.

39 (3) Any arrest or indictment for the possession, use, or sale of any controlled
40 substance.

41 (g) The Board, its members, and staff may release confidential or nonpublic
42 information to any health care licensure board in this State or another state or authorized
43 Department of Health and Human Services personnel with enforcement or investigative
44 responsibilities about the issuance, denial, annulment, suspension, or revocation of a license, or
45 the voluntary surrender of a license by a licensee of the Board, including the reasons for the
46 action, or an investigative report made by the Board. The Board shall notify the licensee within
47 60 days after the information is transmitted. A summary of the information that is being
48 transmitted shall be furnished to the licensee. If the licensee requests in writing within 30 days
49 after being notified that the information has been transmitted, the licensee shall be furnished a
50 copy of all information so transmitted. The notice or copies of the information shall not be
51 provided if the information relates to an ongoing criminal investigation by any law enforcement

1 agency or authorized Department of Health and Human Services personnel with enforcement or
2 investigative responsibilities.

3 **"§ 90-171.37C. Service of notices.**

4 Any notice required by this Chapter may be served either personally by an employee of the
5 Board or by an officer authorized by law to serve process, or by registered or certified mail,
6 return receipt requested, directed to the licensee or applicant at his last known address as shown
7 by the records of the Board. If notice is served personally, it shall be deemed to have been
8 served at the time when the officer or employee of the Board delivers the notice to the person
9 addressed or delivers the notice at the licensee's or applicant's last known address as shown by
10 records of the Board with a person of suitable age and discretion then residing therein. Where
11 notice is served in a manner authorized by Rule 4(j) of the N.C. Rules of Civil Procedure, it
12 shall be deemed to have been served on the date borne by the return receipt showing delivery of
13 the notice to the licensee's or applicant's last known address as shown by the records of the
14 Board, regardless of whether the notice was actually received or whether the notice was
15 unclaimed or undeliverable for any reason."

16 **SECTION 18.** G.S. 90-171.39 reads as rewritten:

17 **"§ 90-171.39. Approval.**

18 The Board shall designate persons to ~~survey-review~~ proposed nursing programs, including
19 ~~the clinical facilities programs.~~ The persons designated by the Board shall submit a written
20 report of the ~~survey-review~~ to the ~~Board~~ Board in the manner prescribed by the Board. If in the
21 opinion of the Board the standards for approved nursing education are met, the program shall
22 be given approval."

23 **SECTION 19.** G.S. 90-171.40 reads as rewritten:

24 **"§ 90-171.40. Ongoing approval.**

25 The Board shall review all nursing programs in the State at least every ~~eight~~ 10 years or
26 more often as considered necessary. If the Board determines that any approved nursing
27 program does not meet or maintain the standards required by the Board, the Board shall give
28 written notice specifying the deficiencies to the institution responsible for the program. The
29 Board shall ~~evaluate and take appropriate action, up to and including~~ withdraw approval from a
30 program that fails to correct deficiencies within a reasonable time. The Board shall publish
31 ~~annually~~ a list of nursing programs in this State showing their approval status."

32 **SECTION 20.** G.S. 90-171.42(a) reads as rewritten:

33 **"§ 90-171.42. Continuing education programs.**

34 (a) ~~Upon request, the~~ The Board shall grant approval to continuing education programs
35 upon a finding that the program offers an educational experience designed to enhance the
36 practice of nursing."

37 **SECTION 21.** G.S. 90-171.43 reads as rewritten:

38 **"§ 90-171.43. License required.**

39 (a) No person shall practice or offer to practice as ~~a~~ an advanced practice registered
40 nurse, registered ~~nurse-nurse,~~ or licensed practical nurse, or use the word "nurse" as a title for
41 herself or himself, or use an abbreviation to indicate that the person is ~~a~~ an advanced practice
42 registered nurse, registered ~~nurse-nurse,~~ or licensed practical nurse, unless the person is
43 currently licensed as ~~a~~ an advanced practice registered nurse, registered ~~nurse-nurse,~~ or licensed
44 practical nurse as provided by this Article. If the word "nurse" is part of a longer title, such as
45 "nurse's aide", a person who is entitled to use that title shall use the entire title and may not
46 abbreviate the title to "nurse". This Article shall not, however, be construed to prohibit or limit
47 the following:

- 48 (1) The performance by any person of any act for which that person holds a
49 license issued pursuant to North Carolina law;

- 1 (2) The clinical practice by students enrolled in approved nursing programs,
2 continuing education programs, or refresher courses under the supervision of
3 qualified faculty;
- 4 (3) The performance of nursing performed by persons who hold a temporary
5 license issued pursuant to G.S. 90-171.33;
- 6 (4) The delegation to any person, including a member of the patient's family, by
7 a physician licensed to practice medicine in North Carolina, a licensed
8 dentist or registered nurse of those patient-care services which are routine,
9 repetitive, limited in scope that do not require the professional judgment of a
10 registered nurse or licensed practical nurse;
- 11 (5) Assistance by any person in the case of emergency.

12 Any person permitted to practice nursing without a license as provided in subdivision (2) or
13 (3) of this section shall be held to the same standard of care as any licensed nurse.

14 (b) The abbreviations for the APRN designation of a certified nurse midwife, a clinical
15 nurse specialist, and a nurse practitioner shall be APRN, plus the role title, i.e. CNM, CNS, and
16 NP.

17 (c) It shall be unlawful for any person to use the title "APRN" or "APRN" plus their
18 respective role titles, the role title alone, authorized abbreviations, or any other title that would
19 lead a person to believe the individual is an APRN, unless permitted by this act.

20 (d) The Board shall have the authority to promulgate rules to enforce the provisions of
21 this section."

22 **SECTION 22.** G.S. 90-171.43A reads as rewritten:

23 **"§ 90-171.43A. Mandatory employer verification of licensure status.**

24 (a) Before hiring an advanced practice registered nurse, a registered ~~nurse-nurse~~, or a
25 licensed practical nurse in North Carolina, a health care facility shall verify that the applicant
26 has a current, valid license to practice nursing pursuant to G.S. 90-171.43.

27 (b) For purposes of this section, "health care facility" means:

- 28 (1) Facilities described in G.S. 131E-256(b).
29 (2) Public health departments, physicians' offices, ambulatory care facilities, and
30 rural health clinics."

31 **SECTION 23.** G.S. 90-171.44 reads as rewritten:

32 **"§ 90-171.44. Prohibited acts.**

33 It shall be a violation of this Article, and subject to action under G.S. 90-171.37, for any
34 person to:

- 35 (1) Sell, fraudulently obtain, or fraudulently furnish any nursing diploma or aid
36 or abet therein.
37 (2) Practice nursing under cover of any fraudulently obtained license.
38 (3) Practice nursing without a license. ~~This subdivision shall not be construed to~~
39 ~~prohibit any licensed registered nurse who has successfully completed a~~
40 ~~program established under G.S. 90-171.38(b) from conducting medical~~
41 ~~examinations or performing procedures to collect evidence from the victims~~
42 ~~of offenses described in that subsection.~~
43 (3a) Refer to themselves as an advanced practice registered nurse; or refer to
44 themselves as any of the three roles of advanced practice registered nurses, a
45 registered nurse, or a licensed practical nurse; or use the abbreviations
46 "APRN", "CNM", "CNS", "NP", "RN", and "LPN".
47 (4) Conduct a nursing program or a refresher course for activation of a license,
48 that is not approved by the Board.
49 (5) Employ unlicensed persons to practice nursing."

50 **SECTION 24.** G.S. 90-171.47 reads as rewritten:

51 **"§ 90-171.47. Reports: immunity from suit.**

1 Any person who has reasonable cause to suspect misconduct or incapacity of a licensee or
2 who has reasonable cause to suspect that any person is in violation of this Article, including
3 those actions specified in G.S. 90-171.37(1) through (8), G.S. 90-171.43, and G.S. 90-171.44,
4 shall report the relevant facts to the ~~Board~~ Board in a timely manner. Upon receipt of such
5 ~~charge information~~ or upon its own initiative, the Board ~~may give notice of an administrative~~
6 ~~hearing or may, after diligent investigation, dismiss unfounded charges~~ shall conduct an
7 investigation and prosecute all persons violating this Article pursuant to G.S. 90-171.23(b)(7).
8 Any person making a report pursuant to this section shall be immune from any criminal
9 prosecution or civil liability resulting therefrom unless such person knew the report was false or
10 acted in bad faith or reckless disregard of whether the report was false."

11 **SECTION 25.** G.S. 90-171.48 reads as rewritten:

12 **"§ 90-171.48. Criminal history record checks of applicants for licensure.**

13 (a) Definitions. – The following definitions shall apply in this section:

14 (1) Applicant. – A person applying for ~~initial~~ licensure as ~~a~~ an advanced practice
15 registered nurse, registered nurse-nurse, or licensed practical nurse either by
16 examination pursuant to G.S. 90-171.29 or G.S. 90-171.30 or without
17 examination pursuant to G.S. 90-171.32. The term "applicant" shall also
18 include a person applying for renewal of licensure pursuant to
19 G.S. 90-171.34, reinstatement of licensure pursuant to G.S. 90-171.35 or
20 returning to active status pursuant to G.S. 90-171.36 as a registered nurse or
21 licensed practical nurse. Additionally, the term "applicant" shall also apply
22 to a person applying for licensure pursuant to G.S. 90-171.36B, renewal for
23 licensure, or reinstatement for licensure pursuant to G.S. 90-171.36C as an
24 advanced practice registered nurse.

25 (2) Criminal history. – A history of conviction of a State crime, whether a
26 misdemeanor or felony, that bears on an applicant's fitness for licensure to
27 practice nursing. The crimes include the criminal offenses set forth in any of
28 the following Articles of Chapter 14 of the General Statutes: Article 5,
29 Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering
30 Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape
31 and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and
32 Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or
33 Incendiary Device or Material; Article 14, Burglary and Other
34 Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny;
35 Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses
36 and Cheats; Article 19A, Obtaining Property or Services by False or
37 Fraudulent Use of Credit Device or Other Means; Article 19B, Financial
38 Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article
39 26, Offenses Against Public Morality and Decency; Article 26A, Adult
40 Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29,
41 Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses
42 Against the Public Peace; Article 36A, Riots, Civil Disorders, and
43 Emergencies; Article 39, Protection of Minors; Article 40, Protection of the
44 Family; Article 59, Public Intoxication; and Article 60, Computer-Related
45 Crime. The crimes also include possession or sale of drugs in violation of the
46 North Carolina Controlled Substances Act in Article 5 of Chapter 90 of the
47 General Statutes and alcohol-related offenses including sale to underage
48 persons in violation of G.S. 18B-302 or driving while impaired in violation
49 of G.S. 20-138.1 through G.S. 20-138.5.

50 (b) All applicants for licensure ~~shall~~ shall, if requested by the Board, consent to a
51 criminal history record check. Refusal to consent to a criminal history record check may

1 constitute grounds for the Board to deny licensure to an applicant. The Board shall ensure that
2 the State and national criminal history of an applicant applying for initial licensure as a
3 registered nurse or licensed practical nurse either by examination pursuant to G.S. 90-171.29 or
4 G.S. 90-171.30 or without examination pursuant to G.S. 90-171.32 is checked. The Board may
5 request a criminal history record check for applicants applying for reinstatement of licensure
6 pursuant to G.S. 90-171.35 or returning to active status pursuant to G.S. 90-171.36 as a
7 registered nurse or licensed practical nurse.

8 The Board shall be responsible for providing to the North Carolina Department of Public
9 Safety the fingerprints of the applicant to be checked, a form signed by the applicant consenting
10 to the criminal record check and the use of fingerprints and other identifying information
11 required by the State or National Repositories, and any additional information required by the
12 Department of Public Safety. The Board shall keep all information obtained pursuant to this
13 section confidential.

14 (c) If an applicant's criminal history record check reveals one or more convictions listed
15 under subsection (a)(2) of this section, the conviction shall not automatically bar licensure. The
16 Board shall consider all of the following factors regarding the conviction:

- 17 (1) The level of seriousness of the crime.
- 18 (2) The date of the crime.
- 19 (3) The age of the person at the time of the conviction.
- 20 (4) The circumstances surrounding the commission of the crime, if known.
- 21 (5) The nexus between the criminal conduct of the person and the job duties of
22 the position to be filled.
- 23 (6) The person's prison, jail, probation, parole, rehabilitation, and employment
24 records since the date the crime was committed.
- 25 (7) The subsequent commission by the person of a crime listed in subsection (a)
26 of this section.

27 If, after reviewing the factors, the Board determines that the grounds set forth in subsections
28 (1), (2), (3), (4), (5), or (6) of G.S. 90-171.37 exist, the Board may deny licensure of the
29 applicant. The Board may disclose to the applicant information contained in the criminal
30 history record check that is relevant to the denial. The Board shall not provide a copy of the
31 criminal history record check to the applicant. The applicant shall have the right to appear
32 before the Board to appeal the Board's decision. However, an appearance before the full Board
33 shall constitute an exhaustion of administrative remedies in accordance with Chapter 150B of
34 the General Statutes.

35 (d) Limited immunity. – The Board, its officers and employees, acting in good faith and
36 in compliance with this section, shall be immune from civil liability for denying licensure to an
37 applicant based on information provided in the applicant's criminal history record check."

38 **SECTION 26.** Article 9A of Chapter 90 of the General Statutes is amended by
39 adding a new section to read:

40 "**§ 90-171.49. Disasters and emergencies.**

41 In the event of an occurrence which the Governor of the State of North Carolina has
42 declared a state of emergency, or in the event of an occurrence for which a county or
43 municipality has enacted an ordinance to deal with states of emergency under G.S. 166A-19.31,
44 or to protect the public health, safety, or welfare of its citizens under Article 22 of Chapter
45 130A of the General Statutes, G.S. 160A-174(a) or G.S. 153A-121(a), as applicable, the Board
46 may waive the requirements of this Article in order to permit the provision of emergency health
47 services to the public."

48 **SECTION 27.** G.S. 90-171.28 is repealed.

49 **SECTION 28.** This act becomes effective January 1, 2016.