§ 90-171.37. Disciplinary authority.

(a) The Board may initiate an investigation upon receipt of information about any practice that might violate any provision of this Article or any rule or regulation promulgated by the Board. In accordance with the provisions of Chapter 150B of the General Statutes, the Board shall have the power and authority to take the following actions: (i) place on probation, with or without conditions; (ii) impose limitations and conditions; (iii) accept voluntary surrender of a license; (iv) publicly reprimand; (v) issue public letters of concern; (vi) require satisfactory completion of treatment programs or remedial or educational training; (vii) deny or refuse to issue a license, deny or refuse to issue a license renewal, issue a fine, suspend a license, and revoke a license or privilege to practice nursing in this State for any person the Board finds to have done any of the following:

(1) Has given false information or has withheld material information from the Board in procuring or attempting to procure a license to practice nursing.

(2) Has been convicted of or pleaded guilty or nolo contendere to any crime which indicates that the nurse is unfit or incompetent to practice nursing or that the nurse has deceived or defrauded the public.

(3) Is unable to practice nursing with reasonable skill and safety to patients by reason of illness, excessive use of alcohol, drugs, chemicals, or any other type of material, or by reason of any physical or mental abnormality.

(4) Engages in conduct that endangers the public health.

(5) Is unfit or incompetent to practice nursing by reason of deliberate or negligent acts or omissions regardless of whether actual injury to the patient is established.

(6) Engages in conduct that deceives, defrauds, or harms the public in the course of professional activities or services.

(6a) Engages in unprofessional conduct that is nonconforming to the standards of acceptable and prevailing nursing practice or the ethics of the nursing profession, even if a patient is not injured.

(6b) Commits acts of dishonesty, injustice, or immorality in the course of the licensee's practice or otherwise, including acts outside of this State.

(6c) Has had a license or privilege to practice nursing denied, revoked, suspended, restricted, or acted against by any jurisdiction. For purposes of this subdivision, the licensing authority's acceptance of a license to practice nursing that is voluntarily relinquished by a nurse, by stipulation, consent order, or other settlement in response to or in anticipation of the filing of administrative charges against the nurse's license, is an action against a license to practice nursing. The Board is empowered and authorized to take action based on the factual findings of the licensing authority that took action.

(6d) Fails to respond to the Board's inquiries in a reasonable manner or time regarding any matter affecting the license to practice nursing.

(7) Has violated any provision of this Article or any provision of the rules adopted by the Board under this Article.

(8) Repealed by Session Laws 2019-180, s. 7, effective October 1, 2019, and applicable to licenses granted or renewed on or after that date and actions taken by the Board of Nursing on or after that date.

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

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

(d) The Board retains jurisdiction over an expired, inactive, or voluntarily surrendered license. The Board's jurisdiction over the licensee extends for all matters, known or unknown to the Board, at the time of the expiration, inactivation, or surrender of the license.

(e) The Board, members of the Board, and staff shall not be held liable in any civil or criminal proceeding for exercising the powers and duties authorized by law provided the person was acting in good faith. (1981, c. 360, s. 1; c. 852, s. 3; 1987, c. 827, s. 1; 1991, c. 643, s. 4; 1991 (Reg. Sess., 1992), c. 1030, s. 22; 1995, c. 94, s. 29; 2001-98, s. 4; 2009-133, s. 4; 2019-180, s. 7.)