

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 807

Short Title: Modernize Nursing Practice Act. (Public)

Sponsors: Representatives Avila, Lambeth, Stevens, and Dobson (Primary Sponsors).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Health, if favorable, Appropriations, if favorable, Finance, if favorable, Judiciary I, if favorable, Rules, Calendar, and Operations of the House.

April 15, 2015

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



1 optimum health level of individuals, groups, and communities; the  
2 supervision, teaching, and evaluation of those who perform or are preparing  
3 to perform these functions; and the administration of nursing programs and  
4 nursing services. For purposes of this Article, the administration of required  
5 lethal substances or any assistance whatsoever rendered with an execution  
6 under Article 19 of Chapter 15 of the General Statutes does not constitute  
7 nursing.

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

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

14 (6a) Population focus. – With respect to APRN practice, includes all of the  
15 following areas of focus:

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

17 b. Adult gerontology.

18 c. Neonatal.

19 d. Pediatrics.

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

21 f. Psychiatric or mental health.

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

25 a. Conducting an advanced assessment.

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

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

30 d. Complying with the requirements of this Article and rendering  
31 quality advanced nursing care.

32 e. Recognizing limits of knowledge and experience.

33 f. Planning for the management of situations beyond the APRN's  
34 expertise.

35 (6c) Practice of nursing as a certified nurse midwife or CNM. – Consists of the  
36 following four components:

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

41 b. Ordering, performing, supervising, and interpreting diagnostic  
42 studies.

43 c. Prescribing pharmacologic and nonpharmacologic therapies.

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

46 (6d) Practice of nursing as a clinical nurse specialist or CNS. – Consists of the  
47 following eight components:

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

49 b. Disease management.

50 c. Prescribing nonpharmacologic therapies.

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

- 1 c. Participating in implementing the health care plan developed by the  
2 registered nurse and/or prescribed by any person authorized by State  
3 law to prescribe such a plan, by performing tasks assigned or  
4 delegated by and performed under the supervision or under orders or  
5 directions of a registered nurse, physician licensed to practice  
6 medicine, dentist, or other person authorized by State law to provide  
7 the supervision.
- 8 c1. Assigning or delegating nursing interventions to other qualified  
9 personnel under the supervision of the registered nurse.
- 10 d. Participating in the teaching and counseling of patients as assigned  
11 by a registered nurse, physician, or other qualified professional  
12 licensed to practice in North Carolina.
- 13 e. Reporting and recording the nursing care rendered and the patient's  
14 response to that care.
- 15 f. Maintaining safe and effective nursing care, whether rendered  
16 directly or indirectly."

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

18 **"§ 90-171.21. Board of Nursing; composition; selection; vacancies; qualifications; term of**  
19 **office; compensation.**

20 (a) The Board shall consist of 14 members. Eight members shall be registered nurses.  
21 Three members shall be licensed practical nurses. Three members shall be representatives of  
22 the public.

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

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

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

49 (c) Vacancies. – All unexpired terms of Board members appointed by the General  
50 Assembly shall be filled within 45 days after the term is vacated. The Governor shall fill all  
51 other unexpired terms on the Board within 30 days after the term is vacated. For vacancies of

1 registered nurse or licensed practical nurse members, the Board shall notify the person who  
2 received the next highest number of votes in the election when the vacating member was  
3 elected in order to fulfill the remainder of the unexpired term. If the replacement Board  
4 member no longer meets the qualifications under subsection (d) of this section, the Board shall  
5 notify the person receiving the next highest number of votes in the election when the vacating  
6 member was elected. Governor shall appoint the person who received the next highest number  
7 of votes to those elected members at the most recent election for board members. Appointees  
8 shall serve the remainder of the unexpired term and until their successors have been duly  
9 elected or appointed and qualified.

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

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

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

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

- 45 a. Hold ~~a current,~~an active, unencumbered license to practice as a  
46 licensed practical nurse in North Carolina.
- 47 a1. Be a resident of North Carolina.
- 48 c. Have a minimum of five years of experience as a licensed practical  
49 nurse.

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

1           **SECTION 2.(b)** G.S. 90-171.21(a), as amended by this act, applies to members  
2 newly appointed to the Board of Nursing after the effective date of this act.

3           **SECTION 3.** G.S. 90-171.23(b) reads as rewritten:

4           "(b) Duties, powers. The Board is empowered to:

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

1 ~~disabilities and programs for monitoring such nurses for safe~~  
2 ~~practice.~~monitoring the treatment, recovery, and safe practice of nurses  
3 experiencing substance use disorders, mental health disorders, or physical  
4 conditions impacting the ability to deliver safe care.

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

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

44 **"§ 90-171.24. Executive director.**

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

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

51 **"§ 90-171.27. Expenses payable from fees collected by Board.**

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

Application for license as advanced practice registered nurse.....	\$100.00
<u>Renewal of license to practice as advanced practice registered nurse</u> (two-year period) .....	100.00
<u>Reinstatement of lapsed license to practice as advanced practice</u> <u>registered nurse and renewal fee</u> .....	180.00
Application for examination leading to <del>certificate and</del> license as registered nurse .....	\$75.00
Application for <del>certificate and</del> license as registered nurse by endorsement .....	150.00
Application for each re-examination leading to <del>certificate and</del> license as registered nurse .....	75.00
Renewal of license to practice as registered nurse (two-year period).....	100.00
Reinstatement of lapsed license to practice as a registered nurse and renewal fee .....	180.00
Application for examination leading to <del>certificate and</del> license as licensed practical nurse by examination .....	75.00
Application for <del>certificate and</del> license as licensed practical nurse by endorsement .....	150.00
Application for each re-examination leading to <del>certificate and</del> license as licensed practical nurse.....	75.00
Renewal of license to practice as a licensed practical nurse (two-year period).....	100.00
Reinstatement of lapsed license to practice as a licensed practical nurse and renewal fee .....	180.00
Application fee for retired registered nurse status or retired licensed practical nurse status .....	50.00
Reinstatement of retired registered nurse to practice as a registered nurse or a retired licensed practical nurse to practice as a licensed practical nurse (two-year period).....	100.00
Reasonable charge for duplication services and materials.	

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

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

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

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

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

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

In considering whether an applicant or licensee is mentally or physically capable of practicing nursing with reasonable skill and safety, the Board may require an applicant or licensee to submit to a mental examination by a licensed mental health professional designated by the Board and to a physical examination by a physician or other licensed health professional designated by the Board. The Board may order an applicant or licensee to be examined before or after charges are presented against the applicant or licensee. The results of the examination

1 shall be reported directly to the Board and shall be admissible in evidence in a hearing before  
2 the Board."

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

4 "**§ 90-171.30. Licensure by examination.**

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

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

16 "**§ 90-171.33. Temporary license.**

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

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

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

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

35 "**§ 90-171.34. Licensure renewal.**

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

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

44 "**§ 90-171.35. Reinstatement.**

45 A registered nurse or licensed practical nurse licensee who has allowed his or her license to  
46 lapse by failure to renew as herein provided may apply for reinstatement ~~on a form provided in~~  
47 a manner prescribed by the Board. The Board shall require the applicant to return the  
48 completed application with the required fee and to furnish a statement of the reason for failure  
49 to apply for renewal prior to the deadline. If the license has lapsed for at least five years, the  
50 Board shall require the applicant to ~~complete~~ satisfactorily complete a refresher course  
51 approved by the Board, or provide proof of active licensure within the past five years in another

1 jurisdiction. The Board may require any applicant for reinstatement to satisfy the Board that the  
2 license should be reinstated. If, in the opinion of the Board, the applicant has so satisfied the  
3 Board, it shall issue a renewal of license to practice nursing, or it shall issue a license to  
4 practice nursing for a limited time."

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

6 "**§ 90-171.36. Inactive ~~list~~ status.**

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

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

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

21 "**§ 90-171.36A. Retired nurse status; reinstatement.**

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

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

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

32 "**§ 90-171.36B. Advanced Practice Registered Nurse licensure.**

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

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

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

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

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

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

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

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

1           (6) Must not have committed any acts or omissions which are grounds for  
2           disciplinary action in another jurisdiction or, if these acts have been  
3           committed and would be grounds for disciplinary action in this State, the  
4           Board has found, after investigation, that sufficient restitution has been  
5           made.

6 **"§ 90-171.36C. Advanced Practice Registered Nurse licensure; grandfathering**  
7 **exceptions.**

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

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

12           (2) Submits an application to the Board in a format prescribed by the Board and  
13           the applicable fee as determined under section G.S. 90-171.27 by January 1,  
14           2016.

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

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

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

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

27 **"§ 90-171.36D. Advanced Practice Registered Nurse licensure renewal; reinstatement.**

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

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

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

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

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

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

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

45 **"§ 90-171.37. Revocation, discipline, suspension, probation, or denial of licensure.**  
46 **Disciplinary authority.**

47           (a) The Board may initiate an investigation upon receipt of information about any  
48 practice that might violate any provision of this Article or any rule or regulation promulgated  
49 by the Board. In accordance with the provisions of Chapter 150B of the General Statutes, the  
50 Board shall have the power and authority to: (i) refuse to issue a license to practice nursing; (ii)  
51 refuse to issue a certificate of renewal of a license to practice nursing; (iii) revoke or suspend a

1 ~~license to practice nursing; and (iv) invoke other such disciplinary measures, censure, or~~  
2 ~~probative terms against a licensee as it deems fit and proper; in any instance or instances in~~  
3 ~~which the Board is satisfied that the applicant or licensee: to place on probation with or without~~  
4 ~~conditions, impose limitations and conditions on, accept voluntary surrender, publicly~~  
5 ~~reprimand, issue public letters of concern, require satisfactory completion of treatment~~  
6 ~~programs or remedial or educational training, refuse to issue a certificate of renewal, fine, deny,~~  
7 ~~suspend, or revoke a license or privilege to practice nursing in this State, issued by the Board to~~  
8 ~~any person who has been found by the Board to have committed any of the following acts or~~  
9 ~~conduct, or for any of the following reasons:~~

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

1           (6d) The failure to respond, within a reasonable period of time and in a  
2           reasonable manner as determined by the Board, to inquiries from the Board  
3           concerning any matter affecting the license to practice nursing.

4           (7) Has violated any provision of this Article or rule promulgated by the Board.

5           (8) ~~Has willfully violated any rules enacted by the Board.~~

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

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

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

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

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

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

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

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

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

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

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

41          "**§ 90-171.37A. Use of hearing committee and depositions.**

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

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

47          "**§ 90-171.37B. Board to keep public records.**

48               (a) All records, papers, investigative files, investigative reports, other investigative  
49               information, and other documents containing information in the possession of or received or  
50               gathered by the Board, or its members or employees or consultants as a result of investigations,  
51               inquiries, assessments, or interviews conducted in connection with a licensing, complaint,

1 assessment, potential impairment matter, or disciplinary matter, shall not be considered public  
2 records within the meaning of Chapter 132 of the General Statutes and are privileged,  
3 confidential, and not subject to discovery, subpoena, or other means of legal compulsion for  
4 release to any person other than the Board, its employees, or consultants involved in the  
5 application for license, impairment assessment, or discipline of a license holder, except as  
6 provided in subsection (b) of this section. For purposes of this subsection, investigative  
7 information includes information relating to the identity of, and a report made by, a physician  
8 or other person performing an expert review for the Board and transcripts of any deposition  
9 taken by Board counsel in preparation for or anticipation of a hearing held pursuant to this  
10 Article but not admitted into evidence at the hearing.

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

17 (1) A Board investigative report.

18 (2) The identity of a nontestifying complainant.

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

22 (c) Any notice or statement of charges against any licensee, or any notice to any  
23 licensee of a hearing in any proceeding, shall be a public record within the meaning of Chapter  
24 132 of the General Statutes, notwithstanding that it may contain information collected and  
25 compiled as a result of any such investigation, inquiry, or interview; and provided, further, that  
26 if any such record, paper, or other document containing information theretofore collected and  
27 compiled by the Board, as hereinbefore provided, is received and admitted in evidence in any  
28 hearing before the Board, it shall thereupon be a public record within the meaning of Chapter  
29 132 of the General Statutes.

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

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

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

42 (1) Any felony arrest or indictment.

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

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

46 (g) The Board, its members, and staff may release confidential or nonpublic  
47 information to any health care licensure board in this State or another state or authorized  
48 Department of Health and Human Services personnel with enforcement or investigative  
49 responsibilities about the issuance, denial, annulment, suspension, or revocation of a license, or  
50 the voluntary surrender of a license by a licensee of the Board, including the reasons for the  
51 action, or an investigative report made by the Board. The Board shall notify the licensee within

1 60 days after the information is transmitted. A summary of the information that is being  
2 transmitted shall be furnished to the licensee. If the licensee requests in writing within 30 days  
3 after being notified that the information has been transmitted, the licensee shall be furnished a  
4 copy of all information so transmitted. The notice or copies of the information shall not be  
5 provided if the information relates to an ongoing criminal investigation by any law enforcement  
6 agency or authorized Department of Health and Human Services personnel with enforcement or  
7 investigative responsibilities.

8 **"§ 90-171.37C. Service of notices.**

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

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

22 **"§ 90-171.39. Approval.**

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

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

29 **"§ 90-171.40. Ongoing approval.**

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

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

38 **"§ 90-171.42. Continuing education programs.**

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

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

43 **"§ 90-171.43. License required.**

44 (a) No person shall practice or offer to practice as ~~a~~ an advanced practice registered  
45 nurse, registered ~~nurse-nurse,~~ or licensed practical nurse, or use the word "nurse" as a title for  
46 herself or himself, or use an abbreviation to indicate that the person is ~~a~~ an advanced practice  
47 registered nurse, registered ~~nurse-nurse,~~ or licensed practical nurse, unless the person is  
48 currently licensed as ~~a~~ an advanced practice registered nurse, registered ~~nurse-nurse,~~ or licensed  
49 practical nurse as provided by this Article. If the word "nurse" is part of a longer title, such as  
50 "nurse's aide", a person who is entitled to use that title shall use the entire title and may not

1 abbreviate the title to "nurse". This Article shall not, however, be construed to prohibit or limit  
2 the following:

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

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

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

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

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

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

27 **"§ 90-171.43A. Mandatory employer verification of licensure status.**

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

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

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

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

36 **"§ 90-171.44. Prohibited acts.**

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

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

- 1 (4) Conduct a nursing program or a refresher course for activation of a license,  
2 that is not approved by the Board.  
3 (5) Employ unlicensed persons to practice nursing."

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

5 **"§ 90-171.47. Reports: immunity from suit.**

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

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

17 **"§ 90-171.48. Criminal history record checks of applicants for licensure.**

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

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

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

1 General Statutes and alcohol-related offenses including sale to underage  
2 persons in violation of G.S. 18B-302 or driving while impaired in violation  
3 of G.S. 20-138.1 through G.S. 20-138.5.

4 (b) All applicants for licensure shall, if requested by the Board, consent to a  
5 criminal history record check. Refusal to consent to a criminal history record check may  
6 constitute grounds for the Board to deny licensure to an applicant. The Board shall ensure that  
7 the State and national criminal history of an applicant applying for initial licensure as a  
8 registered nurse or licensed practical nurse either by examination pursuant to G.S. 90-171.29 or  
9 G.S. 90-171.30 or without examination pursuant to G.S. 90-171.32 is checked. The Board may  
10 request a criminal history record check for applicants applying for reinstatement of licensure  
11 pursuant to G.S. 90-171.35 or returning to active status pursuant to G.S. 90-171.36 as a  
12 registered nurse or licensed practical nurse.

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

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

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

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

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

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

45 "**§ 90-171.49. Disasters and emergencies.**

46 In the event of an occurrence which the Governor of the State of North Carolina has  
47 declared a state of emergency, or in the event of an occurrence for which a county or  
48 municipality has enacted an ordinance to deal with states of emergency under G.S. 166A-19.31,  
49 or to protect the public health, safety, or welfare of its citizens under Article 22 of Chapter  
50 130A of the General Statutes, G.S. 160A-174(a) or G.S. 153A-121(a), as applicable, the Board

1 may waive the requirements of this Article in order to permit the provision of emergency health  
2 services to the public."

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

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