

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 463

Short Title: Amend Nursing Practice Act.

(Public)

Sponsors: Senators Purcell; Albertson, Forrester, Harris, Hartsell, Soles, and Wellons.

Referred to: Health Care.

March 15, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS RELATING TO THE PRACTICE OF NURSING.
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) "Board" means the North Carolina Board of Nursing.

8 (2) "Health care provider" means any licensed health care professional and
9 any agent or employee of any health care institution, health care
10 insurer, health care professional school, or a member of any allied
11 health profession. For purposes of this Article, a person enrolled in a
12 program ~~to prepare him~~ that prepares the person to be a licensed health
13 care professional or an allied health professional shall be deemed a
14 health care provider.

15 (3) "License" means a permit issued by the Board to practice nursing as a
16 registered nurse or as a licensed practical nurse, including a renewal
17 thereof.

18 (4) "Nursing" is a dynamic discipline which includes the assessing, caring,
19 counseling, teaching, referring and implementing of prescribed
20 treatment in the maintenance of health, prevention and management of
21 illness, injury, disability or the achievement of a dignified death. It is
22 ministering to; assisting; and sustained, vigilant, and continuous care
23 of those acutely or chronically ill; supervising patients during
24 convalescence and rehabilitation; the supportive and restorative care
25 given to maintain the optimum health level of ~~individuals~~ individuals,
26 groups, and communities; the supervision, teaching, and evaluation of

1 those who perform or are preparing to perform these functions; and the
2 administration of nursing programs and nursing services.

3 (5) "Nursing program" means any educational program in North Carolina
4 offering to prepare persons to meet the educational requirements for
5 licensure under this Article.

6 (6) "Person" means an individual, corporation, partnership, association,
7 unit of government, or other legal entity.

8 (6a) The "practice of nursing by an advanced practice registered nurse"
9 means a registered nurse who meets the following requirements and is
10 recognized by the Board as a nurse practitioner, nurse anesthetist,
11 nurse midwife, or clinical nurse specialist:

12 a. Has graduated from or completed a graduate level advanced
13 practice nursing education program accredited by a national
14 accrediting body.

15 b. Maintains current certification or re-certification from a
16 national credentialing body approved by the Board or meets
17 other requirements established by rules adopted by the Board.

18 (7) The "practice of nursing by a registered nurse" consists of the
19 following ~~nine~~10 components:

20 a. Assessing the patient's physical and mental health, including the
21 patient's reaction to ~~illnesses and treatment regimens;~~illnesses.

22 b. Recording and reporting the results of the nursing
23 ~~assessment;~~assessment.

24 c. Planning, initiating, delivering, and evaluating appropriate
25 nursing ~~aets;~~acts.

26 d. Teaching, assigning, delegating to or supervising other
27 personnel in implementing the treatment ~~regimen;~~regimen.

28 e. Collaborating with other health care providers in determining
29 the appropriate health care for a patient but, subject to the
30 provisions of G.S. 90-18.2, not prescribing a medical treatment
31 regimen or making a medical diagnosis, except under
32 supervision of a licensed ~~physician;~~physician.

33 f. Implementing the treatment and pharmaceutical regimen
34 prescribed by any person authorized by State law to prescribe
35 ~~such a regimen;~~the regimen.

36 g. Providing teaching and counseling about the patient's ~~health~~
37 ~~care;~~health.

38 h. Reporting and recording the plan for care, nursing care given,
39 and the patient's response to that ~~care;~~ and care.

40 i. Supervising, teaching, and evaluating those who perform or are
41 preparing to perform nursing functions and administering
42 nursing programs and nursing services.

43 j. Providing for the maintenance of safe and effective nursing
44 care, whether rendered directly or indirectly.

- 1 (8) The "practice of nursing by a licensed practical nurse" consists of the
2 following ~~five-seven~~ components:
- 3 a. Participating in ~~assessing the patient's~~ the assessment of the
4 patient's physical and mental ~~health-health~~, including the
5 patient's reaction to illnesses and treatment ~~regimens;regimens.~~
- 6 b. Recording and reporting the results of the nursing
7 ~~assessment;assessment.~~
- 8 c. Participating in implementing the health care plan developed by
9 the registered nurse and/or prescribed by any person authorized
10 by State law to prescribe such a plan, by performing tasks
11 assigned or delegated by and performed under the supervision
12 or under orders or directions of a registered nurse, physician
13 licensed to practice medicine, dentist, or other person
14 authorized by State law to provide ~~such supervision;the~~
15 supervision.
- 16 c1. Assigning or delegating nursing interventions to other qualified
17 personnel under the supervision of the registered nurse.
- 18 d. ~~Reinforcing~~ Participating in the teaching and counseling of
19 patients as assigned by a registered nurse, ~~physician-physician,~~
20 or other qualified professional licensed to practice ~~medicine in~~
21 North Carolina, or dentist; and Carolina.
- 22 e. Reporting and recording the nursing care rendered and the
23 patient's response to that care.
- 24 f. Maintaining safe and effective nursing care, whether rendered
25 directly or indirectly."

26 **SECTION 2.** G.S. 90-121.21(d) reads as rewritten:

27 "(d) Qualifications. – Three of the registered nurse members shall hold positions
28 with primary responsibility in nursing education and shall hold baccalaureate or
29 advanced degrees. Six shall hold positions with primary responsibility in providing
30 nursing care to patients. Of the six registered nurse members with primary responsibility
31 in providing nursing care to patients, two shall be employed by a hospital and at least
32 one shall be a hospital nursing service director; one shall be employed by a physician
33 licensed to practice medicine in North Carolina and engaged in the private practice of
34 medicine; one shall be employed by a skilled or intermediate care facility; one shall be a
35 ~~registered nurse, approved to perform medical acts;~~ an advanced practice registered
36 nurse; and one shall be a community health nurse. If no nurse is nominated in one of the
37 categories, the position shall be an at-large registered nursing position.

- 38 (1) All registered nurse members shall meet the following criteria:
- 39 a. Hold a current license to practice as a registered nurse in North
40 ~~Carolina;Carolina.~~
- 41 b. Have at least five years' experience in nursing practice, nursing
42 administration, and/or nursing ~~education; and~~ education.

- 1 c. Have been engaged in nursing practice, nursing administration,
2 or nursing education for at least three years immediately
3 preceding election.
- 4 (2) Licensed practical nurse members shall meet the following criteria:
5 a. Hold a current license to practice as a licensed practical nurse in
6 North ~~Carolina;~~Carolina.
7 b. Be a graduate of a board-approved program for the preparation
8 of practical ~~nurses;~~nurses.
9 c. Have at least five years' experience as a licensed practical
10 ~~nurse;~~ and nurse.
11 d. Have been engaged in practical nursing for at least three years
12 immediately preceding election.
- 13 (3) A public member shall not be a health care provider nor the spouse of
14 a health care provider. Public members shall reasonably represent the
15 population of the State."

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

- 17 "(b) Duties, powers. The Board is empowered to:
18 (1) Administer this ~~Article;~~Article.
19 (2) Issue its interpretations of this ~~Article;~~Article.
20 (3) Adopt, amend or repeal rules and regulations as may be necessary to
21 carry out the provisions of this ~~Article;~~Article.
22 (4) Establish qualifications of, employ, and set the compensation of an
23 executive officer who shall be a registered nurse and who shall not be
24 a member of the ~~Board;~~Board.
25 (5) Employ and fix the compensation of other personnel that the Board
26 determines are necessary to carry into effect this Article and incur
27 other expenses necessary to effectuate this ~~Article;~~Article.
28 (6) Examine, license, and renew the licenses of duly qualified applicants
29 for ~~licensure;~~licensure.
30 (7) Cause the prosecution of all persons violating this ~~Article;~~Article.
31 (8) Prescribe standards to be met by the students, and to pertain to faculty,
32 curricula, facilities, resources, and administration for any nursing
33 program as provided in ~~G.S. 90-171.38;~~G.S. 90-171.38.
34 (9) Survey all nursing programs at least every five years or more often as
35 deemed necessary by the Board or program ~~director;~~director.
36 (10) Grant or deny approval for nursing programs as provided in ~~G.S. 90-~~
37 ~~171.39;~~G.S. 90-171.39.
38 (11) Upon request, grant or deny approval of continuing education
39 programs for nurses as provided in ~~G.S. 90-171.42;~~G.S. 90-171.42.
40 (12) Keep a record of all proceedings and make available to the Governor
41 and licensees an annual summary of all actions ~~taken;~~taken.
42 (13) Appoint, as necessary, advisory committees which may include
43 persons other than Board members to deal with any issue under
44 ~~study;~~study.

- 1 (14) Appoint and maintain a subcommittee of the Board to work jointly
2 with the subcommittee of the North Carolina Medical Board to
3 develop rules and regulations to govern the performance of medical
4 acts by registered nurses and to determine reasonable fees to
5 accompany an application for approval or renewal of such approval as
6 provided in G.S. 90-6. The fees and rules developed by this
7 subcommittee shall govern the performance of medical acts by
8 registered nurses and shall become effective when they have been
9 adopted by both ~~Boards;~~Boards.
- 10 (15) Recommend and collect such fees for licensure, license renewal,
11 examinations and reexaminations as it deems necessary for fulfilling
12 the purposes of this ~~Article;~~ and Article.
- 13 (16) Adopt a seal containing the name of the Board for use on all
14 certificates, licenses, and official reports issued by it.
- 15 (17) Enter into interstate compacts to facilitate the practice and regulation
16 of nursing.
- 17 (18) Establish programs for aiding in the recovery and rehabilitation of
18 nurses who experience chemical addiction or abuse or mental or
19 physical disabilities and programs for monitoring such nurses for safe
20 practice."

21 **SECTION 4.** G.S. 90-171.37 reads as rewritten:

22 "**§ 90-171.37. Revocation, suspension, probation, or denial of licensure.**

23 The Board shall initiate an investigation upon receipt of information about any
24 practice that might violate any provision of this Article or any rule or regulation
25 promulgated by the Board. In accordance with the provisions of Chapter 150B of the
26 General Statutes, the Board may require remedial education, issue a letter of reprimand,
27 impose probation, restrict, revoke, or suspend any license to practice nursing in North
28 Carolina or deny any application for licensure if the Board determines that the nurse or
29 applicant:

- 30 (1) Has given false information or has withheld material information from
31 the Board in procuring or attempting to procure a license to practice
32 ~~nursing;~~nursing.
- 33 (2) Has been convicted of or pleaded guilty or nolo contendere to any
34 crime which indicates that the nurse is unfit or incompetent to practice
35 nursing or that the nurse has deceived or defrauded the ~~public;~~public.
- 36 (3) Has a mental or physical disability or uses any drug to a degree that
37 interferes with his or her fitness to practice ~~nursing;~~nursing.
- 38 (4) Engages in conduct that endangers the public ~~health;~~health.
- 39 (5) Is unfit or incompetent to practice nursing by reason of deliberate or
40 negligent acts or omissions regardless of whether actual injury to the
41 patient is ~~established;~~established.
- 42 (6) Engages in conduct that deceives, defrauds, or harms the public in the
43 course of professional activities or ~~services;~~services.
- 44 (7) Has violated any provision of this ~~Article;~~ or Article.

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

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

7 The Board may reinstate a revoked ~~license~~license, ~~remove probation~~, or remove
8 licensure restrictions when it finds that the reasons for ~~revocation~~revocation, probation,
9 or restriction no longer exist and that the nurse or applicant can reasonably be expected
10 to safely and properly practice nursing."

11 **SECTION 5.** This act is effective when it becomes law.