

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS55098-LU-12C (02/10)

Short Title: Board of Nursing.

(Public)

Sponsors: Senator Rand.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE MEMBERS ON THE NORTH CAROLINA BOARD OF NURSING, TO CHANGE THE METHOD BY WHICH CERTAIN MEMBERS ARE ELECTED OR APPOINTED, TO MAKE TECHNICAL CHANGES TO THE NURSING PRACTICE ACT, AND TO REQUIRE THAT HEALTH CARE FACILITIES VERIFY THE LICENSURE STATUS OF APPLICANTS SEEKING EMPLOYMENT AS NURSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-171.21 reads as rewritten:

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

(a) The Board shall consist of ~~15~~14 members. ~~Nine~~Eight members shall be registered nurses. ~~Four~~Three members shall be licensed practical nurses. ~~Two~~Three members shall be representatives of the public.

(b) Selection. – The North Carolina Board of Nursing shall conduct an election each year to fill vacancies of nurse members of the Board scheduled to occur during the next year. Nominations of candidates for election of registered nurse members shall be made by written petition signed by not less than 10 registered nurses eligible to vote in the election. Nominations of candidates for election of licensed practical nurse members shall be made by written petition signed by not less than 10 licensed practical nurses eligible to vote in the election. Every licensed registered nurse holding an active license shall be eligible to vote in the election of registered nurse board members. Every licensed practical nurse holding an active license shall be eligible to vote in the election of licensed practical nurse board members. The list of nominations shall be filed with the Board after January 1 of the year in which the election is to be held and no later than midnight of the first day of April of such year. Before preparing ballots, the Board shall notify each person who has been duly nominated of his nomination and request

1 permission to enter his name on the ballot. A member of the Board who is nominated to
2 succeed himself and who does not withdraw his name from the ballot is disqualified to
3 participate in conducting the election. Elected members shall begin their term of office
4 on January 1 of the year following their election.

5 Nominations of persons to serve as public members of the Board may be made to the
6 Governor or the General Assembly by any citizen or group within the State. The
7 Governor shall appoint ~~the two public members~~ one public member to the ~~Board~~ Board,
8 and the General Assembly shall appoint two public members to the Board in accordance
9 with G.S. 120-121. One public member shall be appointed by the General Assembly,
10 upon the recommendation of the President Pro Tempore of the Senate, and one shall be
11 appointed by the General Assembly, upon the recommendation of the Speaker of the
12 House of Representatives.

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

15 (c) Vacancies. – All unexpired terms of Board members appointed by the
16 General Assembly shall be filled in accordance with G.S. 120-122 and shall be filled
17 within 45 days after the term is vacated. The Governor shall fill all other unexpired
18 terms on the Board within 30 days after the term is vacated. For vacancies of registered
19 nurse or licensed practical nurse members, the Governor shall appoint the person who
20 received the next highest number of votes to those elected members at the most recent
21 election for board members. ~~The Governor shall select the public member to fill any~~
22 ~~vacancy of a public member.~~ Appointees shall serve the remainder of the unexpired
23 term and until their successors have been duly elected or appointed and qualified.

24 (d) Qualifications. – ~~Three of the registered nurse members shall hold positions~~
25 ~~with primary responsibility in nursing education and shall hold baccalaureate or~~
26 ~~advanced degrees. Six shall hold positions with primary responsibility in providing~~
27 ~~nursing care to patients. Of the six registered nurse members with primary responsibility~~
28 ~~in providing nursing care to patients, two shall be employed by a hospital and at least~~
29 ~~one shall be a hospital nursing service director; one shall be employed by a physician~~
30 ~~licensed to practice medicine in North Carolina and engaged in the private practice of~~
31 ~~medicine; one shall be employed by a skilled or intermediate care facility; one shall be~~
32 ~~either a nurse practitioner, nurse anesthetist, nurse midwife, or clinical nurse specialist;~~
33 ~~and one shall be a community health nurse. If no nurse is nominated in one of the~~
34 ~~categories, the position shall be an at-large registered nursing position.~~Of the eight
35 registered nurse members on the Board, one shall be a nurse administrator employed by
36 any type of nursing care delivery system where the nurse administrator is accountable
37 for the administration of nursing services and not directly involved in patient care; one
38 shall be an advanced practice registered nurse, defined as an individual who meets the
39 requirements to practice as a certified registered nurse anesthetist, a certified nurse
40 midwife, a clinical nurse specialist, or a nurse practitioner; two shall be staff nurses,
41 defined as individuals who are primarily involved in direct patient care regardless of
42 practice setting; one shall be an at-large registered nurse who meets the requirements of
43 sub-subdivisions (1)a. and b. of this subsection, but is not currently an educator in a
44 program leading to licensure or any other degree-granting program; and three shall be

1 nurse educators. Of the three nurse educators, one shall be a practical nurse educator,
2 one shall be an associate degree or diploma nurse educator, and one shall be a
3 baccalaureate or higher degree nurse educator. All nurse educators shall meet the
4 minimum education requirement as established by the Board's education program
5 standards for nurse faculty. Candidates eligible for election to the Board as nurse
6 educators are not eligible for election as the at-large member.

7 (1) ~~All~~ Except for the at-large member, all registered nurse members shall
8 meet the following criteria:

9 a. Hold a ~~current~~ current, unencumbered license to practice as a
10 registered nurse in North Carolina.

11 a1. Declare North Carolina as his or her primary State of residence.

12 b. Have ~~at least a~~ minimum of five years' ~~years of~~ experience ~~in~~
13 ~~nursing practice, nursing administration, and/or nursing~~
14 ~~education~~ as a registered nurse.

15 c. Have been engaged continuously in ~~nursing practice, nursing~~
16 ~~administration, or nursing education~~ a position that meets the
17 criteria for the specified Board position for at least three years
18 immediately preceding election.

19 d. Show evidence of the employer's awareness of the registered
20 nurse's intent to serve on the Board.

21 (2) Licensed practical nurse members shall meet the following criteria:

22 a. Hold a ~~current~~ current, unencumbered license to practice as a
23 licensed practical nurse in North Carolina.

24 a1. Declare North Carolina as his or her primary State of residence.

25 b. ~~Be a graduate of a board approved program for the preparation~~
26 ~~of practical nurses.~~

27 c. Have ~~at least a~~ minimum of five years' ~~years of~~ experience as a
28 licensed practical nurse.

29 d. Have been continuously engaged in the position of a licensed
30 practical nursing nurse for at least three years immediately
31 preceding election.

32 e. Show evidence of the employer's awareness of the licensed
33 practical nurse's intent to serve on the Board.

34 (3) A public member shall not be a ~~health care provider nor the spouse of~~
35 ~~a health care provider. Public members shall reasonably represent the~~
36 ~~population of the State of health services, employed in the health~~
37 ~~services field, or hold a vested interest at any level in the provision of~~
38 health services as defined by the North Carolina Board of Ethics. No
39 public member or person in the public member's immediate family as
40 defined by G.S. 90-405(8) shall be currently employed as a licensed
41 nurse or been previously employed as a licensed nurse.

42 (4) The nurse practitioner, nurse anesthetist, nurse midwife, or clinical
43 nurse specialist member shall be recognized by the Board as a
44 registered nurse who meets the following criteria:

- 1 a. Has graduated from or completed a graduate level advanced
2 practice nursing education program accredited by a national
3 accrediting body.
4 b. Maintains current certification or recertification from a national
5 credentialing body approved by the Board or meets other
6 requirements established by rules adopted by the Board.
7 c. Practices in a manner consistent with rules adopted by the
8 Board and other applicable law.

9 (e) Term. – ~~The term of office for board members shall be three years.~~ Members
10 of the Board shall serve four-year staggered terms. No member shall serve more than
11 two consecutive ~~three-year terms after July 1, 1981.~~ four-year terms or eight consecutive
12 years after January 1, 2005.

13 (f) Removal. – The Board may remove any of its members for neglect of duty,
14 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings
15 shall be disqualified from Board business until the charges are resolved.

16 (g) Reimbursement. – Board members are entitled to receive compensation and
17 reimbursement as authorized by G.S. 93B-5."

18 **SECTION 2.** G.S. 90-171.22 reads as rewritten:

19 "**§ 90-171.22. Officers.**

20 The officers of the Board shall be a chairman, ~~who shall be a registered nurse,~~ a
21 vice-chairman, and ~~such any~~ other officers as the Board may deem necessary. All
22 officers shall be elected annually by the Board for terms of one year and shall serve
23 until their successors have been elected and qualified."

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

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

26 ...

27 (8) ~~Prescribe~~ Establish standards to be met by the students, and to pertain
28 to faculty, curricula, facilities, resources, and administration for any
29 nursing program as provided in G.S. 90-171.38.

30 (9) ~~Survey~~ Review all nursing programs at least every ~~five~~ eight years or
31 more often as deemed necessary by the Board or program director.

32"

33 **SECTION 4.** G.S. 90-171.38(a) reads as rewritten:

34 "(a) A nursing program may be operated under the authority of a general hospital,
35 or an approved post-secondary educational institution. The Board shall establish, revise,
36 or repeal standards for nursing programs. These standards shall specify program
37 requirements, curricula, faculty, students, facilities, resources, administration, and
38 describe the approval process. Any institution desiring to establish a nursing program
39 shall apply to the Board and submit satisfactory evidence that it will meet the standards
40 ~~prescribed~~ established by the Board. Those standards shall be designed to ensure that
41 graduates of those programs have the education necessary to safely and competently
42 practice nursing. ~~The Board shall encourage the continued operation of all present~~
43 ~~programs that meet the standards approved by the Board.~~"

44 **SECTION 5.** G.S. 90-171.40 reads as rewritten:

1 **"§ 90-171.40. Periodic surveys.Ongoing approval.**

2 The Board shall ~~designate persons to survey~~review all nursing programs in the State
3 at least every ~~five-eight~~ years or more often as deemed necessary. ~~Written reports of~~
4 ~~such surveys shall be submitted to the Board.~~ If the Board determines that any approved
5 nursing program does not meet or maintain the standards required by the Board, notice
6 thereof in writing specifying the deficiencies shall be given immediately to the
7 institution responsible for the program. The Board shall withdraw approval from a
8 program which fails to correct deficiencies within a reasonable time. The Board shall
9 publish annually a list of nursing programs in this State showing their approval status."

10 **SECTION 6.** Article 9A of Chapter 90 of the General Statutes is amended
11 by adding a new section to read:

12 **"§ 90-171.43A. Mandatory employer verification of licensure status.**

13 Before hiring a registered nurse or a licensed practical nurse in North Carolina, a
14 health care facility, as defined in G.S. 131E-256(b), shall verify that the applicant has a
15 current, valid license to practice nursing pursuant to G.S. 90-171.43. For purposes of
16 this section, the term 'health care facility' includes public health departments,
17 physicians' offices, ambulatory care facilities, and rural health clinics."

18 **SECTION 7.** Members serving on the Board of Nursing on the effective
19 date of this act shall continue to serve until December 31, 2004. To establish staggered
20 terms for the appointments of public members made pursuant to G.S. 90-171.21(b), as
21 enacted in Section 1 of this act, the Governor shall appoint one member for a four-year
22 term, the General Assembly, upon the recommendation of the President Pro Tempore of
23 the Senate, shall appoint one member for a three-year term, and the General Assembly,
24 upon the recommendation of the Speaker of the House of Representatives, shall appoint
25 one member for a two-year term.

26 To stagger terms for members elected to the Board, the Board shall conduct
27 an election in 2004 pursuant to G.S. 90-171.21(b) to elect members as follows:

- 28 (1) An at-large registered nurse and a licensed practical nurse, each to
29 serve for a one-year term.
- 30 (2) A staff registered nurse, a registered nurse who is an associate degree
31 or diploma nurse educator, and a licensed practical nurse, each to serve
32 for a two-year term.
- 33 (3) A registered nurse who is a baccalaureate or higher degree nurse
34 educator, a registered nurse administrator, and a licensed practical
35 nurse, each to serve for a three-year term.
- 36 (4) An advanced practice registered nurse, a staff registered nurse, and a
37 registered nurse who is a practical nurse educator, each to serve for a
38 four-year term.

39 All members appointed and elected to the Board pursuant to this section shall begin
40 serving their terms on January 1, 2005. After staggered terms have been established, all
41 subsequent appointments and elections to the Board shall be for four-year terms.

42 **SECTION 8.** This act is effective when it becomes law.