

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE DRS35226-LUfqq-105 (03/13)

Short Title: Nursing Bd/Regulate Nurse Practitioners/Fees.

(Public)

Sponsors: Senator Hise (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE NURSING PRACTICE ACT TO AUTHORIZE THE BOARD
3 OF NURSING TO REGULATE NURSE PRACTITIONERS AND TO ESTABLISH
4 CERTAIN NEW FEES RELATED TO REGULATING NURSE PRACTITIONERS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 90-3 reads as rewritten:

7 "§ 90-3. Review Panel recommends certain Board members; criteria for
8 recommendations.

9 (a) There is created a Review Panel to review all applicants for the physician positions
10 and the physician assistant or nurse practitioner position on the Board except as provided in
11 G.S. 90-2(a)(2)a. The Review Panel shall consist of nine members, including four from the
12 Medical Society, one from the Old North State Medical Society, one from the North Carolina
13 Osteopathic Medical Association, one from the North Carolina Academy of Physician
14 Assistants, one from the North Carolina Nurses Association Council of Nurse Practitioners, and
15 one public member currently serving on the Board. All physicians, physician assistants, and
16 nurse practitioners serving on the Review Panel shall be actively practicing in North Carolina.

17 The Review Panel shall contract for the independent administrative services needed to
18 complete its functions and duties. The Board shall provide funds to pay the reasonable cost for
19 the administrative services of the Review Panel. The Board shall convene the initial meeting of
20 the Review Panel. The Review Panel shall elect a chair, and all subsequent meetings shall be
21 convened by the Review Panel.

22 The Governor shall appoint Board members as provided in G.S. 90-2. The Review Panel
23 shall attempt to make its recommendations to the Governor reflect the composition of the State
24 with regard to gender, ethnic, racial, and age composition.

25 The Review Panel and its members and staff shall not be held liable in any civil or criminal
26 proceeding for exercising, in good faith, the powers and duties authorized by law.

27 (b) To be considered qualified for a physician position or the physician assistant or
28 nurse practitioner position on the Board, an applicant shall meet each of the following criteria:

29 (1) Hold an active, nonlimited license to practice medicine in North Carolina, or
30 in the case of a physician assistant or nurse practitioner, hold an active
31 license ~~or approval~~ to perform medical acts, tasks, and functions in North
32 Carolina.

33 (2) Have an active clinical or teaching practice. For purposes of this subdivision,
34 the term "active" means patient care, or instruction of students in an
35 accredited medical school or residency, or clinical research program, for 20
36 hours or more per week.



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- 1 (3) Have actively practiced in this State for at least five consecutive years
2 immediately preceding the appointment.
- 3 (4) Intend to remain in active practice in this State for the duration of the term
4 on the Board.
- 5 (5) Submit at least three letters of recommendation, either from individuals or
6 from professional or other societies or organizations.
- 7 (6) Have no public disciplinary history with the Board or any other licensing
8 board in this State or another state over the past 10 years before applying for
9 appointment to the Board.
- 10 (7) Have no history of felony convictions of any kind.
- 11 (8) Have no misdemeanor convictions related to the practice of medicine.
- 12 (9) Indicate, in a manner prescribed by the Review Panel, that the applicant: (i)
13 understands that the primary purpose of the Board is to protect the public;
14 (ii) is willing to take appropriate disciplinary action against his or her peers
15 for misconduct or violations of the standards of care or practice of medicine;
16 and (iii) is aware of the time commitment needed to be a constructive
17 member of the Board.

18 (c) The review panel shall recommend at least two qualified nominees for each open
19 position on the Board. If the Governor chooses not to appoint either of the recommended
20 nominees, the Review Panel shall recommend at least two new qualified nominees.

21 (d) Notice of open physician positions or the physician assistant or nurse practitioner
22 position on the Board shall be sent to all physicians currently licensed to practice medicine in
23 North Carolina and all physician assistants and nurse practitioners currently licensed ~~or~~
24 ~~approved~~ to perform medical acts, tasks, and functions in this State.

25 (e) Applicants for positions on the Board shall not be required to be members of any
26 professional association or society, except as provided in G.S. 90-2(a)(2)a."

27 **SECTION 2.** G.S. 90-8.2 reads as rewritten:

28 "**§ 90-8.2. Appointment of subcommittees.**

29 ~~(a) The North Carolina Medical Board shall appoint and maintain a subcommittee to~~
30 ~~work jointly with a subcommittee of the Board of Nursing to develop rules to govern the~~
31 ~~performance of medical acts by registered nurses, including the determination of reasonable~~
32 ~~fees to accompany an application for approval not to exceed one hundred dollars (\$100.00) and~~
33 ~~for renewal of approval not to exceed fifty dollars (\$50.00). Rules developed by this~~
34 ~~subcommittee from time to time shall govern the performance of medical acts by registered~~
35 ~~nurses and shall become effective when adopted by both the North Carolina Medical Board and~~
36 ~~the Board of Nursing. The North Carolina Medical Board shall have responsibility for securing~~
37 ~~compliance with these rules.~~

38 ~~(b) The North Carolina Medical Board shall appoint and maintain a subcommittee of~~
39 ~~four licensed physicians to work jointly with a subcommittee of the North Carolina Board of~~
40 ~~Pharmacy to develop rules to govern the performance of medical acts by clinical pharmacist~~
41 ~~practitioners, including the determination of reasonable fees to accompany an application for~~
42 ~~approval not to exceed one hundred dollars (\$100.00) and for renewal of approval not to exceed~~
43 ~~fifty dollars (\$50.00). Rules recommended by the subcommittee shall be adopted in accordance~~
44 ~~with Chapter 150B of the General Statutes by both the North Carolina Medical Board and the~~
45 ~~North Carolina Board of Pharmacy and shall not become effective until adopted by both~~
46 ~~Boards. The North Carolina Medical Board shall have responsibility for ensuring compliance~~
47 ~~with these rules."~~

48 **SECTION 3.** G.S. 90-18(c)(14) reads as rewritten:

49 "(c) The following shall not constitute practicing medicine or surgery as defined in this
50 Article:

51 ...

(14) The practice of nursing by a registered nurse engaged in the practice of nursing and the performance of acts otherwise constituting medical practice by a registered nurse when performed in accordance with rules and regulations developed by a joint subcommittee of the North Carolina Medical Board and adopted by the Board of Nursing and adopted by both boards in accordance with G.S. 90-171.20(7)(e).

...."

SECTION 4. G.S. 90-18.2 is recodified as G.S. 90-171.49.

SECTION 5. G.S. 90-171.20(7) reads as rewritten:

"§ 90-171.20. Definitions.

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

...

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

- a. Assessing the patient's physical and mental health, including the patient's reaction to illnesses and treatment regimens.
- b. Recording and reporting the results of the nursing assessment.
- c. Planning, initiating, delivering, and evaluating appropriate nursing acts.
- d. Teaching, assigning, delegating to or supervising other personnel in implementing the treatment regimen.
- e. Collaborating with other health care providers in determining the appropriate health care for a patient but, subject to the provisions of ~~G.S. 90-18.2,~~ G.S. 90-171.49, not prescribing a medical treatment regimen or making a medical diagnosis, except under supervision of a licensed physician.
- f. Implementing the treatment and pharmaceutical regimen prescribed by any person authorized by State law to prescribe the regimen.
- g. Providing teaching and counseling about the patient's health.
- h. Reporting and recording the plan for care, nursing care given, and the patient's response to that care.
- i. Supervising, teaching, and evaluating those who perform or are preparing to perform nursing functions and administering nursing programs and nursing services.
- j. Providing for the maintenance of safe and effective nursing care, whether rendered directly or indirectly.

...."

SECTION 6. G.S. 90-171.23(b) reads as rewritten:

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

...

(14) ~~Appoint and maintain a subcommittee of the Board to work jointly with the subcommittee of the North Carolina Medical Board to develop rules and regulations to govern the performance of medical acts by registered nurses and to determine reasonable fees to accompany an application for approval or renewal of such approval as provided in G.S. 90-8.2. The fees and rules developed by this subcommittee shall govern the performance of medical acts by registered nurses and shall become effective when they have been adopted by both Boards.~~

...."

SECTION 7. G.S. 90-171.27(b) reads as rewritten:

"(b) (See editor's note for initial fee) The schedule of fees shall not exceed the following rates:

Application for examination leading to certificate and license as registered nurse	\$75.00
Application for certificate and license as registered nurse by endorsement	150.00
Application for each re-examination leading to certificate and license as registered nurse	75.00
<u>Application for license as a nurse practitioner</u>	<u>100.00</u>
Renewal of license to practice as registered nurse (two-year period).....	100.00
<u>Renewal of license to practice as a nurse practitioner (two-year period)</u>	<u>100.00</u>
Reinstatement of lapsed license to practice as a registered nurse and renewal fee	180.00
<u>Reinstatement of lapsed license as a nurse practitioner</u>	<u>100.00</u>
Application for examination leading to certificate and license as licensed practical nurse by examination	75.00
Application for certificate and license as licensed practical nurse by endorsement	150.00
Application for each re-examination leading to certificate and 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
(See editor's note for initial fee) 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 8. G.S. 90-171.49, as recodified by Section 4 of this act, reads as rewritten:

"§ 90-171.49. Limitations on nurse practitioners.

(a) Any nurse ~~approved~~licensed under the provisions of ~~G.S. 90-18(14)~~G.S. 90-18(c)(14) to perform medical acts, tasks or functions may use the title "nurse practitioner." Any other person who uses the title in any form or holds out to be a nurse practitioner or to be so ~~approved, licensed~~ shall be deemed to be in violation of this Article.

(b) Nurse practitioners are authorized to write prescriptions for drugs under the following conditions:

- (1) ~~The North Carolina Medical Board and Board of Nursing have adopted regulations developed by a joint subcommittee governing the approval of individual nurse practitioners to write prescriptions with such limitations as the boards may determine to be in the best interest of patient health and safety;~~
- (2) ~~The nurse practitioner has current approval from the boards;~~is currently licensed by the Board.
- (3) ~~The North Carolina Medical Board has assigned an identification number to the nurse practitioner which—that is shown on the written prescription;~~and prescription.

1 (4) The supervising physician has provided to the nurse practitioner written
2 instructions about indications and contraindications for prescribing drugs
3 and a written policy for periodic review by the physician of the drugs
4 prescribed.

5 (c) Nurse practitioners are authorized to compound and dispense drugs under the
6 following conditions:

7 (1) The function is performed under the supervision of a licensed ~~pharmacist;~~
8 ~~and pharmacist.~~

9 (2) Rules and regulations of the North Carolina Board of Pharmacy governing
10 this function are complied with.

11 (d) Nurse practitioners are authorized to order medications, ~~tests-tests,~~ and treatments in
12 hospitals, clinics, nursing ~~homes-homes,~~ and other health facilities under the following
13 conditions:

14 (1) ~~The North Carolina Medical Board and Board of Nursing have~~ has adopted
15 ~~regulations developed by a joint subcommittee~~ rules governing the ~~approval~~
16 ~~licensure~~ of individual nurse practitioners to order medications, ~~tests-tests,~~
17 and treatments with such limitations as the ~~boards-Board~~ may determine to
18 be in the best interest of patient health and ~~safety;~~ safety.

19 (2) The nurse practitioner ~~has current approval from the boards;~~ is currently
20 licensed by the Board.

21 (3) The supervising physician has provided to the nurse practitioner written
22 instructions about ordering medications, ~~tests-tests,~~ and treatments, and when
23 appropriate, specific oral or written instructions for an individual patient,
24 with provision for review by the physician of the order within a reasonable
25 time, as determined by the Board, after the medication, ~~test-test,~~ or treatment
26 is ~~ordered;~~ and ordered.

27 (4) The hospital or other health facility has adopted a written policy, approved
28 by the medical staff after consultation with the nursing administration, about
29 ordering medications, ~~tests-tests,~~ and treatments, including procedures for
30 verification of the nurse practitioners' orders by nurses and other facility
31 employees and ~~such-any~~ other procedures as are in the interest of patient
32 health and safety.

33 (e) Any prescription written by a nurse practitioner or order given by a nurse
34 practitioner for medications, ~~tests-tests,~~ or treatments shall be deemed to have been authorized
35 by the physician approved by the ~~boards as the supervisor~~ North Carolina Medical Board as the
36 supervising physician of the nurse practitioner and ~~such-the~~ supervising physician shall be
37 responsible for authorizing ~~such-any~~ prescription or order.

38 (e1) Any medical certification completed by a nurse practitioner for a death certificate
39 shall be deemed to have been authorized by the supervising physician approved by the ~~boards~~
40 ~~as the supervisor of the nurse practitioner,~~ North Carolina Medical Board and the supervising
41 physician shall be responsible for authorizing the completion of the medical certification.

42 (f) Any registered nurse or licensed practical nurse who receives an order from a nurse
43 practitioner for medications, ~~tests-tests,~~ or treatments is authorized to perform that order in the
44 same manner as if it were received from a licensed physician."

45 **SECTION 9.** This act is effective when it becomes law.