

§ 90-171.23. Duties, powers, and meetings.

(a) Meetings. – The Board shall hold at least two meetings each year to transact its business. The Board shall adopt rules with respect to calling, holding, and conducting regular and special meetings and attendance at meetings. The majority of the Board members constitutes a quorum.

(b) Duties; powers. – The Board is empowered to:

- (1) Administer this Article.
- (2) Issue its interpretations of this Article.
- (3) Adopt, amend or repeal rules and regulations as may be necessary to carry out the provisions of this Article.
- (4) Establish qualifications of, employ, and set the compensation of an executive officer who shall be a registered nurse and who shall not be a member of the Board.
- (5) Employ and fix the compensation of other personnel that the Board determines are necessary to carry into effect this Article and incur other expenses necessary to effectuate this Article.
- (6) Examine, license, and renew the licenses of duly qualified applicants for licensure.
- (6a) Determine whether an applicant or licensee is mentally and physically capable of practicing nursing with reasonable skill and safety. The Board may require an applicant or licensee to submit to a mental health examination by a licensed mental health professional designated by the Board and to a physical examination by a physician or other licensed health care 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 mental health examination or physical examination shall be reported directly to the Board and shall be admissible into evidence in a hearing before the Board.
- (7) Determine and administer appropriate disciplinary action against all regulated parties who are found to be in violation of this Article or rules adopted by the Board.
- (8) Establish standards to be met by the students, and to pertain to faculty, curricula, facilities, resources, and administration for any nursing program as provided in G.S. 90-171.38.
- (9) Review all nursing programs at least every eight years or more often as considered necessary by the Board or program director.
- (10) Grant, deny, or withdraw approval for nursing programs as provided in G.S. 90-171.39.
- (11) Upon request, grant or deny approval of continuing education programs for nurses as provided in G.S. 90-171.42.
- (12) Keep a record of all proceedings and make an annual summary of all actions available.
- (13) Appoint, as necessary, advisory committees which may include persons other than Board members to deal with any issue under study.
- (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.

- (15) Recommend and collect such fees for licensure, license renewal, examinations and reexaminations as it deems necessary for fulfilling the purposes of this Article.
- (16) Adopt a seal containing the name of the Board for use on all certificates, licenses, and official reports issued by it.
- (17) Enter into interstate compacts to facilitate the practice and regulation of nursing.
- (18) Establish programs for monitoring the treatment, recovery, and safe practice of nurses with substance use disorders, mental health disorders, or physical conditions impacting the ability to deliver safe care.
- (18a) Enter into agreements for aiding in the remediation of nurses who experience practice deficiencies.
- (19) Request that the Department of Public Safety conduct criminal history record checks of applicants for licensure pursuant to G.S. 143B-1209.21.
- (20) Adopt rules requiring an applicant to submit to the Board evidence of the applicant's continuing competence in the practice of nursing at the time of license renewal or reinstatement.
- (21) Proceed in accordance with G.S. 90-171.37A, notwithstanding G.S. 150B-40(b), when conducting a contested case hearing in accordance with Article 3A of Chapter 150B of the General Statutes.
- (22) Designate one or more of its employees to serve papers or subpoenas issued by the Board. Service under this subdivision is permitted in addition to any other methods of service permitted by law.
- (23) Acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and the Council of State. Collateral pledged by the Board for an encumbrance is limited to the assets, income, and revenues of the Board.
- (24) Order or subpoena the production of any patient records, documents, or other materials concerning any matter to be heard before or inquired into by the Board, notwithstanding any other provision of law providing for the application of any health care provider-patient privilege regarding records, documents, or other materials. All records, documents, or other materials compiled by the Board are subject to G.S. 90-171.37C. Upon written request and after a hearing, the Board shall revoke a subpoena if the Board finds the evidence does not relate to a matter in issue, or if the subpoena does not describe the required evidence with sufficient particularity, or if the subpoena is invalid for any other legal reason. (1981, c. 360, s. 1; c. 665, s. 2; c. 852, s. 4; 1995, c. 94, s. 28; 1997-491, s. 1; 1999-291, s. 1; 2001-98, s. 3; 2001-371, s. 3; 2003-146, s. 3; 2005-186, s. 1; 2007-148, s. 1; 2009-133, s. 1; 2014-100, s. 17.1(jj); 2019-180, s. 5; 2023-134, s. 19F.4(t).)