

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 463
Health Care Committee Substitute Adopted 4/9/01

Short Title: Amend Nursing Practice Act.

(Public)

Sponsors:

Referred to:

March 15, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS RELATING TO THE PRACTICE OF NURSING.

3 SECTION 1. G.S. 90-171.20 reads as rewritten:

4 "§ 90-171.20. Definitions.

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

6 (1) "Board" means the North Carolina Board of Nursing.

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

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

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

- 1 (5) "Nursing program" means any educational program in North Carolina
2 offering to prepare persons to meet the educational requirements for
3 licensure under this Article.
- 4 (6) "Person" means an individual, corporation, partnership, association,
5 unit of government, or other legal entity.
- 6 (7) The "practice of nursing by a registered nurse" consists of the
7 following ~~nine~~10 components:
8 a. Assessing the patient's physical and mental health, including the
9 patient's reaction to illnesses and treatment ~~regimens~~regimens.
- 10 b. Recording and reporting the results of the nursing
11 ~~assessment~~assessment.
- 12 c. Planning, initiating, delivering, and evaluating appropriate
13 nursing ~~acts~~acts.
- 14 d. Teaching, assigning, delegating to or supervising other
15 personnel in implementing the treatment ~~regimen~~regimen.
- 16 e. Collaborating with other health care providers in determining
17 the appropriate health care for a patient but, subject to the
18 provisions of G.S. 90-18.2, not prescribing a medical treatment
19 regimen or making a medical diagnosis, except under
20 supervision of a licensed ~~physician~~physician.
- 21 f. Implementing the treatment and pharmaceutical regimen
22 prescribed by any person authorized by State law to prescribe
23 ~~such a regimen~~the regimen.
- 24 g. Providing teaching and counseling about the patient's ~~health~~
25 ~~care~~health.
- 26 h. Reporting and recording the plan for care, nursing care given,
27 and the patient's response to that ~~care~~and care.
- 28 i. Supervising, teaching, and evaluating those who perform or are
29 preparing to perform nursing functions and administering
30 nursing programs and nursing services.
- 31 j. Providing for the maintenance of safe and effective nursing
32 care, whether rendered directly or indirectly.
- 33 (8) The "practice of nursing by a licensed practical nurse" consists of the
34 following ~~five~~seven components:
35 a. Participating in ~~assessing the patient's~~the assessment of the
36 patient's physical and mental ~~health~~health, including the
37 patient's reaction to illnesses and treatment ~~regimens~~regimens.
- 38 b. Recording and reporting the results of the nursing
39 ~~assessment~~assessment.
- 40 c. Participating in implementing the health care plan developed by
41 the registered nurse and/or prescribed by any person authorized
42 by State law to prescribe such a plan, by performing tasks

1 assigned or delegated by and performed under the supervision
2 or under orders or directions of a registered nurse, physician
3 licensed to practice medicine, dentist, or other person
4 authorized by State law to provide ~~such supervision;~~the
5 supervision.

6 c1. Assigning or delegating nursing interventions to other qualified
7 personnel under the supervision of the registered nurse.

8 d. ~~Reinforcing~~Participating in the teaching and counseling of
9 patients as assigned by a registered nurse, ~~physician-physician,~~
10 or other qualified professional licensed to practice ~~medicine~~ in
11 North ~~Carolina, or dentist; and~~Carolina.

12 e. Reporting and recording the nursing care rendered and the
13 patient's response to that care.

14 f. Maintaining safe and effective nursing care, whether rendered
15 directly or indirectly."

16 **SECTION 2.** G.S. 90-171.21(d) reads as rewritten:

17 "(d) Qualifications. – Three of the registered nurse members shall hold positions
18 with primary responsibility in nursing education and shall hold baccalaureate or
19 advanced degrees. Six shall hold positions with primary responsibility in providing
20 nursing care to patients. Of the six registered nurse members with primary responsibility
21 in providing nursing care to patients, two shall be employed by a hospital and at least
22 one shall be a hospital nursing service director; one shall be employed by a physician
23 licensed to practice medicine in North Carolina and engaged in the private practice of
24 medicine; one shall be employed by a skilled or intermediate care facility; one shall be a
25 ~~registered nurse, approved to perform medical acts;~~either a nurse practitioner, nurse
26 anesthetist, nurse midwife, or clinical nurse specialist; and one shall be a community
27 health nurse. If no nurse is nominated in one of the categories, the position shall be an
28 at-large registered nursing position.

29 (1) All registered nurse members shall meet the following criteria:

30 a. Hold a current license to practice as a registered nurse in North
31 ~~Carolina;~~Carolina.

32 b. Have at least five years' experience in nursing practice, nursing
33 administration, and/or nursing ~~education;~~andeducation.

34 c. Have been engaged in nursing practice, nursing administration,
35 or nursing education for at least three years immediately
36 preceding election.

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

38 a. Hold a current license to practice as a licensed practical nurse in
39 North ~~Carolina;~~Carolina.

40 b. Be a graduate of a board-approved program for the preparation
41 of practical ~~nurses;~~nurses.

- 1 c. Have at least five years' experience as a licensed practical
2 ~~nurse; and~~nurse.
- 3 d. Have been engaged in practical nursing for at least three years
4 immediately preceding election.
- 5 (3) A public member shall not be a health care provider nor the spouse of
6 a health care provider. Public members shall reasonably represent the
7 population of the State.
- 8 (4) The nurse practitioner, nurse anesthetist, nurse midwife, or clinical
9 nurse specialist member shall be recognized by the Board as a
10 registered nurse who meets the following criteria:
- 11 a. Has graduated from or completed a graduate level advanced
12 practice nursing education program accredited by a national
13 accrediting body.
- 14 b. Maintains current certification or recertification from a national
15 credentialing body approved by the Board or meets other
16 requirements established by rules adopted by the Board.
- 17 c. Practices in a manner consistent with rules adopted by the
18 Board and other applicable law."

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

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

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

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

27 "**§ 90-171.37. Revocation, discipline, suspension, probation, or denial of licensure.**

28 The Board shall initiate an investigation upon receipt of information about any
29 practice that might violate any provision of this Article or any rule or regulation
30 promulgated by the Board. In accordance with the provisions of Chapter 150B of the
31 General Statutes, ~~the Board may require remedial education, issue a letter of reprimand,~~
32 ~~restrict, revoke, or suspend any license to practice nursing in North Carolina or deny~~
33 ~~any application for licensure if the Board determines that the nurse or applicant;~~the
34 Board shall have the power and authority to: (i) refuse to issue a license to practice
35 nursing; (ii) refuse to issue a certificate of renewal of a license to practice nursing; (iii)
36 revoke or suspend a license to practice nursing; and (iv) invoke other such disciplinary
37 measures, censure, or probative terms against a licensee as it deems fit and proper; in
38 any instance or instances in which the Board is satisfied that the applicant or licensee:

- 39 (1) Has given false information or has withheld material information from
40 the Board in procuring or attempting to procure a license to practice
41 ~~nursing;~~nursing.

- 1 (2) Has been convicted of or pleaded guilty or nolo contendere to any
2 crime which indicates that the nurse is unfit or incompetent to practice
3 nursing or that the nurse has deceived or defrauded the ~~public;~~public.
4 (3) Has a mental or physical disability or uses any drug to a degree that
5 interferes with his or her fitness to practice ~~nursing;~~nursing.
6 (4) Engages in conduct that endangers the public ~~health;~~health.
7 (5) Is unfit or incompetent to practice nursing by reason of deliberate or
8 negligent acts or omissions regardless of whether actual injury to the
9 patient is ~~established;~~established.
10 (6) Engages in conduct that deceives, defrauds, or harms the public in the
11 course of professional activities or ~~services;~~services.
12 (7) Has violated any provision of this ~~Article;~~ or Article.
13 (8) Has willfully violated any rules enacted by the Board.

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

19 The Board may reinstate a revoked ~~license~~license, ~~revoke censure or probative~~
20 ~~terms,~~ or remove other licensure restrictions when it finds that the reasons for
21 ~~revocation~~revocation, ~~censure or probative terms,~~ or ~~restriction~~other licensure
22 restrictions no longer exist and that the nurse or applicant can reasonably be expected to
23 safely and properly practice nursing."

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