

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 185*

Short Title: The SAVE Act. (Public)

Sponsors: Representatives Dobson, Lambeth, Stevens, and Adcock (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

February 27, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO DELIVER SAFE, ACCESSIBLE, VALUE DIRECTED AND EXCELLENT
3 (SAVE) HEALTH CARE THROUGHOUT NORTH CAROLINA BY MODERNIZING
4 NURSING REGULATIONS.

5 The General Assembly of North Carolina enacts:

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

7 **"§ 90-171.20. Definitions.**

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

9 (1) Advanced assessment. – An advanced practice registered nurse taking the
10 history, physical, and psychological assessment of a patient's signs,
11 symptoms, pathophysiologic status, and psychosocial variations in the
12 determinations of differential diagnoses and treatment.

13 (1a) Advanced practice registered nurse or APRN. – An individual licensed by the
14 Board as an advanced practice registered nurse within one of the following
15 four roles:

- 16 a. Nurse practitioner or NP.
17 b. Certified nurse midwife or CNM.
18 c. Clinical nurse specialist or CNS.
19 d. Certified registered nurse anesthetist or CRNA.

20 (1b) ~~"Board" means the Board.~~ – The North Carolina Board of Nursing.

21 (2) ~~"Health care provider" means any Health care provider.~~ – Any licensed health
22 care professional and any agent or employee of any health care institution,
23 health care insurer, health care professional school, or a member of any allied
24 health profession. For purposes of this Article, a person enrolled in a program
25 that prepares the person to be a licensed health care professional or an allied
26 health professional shall be deemed a health care provider.

27 (3) ~~"License" means a License.~~ – A permit issued by the Board to practice nursing
28 as an advanced practice registered nurse, as a registered nurse-nurse, or as a
29 licensed practical nurse, including a renewal or reinstatement thereof.

30 (3a) Nurse anesthesia activities. – Consist of the following activities, including
31 clinical activities:

- 32 a. Preanesthesia preparation and evaluation of the client, including the
33 following:
34 1. Performing a preoperative health assessment.



- 1 (6c) Practice of nursing as a certified nurse midwife or CNM. – In addition to the
2 RN scope of practice and within the APRN role and population foci, also
3 consists of the following four components:
4 a. The management, diagnosis, and treatment of women's primary health
5 care, including pregnancy, childbirth, postpartum period, care of the
6 newborn, family planning, partner care management relating to sexual
7 health, and gynecological care of women across the life span.
8 b. Ordering, performing, supervising, and interpreting diagnostic studies.
9 c. Prescribing pharmacologic and nonpharmacologic therapies.
10 d. Consulting with or referring to other health care providers as
11 warranted by the needs of the patient.
12 (6d) Practice of nursing as a certified registered nurse anesthetist or CRNA. – In
13 addition to the RN scope of practice and within the APRN role and population
14 foci, also consists of the performance of nurse anesthesia activities and related
15 services, in collaboration with a physician, podiatrist, or other lawfully
16 qualified health care provider, including the following:
17 a. Selecting, ordering, and administering drugs and therapeutic devices
18 to facilitate diagnostic, therapeutic, and surgical procedures.
19 b. Ordering, performing, supervising, and interpreting diagnostic studies.
20 c. Consulting with or referring to other health care providers as
21 warranted by the needs of the patient.
22 (6e) Practice of nursing as a clinical nurse specialist or CNS. – In addition to the
23 RN scope of practice and within the APRN role and population foci, also
24 consists of the following eight components:
25 a. The diagnosis and treatment of health and illness states.
26 b. Disease management.
27 c. Prescribing nonpharmacologic therapies.
28 d. Ordering, performing, supervising, and interpreting diagnostic studies.
29 e. Preventing of illness and risk behaviors.
30 f. Nursing care for individuals, families, and communities.
31 g. Consulting with or referring to other health care providers as
32 warranted by the needs of the patient.
33 h. Integrating care across the continuum to improve patient outcomes.
34 (6f) Practice of nursing as a nurse practitioner or NP. – In addition to the RN scope
35 of practice and within the APRN role and population foci, also consists of the
36 following six components:
37 a. Health promotion, disease prevention, health education, and
38 counseling.
39 b. Providing health assessment and screening activities.
40 c. Diagnosing, treating, and facilitating patients' management of their
41 acute and chronic illnesses and diseases.
42 d. Ordering, performing, supervising, and interpreting diagnostic studies.
43 e. Prescribing pharmacologic and nonpharmacologic therapies.
44 f. Consulting with or referring to other health care providers as
45 warranted by the needs of the patient.
46 (7) ~~The "practice of nursing by a registered nurse" consists~~ Practice of nursing by
47 a registered nurse. – Consists of the following 10 components:
48 a. Assessing the patient's physical and mental health, including the
49 patient's reaction to illnesses and treatment regimens.
50 b. Recording and reporting the results of the nursing assessment.

- 1 c. Planning, initiating, delivering, and evaluating appropriate nursing
- 2 acts.
- 3 d. Teaching, assigning, delegating to or supervising other personnel in
- 4 implementing the treatment regimen.
- 5 e. Collaborating with other health care providers in determining the
- 6 appropriate health care for a patient but, subject to the provisions of
- 7 G.S. 90-18.2, not prescribing a medical treatment regimen or making
- 8 a medical diagnosis, except under supervision of a licensed
- 9 physician-patient.
- 10 f. Implementing the treatment and pharmaceutical regimen prescribed or
- 11 ordered by any person authorized by State law to prescribe or order
- 12 the regimen.
- 13 g. Providing teaching and counseling about the patient's health.
- 14 h. Reporting and recording the plan for care, nursing care given, and the
- 15 patient's response to that care.
- 16 i. Supervising, teaching, and evaluating those who perform or are
- 17 preparing to perform nursing functions and administering nursing
- 18 programs and nursing services.
- 19 j. Providing for the maintenance of safe and effective nursing care,
- 20 whether rendered directly or indirectly.
- 21 (8) ~~The "practice of nursing by a licensed practical nurse" consists~~ Practice of
- 22 nursing by a licensed practical nurse. – Consists of the following seven
- 23 components:
- 24 a. Participating in the assessment of the patient's physical and mental
- 25 health, including the patient's reaction to illnesses and treatment
- 26 regimens.
- 27 b. Recording and reporting the results of the nursing assessment.
- 28 c. Participating in implementing the health care plan developed by the
- 29 registered nurse and/or prescribed by any person authorized by State
- 30 law to prescribe such a plan, by performing tasks assigned or delegated
- 31 by and performed under the supervision or under orders or directions
- 32 of a registered nurse, physician licensed to practice medicine, dentist,
- 33 or other person authorized by State law to provide the supervision.
- 34 c1. Assigning or delegating nursing interventions to other qualified
- 35 personnel under the supervision of the registered nurse.
- 36 d. Participating in the teaching and counseling of patients as assigned by
- 37 a registered nurse, physician, or other qualified professional licensed
- 38 to practice in North Carolina.
- 39 e. Reporting and recording the nursing care rendered and the patient's
- 40 response to that care.
- 41 f. Maintaining safe and effective nursing care, whether rendered directly
- 42 or indirectly."

SECTION 2. G.S. 90-18(c) reads as rewritten:

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

...
(7) ~~The practice of midwifery as defined in G.S. 90-178.2.~~

...
(14a) The practice of nursing by a certified registered nurse anesthetist or CRNA as defined in G.S. 90-171.20.

...."

SECTION 3. G.S. 90-29(b) reads as rewritten:

"(b) A person shall be deemed to be practicing dentistry in this State who does, undertakes or attempts to do, or claims the ability to do any one or more of the following acts or things which, for the purposes of this Article, constitute the practice of dentistry:

- (6) Administers an anesthetic of any kind in the treatment of dental or oral diseases or physical conditions, or in preparation for or incident to any operation within the oral cavity; provided, however, that this subsection shall not apply to a lawfully qualified certified registered nurse anesthetist who administers such anesthetic under the supervision and direction of in collaboration with a licensed dentist or physician; pursuant to G.S. 90-171.20.

...."

SECTION 4. 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.~~ Grant prescribing, ordering, dispensing, and furnishing authority to holders of the advanced practice registered nurse license pursuant to G.S. 90-171.20.

...."

SECTION 5. G.S. 90-171.27(b) reads as rewritten:

"§ 90-171.27. Expenses payable from fees collected by Board.

(b) The schedule of fees shall not exceed the following rates:

Table with 2 columns: Description of fee and Amount. Includes items like 'Application for license as advanced practice registered nurse' for \$100.00, 'Renewal of license to practice as advanced practice registered nurse (two-year period)' for 100.00, etc.

1	Reinstatement of lapsed license to practice as a licensed practical nurse	
2	and renewal fee	180.00
3	Application fee for retired registered nurse status or retired licensed	
4	practical nurse status	50.00
5	Reinstatement of retired registered nurse to practice as a registered nurse	
6	or a retired licensed practical nurse to practice as a licensed	
7	practical nurse (two-year period)	100.00

8 Reasonable charge for duplication services and materials.
 9 A fee for an item listed in this schedule shall not increase from one year to the next by more
 10 than twenty percent (20%)."

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

13 **"§ 90-171.36B. Advanced practice registered nurse licensure.**

14 (a) No advanced practice registered nurse shall practice as an advanced practice
 15 registered nurse unless the nurse is licensed by the Board under this section.

16 (b) An applicant for a license to practice as an APRN shall apply to the Board in a format
 17 prescribed by the Board and pay a fee in an amount determined under G.S. 90-171.27.

18 (c) To be eligible for licensure, an applicant shall meet all of the following criteria:

- 19 (1) Must hold a current North Carolina registered nurse license.
- 20 (2) Must not hold an encumbered license as a registered nurse or advanced
 21 practice registered nurse in any state or territory.
- 22 (3) Must have completed a graduate level APRN program accredited by a nursing
 23 or nursing-related accrediting body that is recognized by the United States
 24 Secretary of Education or the Council for Higher Education Accreditation as
 25 acceptable to the Board. The education must be in one of the four APRN roles
 26 and at least one population focus.
- 27 (4) Must be currently certified by a national certifying body recognized by the
 28 Board in the APRN role and population focus appropriate to educational
 29 preparation.
- 30 (5) Must report any criminal conviction, nolo contendere plea, Alford plea, or
 31 other plea arrangement in lieu of conviction.
- 32 (6) Must not have committed any acts or omissions that are grounds for
 33 disciplinary action in another jurisdiction or, if these acts have been
 34 committed and would be grounds for disciplinary action in this State, the
 35 Board has found, after investigation, that sufficient restitution has been made.

36 **"§ 90-171.36C. Advanced practice registered nurse licensure; grandfathering exceptions.**

37 (a) The Board shall issue an APRN license to an applicant who does not meet the
 38 education requirements of G.S. 91-171.36B(c)(3) if the applicant is recognized by the Board or
 39 approved to practice as an APRN in this State on December 31, 2019.

40 (b) The Board shall issue a license to an applicant who meets the education requirements
 41 of G.S. 90-171.36B(c)(3) but who is unable to meet the certification requirements of
 42 G.S. 90-171.36B(c)(4) if the applicant's education and certification are substantially similar to
 43 the requirements set forth in G.S. 90-171.36B.

44 (c) An advanced practice registered nurse licensed under this section shall maintain all
 45 practice privileges provided to licensed advanced practice registered nurses under this Chapter.

46 **"§ 90-171.36D. Advanced practice registered nurse licensure renewal; reinstatement.**

47 (a) APRN licenses issued under this Article shall be renewed according to the frequency
 48 and schedule established by the Board. An applicant for APRN license renewal shall do all of the
 49 following:

- 50 (1) Submit a renewal application in the manner prescribed by the Board and remit
 51 the required fee.

1 (2) Maintain national certification in the appropriate APRN role and at least one
 2 population focus, authorized by licensure, through an ongoing certification
 3 maintenance program nationally recognized by the Board unless subject to the
 4 grandfather provision in G.S. 90-171.36C.

5 (3) Meet all other requirements as set forth in statute and rule.

6 Failure to renew the APRN license before the expiration date shall result in automatic
 7 forfeiture of the right to practice nursing as an APRN in North Carolina until such time as the
 8 license has been reinstated.

9 (b) An APRN licensee who has allowed his or her license to lapse by failure to renew as
 10 herein provided may apply for reinstatement in a manner prescribed by the Board. The Board
 11 shall require the applicant to return the completed application along with the required fee and a
 12 statement of the reason for failure to apply for renewal prior to the deadline."

13 **SECTION 7.** G.S. 90-171.43 reads as rewritten:

14 "**§ 90-171.43. License required.**

15 (a) No person shall practice or offer to practice as ~~a~~an advanced practice registered nurse,
 16 registered ~~nurse-nurse,~~ or licensed practical nurse, or use the word "nurse" as a title for herself or
 17 himself, or use an abbreviation to indicate that the person is ~~a~~an advanced practice registered
 18 nurse, registered ~~nurse-nurse,~~ or licensed practical nurse, unless the person is currently licensed
 19 as ~~a~~an advanced practice registered nurse, registered ~~nurse-nurse,~~ or licensed practical nurse as
 20 provided by this Article. If the word "nurse" is part of a longer title, such as "nurse's aide", a
 21 person who is entitled to use that title shall use the entire title and may not abbreviate the title to
 22 "nurse". This Article shall not, however, be construed to prohibit or limit the following:

23 (1) The performance by any person of any act for which that person holds a
 24 license issued pursuant to North Carolina law;

25 (2) The clinical practice by students enrolled in approved nursing programs,
 26 continuing education programs, or refresher courses under the supervision of
 27 qualified faculty;

28 (3) The performance of nursing performed by persons who hold a temporary
 29 license issued pursuant to G.S. 90-171.33;

30 (4) The delegation to any person, including a member of the patient's family, by
 31 a physician licensed to practice medicine in North Carolina, a licensed dentist
 32 or registered nurse of those patient-care services which are routine, repetitive,
 33 limited in scope that do not require the professional judgment of a registered
 34 nurse or licensed practical nurse;

35 (5) Assistance by any person in the case of emergency.

36 Any person permitted to practice nursing without a license as provided in subdivision (2) or
 37 (3) of this section shall be held to the same standard of care as any licensed nurse.

38 (b) The abbreviations for the APRN designation of a certified nurse midwife, a clinical
 39 nurse specialist, a certified registered nurse anesthetist, and a nurse practitioner shall be APRN,
 40 plus the role title, i.e., CNM, CNS, CRNA, and NP.

41 (c) It shall be unlawful for any person to use the title "APRN" or "APRN" plus their
 42 respective role titles, the role title alone, authorized abbreviations, or any other title that would
 43 lead a person to believe the individual is an APRN, unless permitted by this act.

44 (d) The Board shall have the authority to promulgate rules to enforce the provisions of
 45 this section."

46 **SECTION 8.** G.S. 90-171.43A reads as rewritten:

47 "**§ 90-171.43A. Mandatory employer verification of licensure status.**

48 (a) Before hiring an advanced practice registered nurse, a registered ~~nurse-nurse,~~ or a
 49 licensed practical nurse in North Carolina, a health care facility shall verify that the applicant has
 50 a current, valid license to practice nursing pursuant to G.S. 90-171.43.

51 (b) For purposes of this section, "health care facility" means:

- 1 (1) Facilities described in G.S. 131E-256(b).
2 (2) Public health departments, physicians' offices, ambulatory care facilities, and
3 rural health clinics."

4 **SECTION 9.** G.S. 90-171.44 reads as rewritten:

5 **"§ 90-171.44. Prohibited acts.**

6 It shall be a violation of this Article, and subject to action under G.S. 90-171.37, for any
7 person to:

- 8 (1) Sell, fraudulently obtain, or fraudulently furnish any nursing diploma or aid
9 or abet therein.
10 (2) Practice nursing under cover of any fraudulently obtained license.
11 (3) Practice nursing without a license. This subdivision shall not be construed to
12 prohibit any licensed registered nurse who has successfully completed a
13 program established under G.S. 90-171.38(b) from conducting medical
14 examinations or performing procedures to collect evidence from the victims
15 of offenses described in that subsection.
16 (3a) Refer to himself or herself as an advanced practice registered nurse; or refer
17 to himself or herself as any of the four roles of advanced practice registered
18 nurses, a registered nurse, or a licensed practical nurse; or use the
19 abbreviations "APRN," "CNM," "CNS," "CRNA," "NP," "RN," and "LPN"
20 without a license.
21 (4) Conduct a nursing program or a refresher course for activation of a license,
22 that is not approved by the Board.
23 (5) Employ unlicensed persons to practice nursing."

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

26 **"§ 90-171.49. Disasters and emergencies.**

27 In the event of an occurrence that the Governor of the State of North Carolina has declared a
28 state of emergency, or in the event of an occurrence for which a county or municipality has
29 enacted an ordinance to deal with states of emergency under G.S. 166A-19.31, or to protect the
30 public health, safety, or welfare of its citizens under Article 22 of Chapter 130A of the General
31 Statutes, G.S. 160A-174(a) or G.S. 153A-121(a), as applicable, the Board may waive the
32 requirements of this Article in order to permit the provision of emergency health services to the
33 public."

34 **SECTION 11.** G.S. 90-171.28 and Article 10A of Chapter 90 of the General Statutes
35 are repealed.

36 **SECTION 12.** This act becomes effective January 1, 2020, and applies to licenses
37 applied for or renewed on or after that date.