

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 522
Health & Human Resources Committee Substitute Adopted 4/7/03

Short Title: Board of Nursing.

(Public)

Sponsors:

Referred to:

March 25, 2003

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE METHOD BY WHICH CERTAIN MEMBERS ON THE
NORTH CAROLINA BOARD OF NURSING 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 members. Nine 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~~ the person's nomination and request permission to enter ~~his~~ the person's name on the ballot. A member of the Board who is nominated ~~to succeed himself for reelection~~ and who does not withdraw ~~his~~ the member's name from the ballot is disqualified to participate in conducting the election.

1 Elected members shall begin their term of office on January 1 of the year following
2 their election.

3 Nominations of persons to serve as public members of the Board may be made to the
4 Governor or the General Assembly by any citizen or group within the State. The
5 Governor shall appoint ~~the two public members~~ one public member to the ~~Board~~ Board,
6 and the General Assembly shall appoint two public members to the Board. Of the public
7 members appointed by the General Assembly, one shall be appointed by the General
8 Assembly upon the recommendation of the President Pro Tempore of the Senate, and
9 one shall be appointed by the General Assembly upon the recommendation of the
10 Speaker of the House of Representatives.

11 Board members shall be commissioned by the Governor upon their election or
12 appointment.

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

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

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

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

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

10 a1. Be a resident of North Carolina.

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

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

18 d. Show evidence that the employer of the registered nurse is
19 aware that the nurse intends to serve on the Board.

20 (2) ~~Licensed~~ Every licensed practical nurse ~~members~~ member shall meet
21 the following criteria:

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

24 a1. Be a resident of North Carolina.

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

32 e. Show evidence that the employer of the licensed practical nurse
33 is aware that the nurse intends 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, chair, who shall be a registered nurse,~~
21 ~~a vice-chairman, vice-chair,~~ and ~~such any~~ other officers as the Board ~~may deem~~
22 considers necessary. All officers shall be elected annually by the Board for terms of one
23 year and shall serve 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~~ considered necessary by the Board or program
32 director.

33"

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

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

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

2 "**§ 90-171.40. Periodic surveys.Ongoing approval.**

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

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

14 "**§ 90-171.43A. Mandatory employer verification of licensure status.**

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

18 (b) For purposes of this section, 'health care facility' means:

19 (1) Facilities described in G.S. 131E-256(b).

20 (2) Public health departments, physicians' offices, ambulatory care
21 facilities, and rural health clinics."

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

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

32 (1) A registered nurse administrator employed by a hospital or hospital
33 system, an at-large registered nurse, and a licensed practical nurse,
34 each to serve for a one-year term.

35 (2) A staff registered nurse, a registered nurse who is an associate degree
36 or diploma nurse educator, and a licensed practical nurse, each to serve
37 for a two-year term.

38 (3) A registered nurse who is a baccalaureate or higher degree nurse
39 educator, a registered nurse administrator employed by a nursing care
40 delivery system other than a hospital system, and a licensed practical
41 nurse, each to serve for a three-year term.

42 (4) An advanced practice registered nurse, a staff registered nurse, and a
43 registered nurse who is a practical nurse educator, each to serve for a
44 four-year term.

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

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