

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1007

Short Title: Nursing Tech. Amendments.

(Public)

Sponsors: Senator Kaplan.

Referred to: Constitution and Election Laws.

April 29, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS TECHNICAL AND CONFORMING REVISIONS
3 TO THE NURSING PRACTICE ACT.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 90-171.24 reads as rewritten:

6 "**§ 90-171.24. Executive director.**

7 The executive director shall perform the duties prescribed by the Board, serve as
8 ~~treasurer~~-secretary/treasurer to the Board, and furnish a surety bond as provided in G.S.
9 128-8. The bond shall be made payable to the Board."

10 Sec. 2. G.S. 90-171.25 reads as rewritten:

11 "**§ 90-171.25. Custody and use of funds.**

12 The executive director shall deposit in financial institutions designated by the Board
13 as official depositories all fees payable to the Board. The funds shall be deposited in the
14 name of the Board and shall be used to pay all expenses incurred by the Board in
15 carrying out the purposes of this Article. Such funds shall be annually audited ~~by the~~
16 ~~State Auditor.~~in accordance with State law."

17 Sec. 3. G.S. 90-171.30 reads as rewritten:

18 "**§ 90-171.30. Licensure by examination.**

19 ~~At least twice each year the Board shall give an examination at the time and place it~~
20 ~~determines.~~The Board shall cause an examination to be given to applicants for licensure
21 to practice as a registered nurse or licensed practical nurse. The Board shall give advance
22 notice to applicants and to persons conducting approved nursing programs of the time and place
23 of each examination.The Board shall adopt ~~regulations,~~rules, not inconsistent with this
24 Article, governing qualifications of applicants, the conduct of applicants during the

1 examination, and the conduct of the examination. The applicants shall be required to
2 pass ~~an~~ the examination approved and administered ~~required~~ by the Board. The Board
3 shall adopt rules which identify the criteria which must be met by an applicant in order
4 to be issued a license. When the Board determines that an applicant has met those
5 criteria, passed the required examination, submitted the required fee, and has
6 demonstrated to the Board's satisfaction that he or she is mentally and physically
7 competent to practice nursing, the Board shall issue a license to the applicant."

8 Sec. 4. G.S. 90-171.31 reads as rewritten:

9 **"§ 90-171.31. Reexamination.**

10 Any applicant who fails to pass the first licensure examination may take subsequent
11 examinations in accordance with the rules ~~and regulations~~ of the Board. ~~Board,~~ provided
12 ~~that any person who has graduated from a nursing program after July 1, 1981, must pass the~~
13 ~~examination within three years of graduation. After this three-year period, the applicant must~~
14 ~~reenter and successfully complete a Board-approved nursing program before being allowed to~~
15 ~~take subsequent examinations."~~

16 Sec. 5. G.S. 90-171.33 reads as rewritten:

17 **"§ 90-171.33. Temporary license.**

18 (a) Until the implementation of the computer-adaptive licensure examination, the
19 Board may ~~The Board shall~~ issue a nonrenewable temporary license to persons who are
20 applying for licensure under G.S. 90-171.30, and who are scheduled for the licensure
21 examination at the first opportunity after graduation, for a period not to exceed the
22 lesser of nine months or the date of applicant's notification of the results of the licensure
23 examination. The Board shall revoke the temporary license of any person who does not
24 take the examination as scheduled, or who has failed the examination for licensure as
25 provided by this act. ~~The Board shall issue a nonrenewable temporary license to persons~~
26 ~~applying for licensure under G.S. 90-171.32 for a period not to exceed the lesser of six months~~
27 ~~or until the Board determines whether the applicant is qualified to practice nursing in North~~
28 ~~Carolina. Temporary licensees may perform patient care services within limits defined by the~~
29 ~~Board. In defining these limits, the Board shall consider the ability of the temporary licensee to~~
30 ~~safely and properly carry out patient care services. Temporary licensees shall be held to the~~
31 ~~standard of care of a fully licensed nurse.~~

32 (b) Upon implementation of the computer-adaptive licensure examination, no
33 temporary licenses will be issued to persons who are applying for licensure under G.S.
34 90-171.30.

35 (c) The Board may issue a nonrenewable temporary license to persons applying
36 for licensure under G.S. 90-171.32 for a period not to exceed the lesser of six months or
37 until the Board determines whether the applicant is qualified to practice nursing in
38 North Carolina. Temporary licensees may perform patient-care services within limits
39 defined by the Board. In defining these limits, the Board shall consider the ability of the
40 temporary licensee to safely and properly carry out patient-care services. Temporary
41 licensees shall be held to the standard of care of a fully licensed nurse."

42 Sec. 6. G.S. 90-171.34 reads as rewritten:

43 **"§ 90-171.34. Licensure renewal.**

44 Every unencumbered ~~license~~ license, except temporary license, issued under this
45 Article shall be renewed ~~every~~ for two years. On or before the date the current license

1 expires, every person who desires to continue to practice nursing shall apply for
2 licensure renewal to the Board on forms furnished by the Board and shall also file the
3 required fee. The Board shall provide space on the renewal form for the licensee to
4 specify the amount of continuing education received during the renewal period. Failure
5 to renew the license ~~within 30 days after~~ before the expiration date shall result in
6 automatic forfeiture of the right to practice nursing in North ~~Carolina~~ Carolina until
7 such time that the license has been reinstated."

8 Sec. 7. G.S. 90-171.35 reads as rewritten:

9 **"§ 90-171.35. Reinstatement.**

10 A licensee who has allowed license to lapse by failure to renew as herein provided
11 may apply for reinstatement on a form provided by the Board. The Board shall require
12 the applicant to return the completed application with the required fee and to furnish a
13 statement of the reason for failure to apply for renewal prior to the deadline. If the
14 license has lapsed for at least five years, the Board shall require the applicant to
15 complete satisfactorily a refresher course approved by the ~~Board~~ Board, or provide
16 proof of active licensure within the past five years in another jurisdiction. The Board
17 may require any applicant for reinstatement to satisfy the Board that the license should
18 be reinstated. If, in the opinion of the Board, the applicant has so satisfied the Board, it
19 shall issue a renewal of license to practice nursing, or it shall issue a license to practice
20 nursing for a limited time."

21 Sec. 8. G.S. 90-171.36(b) reads as rewritten:

22 "(b) When such person desires to be removed from the inactive list and returned to
23 the active ~~list~~ list within five years of being placed on inactive status, an application
24 shall be submitted to the Board on a form furnished by the Board and the fee shall be
25 paid for license renewal. The Board shall require evidence of competency to resume the
26 practice of nursing before returning the applicant to active status. If the person has been
27 on the inactive list for more than five years, the applicant must satisfactorily complete a
28 refresher course approved by the Board or provide proof of active licensure within the
29 past five years in another jurisdiction."

30 Sec. 9. G.S. 90-171.43 reads as rewritten:

31 **"§ 90-171.43. License required.**

32 No person shall practice or offer to practice as or use any card, title or abbreviation
33 to indicate that such person is a registered nurse or licensed practical nurse unless that
34 person is currently licensed as provided by this Article. This Article shall not, however,
35 be construed to prohibit or limit the following:

- 36 (1) The performance by any person of any act for which that person holds
37 a license issued pursuant to North Carolina law;
- 38 (2) The clinical practice by students enrolled in approved nursing ~~programs~~
39 programs, continuing education programs, or refresher courses under
40 the supervision of qualified faculty;
- 41 (3) The performance of nursing performed by persons who hold a
42 temporary license issued pursuant to G.S. 90-171.33;
- 43 (4) The delegation to any person, including a member of the patient's
44 family, by a physician licensed to practice medicine in North Carolina,

1 a licensed dentist or registered nurse of those patient-care services
2 which are routine, repetitive, limited in scope that do not require the
3 professional judgment of a registered nurse or licensed practical nurse;

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

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

8 Sec. 10. G.S. 90-171.44 reads as rewritten:

9 **"§ 90-171.44. Prohibited acts.**

10 It shall be a violation of this ~~Article~~ Article, and subject to action under G.S. 90-
11 171.37, for any person to:

12 (1) Sell, fraudulently obtain, or fraudulently furnish any nursing diploma
13 or aid or abet therein;

14 (2) Practice nursing under cover of any fraudulently obtained license;

15 (3) Practice nursing without a license;

16 (4) Conduct a nursing program or a refresher course for activation of a
17 license, that is not approved by the Board; or

18 (5) Employ unlicensed persons to practice ~~nursing in violation of this Article.~~
19 nursing."

20 Sec. 11. G.S. 90-171.47 reads as rewritten:

21 **"§ 90-171.47. Reports: immunity from suit.**

22 Any person who has reasonable cause to suspect misconduct or incapacity of a
23 licensee or who has reasonable cause to suspect that any person is in violation of this
24 Article, including those actions specified in G.S. 90-171.37(1)through ~~(7), (8),~~ G.S. 90-
25 171.43, and G.S. 90-171.44, shall report the relevant facts to the Board. Upon receipt of
26 such charge or upon its own initiative, the Board may give notice of an administrative
27 hearing or may, after diligent investigation, dismiss unfounded charges. Any person
28 making a report pursuant to this section shall be immune from any criminal prosecution
29 or civil liability resulting therefrom unless such person knew the report was false or
30 acted in reckless disregard of whether the report was false."

31 Sec. 12. This act is effective upon ratification.