

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 198
SENATE BILL 1007

AN ACT TO MAKE VARIOUS TECHNICAL AND CONFORMING REVISIONS
TO THE NURSING PRACTICE ACT.

The General Assembly of North Carolina enacts:

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

"§ 90-171.24. Executive director.

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

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

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

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

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

"§ 90-171.30. Licensure by examination.

At least twice each year the Board shall give an ~~examination~~ examination, at the time and place it determines, to applicants for licensure to practice as a registered nurse or licensed practical nurse. ~~The Board shall give advance notice to applicants and to persons conducting approved nursing programs of the time and place of each examination.~~—The Board shall adopt ~~regulations~~, rules, not inconsistent with this Article, governing qualifications of applicants, the conduct of applicants during the examination, and the conduct of the examination. The applicants shall be required to pass ~~an the examination approved and administered~~ required by the Board. The Board shall adopt rules which identify the criteria which must be met by an applicant in order to be issued a license. When the Board determines that an applicant has met those criteria, passed the required examination, submitted the required fee, and has demonstrated to the Board's satisfaction that he or she is mentally and physically competent to practice nursing, the Board shall issue a license to the applicant."

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

"§ 90-171.31. Reexamination.

Any applicant who fails to pass the first licensure examination may take subsequent examinations in accordance with the rules ~~and regulations~~ of the ~~Board~~ Board, ~~provided that any person who has graduated from a nursing program after July 1, 1981, must pass~~

~~the examination within three years of graduation. After this three year period, the applicant must reenter and successfully complete a Board approved nursing program before being allowed to take subsequent examinations."~~

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

"§ 90-171.33. Temporary license.

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

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

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

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

"§ 90-171.34. Licensure renewal.

Every ~~unencumbered license~~ license, except temporary license, issued under this Article shall be renewed ~~every~~ for two years. On or before the date the current license expires, every person who desires to continue to practice nursing shall apply for licensure renewal to the Board on forms furnished by the Board and shall also file the required fee. The Board shall provide space on the renewal form for the licensee to specify the amount of continuing education received during the renewal period. Failure to renew the license ~~within 30 days after~~ before the expiration date shall result in automatic forfeiture of the right to practice nursing in North ~~Carolina.~~ Carolina until such time that the license has been reinstated."

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

"§ 90-171.35. Reinstatement.

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

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

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

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

"§ 90-171.43. License required.

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

- (1) The performance by any person of any act for which that person holds a license issued pursuant to North Carolina law;
- (2) The clinical practice by students enrolled in approved nursing ~~programs~~ programs, continuing education programs, or refresher courses under the supervision of qualified faculty;
- (3) The performance of nursing performed by persons who hold a temporary license issued pursuant to G.S. 90-171.33;
- (4) The delegation to any person, including a member of the patient's family, by a physician licensed to practice medicine in North Carolina, a licensed dentist or registered nurse of those patient-care services which are routine, repetitive, limited in scope that do not require the professional judgment of a registered nurse or licensed practical nurse;
- (5) Assistance by any person in the case of emergency.

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

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

"§ 90-171.44. Prohibited acts.

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

- (1) Sell, fraudulently obtain, or fraudulently furnish any nursing diploma or aid or abet therein;
- (2) Practice nursing under cover of any fraudulently obtained license;
- (3) Practice nursing without a license;
- (4) Conduct a nursing program or a refresher course for activation of a license, that is not approved by the Board; or
- (5) Employ unlicensed persons to practice ~~nursing in violation of this Article-nursing.~~ nursing."

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

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

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

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 23rd day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives