

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 376
Commerce, Small Business and Entrepreneurship Committee Substitute Adopted
5/9/07
House Committee Substitute Favorable 6/14/07

Short Title: Amend Nurse Practice Act.

(Public)

Sponsors:

Referred to:

February 28, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO
ACQUIRE PROPERTY, CONDUCT EVIDENCE HEARINGS BY PANELS,
SERVE SUBPOENAS ISSUED BY THE BOARD, AND ESTABLISH
STANDARDS FOR APPLICANT REQUIREMENTS FOR MEDICATION AIDE
TRAINING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-171.23(b) is amended by adding the following new subdivisions:

"(b) Duties, powers. The Board is empowered to:

...

(21) Proceed in accordance with G.S. 90-171.37A, notwithstanding G.S. 150B-40(b), when conducting a contested case hearing in accordance with Article 3A of Chapter 150B of the General Statutes.

(22) Designate one or more of its employees to serve papers or subpoenas issued by the Board. Service under this subdivision is permitted in addition to any other methods of service permitted by law.

(23) Acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and the Council of State. Collateral pledged by the Board for an encumbrance is limited to the assets, income, and revenues of the Board."

SECTION 2. Article 9A of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-171.37A. Use of hearing committee and depositions.

1 (a) The Board, in its discretion, may designate in writing three or more of its
2 members to conduct hearings as a hearing committee to take evidence. A majority of the
3 hearing committee shall be licensed nurses.

4 (b) Evidence and testimony may be presented at hearings before the Board or a
5 hearing committee in the form of depositions before any person authorized to administer
6 oaths in accordance with the procedure for the taking of depositions in civil actions in
7 the superior court.

8 (c) The hearing committee shall submit a recommended decision that contains
9 findings of fact and conclusions of law to the Board. Before the Board makes a final
10 decision, it shall give each party an opportunity to file written exceptions to the
11 recommended decision made by the hearing committee and to present oral arguments to
12 the Board. A majority of the qualified members present and voting of the full Board
13 shall issue a final decision."

14 **SECTION 3.** G.S. 90-171.56(1) reads as rewritten:

15 "(1) Establish standards for faculty and applicant requirements for
16 medication aide ~~training; and training.~~"

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