

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0211

DEADLINE FOR RECEIPT: February 5, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Page 2, Line 19: Is NCLEX an ® or a TM? In rule .0120 it is shown as a TM.

Page 2, Line 17: Add a reference to the rule which establishes the “qualifications.” If no such rule exists, what are the qualifications which will be considered? Is it Paragraph (c)?

Page 2, Line 27: How does the Board approve the prelicensure program? Is there a rule which establishes this? If so, cite the rule.

Page 2, Line 35: How does the Board determine whether a nursing program was “designed” to provide comparable education? Must it only be “designed to provide” or must it provide comparable education?

Page 2, Line 37 and Page 3, 1-9: Consider whether these lines should be their own paragraph which references Paragraph (c)(3).

Page 3, Line 3: The Board uses “and” here but not on Line 8. Explain the significance. Must a “foreign-educated” applicant do (A), (B) and (C).

Page 3, Line 16: What rule sets forth the substantive requirements of the “Application”?

Page 3, Line 21: What is Pearson VUE?

Page 3, Line 23: G.S. 90-171.27 sets a cap on fees but it does not establish fees. The fees would need to be adopted by the Board. Have they? If so, was it done by rule?

Page 3, Line 25: What rule sets forth the substantive requirements of the “Application”?

Page 3, Line 32: What is a “pending court condition”?

Page 3, Line 36: Define “substantiated findings”.

William W. Peaslee
Commission Counsel

Date submitted to agency: January 22, 2025

Page 3, Lines 35-37: This is poorly written. Consider re-writing it.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: January 22, 2025

21 NCAC 36 .0211 is proposed to be amended, as published in NCR 39:10, pages 643 - 645 as follows:

21 NCAC 36 .0211 ELIGIBILITY AND APPLICATION FOR LICENSURE BY EXAMINATION

~~(a) To be eligible for licensure by examination, an applicant shall:~~

- ~~(1) — submit a completed application for licensure, attesting under oath or affirmation that the information on the application is true and complete and authorizing the release to the Board of all information pertaining to the application. Application for Examination is posted on the Board's website at www.nebn.com;~~
- ~~(2) — submit the licensure application fee as established in G.S. 90-171.27(b);~~
- ~~(3) — have an unencumbered license in all jurisdictions in which a license is or has ever been held;~~
- ~~(4) — have no pending court conditions as a result of any misdemeanor or felony convictions. The applicant shall provide a written explanation and all investigative reports or court documents evidencing the circumstances of the crimes if requested by the Board. The Board shall use these documents when determining if a license should be denied pursuant to G.S. 90-171.48 and G.S. 90-171.37;~~
- ~~(5) — submit a written explanation and all related documents if the nurse has ever been listed as a nurse aide and if there have ever been any substantiated findings pursuant to G.S. 131E-255. The Board may take these findings into consideration when determining if a license should be denied pursuant to G.S. 90-171.37. In the event findings are pending, the Board may withhold taking any action until the investigation is completed; and~~
- ~~(6) — complete a criminal background check in accordance with G.S. 90-171.48;~~
- ~~(7) — apply to take and pass the National Council Licensure Examination (NCLEX™).~~

~~In the event any of the above required information indicates a concern about the applicant's qualifications, an applicant may be required to appear in person for an interview with the Board if the Board determines in its discretion that more information is needed to evaluate the application.~~

~~(b) An applicant shall meet the educational qualifications to take the examination for licensure to practice as a registered nurse or licensed practical nurse by:~~

- ~~(1) — graduating from a National Council State Board of Nursing (NCSBN) member Board approved nursing program, in accordance with Section .0300 of these Rules, designed to prepare a person for registered nurse or licensed practical nurse licensure;~~
- ~~(2) — graduating from a nursing program outside the United States that is designed to provide graduates with comparable education as required in 21 NCAC 36 .0321(b) through (d) for licensure as a registered nurse or licensed practical nurse, and submitting evidence from an evaluation agency of the required educational qualifications and evidence of English proficiency. The evaluation agencies for educational qualifications shall be selected from a list of evaluation agencies published by NCSBN, incorporated by reference including subsequent amendments and editions and available at no cost at www.nesbn.org. The evidence of English proficiency shall be a test as listed by NCSBN;~~

1 ~~incorporated by reference including subsequent amendments and editions and available at no cost~~
2 ~~at www.ncsbn.org; or~~
3 (3) ~~being eligible for licensure as a registered nurse or licensed practical nurse in the country of nursing~~
4 ~~education program completion.~~

5 ~~(e) An application shall be submitted to the Board and a registration form to Pearson VUE. The applicant shall meet~~
6 ~~all requirements of NCSBN. Applicants for a North Carolina license may take the examination for licensure developed~~
7 ~~by NCSBN at any NCSBN approved testing site.~~

8 ~~(d) An application for licensure shall be valid for a period of one year from the date the application is filed with the~~
9 ~~Board or until the Board receives notice that the applicant has either passed or failed the examination.~~

10 ~~(e) The examinations for licensure developed by NCSBN shall be the examinations for licensure as a registered nurse~~
11 ~~or as a licensed practical nurse in North Carolina and these examinations shall be administered in accordance with the~~
12 ~~contract between the Board and NCSBN.~~

13 ~~(f) Any license issued shall be issued for the remainder of the biennial period.~~

14 (a) An applicant seeking nurse licensure shall meet the educational requirements of a prelicensure nursing program
15 that is equivalent or greater to the requirements for NC nursing prelicensure programs as required in Section .0300 of
16 this Chapter and apply to take the NCLEX®. The Board shall review the application and applicant's educational
17 requirements. Once the applicant has passed the NCLEX®, the Board shall consider the applicant's qualifications for
18 licensure.

19 (b) Applications for licensure by examination shall be posted on the Board's website at www.ncbon.com and shall
20 contain the following information:

21 (1) The applicant's name, telephone number, and email address;
22 (2) The applicant's primary address of residence;
23 (3) The educational degrees obtained by the applicant with the program name and completion date; and
24 (4) Other professional or occupational licenses held by the applicant with the licensure number and
25 jurisdiction in which the license was issued, if applicable.

26 (c) An applicant shall meet one of the following educational requirements:

27 (1) Complete a Board-approved nursing prelicensure program. Evidence of completion of the program
28 shall be an electronic verification submitted from the program director that the applicant has
29 satisfied the educational requirements of the program pursuant to Section .0300 of this Chapter.

30 (2) Complete a National Council State Board of Nursing (NCSBN) member board approved nursing
31 program that is equivalent or greater to the requirements for NC nursing prelicensure programs as
32 required in Section .0300 of this Chapter. Evidence of completion shall be a transcript. Educational
33 transcripts shall be submitted directly to the Board from the program, National Student
34 Clearinghouse, or Parchment.

35 (3) Complete a nursing program outside the United States that is designed to provide graduates with
36 comparable education that is equivalent or greater to the requirements for NC nursing prelicensure
37 programs as required in Section .0300 of this Chapter. Foreign-educated applicants shall:

- (A) provide electronic verification from the Commission on Graduates of Foreign Nursing Schools (CGFNS) or International Education Evaluation (IEE) demonstrating the applicant's education is equivalent or greater to the requirements for NC nursing prelicensure programs as required in Section .0300 of this Chapter; and
- (B) Demonstrate proficiency in the English Language. Proof of English proficiency is either an overall score of 6.5 and minimum of 6.0 on all modules on the exam administered by the International English Language Testing System (IELTS) or an overall score of 83 or higher on the exam administered by Test of English as a Foreign Language (TOEFL).
- (C) Be eligible for licensure as an RN or LPN in the country where the nursing educational program was completed.
- (4) Complete one of the following military courses of study for practical nursing equivalent or greater to the requirements for NC prelicensure nursing programs as evidenced by a transcript: Army Practical Nursing; Army MOS 68C Practical Nursing; Air Force Practical Nursing Technology Associate Degree; or Medical Corpsman to Practical Nurse.
- (d) To be eligible for approval to take the NCLEX® examination, an applicant shall:
- (1) Submit an Application for Licensure by Examination to the Board, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) Meet the educational requirements of a nursing prelicensure program as required in Paragraph (c) of this Rule;
- (3) Provide electronic confirmation from Pearson VUE as proof applicant is registered to take the NCLEX®;
- (4) Pay the application fee as established in G.S. 90-171.27(b).
- (e) To be eligible for nurse licensure by examination, an applicant shall:
- (1) Submit an application for licensure to the Board;
- (2) Possess a valid social security number issued by the U.S. Social Security Administration;
- (3) Pass the NCLEX® – examination results submitted electronically from Pearson VUE;
- (4) Hold an unencumbered license in all jurisdictions in which a license is or has been held. If applicant has any disciplinary history on a license or has participated in a drug monitoring program, the applicant shall submit written explanation and all related documents to the Board;
- (5) Complete a criminal background check in accordance with G.S. 171.48;
- (6) Have no pending court conditions as a result of any misdemeanor or felony convictions;
- (7) Submit a written explanation and court documents regarding all criminal convictions, if applicable;
- and
- (8) If the applicant has been listed as a nurse aide, submit a written explanation and all related documentation if there have been substantiated findings pursuant to G.S. 131E-255. An applicant shall not be licensed while an investigation is pending.

1 (f) An application is valid for one year from the date the application is filed with the Board or when the Board is
2 notified by Pearson VUE that the applicant has passed or failed the NCLEX®, whichever comes first.

3 (g) An applicant shall be required to appear in person for an interview with the Board if there is a discrepancy in the
4 information submitted.

5 (h) A license issued pursuant to this Rule shall be for the remainder of the biennial period.
6

7 *History Note: Authority G.S. 90-171.23(15); 90-171.29; 90-171.30; 90-171.37(1); 90-171.48;*

8 *Eff. February 1, 1976;*

9 *Amended Eff. December 1, 2004; April 1, 2003; January 1, 1996; July 1, 1994; February 1, 1994;*

10 *August 3, 1992;*

11 *Readopted Eff. January 1, 2019.*

12 *Amended Eff. March 1, 2025.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC36 .0218

DEADLINE FOR RECEIPT: February 5, 2025

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In reviewing this Rule, the staff recommends the following changes be made:

Page 2, Line 28: G.S. 90-171.27 sets a cap on fees but it does not establish fees. The fees would need to be adopted by the Board. Have they? If so, was it done by rule?

Page 3, Line 15: What is a "pending court condition"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: January 22, 2025

21 NCAC 36 .0218 is proposed to be amended, as published in NCR 39:10, pages 645 - 646 as follows:

21 NCAC 36 .0218 LICENSURE BY ENDORSEMENT

~~(a) To be eligible for licensure by endorsement, an applicant shall:~~

- ~~(1) submit a completed application for endorsement, stating that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application. The Application for Endorsement is posted on the Board's website at www.ncbon.com;~~
- ~~(2) submit the licensure application fee as established in G.S. 90-171.27(b);~~
- ~~(3) have an unencumbered license in all jurisdictions in which a license is or has ever been held;~~
- ~~(4) have an active unencumbered license in a jurisdiction. If the license has been inactive or expired for five or more years, the applicant shall meet the requirements for a refresher course as indicated in G.S. 90-171.35 and G.S. 90-171.36;~~
- ~~(5) have no pending court conditions as a result of any misdemeanor or felony convictions. The applicant shall provide a written explanation and all investigative reports or court documents evidencing the circumstances of the crime(s) if requested by the Board. The Board shall use these documents when determining if a license should be denied pursuant to G.S. 90-171.48 and G.S. 90-171.37;~~
- ~~(6) submit a written explanation and all related documents if the nurse has ever been listed as a nurse aide and if there have ever been any substantiated findings pursuant to G.S. 131E-255. The Board may take these findings into consideration when determining if a license should be denied pursuant to G.S. 90-171.37. In the event findings are pending, the Board shall withhold taking any action until the investigation is completed;~~
- ~~(7) submit a self-certification that the applicant is of mental and physical health necessary to competently practice nursing;~~
- ~~(8) show completion of a nursing education program which was approved by the jurisdiction of original licensure. If applying for licensure by endorsement as a licensed practical nurse, applicant may also show evidence that:
 - ~~(A) applicant has successfully completed a course of study for military corpsman that is comparable to that required of licensed practical nurse graduates in North Carolina; or~~
 - ~~(B) applicant has been licensed in another NCSBN member jurisdiction for five or more years immediately prior to application submission and has practiced in a nursing position at the same level of licensure for which application is being made for two calendar years of full-time employment immediately prior to application as verified by the employer; and~~~~
- ~~(9) complete a criminal background check in accordance with G.S. 90-171.48.~~

~~In the event any of the above required information indicates a concern about the applicant's qualifications, an applicant may be required to appear in person for an interview with the Board if more information is needed to evaluate the application.~~

~~(b) Applicants for licensure by endorsement educated in a foreign country, including Canada, shall complete all the requirements of 21 NCAC 36 (a)(1) (7) and shall be eligible for North Carolina licensure by endorsement if the nurse has:~~

~~(1) shown proof of education as required by the jurisdiction issuing the original certificate; and~~

~~(2) shown evidence of passing the NCLEX RN™ or NCLEX PN™.~~

~~(c) An application for endorsement shall be valid for a period of one year from the date the application is filed with the Board or until a license is issued.~~

~~(d) Facts provided by the applicant and the board of original licensure shall be compared to confirm the identity and validity of the applicant's credentials.~~

~~(e) Any license issued shall be issued for the remainder of the biennial period.~~

(a) Applications for licensure by endorsement shall be posted on the Board's website at www.ncbon.com and shall contain the following information:

(1) The applicant's name, telephone number, and email address;

(2) The applicant's primary address of residence;

(3) The educational degrees obtained by the applicant with the program name and completion date;

(4) State or Country, license number, and year of licensure by examination in the original jurisdiction of licensure;

(5) State or Country and license number of an active license or any license held under which the applicant worked within the previous five years;

(6) Other professional or occupational licenses held by the applicant with the licensure number and jurisdiction in which the license was issued, if applicable; and

(7) Dates of employment and position(s) held for the last two nursing employers.

(b) To be eligible for licensure by endorsement, an applicant shall:

(1) submit a completed Application for Endorsement, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;

(2) a valid social security number issued by the U.S. Social Security Administration;

(3) submit the licensure application fee as established in G.S. 90-171.27(b);

(4) have an unencumbered license in all jurisdictions in which a license is or has ever been held. If applicant has any disciplinary history on a license or has participated in a drug monitoring program, the applicant shall submit written explanation and all related documents to the Board;

(5) request verification of nurse licensure from the jurisdiction of original nurse licensure. If the license has been inactive for five or more years, the applicant shall be required to complete a refresher course pursuant to G.S. 90-171.35 and G.S. 90-171.36;

(6) request verification of nurse licensure from the jurisdictions where applicant holds or last held an active license;

- (7) complete a prelicensure nursing program which is approved by the jurisdiction of original licensure at the time of program completion and is equivalent or greater to the requirements for NC prelicensure nursing programs as required in Section .0300 of this Chapter. Applicant shall provide an educational transcript submitted directly to the Board from the program, National Student Clearinghouse, or Parchment upon request of the Board;
- (8) Upon request of the Board, if applicant completed a nursing program outside of the United States, applicant shall provide electronic verification from the Commission on Graduates of Foreign Nursing Schools (CGFNS) or International Education Evaluation (IEE) demonstrating the applicant's education is equivalent or greater to the requirements for NC nursing prelicensure programs as required in Section .0300 of this Chapter;
- (9) Complete a criminal background check in accordance with G.S. 171.48. The applicant shall provide a written explanation and all investigative reports or court documents evidencing the circumstances of the crime(s) upon request of the Board. The Board shall use these documents when determining if a license should be denied pursuant to G.S. 90-171.48 and G.S. 90-171.37; and
- (10) Have no pending court conditions as a result of any misdemeanor or felony convictions.
- (c) In addition to the above requirements in Paragraph (b) of this Rule, should a practical nurse seeking licensure by endorsement who obtained licensure in a jurisdiction that does not require program completion, the applicant shall:
- (1) have been licensed for five years and provide verification from their employers of full-time nursing employment for the previous two calendar years immediately preceding filing of the application; or
- (2) complete one of the following military courses of study for practical nursing equivalent or greater to the requirements for NC prelicensure nursing programs as evidenced by a transcript: Army Practical Nursing; Army MOS 68C Practical Nursing; Air Force Practical Nursing Technology Associate Degree; or Medical Corpsman to Practical Nurse.
- (d) An applicant shall be required to appear in person for an interview with the Board if there is a discrepancy in the information submitted.
- (e) An application is valid for:
- (1) One year from the date the application is filed with the Board; or
- (2) A license is issued.
- A license issued pursuant to this Rule shall be for the remainder of the biennial period.

History Note: Authority G.S. 90-171.23(b); 90-171.32; 90-171.33; 90-171.37; 90-171.48;
Eff. May 1, 1982;
Amended Eff. December 1, 2005; April 1, 2003; January 1, 1996; July 1, 1994;
February 1, 1994; August 3, 1992;
Readopted Eff. January 1, 2019.
Amended Eff. March 1, 2025.