

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

AGENCY: North Carolina Board of Nursing

RULE CITATION: 21 NCAC 36 .0228

DEADLINE FOR RECEIPT: Friday, March 10, 2023.

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:

In (b)(3), line 16, does the phrase “meets the qualifications for clinical nurse specialist certification...” apply to the applicant, or to the degree program? I’m assuming it’s the latter, but wanted to be clear, because if it does apply to the applicant, I think it’d best be combined with current (b)(4) below.

In (b)(4), line 21, the reference to Rule .0120 needs to be corrected. The definition for “national credentialing body” is at (33) not (26).

In (c), the sentence is a bit of a run-on. Consider breaking it up or rephrasing in some way to eliminate the sequential “ands”.

Same with (d), it’s a bit of a long run on sentence. Maybe break it up into a list?

In (e), line 36, I’m a little unclear how one could be a clinical nurse specialist, but not practice and not have Board approval? Do you mean someone who is already recognized as a clinical nurse specialist by a national credentialing body?

In (f), p.2, lines 6-7, what are “nursing principles at an advance practice registered nurse level”? Are these defined elsewhere?

In (f)(2) and (3), lines 11-14, what is an “advanced practice nursing framework”?

In (f)(10), what are you requiring your regulated public to do? This sounds a bit more like an aspirational goal than a rule.

In (g)(1)(A), line 30, what is the “appropriate application”? Are the contents of that application fully set out in this, or another Rule?

In (g)(1)(A), line 30, consider putting the educational requirements into a list set off with commas, such as: “evidence of a master’s degree, doctoral degree, or a post-master’s certificate, as set out...”

Brian Liebman
Commission Counsel

Date submitted to agency: March 1, 2023

In (g)(1)(A), line 31, strike “either”.

In (g)(3)(B), when you say “recognized in North Carolina” do you mean recognized by the Board?

In (g)(3)(B) and (C), I’m confused by the reference to “every 5 years” when the approval period is every 2 years. How would someone applying for re-approval after his or her first 2 year period satisfy this?

Also, does the “every 5 years” period apply to both the 1000 hours of practice and the 75 contact hours of CE?

In (g)(4), I think you need to rephrase to let (4) flow as a sentence from the opening clause on p.2, line 28. As currently constructed, it says “A registered nurse seeking approval by the Board as a clinical nurse specialist shall: . . . Documentation shall be maintained...” Consider deleting “and” at the end of (g)(2) on p.2, line 35, adding an “and” at the end of (g)(3)(C), on p.3, line 10, and amending (g)(4) to say something along the lines of “maintain documentation for the previous five years...”

In (g)(4), line 11, what documentation are you requiring the CNS to maintain? Please clarify and revise the Rule accordingly.

I am confused by (h). The Rule states that the Board shall approve a national credentialing body, which I assume is not a person, but an organization. Yet, (1) and (2) speak of licensure, certification, and education requirements that appear to be aimed at an individual. Are you asking for the body to have staff that comply with these requirements? Please clarify and revise the Rule accordingly.

In your History Note, why do you cite to G.S. 90-171.27? This has to do with fees, and I don’t see any required in this Rule.

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

1 21 NCAC 36 .0228 Clinical Nurse Specialist Practice is amended, **with changes**, as published in NCR 37:10, pages
2 757-759 as follows:

3
4 **21 NCAC 36 .0228 CLINICAL NURSE SPECIALIST PRACTICE**

5 (a) Only a registered nurse who meets the qualifications outlined in Paragraph (b) of this Rule shall be approved by
6 the Board as a clinical nurse specialist to perform advanced practice registered nursing activities listed in Paragraph
7 (f) of this Rule.

8 (b) The Board shall approve an applicant who:

9 (1) has an active, unencumbered license to practice as a registered nurse in North Carolina or a state
10 that has adopted the Nurse Licensure Compact;

11 (2) has an unrestricted previous approval, registration, or license as a clinical nurse specialist if
12 previously approved, registered, or licensed as a clinical nurse specialist in another state, territory,
13 or possession of the United States;

14 (3) has successfully completed a master's or higher level degree program that is accredited by a nursing
15 accrediting body approved by the United States Secretary of Education or the Council for Higher
16 Education Accreditation and meets the qualifications for clinical nurse specialist certification by an
17 approved national credentialing body under ~~Part (b)(4)(A)~~ Subparagraph (b)(4) of this Rule; and

18 (4) ~~either:~~

19 (A) ~~—has current certification as a clinical nurse specialist from a national credentialing body~~
20 ~~approved by the Board, as defined in Paragraph (h) of this Rule and 21 NCAC 36~~
21 ~~.0120(26); or 21 NCAC 36 .0120(26).~~

22 (B) ~~—meets requirements that are equivalent to national certification if no clinical nurse specialist~~
23 ~~certification is available in the specialty. The Board shall determine equivalence based on~~
24 ~~consideration of an official transcript and course descriptions validating Subparagraph~~
25 ~~(b)(3) of this Rule, a current curriculum vitae, work history, professional recommendations~~
26 ~~indicating evidence of at least 1,000 hours of clinical nurse specialist practice, and~~
27 ~~documentation of certificates indicating 75 contact hours of continuing education~~
28 ~~applicable to clinical nurse specialist practice during the previous five years.~~

29 (c) An applicant certified as a clinical nurse specialist by a national credentialing body prior to January 1, 2007, and
30 who has maintained that certification and active clinical nurse specialist practice and holds a master's or higher degree
31 in nursing or a related field shall be approved by the Board as a clinical nurse specialist.

32 (d) New graduates seeking first-time clinical nurse specialist approval in North Carolina shall hold a master's or
33 doctoral degree or a post-master's certificate from a clinical nurse specialist program accredited by a nursing
34 accrediting body approved by the **U.S. United States** Secretary of Education or the Council for Higher Education
35 Accreditation and shall meet all requirements in Subparagraph (b)(1) and Part (g)(3)(A) of this Rule.

36 (e) A clinical nurse specialist seeking Board approval who has never practiced as a clinical nurse specialist or has not
37 practiced in more than two years shall complete a clinical nurse specialist refresher course approved by the Board in

1 accordance with 21 NCAC 36 .0220(o) and (p), consisting of common conditions and their management related to the
2 clinical nurse specialist's area of education and certification. A clinical nurse specialist refresher course participant
3 shall be granted limited clinical nurse specialist recognition that is specific to clinical activities taught in the refresher
4 course.

5 (f) The scope of practice of a clinical nurse specialist shall incorporate the basic components of nursing practice as
6 defined in Rule .0224 of this Section as well as the understanding and application of nursing principles at an advanced
7 practice registered nurse level in the area of clinical nursing specialization in which the clinical nurse specialist is
8 educationally prepared and for which competency is maintained, including:

- 9 (1) assessing clients' health status, synthesizing and analyzing multiple sources of data, and identifying
10 alternative possibilities as to the nature of a healthcare problem;
- 11 (2) diagnosing and managing clients' acute and chronic health problems within an advanced practice
12 nursing framework;
- 13 (3) assessing for and monitoring the usage and effect of pharmacologic agents within an advanced
14 practice nursing framework;
- 15 (4) formulating strategies to promote wellness and prevent illness;
- 16 (5) prescribing and implementing therapeutic and corrective non-pharmacologic nursing interventions;
- 17 (6) planning for situations beyond the clinical nurse specialist's expertise and consulting with or
18 referring clients to other health care providers as appropriate;
- 19 (7) promoting and practicing in collegial and collaborative relationships with clients, families, other
20 health care professionals, and individuals whose decisions influence the health of individual clients,
21 families, and communities;
- 22 (8) initiating, establishing, and using measures to evaluate health care outcomes and modify nursing
23 practice decisions;
- 24 (9) assuming leadership for the application of research findings for the improvement of health care
25 outcomes; and
- 26 (10) integrating education, consultation, management, leadership, and research into the clinical nurse
27 specialist role.

28 (g) A registered nurse seeking approval by the Board as a clinical nurse specialist shall:

- 29 (1) complete the appropriate application that includes the following:
 - 30 (A) evidence of a master's or doctoral degree or a post-master's certificate, as set out in
31 Subparagraph (b)(3) or Paragraph (d) of this Rule; and either
 - 32 (B) evidence of current certification in a clinical nursing specialty from a national credentialing
33 body, set out in ~~Part (b)(4)(A)~~ Subparagraph (b)(4) of this ~~Rule; or Rule.~~
 - 34 ~~(C) — meet requirements set out in Part (b)(4)(B) of this Rule;~~
- 35 (2) renew the approval every two years at the time of registered nurse renewal; and
- 36 (3) either:

1 (A) submit evidence of initial certification and re-certification by a national credentialing body
2 at the time such occurs in order to maintain Board recognition, consistent with Paragraphs
3 (b) and (h) of this Rule; or

4 (B) if ~~subject to Part (b)(4)(B) of this Rule~~, recognized in North Carolina as a clinical nurse
5 specialist without national certification prior to April 1, 2023, submit evidence of
6 ~~(+)~~ at least 1,000 hours of practice and 75 contact hours of continuing education with
7 25 contact hours of pharmacotherapeutics as a portion of the mandatory 75 contact
8 hours every five years. or

9 ~~(+)(C)~~ 150 contact hours of continuing education with 50 contact hours of
10 pharmacotherapeutics as a portion of the 150 contact hours every five years.

11 (4) Documentation shall be maintained by the clinical nurse specialist for the previous five years and
12 made available upon request [to either] of the Board.

13 (h) The Board shall approve those national credentialing bodies offering certification and recertification in a clinical
14 nursing specialty that have established the following minimum requirements:

- 15 (1) active unencumbered licensure as a registered nurse; and
- 16 (2) certification as a clinical nurse specialist that is limited to applicant prepared with a master's or
17 doctoral degree or a post-master's certificate.

18
19 *History Note: Authority G.S. 90-171.20(4); 90-171.20(7); 90-171.21(d)(4); 90-171.23(b); 90-171.27(b); 90-*
20 *171.42(b);*
21 *Eff. April 1, 1996;*
22 *Amended Eff. January 1, 2015; April 1, 2008; January 1, 2007; November 1, 2005; August 1, 2005;*
23 *April 1, 2003;*
24 *Readopted Eff. January 1, 2019;*
25 *Amended Eff. November 1, 2020. 2020; [March 1, 2023.] April 1, 2023.*

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

AGENCY: North Carolina Nursing Board

RULE CITATION: 21 NCAC 36 .0817

DEADLINE FOR RECEIPT: Friday, March 10, 2023.

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

Please resubmit with the full history note from the repealed rule, including the effective date of the repeal.

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

Brian Liebman
Commission Counsel

Date submitted to agency: March 1, 2023

1 21 NCAC 36 .0817 COVID-19 Drug Preservation Rule is repealed as published in NCR 37:10, page 759 as follows:

2

3 **21 NCAC 36 .0817 COVID-19 DRUG PRESERVATION RULE**

4

5 *Authority G.S. 90-8.2; 90-171.23(b)(14)*