

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

AGENCY: North Carolina Board of Nursing

RULE CITATION: 21 NCAC 36 .0807

DEADLINE FOR RECEIPT: April 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 general, please explain the Board of Nursing's authority to amend the Rule in the absence of the approval of the North Carolina Medical Board pursuant to G.S. 90-8.2(a).

Page 1, Line 6: Is "continuing education" the same as "Continuing Education Activity" pursuant to 21 NCAC 36 .0120? If so, please use "continuing education activity" throughout the rule. If not, define "continuing education".

Page 1, Line 7-8: What is "advance practice nursing population focus on the NP role"? This is unclear.

Page 1, Line 8: As the ANCC is a national credentialing body as defined in 21 NCAC 36 .0801, consider removing its specific mention as it is redundant.

Page 1, Lines 9-10: Define "relevant courses". How do "relevant courses" "approve" "hours"?

Page 1, Line 11: Either define "controlled substances" or make reference to another rule. Eg. "Every nurse practitioner who prescribes controlled substances pursuant to Rule 21 NCAC 36 ___ shall..."

Page 1, (b), Lines 11-15: Is (b) notwithstanding (c)? In other words, if a NP has a national certification, do they still need the one hour of CE required in (b) to prescribe controlled substances?

Page 1, (b), Lines 11-15: If it meets the Boards' intentions, consider:

"(b) Prior to prescribing controlled substances as the same are defined in _____, nurse practitioners shall have completed a minimum of one CE hour within the preceding 12 months on one or more of the following topics:

William W. Peaslee
Commission Counsel
Date submitted to agency:

- (1) Controlled substances prescription practices;
- (2) Prescribing controlled substances for chronic pain management;
- (3) Recognizing signs of controlled substance abuse or misuse; or
- (4) Non-opioid treatment options as an alternative to controlled substances.

The one hour of CE required by this paragraph supplants and is not in addition to, the CE required by Paragraph (a).”

Page 1, (c), Lines 16-17: What is the Boards’ authority to replace CE hours with a national certification. Please see G.S. 90-14(a)(15)?

Page 1, (c), Lines 16-17: Consider whether paragraph (c) should just be a part of (a).

Page 1, (d), Lines 18-19: Consider: “Documentation of all CE completed within the previous five years shall be maintained by the NP and made available upon request.”

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:

1 21 NCAC 36 .0807 is amended as published in NCR 37:12, pages 903-904 as follows:

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3 **21 NCAC 36 .0807 CONTINUING EDUCATION (CE)**

4 (a) In order to maintain nurse practitioner approval to practice, the nurse practitioner shall ~~maintain certification as a~~
 5 ~~nurse practitioner by a national credentialing body identified in Rule .0801(8) of this Section and~~ earn 50 contact hours
 6 of continuing education ~~each year, every two years,~~ beginning with the first renewal after initial approval to practice
 7 has been granted. A minimum of 20 hours of the required 50 hours must be in the advanced practice nursing population
 8 focus of the NP role for which approval has been granted by the American Nurses Credentialing Center (ANCC) or
 9 Accreditation Council on Continuing Medical Education (ACCME), other national credentialing bodies, or practice-
 10 relevant courses in an institution of higher learning.

11 (b) Every nurse practitioner who prescribes controlled substances shall complete at least one hour of the total required
 12 continuing education (CE) hours annually consisting of CE designed specifically to address controlled substance
 13 prescribing practices and controlled substance prescribing for chronic pain management. CE that includes recognizing
 14 signs of the abuse or misuse of controlled substances, or non-opioid treatment options shall qualify for the purposes
 15 of this Rule.

16 (c) A nurse practitioner who possesses a current national certification by a national credentialing body shall be
 17 deemed in compliance with the requirement of Paragraph (a) of this Rule.

18 ~~(e)(d)~~ Documentation of all continuing education shall be maintained by the nurse practitioner for the previous five
 19 calendar years and made available upon request to either Board.

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21 *History Note: Authority G.S. 90-8.2; 90-14(a)(15); 90-18(c)(14); 90-171.23(b)(14); 90-171.42; S.L. 2015-241, s*
 22 *12F;*

23 *Recodified from 21 NCAC 36 .0227(f) Eff. August 1, 2004;*

24 *Amended Eff. March 1, 2017; December 1, 2009; April 1, 2008; August 1, 2004;*

25 *Readopted Eff. January 1, 2019;*

26 *Amended Eff. June 1, ~~2021~~ 2021; April 1, 2023.*