

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

AGENCY: North Carolina Nursing Board

RULE CITATION: 21 NCAC 36 .0221

DEADLINE FOR RECEIPT: Friday, June 9, 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In your History Note, please correct the reference to G.S. 90-171.83, which was repealed in 2017.

Also in your History Note, I think you need a reference to G.S. 90-85.15B.

Finally, in your History Note, the new effective date for this Rule should be on a new line after the readoption entry.

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: June 8, 2023

1 21 NCAC 36 .0221 is amended as published in NCR 37:18, pages 1893-1894 as follows:

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3 **21 NCAC 36 .0221 LICENSE REQUIRED**

4 (a) No cap, pin, uniform, insignia, or title shall be used to represent to the public that an unlicensed person is a
5 registered nurse or a licensed practical nurse as defined in G.S. 90-171.43.

6 (b) The repetitive performance of a common task or procedure that does not require the professional judgment of a
7 registered nurse or licensed practical nurse shall not be considered the practice of nursing for which a license is
8 required. Tasks that may be delegated to a Nurse Aide I and a Nurse Aide II shall be established by the Board pursuant
9 to 21 NCAC 36 .0403. Tasks may be delegated to an unlicensed person that:

- 10 (1) frequently recur in the daily care of a client or group of clients;
- 11 (2) are performed according to an established sequence of steps;
- 12 (3) involve little or no modification from one client-care situation to another;
- 13 (4) may be performed with a predictable outcome; and
- 14 (5) do not inherently involve ongoing assessment, interpretation, or decision-making that cannot be
15 logically separated from the tasks themselves.

16 Client-care services that do not meet all of these criteria shall be performed by a licensed nurse.

17 (c) A registered nurse or licensed practical nurse shall not delegate the professional judgment required to implement
18 a treatment or pharmaceutical regimen that is likely to produce side effects, toxic effects, allergic reactions, or other
19 unusual effects or that may rapidly endanger a client's life or well-being and that is prescribed by an individual
20 authorized by State law to prescribe such a regimen. A nurse who assumes responsibility directly or through delegation
21 for implementing a treatment or pharmaceutical regimen shall be accountable for:

- 22 (1) recognizing side effects;
- 23 (2) recognizing toxic effects;
- 24 (3) recognizing allergic reactions;
- 25 (4) recognizing immediate desired effects;
- 26 (5) recognizing unusual and unexpected effects;
- 27 (6) recognizing changes in a client's condition that contraindicates continued administration of the
28 pharmaceutical or treatment regimen;
- 29 (7) anticipating those effects that may rapidly endanger a client's life or well-being; and
- 30 (8) making judgments and decisions concerning actions to take in the event such effects occur.

31 (d) If health care needs of a client are incidental to the personal care needs of the client, a nurse shall not be accountable
32 for care performed by clients themselves, their families or significant others, or by caretakers who provide personal
33 care to the individual.

34 (e) Pharmacists may administer drugs in accordance with ~~21 NCAC 46 .2507~~ 21 NCAC 46 .2507 and .2514.

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36 *History Note:* Authority G.S. 90-85.3; 90-171.23(b); 90-171.43; 90-171.83;
37 *Eff. May 1, 1982;*

1 *Amended Eff. July 1, 2004; April 1, 2002; December 1, 2000; July 1, 2000; January 1, 1996;*
2 *February 1, 1994; April 1, 1989; January 1, 1984;*
3 *Emergency Amendment Eff. September 10, 2004;*
4 *Amended Eff. July 1, 2023; April 1, 2008; December 1, 2004.*
5 *Readopted Eff. January 1, 2019.*