

21 NCAC 36 .0405 is proposed to be amended, with changes, as published in NCR 34:09, pages 766-768, as follows:

21 NCAC 36 .0405 APPROVAL OF NURSE AIDE EDUCATION COURSES

(a) The Board shall accept nurse aide I courses that are approved by DHSR.

(b) The Board shall approve nurse aide II ~~courses~~ courses in accordance with this Rule. Nurse aide II courses ~~may~~ shall be offered by a State-licensed individual, agency, or educational institution after the course is approved by the Board.

(1) Each entity desiring to offer a nurse aide II course shall submit a course approval application 60 days prior to offering the course. It shall include documentation of the following standards:

(A) the students shall be taught and supervised by qualified faculty as defined in Subparagraph (b)(3) of this Rule;

(B) the clinical-experience faculty to student ratio shall not exceed 1:10;

(C) the selection and utilization of clinical facilities shall support the course curriculum as outlined in Subparagraph (b)(2) of this Rule;

(D) a written contract shall exist between the course provider and clinical facility prior to student clinical experience in the facility;

(E) a procedure for processing and disposition of course and student complaints shall be established; and

(F) admission requirements shall be established in accordance with one of the following:

~~(E)~~ (i) admission requirements for all programs except those offered as career and college promise tract programs admission requirements shall include:

~~(i)~~ (I) ~~successful~~ completion of nurse aide I ~~training~~ DHSR course or DHSR-established equivalent and ~~current~~ active nurse aide I listing on DHSR Registry;

~~(ii)~~ (II) High School or High School Equivalency diploma; and

~~(iii)~~ (III) other admission requirements as identified by the course ~~provider; and~~ provider; or

~~(F)~~ (ii) Admission requirements for all career and college promise tract programs admission requirements shall include:

~~(i)~~ (I) ~~successful~~ completion of a nurse aide I DHSR course or DHSR-established equivalent;

~~(ii)~~ (II) active nurse aide I listing on DHSR Registry after the first attempt to pass nurse aide I test and within no more than five calendar days from enrollment in the nurse aide II course;

~~(iii)~~ (III) expected High School diploma or High School Equivalency diploma not more than three months from completion of the nurse aide II course; and

1 ~~[(iv)]~~ (IV) other admission requirements as identified by the course provider.

2 provider; and

3 ~~[(F)(G)]~~ a procedure for timely processing and disposition of course and student complaints shall

4 be established.

5 (2) Nurse aide II courses shall include a minimum of 80 hours of theory and 80 hours of clinical

6 instruction, supervised by a Board-approved registered nurse faculty, consistent with the nurse aide

7 II curriculum as defined by the Board in Rule .0403(b) of this Section. ~~faculty meeting the~~

8 ~~requirements of Subparagraph (b)(3) of this Rule. Changes made by the Board in the nurse aide II~~

9 ~~course shall be published in the Bulletin and posted on the Board's website at www.nebon.com.~~ A

10 nurse aide II education course shall not use simulation for more than eight hours as a substitute for

11 the required 80 hours of clinical experience. ~~Competency validation of up to three required nurse~~

12 ~~aide II skills shall be permitted in the simulated laboratory environment if validation of such skills~~

13 ~~is not available in the clinical experience site.~~

14 (3) Minimum competency and qualifications for faculty for the nurse aide II courses shall include:

15 (A) an active unencumbered license to practice as a registered nurse in North Carolina;

16 (B) at least two years of direct patient care experiences as a registered nurse; and

17 (C) experience teaching adult learners.

18 (4) Each nurse aide II course shall furnish the Board with records, data, and reports requested by the

19 Board that provide information concerning the operation of the course and all individuals who

20 attended the course within the past five years.

21 (5) ~~In accordance with Rule .0309, when~~ When an approved nurse aide II course closes, it shall notify

22 the Board of the closing ~~shall be notified in writing by the course. The Board shall be informed as~~

23 ~~to the permanent storage of and how~~ student records. ~~records will be stored.~~

24 (6) A Board-approved nurse aide II course that will provide nurse aide II competency evaluation shall

25 obtain Board approval prior to offering competency evaluation.

26 (A) Board-approved nurse aide II course shall be in full approval status for at least one year

27 prior to submitting an application to provide nurse aide II competency evaluation; and

28 (B) full approval course status shall be maintained to provide nurse aide II competency

29 evaluation.

30 (c) An annual nurse aide II course report shall be submitted by the course director to the Board in a Board-approved

31 format on a form provided by the Board by March 31 of each year. ~~Failure to submit an annual report shall result in~~

32 ~~administrative action affecting approval status as described in Paragraphs (e) and (f) of this Rule.~~

33 (d) Complaints regarding nurse aide II courses shall result in an on-site survey by the Board if necessary to resolve

34 the complaint.

35 (e) Approval status shall be determined by the Board using the annual course report, survey report, and other data

36 submitted by the program, agencies, or students. The determination shall result in full approval or approval with

37 stipulations.

(f) If stipulations have not been met as specified by the Board, the program fails to correct the deficiencies, a hearing shall be held by the Board regarding course approval status. A course may continue to operate while awaiting the hearing before the Board; however, in the case of summary suspension of approval as authorized by G.S. 150B-3(c), the course shall immediately cease operation.

(1) When a hearing is scheduled, the Board shall cause notice to be served on the course and shall specify a date for the hearing, to be held not less than 20 days from the date on which notice is given.

(2) If evidence presented at hearing shows that the course is complying with all federal and State law, including the rules in this Section, the Board shall assign the course full approval status.

(3) If evidence presented at hearing shows that the course is not complying with all federal and State law, including the rules in this Section, the Board parent institution shall withdraw approval. shall:

(A) This action shall constitute discontinuance of the course. cease operation;

(B) The parent institution shall present a plan to the Board for transfer of students to approved courses or shall fully refund tuition paid by the student. Closure shall take place after the transfer of students to approved courses within a time frame established by the Board. Board; and

(C) The parent institution shall notify the Board of the arrangements for storage of permanent records.

History Note: Authority G.S. 90-171.20(2)(4)(7)d.,e.,g.; 90-171.39; 90-171.40; 90-171.43(4); 90-171.55; 90-171.83; 42 U.S.C.S. 1395i-3 (1987); Eff. March 1, 1989; Amended Eff. November 1, 2008; April 1, 2003; August 1, 2002; July 1, 2000; December 1, 1995; March 1, 1990; Readopted Eff. January 1, 2019. Amended Eff. March 1, 2020.