

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0228

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: *This request when viewed on computer extends 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 call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5, delete the comma after "specialist"

Line 10, who qualifies as a "party state"? Please clarify.

Line 33, add a comma after "history"

Page 2, line 13, define or delete "directly"

Page 2, line 20, replace "which includes:" with "the following:"

Page 3, line 3, add a comma after "leadership"

Page 3, line 7, delete the comma after "application"

Page 3, line 7, replace "which" with "that"

Page 3, line 7, add "the following" after "include"

Page 3, line 8, replace "the appropriate" with "a"

Page 3, line 9, add "Paragraph" before "(d)"

Page 3, line 13, what would the "additional information necessary" be? Please clarify.

Page 3, line 14, replace the period after "Board" with a semicolon

Page 3, lines 15 through 16, what is the authority for this fee? It is not listed in G.S. 90-171.27. Without statutory authority for this fee, this will need to be deleted. Please provide a response with the statutory authority.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

Page 3, line 25, replace “which” with “that”

Page 3, line 27, what is an “unencumbered registered nurse license”? Please clarify

Page 3, line 28, replace “is” with “shall be”

Page 3, line 28, add a comma after “certificate”

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 36.0228 is amended as published in the NCR 29:05 pages 509-511, as follows:

21 NCAC 36 .0228 CLINICAL NURSE SPECIALIST PRACTICE

(a) ~~A~~ Effective March July 1, 2015, only a registered nurse who meets the qualifications as outlined in Paragraph (b) of this Rule ~~may shall~~ be recognized by the Board as a clinical nurse specialist, ~~and to~~ perform advanced practice registered nursing activities ~~at an advanced skill level~~ as outlined in Paragraph ~~(e) (f)~~ of this Rule.

(b) ~~In order to be recognized as a Clinical Nurse Specialist, the~~ The Board of Nursing shall ~~require~~ recognize an applicant ~~to meet the following qualifications: who:~~

(1) has an unrestricted license to practice as a registered nurse in North Carolina or a party state;

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

~~(2) (3)~~ (3) has successfully completed a master's or higher degree program consisting of a minimum of 500 hours of clinical experience in the clinical nursing specialty as defined in 21 NCAC 36 .0120(41) and consistent with G.S. 90-171.21(d)(4). For a dual track graduate program, if less than 500 hours per track, a requirement that there must be documentation of any crossover which would justify less than an additional 500 hours for the second track; and accredited by a nursing accrediting body approved by the U.S. United States Secretary of Education or the Council for Higher Education Accreditation; and, Accreditation and meets the qualifications for clinical nurse specialist certification by an approved national credentialing body under Part (b)(4)(A) of this Rule; and

(4) either:

~~(3) (A)~~ (A) has current certification in the as a clinical nursing specialty nurse specialist from a national credentialing body approved by the Board of Nursing, as defined in Paragraph (e) (g) (h) of this Rule and 21 NCAC 36 .0120(26). 36 .0120(26); or

(B) if no clinical nurse specialist certification is available in the specialty, meets requirements determined by the Board to be equivalent to national certification.

The Board shall determine equivalence based on consideration of an official transcript and course descriptions validating Subparagraph (b)(3) of this Rule,

current curriculum vitae, work history and professional recommendations

indicating evidence of at least 1,000 hours of clinical nurse specialist practice,

and documentation of certificates indicating 75 contact hours of continuing

education applicable to clinical nurse specialist practice during the previous five years.

1 (c) An applicant certified as a clinical nurse specialist by a national credentialing body prior to January 1,
2 2007 and who has maintained that certification and active clinical nurse specialist practice, and holds a
3 master's or higher degree in nursing or a related field shall be recognized by the Board as a clinical nurse
4 specialist.

5 (d) New graduates seeking first-time clinical nurse specialist recognition in North Carolina shall hold a
6 Master's, post-master's or higher degree from a clinical nurse specialist program accredited by a nursing
7 accrediting body approved by the U.S. Secretary of Education or the Council for Higher Education
8 Accreditation as acceptable by the Board, and meets all requirements in ~~Subparagraphs (b)(1), (2), (3)~~
9 **and (4)(A) Subparagraph (b)(1) and Part (g)(5)(A)** of this Rule.

10 (e) A clinical nurse specialist seeking Board of Nursing recognition who has not practiced as a clinical
11 nurse specialist in more than **five two** years shall complete a clinical nurse specialist refresher course
12 approved by the Board of Nursing in accordance with 21 NCAC 36 .0220(o) and (p) and consisting of
13 common conditions and their management directly related to the clinical nurse specialist's area of
14 education and certification. A clinical nurse specialist refresher course participant shall be granted clinical
15 nurse specialist recognition that is limited to clinical activities required by the refresher course.

16 ~~(e)~~(f) The scope of practice of a ~~Clinical clinical~~ nurse specialist ~~scope of practice~~ incorporates the basic
17 components of nursing practice as defined in Rule .0224 of this Section as well as the understanding and
18 application of nursing principles at an advanced practice registered nurse level in ~~his/her~~ the area of
19 clinical nursing specialization in which the clinical nurse specialist is educationally prepared and for which
20 competency has been maintained which includes:

- 21 (1) assessing clients' health status, synthesizing and analyzing multiple sources of data, and
- 22 identifying alternative possibilities as to the nature of a healthcare problem;
- 23 (2) diagnosing and managing clients' acute and chronic health problems within a an
- 24 advanced practice nursing framework;
- 25 ~~(3)~~ (3) assessing for and monitoring the usage and effect of pharmacologic agents within an
- 26 advanced practice nursing framework;
- 27 ~~(3)(4)~~ formulating strategies to promote wellness and prevent illness;
- 28 ~~(4)(5)~~ (4)(5) prescribing and implementing therapeutic and corrective ~~nursing measures;~~ non-
- 29 pharmacologic nursing interventions;
- 30 ~~(5)(6)~~ (5)(6) planning for situations beyond the clinical nurse specialist's expertise, and consulting with
- 31 or referring clients to other health care providers as appropriate;
- 32 ~~(6)(7)~~ (6)(7) promoting and practicing in collegial and collaborative relationships with clients, families,
- 33 other health care professionals and individuals whose decisions influence the health of
- 34 individual clients, families and communities;
- 35 ~~(7)(8)~~ (7)(8) initiating, establishing and utilizing measures to evaluate health care outcomes and
- 36 modify nursing practice decisions;

1 ~~(8)(9)~~ assuming leadership for the application of research findings for the improvement of health
 2 care outcomes; and
 3 ~~(9)(10)~~ integrating education, consultation, management, leadership and research into the
 4 advanced clinical nursing nurse specialist role.
 5 ~~(d)(g)~~ The A registered nurse ~~who seeks~~ seeking recognition by the Board as a clinical nurse specialist
 6 shall:
 7 (1) complete the appropriate application, which shall include:
 8 (A) evidence of the appropriate masters, post-master's certificate or doctoral degree
 9 as set out in Subparagraph ~~(b)(2)~~ (b)(3) or (d) of this Rule; ~~and and, either~~
 10 (B) evidence of current certification in a clinical nursing specialty from a national
 11 credentialing body as set out in Subparagraph ~~(b)(3)~~ Part (b)(4)(A) of this Rule; or
 12 (C) meet requirements as set out in Part (b)(4)(B) of this Rule.
 13 (2) submit any additional information necessary to evaluate the application as requested by
 14 the Board.
 15 ~~(2)(3)~~ submit a processing fee of twenty-five dollars (\$25.00) to cover ~~the costs of duplicating~~
 16 ~~and distributing the application materials; and~~ **administrative costs;**
 17 (4) renew the recognition every two years at the time of registered nurse renewal; and,
 18 (5) either:
 19 ~~(3)(A)~~ submit evidence of initial certification and re-certification by a national
 20 credentialing body at the time such occurs in order to maintain Board of Nursing
 21 recognition consistent with Paragraphs (b) and ~~(e)~~ (h) of this ~~Rule.~~ Rule; or
 22 (B) if subject to Part (b)(4)(B) of this Rule, submit evidence of at least 1,000 hours of
 23 practice and 75 contact hours of continuing education every five years.
 24 ~~(e)(h)~~ The Board of Nursing ~~may shall~~ **may** approve those national credentialing bodies offering
 25 certification and recertification in a clinical nursing specialty which have established the following minimum
 26 requirements:
 27 (1) an unencumbered registered nurse license; and
 28 (2) certification as a clinical nurse specialist is limited to masters, post-master's certificate or
 29 ~~doctoral~~ doctorally prepared applicant applicant. ~~effective January 1, 2010.~~
 30
 31
 32 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);
 33 90-171.42(b);
 34 Eff. April 1, 1996;
 35 Amended Eff. ~~August 1, 2014~~ **January 1, 2015;** April 1, 2008; January 1, 2007;
 36 November 1, 2005; August 1, 2005; April 1, 2003.
 37

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0317

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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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 call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4, add a comma after "technical"

Line 5, add a comma after "outcomes"

Line 8, replace "must" with "shall"

Line 11, add a comma after "planning"

Line 12, add "satisfy the following requirements" after "shall"

Line 16, replace the period after "program" with a semicolon

Page 2, line 7, replace "which" with "that"

Page 2, line 7, add "the following" after "include"

Page 2, line 9, add a comma after "clinical"

Page 2, line 13, define or delete "readily"

Page 2, line 21, add a comma after "evaluation"

Page 2, line 24, add a comma after "mediums"

Page 2, line 25, replace "At least the" with "The"

Page 2, line 25, replace "must" with "shall"

Page 2, line 25, replace "made known" with "accessible"

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

Page 2, line 29, add a comma after "fees"

Page 2, line 30, replace "tuition/fees" with "tuition or fees"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 36 .0317 is amended as published in the NCR 29:02, pages 163-164, as follows:

21 NCAC 36 .0317 ADMINISTRATION

(a) The controlling institution of a nursing program shall provide those human, physical, technical and financial resources and services essential to support program processes, outcomes and maintain compliance with Section .0300 of this Chapter.

(b) A full time registered nurse qualified pursuant to Paragraph (c) of this Rule shall have the authority for the direction of the nursing program. This authority must encompass responsibilities for maintaining compliance with rules and other legal requirements in all areas of the program. The program director shall have non-teaching time sufficient to allow for program organization, administration, continuous review, planning and development.

(c) Program director ~~qualifications~~ in a program preparing for initial nurse licensure ~~shall include:~~ shall:

- (1) ~~faculty qualifications as specified in 21 NCAC 36 .0318;~~ hold a current unrestricted license or multistate licensure privilege to practice as a registered nurse in North Carolina;
- (2) have two years of full-time experience as a faculty member in an a board approved nursing program. Beginning January 1, 2015 this experience is as a faculty with a master's degree;
- (3) ~~for a program preparing individuals for registered nurse practice, a master's degree; and~~ be experientially qualified to lead the program to accomplish the mission, goals, and expected program outcomes;
- (4) ~~for a program leading to a baccalaureate, a doctoral degree in nursing; or a master's degree in nursing and a doctoral degree in a health or education field. hold either a baccalaureate in nursing or a graduate degree in nursing from an accredited institution. If newly employed on or after January 1, 2016, hold a graduate degree from an accredited institution. If newly employed on or after January 1, 2021, hold a graduate degree in nursing from an accredited institution;~~
- (5) prior to or within the first three years of employment, have preparation in teaching and learning principles for adult education, including curriculum development, implementation, and evaluation, appropriate to assignment. This preparation may be demonstrated by one of the following:
 - (A) completion of 45 contact hours of continuing education courses;
 - (B) completion of a certificate program in nursing education;
 - (C) nine semester hours of graduate course work;
 - (D) national certification in nursing education; or
 - (E) documentation of successful completion of structured, individualized development activities of at least 45 contact hours approved by the Board. Criteria for approval include content in the faculty role within the curriculum implementation, objectives

1 to be met and evaluated, review of strategies for identified student population and
2 expectations of student and faculty performance;

3 (6) maintain competence in the areas of assigned responsibility; and

4 (7) have current knowledge of nursing practice for the registered nurse and the licensed
5 practical nurse.

6 (d) The nursing education program shall implement, for quality improvement, a comprehensive program
7 evaluation which shall include:

8 (1) students' achievement of program outcomes;

9 (2) evidence of program resources including fiscal, physical, human, clinical and technical
10 learning resources; student support services, and the availability of clinical sites and the
11 viability of those sites adequate to meet the objectives of the program;

12 (3) measures of program outcomes for graduates;

13 (4) evidence that accurate program information for consumers is readily available;

14 (5) evidence that the head of the academic institution and the administration support program
15 outcomes;

16 (6) evidence that program director and program faculty meet board qualifications and are
17 sufficient in number to achieve program outcomes;

18 (7) evidence that the academic institution assures security of student information;

19 (8) evidence that collected evaluative data is utilized in implementing quality improvement
20 activities; and

21 (9) evidence of student participation in program planning, implementation, evaluation and
22 continuous improvement.

23 (e) The controlling institution and the nursing education program shall communicate information
24 describing the nursing education program that is accurate, complete, consistent across mediums and
25 accessible by the public. At least the following must be made known to all applicants and students:

26 (1) admission policies and practices;

27 (2) policy on advanced placement, transfer of credits;

28 (3) number of credits required for completion of the program;

29 (4) tuition, fees and other program costs;

30 (5) policies and procedures for withdrawal, including refund of tuition/fees;

31 (6) grievance procedure;

32 (7) criteria for successful progression in the program including graduation requirements; and

33 (8) policies for clinical performance.

34
35 *History Note: Authority G.S. 90-171.23(b)(8); 90-171.38;*

36 *Eff. June 1, 1992;*

37 *Amended Eff. January 1, 2015; April 1, 2008; March 1, 2006.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0318

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Consider the following rewrite for lines 4 and 5:

Nursing program faculty shall include full-time and part-time faculty members. Part-time faculty members shall participate in curriculum implementation and evaluation.

Line 7, what is meant by "variations in these policies may be necessary due to the nature of the nursing curriculum"? How is this determined? To what extent may it vary? Please clarify.

Lines 9, 11, and 14, replace "must" with "shall"

Lines 16 through 17, please clarify the "who" in this sentence? Is it full-time and part-time faculty members?

Lines 23 through 25, what is happening with this amendment? Are the standards being loosed to allow five years to comply? Otherwise, how is this different from lines 19 through 20? Please clarify.

Page 2, line 26, consider rewriting the ratio as "be no larger than 1:15"

Page 2, line 27, consider rewriting the ratio as "be no larger than 1:10"

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 36 .0318 is amended as published in the NCR 29:02, pages 164-165, as follows:

21 NCAC 36 .0318 FACULTY

(a) Full-time and part-time faculty members are considered nursing program faculty. When part-time faculty members are utilized, they shall participate in curriculum implementation and evaluation.

(b) Policies for nursing program faculty members shall be consistent with those for other faculty of the institution. Variations in these policies may be necessary due to the nature of the nursing curriculum.

~~(c) Nurse faculty members shall be academically qualified and sufficient in number to accomplish program outcomes.~~ Fifty percent or more of the nursing faculty must hold a graduate degree.

~~(d) Fifty percent or more of the nursing faculty must hold a master's degree.~~ As of January 1, 2021, at least eighty percent of the full time faculty must hold a graduate degree in nursing.

~~(e) Each nurse faculty member shall hold a current unrestricted license to practice as a registered nurse in North Carolina. The program director shall document current licensure to practice as a registered nurse in North Carolina.~~ As of January 1, 2021, at least fifty percent of the part time faculty must hold a graduate degree in nursing.

(f) Hold a current unrestricted license or multistate licensure privilege to practice as a registered nurse in North Carolina.

~~(f)(g)~~ Nursing Nurse faculty who teach in a program leading to initial licensure as a nurse shall:

(1) hold either a baccalaureate in nursing or a ~~master's~~ graduate degree in nursing from an accredited institution;

(2) ~~if employed after December 31, 1983,~~ have two calendar years or the equivalent of full time clinical experience as a registered nurse;

(3) if newly employed in a full time faculty position on or after January 1, 2016, hold a graduate degree from an accredited institution, or obtain a graduate degree in nursing from an accredited institution within five years of initial full time employment.

~~(3)(4)~~ (4) prior to or within the first three years of employment, have preparation in teaching and learning principles for adult education, including curriculum development, implementation, and evaluation, appropriate to assignment. This preparation may be demonstrated by one of the following:

(A) completion of 45 contact hours of continuing education courses;

(B) completion of a certificate program in nursing education;

(C) nine semester hours of ~~education~~ graduate course work;

(D) national certification in nursing education; or

(E) documentation of successful completion of structured, individualized development activities of at least 45 contact hours approved by the Board. Criteria for approval include content in the faculty role within the curriculum implementation, objectives

to be met and evaluated, review of strategies for identified student population and expectations of student and faculty performance;

~~(4) If employed prior to July 1, 2006, faculty shall meet the requirements in Subparagraph (f)(3) of this Rule by December 31, 2010. If employed on or after July 1, 2006 faculty members have three years from date of employment to meet the requirements in Subparagraph (f)(3) of this Rule.~~

(5) maintain competence in the areas of assigned responsibility; and

(6) have current knowledge of nursing practice for the registered nurse and the licensed practical nurse.

~~(g)(h)~~ Interdisciplinary faculty who teach in nursing program courses shall have academic preparation in the content area they are teaching.

~~(h)(i)~~ Clinical preceptors shall have competencies, assessed by the nursing program, related to the area of assigned clinical teaching responsibilities and serve as role models to the student. Clinical preceptors may be used to enhance faculty-directed clinical learning experiences after a student has received basic instruction for that specific learning experience. Clinical preceptors shall hold a current, unrestricted license to practice as a registered nurse in North Carolina.

~~(i)(j)~~ Nurse faculty members shall have the authority and responsibility for:

(1) student admission, progression, and graduation requirements; and

(2) the development, implementation, and evaluation of the curriculum.

~~(j)(k)~~ Nurse faculty members shall be academically qualified and sufficient in number to implement the curriculum as demanded by the course objectives, the levels of the students, ~~and~~ the nature of the learning environment, and ~~shall be sufficient~~ to provide for teaching, supervision and evaluation. ~~The faculty-student clinical ratio shall be 1:10 or less.~~

~~(k)(l)~~ There shall be a written evaluation of each nurse faculty member by the program director or a designee and a written evaluation of the program director according to the institutional policy. The faculty-student ratio for faculty directed preceptor clinical experiences shall be 1:15 or less. The faculty-student ratio for all other clinical experiences shall be 1:10 or less.

History Note: Authority G.S. 90-171.23(b)(8); 90-171.38; 90-171.83;

Eff. February 1, 1976;

Amended Eff. January 1, 2015; August 1, 2011; November 1, 2008; July 1, 2006; July 1, 2000; January 1, 1996; June 1, 1992; January 1, 1989; January 1, 1984.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0323

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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Line 6, define "prevent damage or unauthorized use"

Line 10, add "the following" after "including"

Line 18, replace "received by the" with "to be filed with the"

Line 19, replace "received by" with "filed with"

Lines 22 and 23, replace "must" with "shall"

Line 23, replace the semicolon after "change" with a period

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

1 **21 NCAC 36 .0323 is amended as published in the NCR 29:02, page 165, as follows:**

2
3 **21 NCAC 36 .0323 RECORDS AND REPORTS**

4 (a) The controlling institution's publications describing the nursing program shall be accurate.

5 (b) There shall be a system for maintaining official records. Current and permanent student records shall
6 be stored in a manner that prevents damage and unauthorized use.

7 (c) Both permanent and current records shall be available for review by Board staff.

8 (d) The official permanent record for each graduate shall include documentation of graduation from the
9 program and a transcript of the individual's achievement in the program.

10 (e) The record for each enrolled student shall contain up-to-date and complete information, including:

11 (1) documentation of admission criteria met by the student;

12 (2) high school graduation, high school equivalent, or earned credits from post-secondary
13 institution approved pursuant to G.S. 90-171.38(a); and

14 (3) transcript of credit hours achieved in the classroom, laboratory, and clinical instruction for
15 each course that reflects progression consistent with program policies.

16 (f) The nursing program shall file with the Board records, data, and reports in order to furnish information
17 concerning operation of the program as prescribed in the rules in this Section including:

18 (1) an Annual Report received by the Board by November 1 of each year;

19 (2) a Program Description Report for non-accredited programs received by the Board at least
20 30 days prior to a scheduled review; and

21 (3) notification by institution administration of any change of the registered nurse responsible
22 for the nursing program. This notification must include a vitae for the new individual and
23 must be submitted within 20 business days of the effective date of the change; and

24 (4) ~~a curriculum vitae for new faculty submitted by the program director within 20 business~~
25 ~~days from the time of employment.~~

26 (g) All communications relevant to accreditation shall be submitted to the North Carolina Board of Nursing
27 at the same time the communications are submitted to the accrediting body.

28 (h) The Board may require additional records and reports for review at any time to provide evidence and
29 substantiate compliance with the rules in this Section by a program and its associated agencies.

30 (i) The part of the application for licensure by examination to be submitted by the nursing program shall
31 include a statement verifying satisfactory completion of all requirements for graduation and the date of
32 completion. The nursing program director shall submit the verification form to the Board within one month
33 following completion of the program.

34
35 *History Note: Authority G.S. 90-171.23(b)(8); 90-171.38;*

36 *Eff. February 1, 1976;*

1 *Amended Eff. January 1, 2015; December 1, 2005; January 1, 2004; June 1, 1992;*
2 *January 1, 1989; January 1, 1984.*