

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36

**DEADLINE FOR RECEIPT: Friday, November 11, 2016**

***NOTE: This request may extend 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.

*As to each of these rules, please correct line 1 to state that these rules are being amended rather than adopted.*

*Our rules require that you use 10 point font size (26 NCAC 02C .0108(1)(d)). Though our rules do not require it, our publication staff strongly prefer that you use Times New Roman font.*

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

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0120

**DEADLINE FOR RECEIPT: Friday, November 11, 2016**

***NOTE: This request may extend 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.

*Page 1, line 6 – “Accountability/Responsibility” - please consider choosing the most appropriate word to be defined rather than using two words and a backslash. If you retain the double word, remember that all use of the defined term should consistently use the defined term (see page 1, line 36).*

*Page 1, line 18 – replace “where the student is provides” with “is provided”*

*Page 1, lines 20-21 – do you intend to limit “clinical judgment” to a “student’s knowledge” etc.? If not, perhaps revise as follows (and note the added comma):*

- (8) "Clinical judgment" means the application of nursing knowledge, skills, abilities, and experience in making decisions about client care.

*Page 1, line 22 – add a comma after “skills”*

*Page 1, line 25 – what are “psychomotor” skills – is this term well understood by your regulated community?*

*Page 1, line 29 – replace “the nurse as defined” with “a nurse as described” or “a nurse as outlined”*

*Page 1, line 34 – replace “objectives/outcomes” with “objectives or outcomes” or “objectives and outcomes”*

*Page 1, line 36 – do you intend for “accountability” to have the meaning defined in Item (2)? If so, use the defined term precisely as written in the definition.*

*Page 1, line 38 – replace “reflective thinking is encouraged,” with “are encouraged to reflect on their performance,”*

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*Page 2, line 1 – replace “while” with “during discussion of”*

*Page 2, line 2 – delete “are discussed”*

*Page 2, line 4 – replace “legal/ethical” with “legal and ethical”*

*Page 2, line 4 – add a comma after “practice”*

*Page 2, line 6 – delete “the”*

*Page 2, line 7 – delete the comma after “students”*

*Page 2, line 7 – replace “separate from each other” with something like “not in the same location” or “not in the same room” or “not in the same facility” – whatever you mean.*

*Page 2, line 8 – replace “examinations” with “examination”*

*Page 2, lines 11-12 – revise as follows:*

*(20) “Faculty directed clinical practice” means student clinical learning overseen by nursing program faculty, including preceptors.*

*Page 2, line 14 – add “in nursing” after “experience”*

*Page 2, line 15 – add “nursing” before “practice”*

*Page 2, line 19 – add a comma after “communicate”*

*Page 2, line 21 – delete “a variety of instrumental”*

*Page 2, line 22 – replace “to meet” with “in meeting”*

*Page 2, line 23 – replace “Practice” with “Practical”*

*Page 3, lines 20-21 – revise as follows (this better matches your use of the term “program” elsewhere in your rules):*

*(40) “Program” means a course of study that prepares an individual to function as an entry-level practitioner of nursing. The three “Program Types” are:*

*Page 3, lines 34-36 – consider deleting the entire first sentence that begins “Curriculum prepares for functioning...” as it is unnecessary. If you insist on retaining it, delete “functioning in a dependent role in” and replace “direction” with “supervision” because that term is defined in Item (46).*

*Page 4, line 2 – add a comma after “development”*

*Page 4, line 3 – delete the comma after “individual”*

*Page 4, line 5 – add a comma after “methods”*

*Page 4, line 6 – add commas after “observations” and “documents,” delete “and after “observations and add and after documents,” and replace “in person” with “in-person”*

*Page 4, line 9 – add “by the Board” at the end of this line.*

*Page 4, line 10 – replace “the” with “an”*

*Page 4, line 11 – delete the comma after “possessed”*

*Page 4, line 12 – consider adding “or acquired” at the end of this line.*

*Page 4, lines 13-14 – delete “means a technique, not a technology, to replace or amplify clinical experiences with”*

*Page 4, line 14 – add “of nursing practice” after “world”*

*Page 4, line 17 – replace “that” with “a particular” and add a comma after “interventions”*

*Page 4, line 19 – add a comma after “evaluation” and replace “the” with “a” at the end of this line.*

*Page 4, line 20 – replace “for accomplishment of” with “to accomplish”*

*Page 4, line 23 – replace “nursing programs” with “a nursing program’s”*

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

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016

1 21 NCAC 36 .0120 is adopted as published in NCR 31:01, pages 25-27, as follows:  
2

3 **21 NCAC 36 .0120 DEFINITIONS**

4 The following definitions apply throughout this chapter unless the context indicates otherwise:

- 5 (1) "Academic term" means one semester of a school year.
- 6 (2) "Accountability/Responsibility" means being answerable for action or inaction of self, and of  
7 others in the context of delegation or assignment.
- 8 (3) "Accredited institution" means an institution accredited by a United States Department of  
9 Education approved institutional accrediting body.
- 10 (4) "Active Practice" means activities that are performed, either for compensation or without  
11 compensation, consistent with the scope of practice for each level of licensee as defined in  
12 G.S. 90-171.20(4), (7) and (8).
- 13 (5) "Advanced Practice Registered Nurse (APRN)" means a nurse practitioner, nurse anesthetist,  
14 nurse-midwife or clinical nurse specialist.
- 15 (6) "Assigning" means designating responsibility for implementation of a specific activity or set of  
16 activities to a person licensed and competent to perform such activities.
- 17 (7) "Clinical experience" means application of nursing knowledge in demonstrating clinical  
18 ~~judgment.~~ judgment in a current or evolving practice setting where the student provides care  
19 to clients under the [guidance] supervision of [an instructor] faculty or a preceptor.
- 20 (8) "Clinical judgment" means the application of the nursing student's knowledge, skills, abilities  
21 and experience in making decisions about client care.
- 22 (9) "Competent" means having the knowledge, skills and ability to safely perform an activity or  
23 role.
- 24 (10) "Continuing Competence" means the on-going acquisition and application of knowledge and  
25 the decision-making, psychomotor, and interpersonal skills expected of the licensed nurse  
26 resulting in nursing care that contributes to the health and welfare of clients served.
- 27 (11) "Contact Hour" means 60 minutes of an organized learning experience.
- 28 (12) "Continuing Education Activity" means a planned, organized learning experience that is  
29 related to the practice of nursing or contributes to the competency of the nurse as defined in  
30 21 NCAC 36 .0223 Subparagraph (a)(2).
- 31 (13) "Controlling institution" means the degree-granting organization or hospital under which the  
32 nursing education program is operating.
- 33 (14) "Curriculum" means an organized system of teaching and learning activities directed toward  
34 the achievement of specified learning objectives/outcomes.
- 35 (15) "Delegation" means transferring to a competent individual the authority to perform a selected  
36 nursing activity in a selected situation. The nurse retains accountability for the delegation.
- 37 (16) "Debriefing" means an activity that follows a clinical or simulated experience and is led by a  
38 trained faculty facilitator. Students' reflective thinking is encouraged, and feedback is

1 provided regarding the students' performance while various aspects of the completed  
2 experiences are discussed.

3 ~~(16)~~(17) "Dimensions of Practice" means those aspects of nursing practice that include professional  
4 responsibility, knowledge-based practice, legal/ethical practice and collaborating with others,  
5 consistent with G.S. 90-171.20(4), (7) and (8).

6 ~~(17)~~(18) "Distance education" means the teaching and learning strategies used to meet the learning  
7 needs of students, when the students and faculty are separate from each other.

8 (19) "External standardized examinations" means a commercially available standardized  
9 predictive test that provides individual student scores that are linked to a probability of  
10 passing the NCLEX™ examination.

11 ~~(18)~~(20) "Faculty directed clinical practice" means the responsibility of nursing program faculty in  
12 overseeing student clinical learning including the utilization of preceptors.

13 ~~(19)~~(21) "Focused client care experience" means a clinical experience that ~~simulates~~ emulates an  
14 entry-level work experience. The intent is to assist the student to transition to an entry-level  
15 practice. There is no specific setting requirement. Supervision may be by faculty and  
16 preceptor dyad or direct faculty supervision.

17 ~~(20)~~(22) "Interdisciplinary faculty" means faculty from professions other than nursing.

18 ~~(21)~~(23) "Interdisciplinary team" means all individuals involved in providing a client's care who  
19 cooperate, collaborate, communicate and integrate care to ensure that care is continuous and  
20 reliable.

21 (24) "Learning resources" means a variety of instrumental materials that faculty use to assist  
22 students to meet the expectations for learning defined by the curriculum.

23 ~~(22)~~(25) "Level of Licensure" means practice of nursing by either a Licensed Practice Nurse or a  
24 Registered Nurse as defined in G.S. 90-171.20(7) and (8).

25 ~~(23)~~(26) "Level of student" means the point in the program to which the student has progressed.

26 ~~(24)~~(27) "Maximum enrollment" means the total number of pre-licensure students that can be enrolled  
27 in the nursing program at any one time. The number reflects the capacity of the nursing  
28 program based on demonstrated resources sufficient to implement the curriculum.

29 ~~(25)~~(28) "Methods of Instruction" means the planned process through which teacher and student  
30 interact with selected environment and content so that the response of the student gives  
31 evidence that learning has taken place. It is based upon stated course objectives and  
32 outcomes for learning experiences in classroom, ~~laboratory~~ laboratory, simulation and clinical  
33 settings.

34 ~~(26)~~(29) "National Credentialing Body" means a credentialing body that offers certification or re-  
35 certification in the licensed nurse's or Advanced Practice Registered Nurse's specialty area of  
36 practice.

37 ~~(27)~~(30) "NCLEX-PN™" means the National Council Licensure Examinations for Practical Nurses.

1 ~~(28)~~(31)"NCLEX-RN™" means the National Council Licensure Examinations for Registered Nurses.

2 ~~(29)~~(32)"Nursing Accreditation body" means a national nursing accrediting body, recognized by the  
3 United States Department of Education.

4 ~~(30)~~(33)"Nursing program faculty" means individuals employed full or part time by academic  
5 institution responsible for developing, implementing, evaluation and updating nursing  
6 curricula.

7 ~~(31)~~(34)"Nursing project" means a project or research study of a topic related to nursing practice that  
8 includes a problem statement, objectives, methodology and summary of findings.

9 ~~(32)~~(35)"Participating in" means to have a part in or contribute to the elements of the nursing process.

10 ~~(33)~~(36)"Pattern of noncompliance" means episodes of recurring non-compliance with one or more  
11 Rules in Section .0300.

12 ~~(34)~~(37)"Preceptor" means a registered nurse at or above the level of licensure that an assigned  
13 student is seeking, who may serve as a teacher, mentor, role model and supervisor for a  
14 faculty directed clinical experience.

15 ~~(35)~~(38)"Prescribing Authority" means the legal permission granted by the Board of Nursing and  
16 Medical Board for the nurse practitioner and nurse midwife to procure and prescribe legend  
17 and controlled pharmacological agents and devices to a client in compliance with Board of  
18 Nursing rules and other applicable federal and state law and regulations.

19 ~~(36)~~(39)"Program Closure" means to cease operation of a nursing program.

20 ~~(37)~~(40)"Program Type" means a course of study that prepares an individual to function as an entry-  
21 level practitioner of nursing. The three program types are:

22 (a) BSN - Curriculum components for Bachelor of Science in Nursing provides for the  
23 attainment of knowledge and skill sets in the current practice in nursing, nursing  
24 theory, nursing research, community and public health, health care policy, health  
25 care delivery and finance, communications, therapeutic interventions and current  
26 trends in health care. For this program type, the client is the individual, family, group,  
27 and community.

28 (b) Associate Degree in Nursing (ADN)/Diploma in Registered Nursing - Curriculum  
29 components for the ADN/Diploma in Registered Nursing provides for the attainment  
30 of knowledge and skill sets in the current practice in nursing, community concepts,  
31 health care delivery, communications, therapeutic interventions and current trends in  
32 health care. For this program type, client is the individual, group of individuals, and  
33 family.

34 (c) Practical Nurse Diploma - Curriculum prepares for functioning in a dependent role in  
35 providing direct nursing care under the direction of a registered nurse or other health  
36 care provider as defined by the Nursing Practice Act. Curriculum components  
37 provide for the attainment of knowledge and skill sets in the current practice of

1 practical nursing, communications, therapeutic interventions, including  
2 pharmacology, growth and development and current trends in health care. For this  
3 program type client is the individual, or group of individuals.

4 ~~(38)~~(41)"Review" means collecting and analyzing information to assess compliance with Section  
5 .0300 of this Chapter. Information may be collected by multiple methods including review of  
6 written reports and materials, on-site observations and review of documents or in person or  
7 telephone interview(s) and conference(s).

8 ~~(39)~~(42)"Rescind Approval" means a Board action that removes the approval status previously  
9 granted.

10 ~~(40)~~(43)"Self Assessment" means the process whereby the individual reviews her or his own nursing  
11 practice and identifies the knowledge and skills possessed, as well as those skills to be  
12 strengthened.

13 (44) "Simulation" means a technique, not a technology, to replace or amplify clinical experiences  
14 with guided experiences that evoke or replicate substantial aspects of the real world in a fully  
15 interactive manner.

16 ~~(41)~~(45)"Specialty" means a broad, population-based focus of study encompassing the common  
17 health-related problems of that group of patients and the likely co-morbidities, interventions  
18 and responses to those problems.

19 ~~(42)~~(46)"Supervision" means the provision of guidance or direction, evaluation and follow-up by the  
20 licensed nurse for accomplishment of an assigned or delegated nursing activity or set of  
21 activities.

22 ~~(43)~~(47)"Survey" means an on-site visit for the purpose of gathering data in relation to reviewing  
23 nursing programs compliance with Section .0300 of this Chapter.

24  
25 *History Note: Authority G.S. 90-171.23; 90-171.38;*  
26 *Eff. April 1, 2003;*  
27 *Amended Eff. December 1, 2016; July 1, 2012; November 1, 2008; May 1, 2006; December*  
28 *1, 2005; August 1, 2005.*



REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0302

**DEADLINE FOR RECEIPT: Friday, November 11, 2016**

***NOTE: This request may extend several pages. Please be sure you have reached the end of the document.***

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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.

*Page 1, line 6 – replace “the” with “an”*

*Page 1, line 8 – replace “must” with “shall”*

*Page 1, line 10 – replace “the proposed total curriculum” with “the entire proposed curriculum”*

*Page 1, line 11 – begin this line with “the”*

*Page 1, line 12 – begin this line with “a”*

*Page 1, line 15 – add a space after “36”*

*Page 1, line 16 – begin this line with “the”*

*Page 1, line 17 – begin this line with “the”*

*Page 1, line 20 – add “the” after “maintain”*

*Page 1, line 22 – add “controlling” before “institution”*

*Page 1, line 23 – replace “parent” with “controlling” if that is what is meant.*

*Page 1, lines 28-29 – revise as follows:*

- (C) student policies for admission, progression, and graduation of students, pursuant to 21 NCAC 36 .0320 of this Section; and

*Page 1, line 30 – replace “total” with “comprehensive”*

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016

*Page 1, line 31 – replace “must” with “shall”*

*Page 1, line 31 – this line requires the use of a form. G.S. 150B-2(8a)d. does not require a form to be adopted as a rule if its “contents or substantive requirements ... are prescribed by rule or statute.” Is there a rule or statute that prescribes the information required in this form? Are all of the substantive requirements set forth in Paragraph (a)? In addition, please provide the address or web address where the form can be obtained.*

*Page 1, lines 36-37 – Paragraph (d) is ambiguous. Please consider revising as follows:*

(d) The Board shall conduct an on-site survey of the proposed program after the application meets all the requirements set forth in this Rule, shall prepare a survey report, and afford the petitioning institution an opportunity to respond to the survey report.

*Page 2, line 1 – delete “and”*

*Page 2, line 3 – replace “approval status” with “whether to approve the application.”*

*Page 2, line 4 – delete “rule”*

*Page 2, line 5 – add “set forth in this Rule” or “set forth in this Section” or “set forth in this Chapter” after “requirements”*

*Page 2, lines 5 and 7 – be consistent as to whether you do or do not capitalize “initial approval.” In your rules, you generally (though not perfectly consistently) do not capitalize defined words, although “Initial Approval” is often capitalized in this Rule.*

*Page 2, line 5 – add a comma after “approval” and after this comma add “and shall establish” or “and shall set”*

*Page 2, lines 9-10 – revise as follows:*

(h) The Board shall rescind the initial approval of a program if the controlling institution fails to submit documentation as set forth in the plan required by Subparagraph (a)(10) of this Rule.

*Page 2, lines 11-12 – revise as follows:*

(i) The Board shall rescind the initial approval of a program if the first class of students are not enrolled in the program within one year after issuing the initial approval.

*Page 2, line 13 – replace “rescinded” with “a rescission of”*

*Page 2, line 15 – replace “may” with “shall” if that is what is intended. If not, describe when the approval will and when it will not be retained.*

*Page 2, line 16 – add “, provided that the program complies with Section .0300 of this Chapter” if that is what is meant.*

*Page 2, line 19 – replace “when there is” with “upon receipt by the Board of” if that is what is meant.*

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016

*Page 2, line 22 – add “this” before “correction”*

*Page 2, lines 24-25 – revise as follows:*

(n) The Board shall rescind the initial approval of a program if the Board determines that the program does not comply with Paragraph (m) of this Rule.

*Page 2, line what does “term” mean?*

*Page 2, line 30 – add “the program’s” before “initial approval”*

*Page 2, line 32 – add “of rescinding the initial approval” after “notice”*

*Page 2, line 35 – add “program” before “closure” and delete “of the program”*

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

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016

1 21 NCAC 36 .0302 is adopted as published in NCR 31:01, pages 27-28, as follows:  
2

3 **21 NCAC 36 .0302 ESTABLISHMENT OF A NURSING PROGRAM - INITIAL APPROVAL**

4 (a) At least six months prior to the proposed enrollment of students in a nursing program, an institution  
5 seeking approval to operate a nursing program shall employ a program director qualified pursuant to 21 NCAC  
6 36 .0317(c) to develop the application documenting the following:

- 7 (1) a narrative description of the organizational structure of the program and its relationship to  
8 the controlling institution, including accreditation status. The controlling institution must be an  
9 accredited institution;
- 10 (2) a general overview of the proposed total curriculum that includes:
  - 11 (A) program philosophy, purposes, and objectives;
  - 12 (B) master plan of the curriculum, indicating the sequence for both nursing and non-  
13 nursing courses, as well as prerequisites and corequisites;
  - 14 (C) course descriptions and course objectives for all courses; and
  - 15 (D) course syllabi pursuant to 21 NCAC 36.0321(i) for all first-year nursing courses;
- 16 (3) proposed student population;
- 17 (4) projected student enrollment;
- 18 (5) evidence of learning resources and clinical experiences available to implement and maintain  
19 the program;
- 20 (6) financial resources adequate to begin and maintain program;
- 21 (7) physical facilities adequate to house the program;
- 22 (8) support services available to the program from the institution;
- 23 (9) approval of the program by the governing body of the parent institution; and
- 24 (10) a plan with a specified time frame for:
  - 25 (A) availability of qualified faculty as specified in 21 NCAC 36 .0318;
  - 26 (B) course syllabi as specified in 21 NCAC 36. 0321(h) of this Section for all nursing  
27 courses;
  - 28 (C) student policies pursuant to 21 NCAC 36 .0320 of this Section for admission,  
29 progression, and graduation of students; and
  - 30 (D) total program evaluation pursuant to 21 NCAC 36 ~~.0317(e)~~.0317(d).

31 (b) The application to establish a nursing program must be on a Board form, contain current and accurate  
32 information, be complete, and be signed by the program director and the chief executive officer of the  
33 controlling institution.

34 (c) The completed application shall be received by the Board not less than ~~90~~ 120 days prior to a regular  
35 meeting of the Board to be considered for placement on the agenda of that meeting.

36 (d) The Board shall conduct an on-site survey of the proposed program ~~and agencies~~ after the application  
37 meets all rule requirements and afford the petitioning institution an opportunity to respond to the survey.

- 1 (e) The Board shall consider all evidence, including the application, the survey report, and ~~any testimony~~  
2 comments from representatives of the petitioning ~~institution~~ institution, public comments, and the status of  
3 other nursing programs at the institution in determining approval status.
- 4 (f) If the Board finds, from the evidence presented, that the resources and plans meet all ~~rules~~ rule  
5 requirements for establishing a new nursing program, the Board shall grant Initial Approval including a  
6 maximum enrollment and implementation date.
- 7 (g) If the Board determines that a proposed program does not comply with all rules, initial approval shall be  
8 denied.
- 9 (h) Failure of the controlling institution to submit documentation consistent with the time specified in the plan  
10 of Subparagraph (a)(10) of this Rule shall result in Initial Approval being rescinded.
- 11 (i) Following the Initial Approval, if the first class of students are not enrolled in the program within one year,  
12 the approval shall be rescinded.
- 13 (j) For 12 months following rescinded approval, the controlling institution shall not submit an application for  
14 establishing a nursing program.
- 15 (k) A program may retain Initial Approval Status for the time necessary for full implementation of the  
16 curriculum.
- 17 (l) Programs with Initial Approval shall be surveyed:
- 18 (1) during the final term of curriculum implementation of the program; and  
19 (2) when there is information that the program may not be complying with Section .0300.
- 20 (m) If at any time it comes to the attention of the Board that a program on initial approval is not complying with  
21 Section .0300 of this Chapter, the program, upon written notification, shall:
- 22 (1) correct the area of noncompliance and submit written evidence of correction to the Board; or  
23 (2) submit and implement a plan for correction to the Board.
- 24 (n) If the Board determines that the program does not comply with Paragraph (m) of this Rule, Initial Approval  
25 shall be rescinded.
- 26 (o) If, following the survey during the final term for curriculum implementation, the Boards finds that the  
27 program is complying with Section .0300 of this Chapter, the Board shall place the program on Full Approval  
28 status.
- 29 (p) If, following the survey during the final term for curriculum implementation the Board finds that the program  
30 does not comply with the Section .0300 of this Chapter, the Board shall rescind Initial Approval and provide the  
31 program with written notice of the Board's decision.
- 32 (q) Upon written request from the program submitted within 10 business days of the Board's written notice, the  
33 Board shall schedule a hearing within 30 business days from the date on which the request was received.
- 34 (r) Following the hearing and consideration of all evidence provided, the Board shall assign the program Full  
35 Approval status or shall enter an Order rescinding the Initial Approval status, which shall constitute closure of  
36 the program pursuant to 21 NCAC 36 .0309.
- 37

1 *History Note: Authority G.S. 90-171.23(b)(8); 90-171.38;*  
2 *Eff. February 1, 1976;*  
3 *Amended Eff. June 1, 1992; January 1, 1989; November 1, 1984; May 1, 1982;*  
4 *Temporary Amendment Eff. October 11, 2001;*  
5 *Amended Eff. December 1, 2016; January 1, 2009; December 1, 2005; August 1, 2002.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0303

**DEADLINE FOR RECEIPT: Friday, November 11, 2016**

***NOTE: This request may extend 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.

*Page 1, line 10 – replace “self study” with “self-study” and add “a” before “basis”*

*Page 1, line 13 – delete “Board”*

*Page 1, line 17 – add “the” before “testimony”*

*Page 1, line 23 – add “program” before “closure”*

*Page 1, line 26 – delete the comma*

*Page 1, line 29 – delete “of notice”*

*Page 1, line 29 – add “with the rules in this Section” after “comply”*

*Page 1, line 29 – replace “timeframe” with “time”*

*Page 1, line 30 – add “after issuance of the written notice” after “years”*

*Page 1, line 31 – with the notice explain how to schedule the hearing? What procedures govern such a hearing?*

*Page 1, line 37 – add “and” at the end of this line.*

*Page 2, lines 1-2 – on what basis will the Board decide what it “may” do? What factors will it consider?*

*Page 2, line 2 – add a comma after “approval” and add “program” before “closure”*

*Page 2, line 4 – delete the comma*

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016

*Page 2, line 6 – replace “from” with “after”*

*Page 2, line 12 – add “and” at the end of this line.*

*Page 2, lines 14-15 – on what basis will the Board decide what it “may” do? What factors will it consider?*

*Page 2, line 15 – add a comma after “approval” and add “program” before “closure”*

*Page 2, lines 17-18 – delete these lines entirely, as they are unnecessary.*

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

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016



1 21 NCAC 36 .0303 is adopted as published in NCR 31:01, pages 28-29, as follows:  
2

3 **21 NCAC 36 .0303 EXISTING NURSING PROGRAM**

4 (a) All nursing programs under the authority of the Board may obtain national program accreditation by a  
5 nursing accreditation body as defined in 21 NCAC 36 .0120(29).

6 (b) Full Approval

7 (1) The Board shall review approved programs at least every eight years as specified in G.S. 90-  
8 171.40. Reviews of individual programs shall be conducted at shorter intervals upon request  
9 from the individual institution or as considered necessary by the Board. National  
10 accreditation self study reports shall provide basis for review for accredited programs.

11 (2) The Board shall send a written report of the review no more than 20 business days following  
12 the completion of the review process. Responses from a nursing education program  
13 regarding a review report or Board Warning Status as referenced in Paragraph (c) of this  
14 Rule shall be received in the Board office by the deadline date specified in the letter  
15 accompanying the report or notification of Warning Status. If no materials or documents are  
16 received by the specified deadline date, the Board shall act upon the findings in the review  
17 report and testimony of the Board staff.

18 (3) If the Board determines that a program has complied with the rules in this Section, the  
19 program shall be continued on Full Approval status.

20 (4) If the Board determines a pattern of noncompliance with one or more rules in this Section, a  
21 review shall be conducted. The program shall submit to the Board a plan of compliance to  
22 correct the identified pattern. Failure to comply with the correction plan shall result in  
23 withdrawal of approval, constituting closure, consistent with 21 NCAC 36 .0309.

24 (c) Warning Status

25 (1) If the Board determines that a program is not complying with the rules in this Section, the  
26 Board shall assign the program Warning Status, and shall give written notice by certified mail  
27 to the program specifying:

28 (A) the areas in which there is noncompliance;

29 (B) the date of notice by which the program must comply. The maximum timeframe for  
30 compliance is two years; and

31 (C) the opportunity to schedule a hearing.

32 (2) On or before the required date of compliance identified in this Paragraph, if the Board  
33 determines that the program is complying with the rules in this Section, the Board shall assign  
34 the program Full Approval Status.

35 (3) If the Board finds the program is not in compliance with the rules in this Section by the date  
36 specified in Part (c)(1)(B) of this Rule, ~~the Board shall withdraw approval constituting closure~~  
37 ~~consistent with 21 NCAC 36 .0309; the program shall remain on Warning Status:~~

38 (A) a review by the Board shall be conducted during that time;

1           (B) following review, the Board may continue the program on Warning Status; or  
2           (C) the Board may withdraw approval constituting closure consistent with 21 NCAC 36  
3           .0309.

4           (4) Upon written request from the program, submitted within 10 business days of the Board's  
5           written notice of Warning Status, the Board shall schedule a hearing within 30 business days  
6           from the date on which the request was received.

7           (5) When a hearing is held at the request of the program and the Board determines ~~that:~~  
8           (A) ~~the program is in compliance with the rules in this Section, the Board shall assign the~~  
9           program Full Approval ~~status; or~~ Status.

10          ~~(B)~~(6) When a hearing is held at the request of the program and the Board determines that the  
11          program is not in compliance with the rules in this Section, the program shall remain on  
12          Warning ~~Status.~~ Status:

13          (A) a review by the Board shall be conducted during that ~~time~~ time;

14          (B) following review, the Board may continue the program on Warning Status; or

15          (C) the Board may withdraw approval constituting closure consistent with 21 NCAC 36  
16          .0309.

17 NOTE: The Board recommends but does not require that all nursing programs under the authority of the Board  
18 pursue and maintain national nursing accreditation.

19  
20 *History Note: Authority G.S. 90-171.23(b); 90-171.38; 90-171.39; 90-171.40;*

21 *Eff. February 1, 1976;*

22 *Amended Eff. December 1, 2016; August 1, 2011; July 3, 2008; March 1, 2006; January 1,*  
23 *2004; June 1, 1992; January 1, 1989.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0309

**DEADLINE FOR RECEIPT: Friday, November 11, 2016**

***NOTE: This request may extend 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 3 – consider retitling as “PROCESS FOR PROGRAM CLOSURE”*

*Line 5 – add “shall” before “include” and add “the” at the end of this line.*

*Line 6 – replace “the closing of the program” with “program closure” and add “the” before “date”*

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

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016

1 21 NCAC 36 .0309 is adopted as published in NCR 31:01, page 29 as follows:  
2

3 **21 NCAC 36 .0309 PROCESS FOR CLOSURE OF A PROGRAM**

4 (a) When the controlling institution makes the decision to close a nursing program, the Administration of the  
5 institution shall submit a written plan for the discontinuation of the program to the ~~Board.~~ Board and include  
6 reason(s) for the closing of the program, date of intended closure, and a plan for students to complete this or  
7 another approved program.

8 (b) When the Board closes a nursing program, the program director ~~shall develop and submit to the Board a~~  
9 ~~plan, for discontinuation of the program including the transfer of students to approved programs. Closure shall~~  
10 ~~take place after the transfer of students to approved programs.~~ shall, within 30 days, develop and submit a  
11 plan for discontinuation of the program for Board approval. The plan shall address transfer of students to  
12 approved programs.

13 (c) The controlling institution shall notify the Board of the arrangement for secure storage ~~of permanent~~  
14 ~~records.~~ and access to academic records and transcripts.

15  
16 *History Note: Authority G.S. 90-171.38; 90-171.39; 90-171.40;*  
17 *Eff. June 1, 1992;*  
18 *Amended Eff. December 1, 2016; December 1, 2005.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0317

**DEADLINE FOR RECEIPT: Friday, November 11, 2016**

***NOTE: This request may extend 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.

*Page 1, line 5 – what does “support program processes [and] outcomes” mean? Is it necessary?*

*Page 1, line 12 – is the program or the director preparing for “initial nurse licensure”? What does this mean?*

*Page 1, line 16 – replace “board approved” with “Board-approved”*

*Page 1, line 24 – consider replacing “preparation” with “training”*

*Page 1, line 26 – what does “appropriate to assignment” mean? What assignment?*

*Page 1, line 35 – add “curricular” before “objectives” if that is what is meant.*

*Page 1, line 36 – add a comma after “population”*

*Page 2, lines 6 and 10 – please explain the difference between (d)(1) and (d)(3).*

*Page 2, line 7 – add a comma after “resources”*

*Page 2, line 8 – replace the comma with a semicolon.*

*Page 2, line 11 – who are the “consumers” – are these students, prospective student, or others?*

*Page 2, line 12 – is the “academic institution” the “controlling institution” or the nursing program? What “administration” is being referred to in this line? Please clarify.*

*Page 2, line 14 – capitalize “Board”*

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016

*Page 2, line 25 – replace the comma with “and”*

*Page 2, lines 26 and 29 – add “the” to the beginning of these lines.*

*Page 2, line 30 – add a comma after “program”*

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

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016

1 21 NCAC 36 .0317 is adopted as published in NCR 31:01, pages 29-30, as follows:

2  
3 **21 NCAC 36 .0317 ADMINISTRATION**

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

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

12 (c) Program director in a program preparing for initial nurse licensure shall satisfy the following  
13 requirements:

- 14 (1) hold a current ~~unrestricted~~ unrestricted license or multistate licensure privilege to practice  
15 as a registered nurse in North Carolina;
- 16 (2) have two years of full-time experience as a faculty member in a board approved nursing  
17 program;
- 18 (3) be experientially qualified to lead the program to accomplish the mission, goals, and  
19 expected program outcomes;
- 20 (4) hold either a baccalaureate in nursing or a graduate degree in nursing from an accredited  
21 institution. If newly employed on or after January 1, 2016, hold a graduate degree from  
22 an accredited institution. If newly employed on or after January 1, 2021, hold a graduate  
23 degree in nursing from an accredited institution;
- 24 (5) prior to or within the first three years of employment, have preparation in teaching and  
25 learning principles for adult education, including curriculum development, implementation,  
26 and evaluation, appropriate to assignment. This preparation may be demonstrated by  
27 one of the following:
- 28 (A) completion of 45 contact hours of Board approved continuing education courses;
- 29 (B) completion of a certificate program in nursing education;
- 30 (C) nine semester hours of graduate course work;
- 31 (D) national certification in nursing education; or
- 32 (E) documentation of successful completion of structured, individualized  
33 development activities of at least 45 contact hours approved by the Board.  
34 Criteria for approval include content in the faculty role within the curriculum  
35 implementation, objectives to be met and evaluated, review of strategies for  
36 identified student population and expectations of student and faculty  
37 performance;

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

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

4 (d) The nursing education program shall implement, for quality improvement, a comprehensive program  
5 evaluation that shall include the following:

6 (1) students' achievement of program outcomes;

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

10 (3) measures of program outcomes for graduates;

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

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

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

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

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

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

21 (e) The controlling institution and the nursing education program shall communicate information  
22 describing the nursing education program that is accurate, complete, consistent across mediums, and  
23 accessible by the public. The following shall be accessible to all applicants and students:

24 (1) admission policies and practices;

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

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

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

28 (5) policies and procedures for withdrawal, including refund of tuition or fees;

29 (6) grievance procedure;

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

31 (8) policies for clinical performance.

32  
33 *History Note: Authority G.S. 90-171.23(b)(8); 90-171.38;*

34 *Eff. June 1, 1992;*

35 *Amended Eff. December 1, 2016; 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: Friday, November 11, 2016**

***NOTE: This request may extend 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.

*Page 1, lines 9, 19, 21 – replace “full time” with “full-time” and please be consistent throughout your rules.*

*Page 1, line 11 – replace “part time” with “part-time” and please be consistent throughout your rules.*

*Page 1, line 13 replace “Hold” with “All faculty shall hold”*

*Page 1, line 15 – replace “nurse” with “nursing”*

*Page 1, line 22 – delete the comma.*

*Page 1, line 24 – replace “preparation” with training”*

*Page 1, line 26 – what does “appropriate to assignment” mean? What assignment?*

*Page 1, line 28 – replace “Board approved” with “Board-approved”*

*Page 1, line 30 – do you mean “graduate course work” in nursing?*

*Page 1, line 34 – replace “within the” with “in”*

*Page 1, line 35 – add “curricular” before “objectives” if that is what is meant.*

*Page 1, line 36 – add a comma after “population”*

*Page 2, line 6 – add “shall” before serve,” delete “the,” and make “student” plural.*

*Page 2, line 14 – replace “demanded” with “required”*

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016

*Page 2, line 15 – add a comma before “and”*

*Page 2, line 16 – replace “faculty directed” with “faculty-directed”*

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

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016

1 21 NCAC 36 .0318 is adopted as published in NCR 31:01, pages 30-31, as follows:  
2

3 **21 NCAC 36 .0318 FACULTY**

4 (a) Nursing program faculty shall include full-time and part-time faculty members. Part-time faculty shall  
5 participate in curriculum implementation and evaluation.

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

8 (c) Fifty percent or more of the nursing faculty shall hold a graduate degree.

9 (d) As of January 1, 2021, at least 80 percent of the full time faculty shall hold a graduate degree in  
10 nursing.

11 (e) As of January 1, 2021, at least 50 percent of the part time faculty shall hold a graduate degree in  
12 nursing.

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

15 (g) Full-time and part-time nurse faculty who teach in a program leading to initial licensure as a nurse  
16 shall:

17 (1) hold either a baccalaureate in nursing or a graduate degree in nursing from an accredited  
18 institution;

19 (2) have two calendar years or the equivalent of full time clinical experience as a registered  
20 nurse;

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

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

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

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

30 (C) nine semester hours of graduate course work;

31 (D) national certification in nursing education; or

32 (E) documentation of successful completion of structured, individualized  
33 development activities of at least 45 contact hours approved by the Board.  
34 Criteria for approval include content in the faculty role within the curriculum  
35 implementation, objectives to be met and evaluated, review of strategies for  
36 identified student population and expectations of student and faculty  
37 performance;

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

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

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

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

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

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

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

13 (k) Nurse faculty members shall be academically qualified and sufficient in number to implement the  
14 curriculum as demanded by the course objectives, the levels of the students, the nature of the learning  
15 environment, and to provide for teaching, supervision and evaluation.

16 (l) The faculty-student ratio for faculty directed preceptor clinical experiences shall be no larger than 1:15.  
17 The faculty-student ratio for all other clinical experiences shall be no larger than 1:10.

18  
19 *History Note: Authority G.S. 90-171.23(b)(8); 90-171.38; 90-171.83;*  
20 *Eff. February 1, 1976;*  
21 *Amended Eff. December 1, 2016; January 1, 2015; August 1, 2011; November 1, 2008;*  
22 *July 1, 2006; July 1, 2000; January 1, 1996; June 1, 1992; January 1, 1989; January 1,*  
23 *1984.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0320

**DEADLINE FOR RECEIPT: Friday, November 11, 2016**

***NOTE: This request may extend 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.

*Lines 4-6 – what does the sentence beginning “Additional requirements...” mean? What factors or bases fwill be considered in imposing “additional requirements”?*

*Line 17 – revise as follows:*

(c) The number of students enrolled in nursing courses shall not exceed by more than 10 students the maximum number approved by the Board, as established pursuant to 21 NCAC 36 .0302(f) and 21 NCAC 36 .0321(k).

*Line 20 – add “the” before “safety”*

*Line 23 – add “the” before “safety”*

*Line 25 – add a comma after “media”*

*Line 26 – replace “three year” with “three-year”*

*Line 30 – add a comma after “placement”*

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

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016

1 21 NCAC 36 .0320 is adopted as published in NCR 31:01, page 31, as follows:  
2

3 **21 NCAC 36 .0320 STUDENTS**

4 (a) Students in nursing programs shall meet requirements established by the controlling institution. Additional  
5 requirements may be stipulated by the nursing program for students because of the nature and legal  
6 responsibilities of nursing education and nursing practice.

7 (b) Admission requirements and practices shall be stated and published in the controlling institution's  
8 publications and shall include assessment of:

9 (1) record of high school graduation, high-school equivalent, or earned credits from a post-  
10 secondary institution;

11 (2) achievement potential through the use of previous academic records and pre-entrance  
12 examination cut-off scores that are consistent with curriculum demands and scholastic  
13 expectations; and

14 (3) physical and emotional health that would provide evidence that is indicative of the applicant's  
15 ability to provide safe nursing care to the public.

16 (c) The number of students enrolled in nursing courses shall not exceed the maximum number approved by  
17 the Board as defined in 21 NCAC 36 .0302(f) and 21 NCAC 36 .0321(k) by more than 10 students.

18 (d) The nursing program shall publish policies in nursing student handbook and college catalog that provide  
19 for identification and dismissal of students who:

20 (1) present physical or emotional problems which conflict with safety essential to nursing practice  
21 and do not respond to treatment or counseling within a timeframe that enables meeting  
22 program ~~objectives.~~ objectives;

23 (2) demonstrate behavior which conflicts with safety essential to nursing ~~practice.~~ practice; or

24 (3) fail to demonstrate professional behavior, including honesty, integrity, and appropriate use of  
25 social media while in the nursing program of study.

26 (e) The nursing program shall maintain a three year average at or above 95 percent of the national pass rate  
27 for licensure level pass rate on first writing of the licensure examination for calendar years ending December  
28 31.

29 (f) The controlling institution shall publish policies in nursing student handbook and college catalog for transfer  
30 of credits or for admission to advanced placement and the nursing program shall determine the total number of  
31 nursing courses or credits awarded for advanced placement.

32  
33 *History Note: Authority G.S. 90-171.23(b)(8); 90-171.38; 90-171.43;*

34 *Eff. February 1, 1976;*

35 *Amended Eff. December 1, 2016; January 1, 2006; August 1, 1998; January 1, 1996; June 1,*  
36 *1992; January 1, 1989; January 1, 1984.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0321

**DEADLINE FOR RECEIPT: Friday, November 11, 2016**

**NOTE: This request may extend 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.

*Page 1, line 4 – replace “Nursing” with “The nursing”*

*Page 1, line 8 – what rule and statutes do you mean? Perhaps revise as follows:*

(3) be consistent with Article 9A of G.S. 90 and the Rules in this Chapter governing the practice of nursing;

*Page 1, line 12 – revise as follows: “and scope, as set forth in 21 NCAC 36 ...”*

*Page 1, line 14 – add a comma after “social”*

*Page 1, line 18 – add “and” before “competent”*

*Page 1, line 23 – replace the comma with “and”*

*Page 1, line 25 – replace the comma after “communicate” with “and” and add a comma after “error”*

*Page 1, line 31 – add a comma after “preferences”*

*Page 1, line 34 – replace “demonstration of the ability” with “the demonstrated ability”*

*Page 2, line 1 – add a comma after “communicate”*

*Page 2, line 2 – replace the period with “; and”*

*Page 2, line 6 – add a comma after “.0318”*

*Page 2, line 10 – add “the” before “curriculum” and delete “implementation”*

*Page 2, line 14 – add “shall” before “demonstrate” and “curricular” before “progression”*

Jason Thomas  
Commission Counsel

Date submitted to agency: October 28, 2016

*Page 2, line 16 – delete “be stated to”*

*Page 2, line 21-24 – please list these requirements, as follows:*

- (i) Student course syllabi shall include a description and outline of:
  - (1) the course content;
  - (2) the learning environments and activities;
  - (3) course placement;
  - (4) allocation of time for didactic content;
  - (5) clinical experience;
  - (6) laboratory experience;
  - (7) simulations; and
  - (8) methods of evaluation of student performance, including all evaluation tools used in the curriculum.

*What does “course placement” mean?*

*Page 2, line 25 – replace “implemented and evaluated in accordance with” with “implemented in accordance with and evaluated by reference to”*

*Page 2, line 26 – add a comma after “program”*

*Page 2, line 27 – add a comma after “documentation”*

*Page 2, line 27 – where does the Board provide the required format? This line requires the use of a form. G.S. 150B-2(8a)d. does not require a form to be adopted as a rule if its “contents or substantive requirements ... are prescribed by rule or statute.” Is there a rule or statute that prescribes the information required in this form? In addition, please provide the address or web address where the form can be obtained.*

*Page 2, line 29 – add a comma after “supplies”*

*Page 2, lines 30-31 – revise as follows:*

No program shall increase in enrollment that exceeds, by more than 10 students, the maximum number approved by the Board unless the Board has approved such an expansion.

*Does the Board require this approval to be in writing? The rule does not now require this.*

*Page 3, line 1 – add “the” at the end of this line.*

*Page 3, line 3 – replace “substituted” with “that substitute”*

*Page 3, line 5 – delete the comma*

*Page 3, line 15 – what is a “prelicensure nursing education program”? Is such a program regulated in these Rules? Why is this sort of program mentioned here?*

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

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016



1 21 NCAC 36 .0321 is adopted as published in NCR 31:01, pages 31-32, as follows:

2  
3 **21 NCAC 36 .0321 CURRICULUM**

4 (a) Nursing program curriculum shall:

- 5 (1) be planned by nursing program faculty;
- 6 (2) reflect the stated program philosophy, purposes, and objectives pursuant to 21 NCAC 36  
7 .0302(a)(2);
- 8 (3) be consistent with the Statutes and Rules governing the practice of nursing;
- 9 (4) define the level of performance required to pass each course in the curriculum;
- 10 (5) enable the student to develop the nursing knowledge, skills and ~~competencies~~ abilities  
11 necessary for the level, scope and competent practice consistent with the level of licensure  
12 and scope in all applicable Rules as defined in 21 NCAC 36 .0221, .0224, .0225, and .0231  
13 consistent with the level of licensure; and .0231;
- 14 (6) include content in the biological, physical, social and behavioral sciences to provide a  
15 foundation for safe and effective nursing ~~practice.~~ practice;
- 16 (7) provide students the opportunity to acquire and demonstrate, through [theory] didactic  
17 content and clinical experience under faculty supervision, the knowledge, skills, and abilities  
18 required for safe, effective, competent nursing practice across the lifespan; and
- 19 (8) be revised as necessary to maintain a program that reflects changes and advances in health  
20 care and its delivery.

21 (b) Didactic content and supervised clinical experience across the lifespan appropriate to program type shall  
22 include:

- 23 (1) Implementing safety principles and practices, minimizing risk of harm to clients and providers  
24 through both system effectiveness and individual performance;
- 25 ~~(1)(2)~~ (2) Using informatics to communicate, manage knowledge, mitigate error and support decision  
26 ~~making,~~ making;
- 27 ~~(2)(3)~~ (3) Employing evidence-based practice to integrate best research with clinical expertise and  
28 client values for optimal care, including skills to identify and apply best practices to nursing  
29 ~~care by:~~ care;
- 30 ~~(A)(4)~~ ~~providing~~ Providing client-centered, culturally competent ~~care;~~ care by:
- 31 ~~(B)(A)~~ respecting client differences, values, preferences and expressed needs;
- 32 ~~(C)(B)~~ involving clients in decision-making and care management;
- 33 ~~(D)(C)~~ coordinating and managing continuous client care consistent with the level of  
34 licensure. This includes demonstration of the ability to supervise others and provide  
35 leadership of the profession appropriate for program type; and
- 36 ~~(E)(D)~~ promoting healthy lifestyles for clients and populations.

1           ~~(3)~~(5) Working in interdisciplinary teams to cooperate, collaborate, communicate and integrate client  
2 care and health promotion.

3           ~~(4)~~(6) Participating in quality improvement processes to measure client outcomes, identify hazards  
4 and errors, and develop changes in processes of client care.

5 (c) Clinical experience shall be comprised of sufficient hours to accomplish the curriculum, shall be supervised  
6 by qualified faculty pursuant to 21 NCAC 36 .0318 and shall ensure students' ability to practice at an entry  
7 level.

8 (d) All student clinical experiences, including those with preceptors, shall be directed by nursing faculty.

9 (e) ~~By January 1, 2008, a~~ A focused client care experience with a minimum of 120 hours shall be provided in  
10 the final year of curriculum implementation for programs preparing registered nurses.

11 (f) ~~Beginning January 1, 2008, a~~ A focused client care experience with a minimum of 90 hours shall be  
12 provided in the final semester of curriculum implementation for programs preparing practical nurses.

13 (g) Learning experiences and methods of instruction, including distance education methods, shall be  
14 consistent with the written curriculum plan and demonstrate logical progression.

15 (h) Objectives for each course shall indicate the ~~knowledge and~~ knowledge, skills, and abilities expected  
16 ~~of the students. for competent student performance.~~ These objectives shall be stated to:

17           (1) indicate the relationship between the classroom learning and the application of this learning in  
18 the clinical ~~laboratory~~ experience;

19           (2) serve as criteria for the selection of the types of and settings for learning experiences; and

20           (3) serve as the basis for evaluating student performance.

21 (i) Student course syllabi shall include a description and outline of content, learning environments and  
22 activities, course placement, allocation of ~~time,~~ time for theory, didactic content, clinical experience,  
23 laboratory, simulation, and methods of evaluation of student performance, including didactic and clinical all  
24 evaluation ~~tools.~~ tools used in the curriculum.

25 (j) Each course shall be implemented and evaluated in accordance with the student course syllabus.

26 (k) Requests for approval of changes in, or expansion of, the program accompanied by all required  
27 documentation shall be submitted ~~on the form~~ in the format provided by the Board at least 30 days prior to  
28 implementation for approval by the Board. Criteria for approval include the availability of classrooms,  
29 laboratories, clinical placements, equipment and supplies and faculty sufficient to implement the curriculum to  
30 an increased number of students. Approval is required: for any increase in enrollment that exceeds, by more  
31 than 10 students, the maximum number approved by the Board. Requests for expansion are considered only  
32 for programs with Full Approval status that demonstrate at least a three-year average ~~student retention~~  
33 licensure examination pass rate equal to or ~~higher~~ greater than the ~~state~~ NC three-year average retention pass  
34 rate for program type.

35 (l) The nursing education program shall notify the Board of:

36           (1) alternative or additional program schedules; and

1 (2) planned decrease in the Board-approved student enrollment number to accurately reflect  
2 program capacity.

3 (m) For all programs using simulation experiences substituted for clinical experience time, the nursing  
4 education program shall:

5 (1) demonstrate that simulation faculty have been formally educated, and maintain competencies  
6 in simulation and ~~debriefing theory;~~ debriefing; and

7 (2) provide a simulation environment with adequate faculty, space, equipment, and supplies to  
8 simulate realistic clinical experiences to meet the curriculum and course objectives.

9 (n) Programs not holding national nursing accreditation shall limit simulation experiences to no more than  
10 25% in any course, including the focused client care experience.

11 (o) Programs holding national nursing accreditation shall limit simulation experiences to:

12 (1) no more than 25% in the focused client care experience, and

13 (2) no more than 50% of clinical experience time in any other course.

14 (p) External standardized examinations shall not be used as a determinant of a student's progression or  
15 graduation in a prelicensure nursing education program.

16

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

18 *Eff. February 1, 1976;*

19 *Amended Eff. December 1, 2016; June 1, 1992; January 1, 1989; January 1, 1984;*

20 *Temporary Amendment Eff. October 11, 2001;*

21 *Amended Eff. December 1, 2005; August 1, 2002.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0322

**DEADLINE FOR RECEIPT: Friday, November 11, 2016**

***NOTE: This request may extend 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 – replace “laboratory/simulation” with “laboratory and simulation”*

*Line 10 – add a comma after “privacy”*

*Line 12 – add a comma after “faculty”*

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

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016

1 21 NCAC 36 .0322 is adopted as published in NCR 31:01, pages 32-33, as follows:

2

3 **21 NCAC 36 .0322 FACILITIES**

4 (a) Campus facilities shall be appropriate in type, number, and accessibility for the total needs of the program.

5 (b) Classrooms, ~~laboratories~~, laboratory/simulation space, and conference rooms shall be sufficient in size,  
6 number, and types for the number of students and purposes for which the rooms are to be used. Lighting,  
7 ventilation, location, and equipment must be suitable for the number of students and purposes for which the  
8 rooms are to be used.

9 (c) Office and conference space for nursing program faculty members shall be appropriate and available for  
10 uninterrupted work and privacy including conferences with students.

11 (d) Learning resources, including clinical experiences, shall be comprehensive, current, developed with  
12 nursing faculty input, accessible to students and faculty and support the implementation of the curriculum.

13

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

15 *Eff. February 1, 1976;*

16 *Amended Eff. December 1, 2016; January 1, 1996; June 1, 1992; January 1, 1989; May 1,*  
17 *1988;*

18 *Temporary Amendment Eff. October 11, 2001;*

19 *Amended Eff. April 1, 2006; August 1, 2002.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0323

**DEADLINE FOR RECEIPT: Friday, November 11, 2016**

***NOTE: This request may extend 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 13 – add “documentation of” to the beginning of this line.*

*Line 15 – add “a” to the beginning of this line.*

*Line 18 – add a comma after “Section”*

*Line 21 – add “by the Board” after “review” if that is what is meant.*

*Line 23 – add “curriculum” before “vitae”*

*Line 24 – does “within” mean before, after, or either? Please clarify.*

*Line 26 – add “that” after “time”*

*Line 28 – what does “associated agencies” mean – controlling institutions?*

*Lines 31-33 – This line requires the use of an “online verification” – a type of form. G.S. 150B-2(8a)d. does not require a form to be adopted as a rule if its “contents or substantive requirements ... are prescribed by rule or statute.” Is there a rule or statute that prescribes the information required in this verification form? In addition, please provide the web address where the “online verification” must be submitted.*

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

Jason Thomas  
Commission Counsel  
Date submitted to agency: October 28, 2016

1 21 NCAC 36 .0323 is adopted as published in NCR 31:01, pages 33, 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 secure manner that prevents physical damage and unauthorized access.

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 currently enrolled student shall contain up-to-date and complete information,  
11 including the following:

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

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

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

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

19 (1) an Annual Report to be filed with the Board by November 1 of each year;

20 (2) a Program Description Report for non-accredited programs filed with the Board at least  
21 30 days prior to a scheduled review; and

22 (3) notification by institution administration of any change of the registered nurse responsible  
23 for the nursing program. This notification shall include a vitae for the new individual and  
24 shall be submitted within ~~20~~ 10 business days of the effective date of the change.

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

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

29 (i) The part of the application for licensure by examination to be submitted by the nursing program shall  
30 include a statement verifying satisfactory completion of all requirements for graduation and the date of  
31 completion. The nursing program director shall submit ~~the~~ online verification ~~form~~ to the Board within one  
32 month ~~[10 business days]~~ following completion of the [graduation from a] Board approved nursing  
33 program.

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

36 *Eff. February 1, 1976;*

1                    *Amended Eff. December 1, 2016; January 1, 2015; December 1, 2005; January 1, 2004;*  
2                    *June 1, 1992; January 1, 1989; January 1, 1984.*