

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0806

DEADLINE FOR RECEIPT: Thursday, February 9, 2017

NOTE: 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:

In (a), line 4, please capitalize "State"

In (a)(2), I am just checking – 21 NCAC 36 .0801(8) states:

"National Credentialing Body" means one of the following credentialing bodies that offers certification and re-certification in the nurse practitioner's specialty area of practice:

Are all nurse practitioners required to have a specialty area of practice, such that all nurse practitioners would have this certification?

Since you are citing to rules within the Section in both (a)(2) and (3), please do so similarly. You can state "Rule XXXX of this Section" or "21 NCAC 36 XXXX"

In (a)(4), are the contents of the renewal application set forth elsewhere in Rule or law?

In the History Note, I believe the citation is 90-8.2. But, why are you citing to G.S. 90-8.1 and 8.2? Is it to reflect the dual authority for Nurse Practitioners?

In the History Note, should the citation be to 90-18(c)(14)?

Also in the History Note, should the citation be 90-171.23(b)(3) or (14)?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 26, 2017

1 21 NCAC 36 .0806 is amended as published in NCR 31:09, pages 834-835, as follows:

2

3 **21 NCAC 36 .0806 ANNUAL RENEWAL**

4 (a) Each registered nurse who is approved to practice as a nurse practitioner in this state shall annually renew each
5 approval to practice with the Board of Nursing no later than the last day of the nurse practitioner's birth month by:

6 (1) Maintaining current RN licensure;

7 ~~(2)~~ Maintaining certification as a nurse practitioner by a national credentialing body identified in 21
8 NCAC 36 .0801(8);

9 ~~(2)(3)~~ Submitting the fee required in Rule .0813 of this Section; and

10 ~~(3)(4)~~ Completing the renewal application.

11 (b) If the nurse practitioner has not renewed by the last day of her or his birth month, the approval to practice as a nurse
12 practitioner shall lapse.

13

14 *History Note: Authority G.S. 90-8.1; 90-8-2; 90-18(14) 90-171.23(b); 90-171.83;*

15 *Recodified from 21 NCAC 36.0227(e) Eff. August 1, 2004;*

16 *Amended Eff. March 1, 2017; December 1, 2009; November 1, 2008; August 1, 2004.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0807

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In reviewing these rules, the staff determined that the following technical changes need to be made:

On line 4, does your regulated public know what "contact hours" means?

On line 6, typically the term "at least" is not favored in rules, as they set the minimum requirements. I take it you need to retain the term here?

On lines 7 and 8, are "other national credentialing bodies" known to your regulated public? Is it the bodies in Rule 36 .0801(8)?

On line 8, what are "practice relevant courses"?

On line 13, when does a Board request this?

In the History Note, In the History Note, why are you citing to G.S. 90-8.1 and 8.2?

In the History Note, should the citation be to 90-18(c)(14)?

Also in the History Note, please state "S.L. 2015-241, s. 12F" as you published.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 26, 2017

1 21 NCAC 36 .0807 is amended as published in NCR 31:09, pages 834-835, as follows:

2

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

4 In order to maintain nurse practitioner approval to practice, the nurse practitioner shall earn 50 contact hours of
5 continuing education each year beginning with the first renewal after initial approval to practice has been granted. At
6 least 20 hours of the required 50 hours must be those hours for which approval has been granted by the American Nurses
7 Credentialing Center (ANCC) or Accreditation Council on Continuing Medical Education (ACCME), other national
8 credentialing bodies or practice relevant courses in an institution of higher learning. Every nurse practitioner who
9 prescribes controlled substances shall complete at least one hour of the total required continuing education (CE) hours
10 annually consisting of CE designed specifically to address controlled substance prescribing practices, signs of the abuse
11 or misuse of controlled substances, and controlled substance prescribing for chronic pain management. Documentation
12 shall be maintained by the nurse practitioner for the previous five calendar years and made available upon request to
13 either Board.

14

15 *History Note:* Authority G.S. 90-5.1; 90-8.1; 90-8.2; 90-14(a)(15); 90-18(14); 90-171.23(b)(14); 90-171.42; 2015

16 Session Law 12F;

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

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0809

DEADLINE FOR RECEIPT: Thursday, February 9, 2017

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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:

In (b)(1), should the cross-reference be to Rule .0810(2)?

In (b)(2), line 10, I suggest inserting a comma after "prescribed"

In (b)(2)(A), line 12, replace "which" with "that"

In (b)(2)(B), line 14, make "refills" lowercase to be consistent.

On line 15, what is "Law and Regulation"? Should be "regulations"?

In (b)(2)(C), line 16, replace "must" with "shall" or delete it altogether and state "possesses"

In (b)(5)(A), line 35, what is the "approval number"? I take it that it's not the DEA number?

In (b)(6), Page 2, consider breaking lines 2-7 into a list.

On line 7, what is a "significant emotional relationship"?

In (c), line 10, I think you can just end the sentence after "amendments."

In the History Note, why are you citing to G.S. 90-8.1 and 8.2?

Also in the History Note, should the citation be to 90-18(c)(14)?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 26, 2017

1 21 NCAC 36 .0809 is amended as published in NCR 31:09, pages 834-836, as follows:

2
3 **21 NCAC 36 .0809 PRESCRIBING AUTHORITY**

4 (a) The prescribing stipulations contained in this Rule apply to writing prescriptions and ordering the administration
5 of medications.

6 (b) Prescribing and dispensing stipulations are as follows:

7 (1) Drugs and devices that may be prescribed by the nurse practitioner in each practice site shall be
8 included in the collaborative practice agreement as outlined in Rule .0810(b) of this Section.

9 (2) Controlled Substances (Schedules II, IIN, III, IIN, IV, V) defined by the State and Federal
10 Controlled Substances Acts may be procured, prescribed or ordered as established in the
11 collaborative practice agreement, providing all of the following requirements are met:

12 (A) the nurse practitioner has an assigned DEA number which is entered on each prescription
13 for a controlled substance;

14 (B) ~~dosage units for schedules II, IIN, III, and IIN are limited to a 30 day supply; Refills~~
15 may be issued consistent with Controlled Substance Law and Regulation; and

16 (C) the supervising physician(s) must possess the same schedule(s) of controlled substances
17 as the nurse practitioner's DEA registration.

18 (3) The nurse practitioner may prescribe a drug or device not included in the collaborative practice
19 agreement only as follows:

20 (A) upon a specific written or verbal order obtained from a primary or back-up supervising
21 physician before the prescription or order is issued by the nurse practitioner; and

22 (B) the written or verbal order as described in Part (b)(3)(A) of this Rule shall be entered into
23 the patient record with a notation that it is issued on the specific order of a primary or
24 back-up supervising physician and signed by the nurse practitioner and the physician.

25 ~~(4) — Refills may be issued for a period not to exceed one year.~~

26 ~~(5)~~(4) Each prescription shall be noted on the patient's chart and include the following information:

27 (A) medication and dosage;

28 (B) amount prescribed;

29 (C) directions for use;

30 (D) number of refills; and

31 (E) signature of nurse practitioner.

32 ~~(6)~~(5) Prescription Format:

33 (A) all prescriptions issued by the nurse practitioner shall contain the supervising physician(s)
34 name, the name of the patient, and the nurse practitioner's name, telephone number, and
35 approval number;

36 (B) the nurse practitioner's assigned DEA number shall be written on the prescription form
37 when a controlled substance is prescribed as defined in Subparagraph (b)(2) of this Rule.

1 ~~(7)~~(6) A nurse practitioner shall not prescribe controlled substances, as defined by the State and Federal
2 Controlled Substances Acts, for the nurse practitioner's own use or that of a nurse practitioner's
3 supervising physician; or that of a member of the nurse practitioner's immediate family, which
4 shall mean a spouse, parent, child, sibling, parent-in-law, son or daughter-in-law, brother or sister-
5 in-law, step-parent, step-child, step-siblings, or any other person living in the same residence as
6 the licensee; or anyone with whom the nurse practitioner is having a sexual relationship or has a
7 significant emotional relationship.

8 (c) The nurse practitioner may obtain approval to dispense the drugs and devices other than samples included in the
9 collaborative practice agreement for each practice site from the Board of Pharmacy, and dispense in accordance with
10 21 NCAC 46 .1703 that is hereby incorporated by reference including subsequent amendments of the referenced
11 materials.

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13 *History Note:* *Authority G.S. 90-8.1; 90-8.2; 90-18(14); 90-18.2; 90-171.23(b)(14);*
14 *Recodified from 21 NCAC 36 .0227(h) Eff. August 1, 2004;*
15 *Amended Eff. March 1, 2017; December 1, 2012; April 1, 2011; November 1, 2008; August 1,*
16 *2004.*