

G.S. 150B-21.3A Report for 21 NCAC 36, BOARD OF NURSING

Agency - Board of Nursing

Comment Period - Filled in by Agency

Date Submitted to APO - November 20, 2017

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .0100 - GENERAL PROVISIONS	21 NCAC 36 .0109	SELECTION AND QUALIFICATIONS OF NURSE MEMBERS	Amended Eff. December 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0110	OPEN MEETINGS	Amended Eff. May 1, 1988	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		21 NCAC 36 .0112	DETERMINATION OF VACANCY	Amended Eff. November 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0113	DETERMINATION OF QUALIFICATIONS	Amended Eff. January 1, 2004	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0119	SUSPENSION OF AUTHORITY TO EXPEND FUNDS	Eff. December 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0120	DEFINITIONS	Amended Eff. December 1, 2016	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0200 - LICENSURE	21 NCAC 36 .0201	REGULAR RENEWAL	Amended Eff. January 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0202	INACTIVE AND RETIRED STATUS	Amended Eff. November 1, 2008	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0203	REINSTATEMENT OF LAPSED LICENSE	Amended Eff. December 1, 2010	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0207	VERIFICATION TO ANOTHER STATE	Amended Eff. April 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0208	CHANGE OF NAME	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0209	DUPLICATE CERTIFICATE	Amended Eff. January 1, 1996	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		21 NCAC 36 .0211	LICENSURE BY EXAMINATION	Amended Eff. December 1, 2004	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0213	REEXAMINATION	Amended Eff. August 1, 2000	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0216	CENSUS OF NURSING PERSONNEL	Amended Eff. January 1, 1996	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		21 NCAC 36 .0217	REVOCATION, SUSPENSION, OR DENIAL OF LICENSE	Amended Eff. January 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0218	LICENSURE WITHOUT EXAMINATION (BY ENDORSEMENT)	Amended Eff. December 1, 2005	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0219	TEMPORARY LICENSE	Amended Eff. December 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0220	REFRESHER COURSE	Amended Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0221	LICENSE REQUIRED	Amended Eff. April 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0223	CONTINUING EDUCATION PROGRAMS	Amended Eff. October 1, 1992	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0224	COMPONENTS OF NURSING PRACTICE FOR THE REGISTERED NURSE	Amended Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0225	COMPONENTS OF NURSING PRACTICE FOR THE LICENSED PRACTICAL NURSE	Amended Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

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		21 NCAC 36 .0226	NURSE ANESTHESIA PRACTICE	Amended Eff. December 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0228	CLINICAL NURSE SPECIALIST PRACTICE	Amended Eff. January 1, 2015	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0231	EXCEPTIONS TO HEALTH CARE PRACTITIONERS IDENTIFICATION REQUIREMENTS:	Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0232	CONTINUING COMPETENCE	Amended Eff. November 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0233	OUT OF STATE STUDENTS	Eff. April 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0300 - APPROVAL OF NURSING PROGRAMS	21 NCAC 36 .0302	ESTABLISHMENT OF A NURSING PROGRAM - INITIAL APPROVAL	Amended Eff. December 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0303	EXISTING NURSING PROGRAM	Amended Eff. December 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0309	PROCESS FOR PROGRAM CLOSURE	Amended Eff. December 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0317	ADMINISTRATION	Amended Eff. December 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0318	FACULTY	Amended Eff. December 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0320	STUDENTS	Amended Eff. December 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0321	CURRICULUM	Amended Eff. December 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0322	FACILITIES	Amended Eff. December 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0323	RECORDS AND REPORTS	Amended Eff. December 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0400 - UNLICENSED PERSONNEL: NURSE AIDES	21 NCAC 36 .0401	ROLES OF UNLICENSED PERSONNEL	Amended Eff. December 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0402	COORDINATION WITH DIVISION OF HEALTH SERVICE REGULATION (DHSR)	Amended Eff. November 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0403	QUALIFICATIONS	Amended Eff. September 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0404	LISTING AND RENEWAL	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0405	APPROVAL OF NURSE AIDE EDUCATION PROGRAMS	Amended Eff. November 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0406	MEDICATION AIDE TRAINING REQUIREMENTS	Amended Eff. April 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0500 - PROFESSIONAL CORPORATIONS	21 NCAC 36 .0501	PURPOSE AND DEFINITIONS	Amended Eff. November 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0502	NAME OF PROFESSIONAL CORPORATION	Eff. March 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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		21 NCAC 36 .0503	PREREQUISITES FOR INCORPORATION	Amended Eff. April 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0504	CERTIFICATE OF REGISTRATION	Amended Eff. November 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0505	GENERAL AND ADMINISTRATIVE PROVISIONS	Amended Eff. November 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0506	FORMS	Amended Eff. November 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0507	FEES	Eff. April 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0600 - ARTICLES OF ORGANIZATION	21 NCAC 36 .0601	NAME OF LIMITED LIABILITY COMPANY	Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0602	PREREQUISITES FOR ORGANIZATION	Amended Eff. November 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0603	CERTIFICATE OF REGISTRATION	Amended Eff. November 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0604	GENERAL AND ADMINISTRATIVE PROVISIONS	Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0605	FEES	Amended Eff. November 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0700 – NURSE LICENSURE COMPACT	21 NCAC 36 .0701	DEFINITIONS OF TERMS IN THE COMPACT	Eff. July 1, 2000	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0702	ISSUANCE OF A LICENSE BY A COMPACT PARTY STATE	Amended Eff. November 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0703	LIMITATIONS ON MULTISTATE LICENSURE PRIVILEGE	Amended Eff. July 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0704	INFORMATION SYSTEM	Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		21 NCAC 36 .0705	PARTY STATE LICENSURE REQUIREMENTS	Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0800 - APPROVAL AND PRACTICE PARAMETERS FOR NURSE PRACTITIONERS	21 NCAC 36 .0801	DEFINITIONS	Amended Eff. September 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0802	SCOPE OF PRACTICE	Amended Eff. August 1, 2004	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0803	NURSE PRACTITIONER REGISTRATION	Amended Eff. September 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0804	PROCESS FOR APPROVAL TO PRACTICE	Amended Eff. November 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

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		21 NCAC 36 .0805	EDUCATION AND CERTIFICATION REQUIREMENTS FOR REGISTRATION AS A NURSE PRACTITIONER	Amended Eff. December 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0806	ANNUAL RENEWAL	Amended Eff. March 1, 2017	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0807	CONTINUING EDUCATION (CE)	Amended Eff. March 1, 2017	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0808	INACTIVE STATUS	Amended Eff. November 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0809	PRESCRIBING AUTHORITY	Amended Eff. March 1, 2017	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0810	QUALITY ASSURANCE STANDARDS FOR A COLLABORATIVE PRACTICE AGREEMENT	Amended Eff. December 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0811	METHOD OF IDENTIFICATION	Amended Eff. August 1, 2004	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0812	DISCIPLINARY ACTION	Amended Eff. April 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0813	FEES	Amended Eff. November 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0814	PRACTICING DURING A DISASTER	Amended Eff. December 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		21 NCAC 36 .0815	REPORTING CRITERIA	Eff. April 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

Public Comment for NC Board of Nursing
21 NCAC 36

Rule: 21 NCAC 36 .0228 Clinical Nurse Specialist Practice

Type of Comment: Public Comment as defined in G.S. 150B-21.3A(a)(5)

Comment:

From: Karen Braswell

Sent: Friday, June 2, 2017 3:45 pm

To: Public Comment

Subject: 21 NCAC 36 .0228 Clinical Nurse Specialist Practice

Thank you for the opportunity to provide public comment on this section of my nurse practice act. Whereas I understand the content, the way this particular rule is carried out is not clear or consistent in any manner. Having earned my MSN as a CNS in NC, I deserve to be granted this title. Others are claiming this title who have never had the educational opportunity of the CNS such as a CRNA or nurse educator. I am not sure how they were granted this because they clearly do not meet the educational criteria.

Agency Response:

The licensee is questioning an internal review and approval process and not the content of the Rule or the classification. Therefore, it does not have merit.

The Board voted to retain the classification as necessary with substantive public interest.

Public Comment for NC Board of Nursing
21 NCAC 36

Rule: 21 NCAC 36 .0701 Definitions of Terms in the Compact

Type of Comment: Public Comment as defined in G.S. 150B-21.3A(a)(5)

Comment:

From: Lorraine Wetherington

Sent: Friday, June 2, 2017 4:53 pm

To: Public Comment

Subject: Attn: Angela Ellis

Dear Ms. Ellis:

I was wondering if the U.S. State board of nursing for all states have ever thought about doing a multi-state nursing licensure for RN that would cover all the U.S. states. Thank you

Lorraine Wetherington, RN

Agency Response:

The licensee is asking about multi state licensure. The Board of Nursing is part of the Enhanced Nurse Licensure Compact which provides opportunity for nurses to have one compact license and practice nursing in other compact states. The licensee does not address the content of the Rule or the classification therefore this comment has no merit.

The Board voted to retain the classification of necessary without substantive public interest.

Public Comment for NC Board of Nursing
21 NCAC 36

Rule: 21 NCAC 36 .0202 Inactive and Retired Status and .0203 Reinstatement of Lapsed License

Type of Comment: Public Comment as defined in G.S. 150B-21.3A(a)(5)

Comment:

Dear Ms. Ellis,

Thank you for your email regarding Periodic Review and Expiration of Existing Rules. Here are my public comments.

The following comment applies to the two rules mentioned below. Though not the same rules they have similarities which are indicated below.

21 NCAC 36 .0202 INACTIVE AND RETIRED STATUS.

(b) The registrant whose license has been inactive for a period of 5 years or more shall also submit:

(2) evidence of competency to resume the practice of nursing through:

(A) satisfactory completion of a Board-approved course; or

(B) an active license in another jurisdiction within the past 5 years.

21 NCAC 36 .0302 **Note: This is actually .0203** REINSTATEMENT OF A LAPSED

LICENSE (c) The registrant whose license has been inactive for a period of 5 years or more shall also submit:

(2) evidence of satisfactory completion of a Board-approved refresher course or
proof of active licensure within the past 5 years in another jurisdiction.

The significant words here are "active licensure".

An employee of the NC BON told me on the phone in April that if there was no registration of licensure where I am employed then I would be required to take a Board-approved refresher course. **This is true only if an active NC license is not maintained during this time**

The reasoning is sound.

Proof that the registrant has the knowledge and skills to actively practice nursing. Skills and knowledge can minimize with time if not used. Medical and nursing knowledge changes over time.

However this rule does not take into account nurses who have been actively practicing their profession in a jurisdiction where there is no registration of licensure. Nurses who would rather live in another country on a short or long term basis for what ever reason they might have. Think about short term or long term missionary nurses; nurses working for Doctors Without Borders or other humanitarian agencies. Nurses who would rather work in countries where they feel the need is greater and where they can make a bigger difference.

Public Comment for NC Board of Nursing
21 NCAC 36

These nurses actively practicing nursing outside of the United States make in most cases a whole lot less money than nurses in the USA.

One hundred dollars to renew a license you are not sure you will ever use or need again is a lot of money when making less than \$15 per hour, much less than what their family members Stateside pay their cleaning person per hour.

These nurses don't always know when and if they are going to ever practice nursing again in North Carolina.

But at some point they may need to return for medical care or due to health needs of their more elderly parents, or because they want to enjoy siblings, kids and grandkids more, or because they really want to live more comfortably again or because they miss the good old USA and want to come home.

The first issue with these rules is

So though actively practicing nursing, since these nurses are not working in a place where there is 'active licensure', they have to spend over \$1000 and at least 5 weeks (of 3 twelve hour shifts per week) for a refresher course. That is far above and beyond what any other actively practicing RN has to do to renew their license.

The second issue is as follows.

21 NCAC 36 .0203 under section

(a) numbers 1 through 7 says what is required including

(3) "attest to having completed Continuing Competence Requirements...."

(c) "..... lapsed for a period of 5 years or more shall ALSO submit:

(2) evidence of satisfactory completion of a Board-approved refresher course or proof of active licensure..."

21 NCAC 36 .0202 says about the same in (a) (5) and (b) (2) (A)

In the following rule a refresher course DOES count as a learning activity for Continued Competence.

21 NCAC 36 .0232

(a) (3)" Select and implement a learning activity option from those outlined in Paragraph (b) of this rule.

(b) (3) Completion of a Board approved refresher course...."

In other words two rules state the registrant must take a Board certified refresher course AND meet the Continued Competence Requirements and one (0232) says that the refresher course is one of the options under the Continued Competence. Clearly a mixed message. Which rule gets applied?

Has no merit. The reference in .0203(a)(3) to .0232(b) clarifies this issue. Whenever a refresher course is taken, it can be counted toward meeting Continuing Competence requirements.

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21 NCAC 36

If the first two rules apply then why is it that the RN whose licensure status has been inactive may not count the refresher course which includes didactic material that takes most 6 months to complete in addition to 160 supervised clinical hours to count as the Continuing Competence Requirements? But when an RN studies further for her BSN or her MSN that is considered sufficient for the Continuing Competence Requirements. It is after all a 'learning activity' 21 NCAC 36 .0232 (a) (3). Seems somehow discriminatory and punitive or is it just an oversight? **Has no merit. The reference in .0203(a)(3) to .0232(b) clarifies this issue. Whenever a refresher course is taken, it can be counted toward meeting Continuing Competence requirements.**

Issue number three.

Then to add insult to injury 21 NCAC 36 .0203 states in (c) "The registrant whose license has lapsed for a period of 5 years or more shall also submit: (1) evidence of mental and physical health necessary to competently practice nursing....".

That is sound reasoning if one HAD to let their license relapse due to mental health, criminal activities or drug addiction issues.

But why would that even have to apply to an RN actively practicing her profession?

Should that apply, where does one even start and who does one have to go to and how much does one have to pay to get EVIDENCE of not only physical but also mental health?

Would that person or company who provides the evidence have to be recognized by the NC BON?

If that is of such great importance then why not require that of all actively practicing RNs who apply for a renewal?

21 NCAC 36 .0202 has a much gentler version which is much more reasonable in (b) (1) "self certification that the registrant is of mental and physical health necessary to competently practice nursing". Self certification by definition means 'an official statement I make about myself'. However what does that really mean in terms of action required? Does that require paying a notary or are two witnesses enough like when writing a will?

Again there is confusion and clear contradiction in these rules. **Agree. There is contradiction and similar language should apply in both places. The Board will be reviewing this comment for any needed amendments as part of the re-adoption process.**

Suggestions for changes so the RN who wants to return to the wonderful state of NC doesn't decide to go live in another state that seems more reasonable or decide to quit nursing all together. That would be a loss of knowledge and experience and certainly not help with the shortage of nurses in the United States who 'imports' foreign educated nurses from other countries.

So let's start with the basics. If the RN has held an unencumbered license in another jurisdiction, (especially if it was in the state of NC :) then the NC BON has obviously already approved and recognized the education that person has to be an RN. Now it's a matter of recognizing that they are still actively practicing their nursing profession.

The form "to be submitted ONLY by those nurses notified of selection for random audit" titled CONTINUING COMPETENCE North Carolina Board of Nursing states under "(NOTE:

Public Comment for NC Board of Nursing

21 NCAC 36

Documented evidence- nurses may submit agency payroll stub(s) showing cumulative hours of 640 hours or more within the licensure cycle...."

Suggestion.

Apply the same rules to actively practicing nurses without an active license in their jurisdiction, because there is no form of licensure where they are practicing,

who have an inactive NC registered nurse license,

to any nurse who has been actively practicing nursing in a jurisdiction with an active licensure.

So any RN applicant (even those without an active license in the jurisdiction where they are practicing their profession) with the inactive North Carolina license must be able to show payroll stubs showing cumulative hours of 640 or more. Most payroll stubs state the function, title or the position. That and the name of the agency which can be researched online clearly shows if the RN has been actively practicing nursing for an agency that offers nursing services. Should the words be in a different language then there is always the internet to use to translate it.

Or the agency that provides nursing services can write a letter that includes all that is stated in rule 21 NCAC 36 .0232 paragraph (c) number (8) including their title, position and the job description which will clearly state their duties.

W2 forms by whatever name used to complete income tax forms, as do the income tax forms, require the persons profession. This is another way to prove active nursing practice.

Should there still be some hesitation the NC BON can ask to see their employee evaluations or reviews. If those don't exist or are too hard then one can interview the applicant or request a written essay to hear in their own words what their duties were in their nursing job. **Has no merit. Nurses must apply prior to expiration of their license to place their license on inactive status. Inactive status is for a nurse who does not wish to work as a nurse for an undetermined period of time.**

Further suggestions.

The noun lapse can mean failure, slip, blunder, mistake, omission, interval, gap, pause, lull or hiatus. All of which can be the reason a license becomes inactive. The noun lapse can also mean a decline, fall, deterioration, degeneration, regression or descent. This is why the two rules, (36 .0202) and (36 .0203) create confusion which would explain why some of the requirements vary. Separate the two with clear definitions. Inactive is when the license was not renewed in a timely manner for any reason. So that applies to a lapsed license as well. Define lapsed as, for instance, a license that could not be renewed in a timely manner due to misconduct and or disciplinary actions. That would explain why the requirements are different.

Clarify the titles of 21 NCAC 36 .0202 and 21 NCAC 36 .0203. Define lapsed immediately in (36 .0203) so there is no confusion. **Has no merit. The term "lapsed" references expired license. 21 NCAC 36 .0202 addresses inactive and retired status. Both statuses require action of the licensee prior to expiration of the current license. 21 NCAC 36 .0203 is when the licensee neglects to renew their license and later desires to have their privileges restored. An inactive license is not the same as a lapsed license.**

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21 NCAC 36

Put the information about retired nurse status in a different rule all together since those who want to resume the practice of active nursing in NC are obviously not seeking retirement, i.e. a retirement status. The two topics in one rule is not clear nor logical. **See explanation above.**

Thank you again for letting me know of this window of opportunity for public comment.

Thank you for taking the time to read what I spent many hours researching and formulating.

It is my hope it is clear and concise and will be of great service to those reviewing these rules and those who have to understand and apply them in the future.

Sincerely,

Nancy Joy Chapman RN, BSN

North Carolina RN license number 129380 expired 4-30-2009

Actively practicing RN with multiple specialties for the past 38 years and not ready or old enough to retire yet who desires to continue actively practicing her nursing career in North Carolina as I have in the past, for 14 years with excellent performance records.

Ps I am sending this to the email address public.comment@ncbon.com as well to make sure this arrives since tomorrow is the deadline and typos can be made.

Agency Response:

Responses to public comment are denoted in red throughout. The licensee does not address the classification of these Rules therefore these comments have no merit. The Board will review these Rules in greater detail to determine whether or not amendments will be needed as part of the re-adoption process.

The Board voted to retain the classification of necessary with substantive public interest.