

## Burgos, Alexander N

---

**Subject:** FW: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC

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**From:** Angela Ellis <angela@ncbon.com>

**Sent:** Tuesday, March 14, 2023 1:29 PM

**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>; Meredith Parris <mparris@ncbon.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** Re: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC

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Yes please. Thank you!

Angela Ellis

### Angela Ellis

Chief Administrative Officer

Office: (984) 238-7644

Fax: (919) 781-9461

4516 Lake Boone Trail Raleigh, NC 27607

P.O. Box 2129 Raleigh, NC 27602

Pronouns: She/Her/Hers



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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>

**Sent:** Tuesday, March 14, 2023 1:21:45 PM

**To:** Angela Ellis <[angela@ncbon.com](mailto:angela@ncbon.com)>; Meredith Parris <[mparris@ncbon.com](mailto:mparris@ncbon.com)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC

Looks good. Thanks for making the changes. Are you OK with me sending the two final versions of the rules on to Alex and Dana for filing?

Thanks,  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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## Burgos, Alexander N

---

**Subject:** FW: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC  
**Attachments:** 21 NCAC 36 .0228 Clinical Nurse Specialist Practice Request for Tech Change.docx

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**From:** Angela Ellis <angela@ncbon.com>  
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@Burgos, Alexander N please send evites to the following Board staff for Thursday's RRC meeting:

- Meredith Parris – [mparris@ncbon.com](mailto:mparris@ncbon.com)
- Melanie Mabrey – [mmabrey@ncbon.com](mailto:mmabrey@ncbon.com)
- Kimberly Luisana – [kluisana@ncbon.com](mailto:kluisana@ncbon.com)

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1 21 NCAC 36 .0228 Clinical Nurse Specialist Practice is amended, **with changes**, as published in NCR 37:10, pages  
2 757-759 as follows:

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4 **21 NCAC 36 .0228 CLINICAL NURSE SPECIALIST PRACTICE**

5 (a) Only a registered nurse who meets the qualifications outlined in Paragraph (b) of this Rule shall be approved by  
6 the Board as a clinical nurse specialist to perform advanced practice registered nursing activities listed in Paragraph  
7 (f) of this Rule.

8 (b) The Board shall approve an applicant who:

9 (1) has an active, unencumbered license to practice as a registered nurse in North Carolina or a state  
10 that has adopted the Nurse Licensure Compact;

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

14 (3) has successfully completed a master's or **higher-level higher-level** degree program that is accredited  
15 by a nursing accrediting body approved by the United States Secretary of Education or the Council  
16 for Higher Education Accreditation and meets the qualifications for clinical nurse specialist  
17 certification by an approved national credentialing body under ~~Part (b)(4)(A)~~ Subparagraph (b)(4)  
18 of this Rule; and

19 (4) ~~either:~~

20 (A) has current certification as a clinical nurse specialist from a national credentialing body  
21 approved by the Board, as defined in Paragraph (h) of this Rule and ~~21 NCAC 36~~  
22 ~~.0120(26); or 21 NCAC 36~~ **[.0120(26); .0120(33)].**

23 (B) ~~meets requirements that are equivalent to national certification if no clinical nurse specialist~~  
24 ~~certification is available in the specialty. The Board shall determine equivalence based on~~  
25 ~~consideration of an official transcript and course descriptions validating Subparagraph~~  
26 ~~(b)(3) of this Rule, a current curriculum vitae, work history, professional recommendations~~  
27 ~~indicating evidence of at least 1,000 hours of clinical nurse specialist practice, and~~  
28 ~~documentation of certificates indicating 75 contact hours of continuing education~~  
29 ~~applicable to clinical nurse specialist practice during the previous five years.~~

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

33 (d) New graduates seeking first-time clinical nurse specialist approval in North Carolina shall hold a master's or  
34 **doctoral higher-level** degree or a **post-master's post-graduate** certificate from a clinical nurse specialist program  
35 accredited by a nursing accrediting body approved by the **U.S. United States** Secretary of Education or the Council  
36 for Higher Education Accreditation and shall meet all requirements in Subparagraph (b)(1) and Part (g)(3)(A) of this  
37 Rule.

1 (e) A **certified** clinical nurse specialist seeking Board approval who has never practiced as a clinical nurse specialist  
2 or has not practiced in more than two years shall complete a clinical nurse specialist refresher course approved by the  
3 Board in accordance with 21 NCAC 36 .0220(o) and (p), consisting of common conditions and their management  
4 related to the clinical nurse specialist's area of education and certification. A clinical nurse specialist refresher course  
5 participant shall be granted limited clinical nurse specialist recognition that is specific to clinical activities taught in  
6 the refresher course.

7 (f) The scope of practice of a clinical nurse specialist shall incorporate the basic components of nursing practice as  
8 defined in Rule .0224 of this Section as well as the understanding and application of nursing principles at an advanced  
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12 alternative possibilities as to the nature of a healthcare problem;
- 13 (2) diagnosing and managing clients' acute and chronic health problems within **an advanced practice**  
14 **nursing framework; the essential core competencies for professional nursing education;**
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16 **practice nursing framework; the essential core competencies for professional nursing education;**
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- 26 (9) assuming leadership for the application of research findings for the improvement of health care  
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- 7 ~~submit evidence of~~
- 8 ~~(i)~~ at least 1,000 hours of practice and 75 contact hours of continuing education with
- 9 25 contact hours of pharmacotherapeutics as a portion of the mandatory 75 contact
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- 11 ~~(ii)(C)~~ if recognized by the Board as a clinical nurse specialist without national
- 12 certification prior to April 1, 2021, [submit] 150 contact hours of continuing
- 13 education with 50 contact hours of pharmacotherapeutics as a portion of the 150
- 14 contact hours every five years.

15 Subparagraph (B) and (C) of this Section does not apply to first time CNS' renewing their

16 application for the first time.

- 17 (4) maintain [Documentation] documentation of clinical practice hours and continuing education [shall
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20 (h) The Board shall approve those national credentialing bodies offering certification and recertification in a clinical

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- 23 (2) certification as a clinical nurse specialist that is limited to applicant prepared with a master's or
- 24 ~~doctoral higher-level~~ degree or a ~~post-master's post-graduate~~ certificate.

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26 *History Note:* Authority G.S. 90-171.20(4); 90-171.20(7); 90-171.21(d)(4); 90-171.23(b); ~~90-171.27(b);~~ 90-

27 171.42(b);

28 *Eff. April 1, 1996;*

29 *Amended Eff. January 1, 2015; April 1, 2008; January 1, 2007; November 1, 2005; August 1, 2005;*

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## Burgos, Alexander N

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**Sent:** Tuesday, March 14, 2023 12:41 PM  
**To:** Angela Ellis <angela@ncbon.com>; Meredith Parris <mparris@ncbon.com>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC

Angela,

This is great. I will be recommending approval. There's just two small things remaining, and I'm sorry to nitpick, but:

*In (f), p.2, lines 6-7, what are "nursing principles at an advance practice registered nurse level"? Are these defined elsewhere?*

Revised language to refer to the essential core competencies for professional nursing education, which addresses the APRN nursing principles and would be understood by the regulated public.

**Fine, but please delete "an" prior to "advanced". Deleted**

There's another "an" in (f)(3), line 15 that needs to be deleted.

*In (g)(1)(A), line 31, strike "either".*

**Corrected.**

**No, it's still there. Corrected and revised**

It's still there. 😊 It's on line 33 now after revisions.

Thanks for your hard work on this!

Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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In response to additional changes, please see attached 21 NCAC 36 .0228 with responses listed in **green** below

Angela Ellis

### Angela Ellis

Chief Administrative Officer

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3 Board in accordance with 21 NCAC 36 .0220(o) and (p), consisting of common conditions and their management  
4 related to the clinical nurse specialist's area of education and certification. A clinical nurse specialist refresher course  
5 participant shall be granted limited clinical nurse specialist recognition that is specific to clinical activities taught in  
6 the refresher course.

7 (f) The scope of practice of a clinical nurse specialist shall incorporate the basic components of nursing practice as  
8 defined in Rule .0224 of this Section as well as the understanding and application of nursing principles at an advanced  
9 practice registered nurse level in the area of clinical nursing specialization in which the clinical nurse specialist is  
10 educationally prepared and for which competency is maintained, including:

- 11 (1) assessing clients' health status, synthesizing and analyzing multiple sources of data, and identifying  
12 alternative possibilities as to the nature of a healthcare problem;
- 13 (2) diagnosing and managing clients' acute and chronic health problems within **an advanced practice**  
14 **nursing framework; the essential core competencies for professional nursing education;**
- 15 (3) assessing for and monitoring the usage and effect of pharmacologic agents within an **advanced**  
16 **practice nursing framework; the essential core competencies for professional nursing education;**
- 17 (4) formulating strategies to promote wellness and prevent illness;
- 18 (5) prescribing and implementing therapeutic and corrective non-pharmacologic nursing interventions;
- 19 (6) planning for situations beyond the clinical nurse specialist's expertise and consulting with or  
20 referring clients to other health care providers as appropriate;
- 21 (7) promoting and practicing in collegial and collaborative relationships with clients, families, other  
22 health care professionals, and individuals whose decisions influence the health of individual clients,  
23 families, and communities;
- 24 (8) initiating, establishing, and using measures to evaluate health care outcomes and modify nursing  
25 practice decisions;
- 26 (9) assuming leadership for the application of research findings for the improvement of health care  
27 outcomes; and
- 28 (10) integrating education, consultation, management, leadership, and research into the clinical nurse  
29 specialist role.

30 (g) A registered nurse seeking approval by the Board as a clinical nurse specialist shall:

- 31 (1) ~~complete the appropriate~~ **submit a completed** application that includes the following:
  - 32 (A) evidence of a master's or **doctoral higher-level** degree or a **post-master's post-graduate**  
33 certificate, as set out in Subparagraph (b)(3) or Paragraph (d) of this Rule; and either
  - 34 (B) evidence of current certification in a clinical nursing specialty from a national credentialing  
35 body, set out in ~~Part (b)(4)(A)~~ **Subparagraph (b)(4) of this Rule; or Rule.**
  - 36 ~~(C) meet requirements set out in Part (b)(4)(B) of this Rule;~~
- 37 (2) renew the approval every two years at the time of registered nurse renewal; and



- 1 (3) ~~either submit evidence of the following:~~
- 2 (A) ~~submit evidence of~~ initial certification and re-certification by a national credentialing body
- 3 at the time such occurs in order to maintain Board recognition, consistent with Paragraphs
- 4 (b) and (h) of this Rule; or
- 5 (B) if subject to Part (b)(4)(B) of this Rule, ~~recognized in North Carolina]~~ recognized by the
- 6 Board as a clinical nurse specialist without national certification prior to April 1, 2023,
- 7 ~~submit evidence of~~
- 8 (i) at least 1,000 hours of practice and 75 contact hours of continuing education with
- 9 25 contact hours of pharmacotherapeutics as a portion of the mandatory 75 contact
- 10 hours every five years. ~~years; or~~
- 11 (ii)(C) if recognized by the Board as a clinical nurse specialist without national
- 12 certification prior to April 1, 2021, [submit] 150 contact hours of continuing
- 13 education with 50 contact hours of pharmacotherapeutics as a portion of the 150
- 14 contact hours every five years.

15 Subparagraph (B) and (C) of this Section does not apply to first time CNS' renewing their

16 application for the first time.

- 17 (4) maintain [Documentation] documentation of clinical practice hours and continuing education [shall
- 18 be maintained by the clinical nurse specialist] for the previous five years and made available upon
- 19 request [to either] of the Board.

20 (h) The Board shall approve those national credentialing bodies offering certification and recertification in a clinical

21 nursing specialty that have established the following minimum ~~requirements; requirements for applicants:~~

- 22 (1) active unencumbered licensure as a registered nurse; and
- 23 (2) certification as a clinical nurse specialist that is limited to applicant prepared with a master's or
- 24 ~~doctoral higher-level~~ degree or a ~~post-master's post-graduate~~ certificate.

26 *History Note:* Authority G.S. 90-171.20(4); 90-171.20(7); 90-171.21(d)(4); 90-171.23(b); ~~90-171.27(b);~~ 90-

27 171.42(b);

28 *Eff. April 1, 1996;*

29 *Amended Eff. January 1, 2015; April 1, 2008; January 1, 2007; November 1, 2005; August 1, 2005;*

30 *April 1, 2003;*

31 *Readopted Eff. January 1, 2019;*

32 *Amended Eff. November 1, 2020; 2020; [March 1, 2023.] April 1, 2023.*

## Burgos, Alexander N

---

**Subject:** FW: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC

---

**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Tuesday, March 14, 2023 11:14 AM  
**To:** Angela Ellis <angela@ncbon.com>; Meredith Parris <mparris@ncbon.com>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC

Hi Angela,

You can definitely appear by Webex if you'd like. Let us know who you want to attend, and Alex will get them e-vites.

Thanks,  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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---

**From:** Angela Ellis <angela@ncbon.com>  
**Sent:** Tuesday, March 14, 2023 11:06 AM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>; Meredith Parris <mparris@ncbon.com>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC

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Thanks Brian!

We are working on this and will respond today.

Question. . .should we plan to be in person on Thursday or is participation by WebEx acceptable?

Angela Ellis

**Angela Ellis**

Chief Administrative Officer

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## Burgos, Alexander N

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**Subject:** FW: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Monday, March 13, 2023 6:22 PM  
**To:** Angela Ellis <angela@ncbon.com>; Meredith Parris <mparris@ncbon.com>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC

Hi Angela and Meredith,

I've reviewed your changes, and I have a few follow ups for Rule .0228. Rule .0817 looks fine, and I'll recommend approval.

I've copied the relevant change requests and added my comments in bold.

### Rule .0228

*In (b)(4), line 21, the reference to Rule .0120 needs to be corrected. The definition for "national credentialing body" is at (33) not (26).*

**Corrected.**

**Actually, it now says (36), when it needs to be (33).**

*In (c), the sentence is a bit of a run-on. Consider breaking it up or rephrasing in some way to eliminate the sequential "ands".*

**Removed "and" at the beginning of the sentence.**

**Looks like it is still there.**

*In (f), p.2, lines 6-7, what are "nursing principles at an advance practice registered nurse level"? Are these defined elsewhere?*

**Revised language to refer to the essential core competencies for professional nursing education, which addresses the APRN nursing principles and would be understood by the regulated public.**

**Fine, but please delete "an" prior to "advanced".**

*In (g)(1)(A), line 31, strike "either".*

**Corrected.**

**No, it's still there.**

*In (g)(3)(B), when you say "recognized in North Carolina" do you mean recognized by the Board?*

**Yes. Revised to say "Board."**

**I think you deleted a verb accidentally. It now says "if by the Board as a clinical nurse specialist..."**

*In (g)(3)(B) and (C), I'm confused by the reference to "every 5 years" when the approval period is every 2 years. How would someone applying for re-approval after his or her first 2 year period satisfy this?*

**It only has to be satisfied every 5 years, so it wouldn't apply to first-time applicants.**

**That really isn't clear from the text of the Rule. If you don't intend first time applicants to meet this requirement, I think you need to say so.**

*In (g)(4), I think you need to rephrase to let (4) flow as a sentence from the opening clause on p.2, line 28. As currently constructed, it says “A registered nurse seeking approval by the Board as a clinical nurse specialist shall: . . . . Documentation shall be maintained...” Consider deleting “and” at the end of (g)(2) on p.2, line 35, adding an “and” at the end of (g)(3)(C), on p.3, line 10, and amending (g)(4) to say something along the lines of “maintain documentation for the previous five years...”*

**Revised.**

**Thank you, but please put “maintain” in lowercase.**

*I am confused by (h). The Rule states that the Board shall approve a national credentialing body, which I assume is not a person, but an organization. Yet, (1) and (2) speak of licensure, certification, and education requirements that appear to be aimed at an individual. Are you asking for the body to have staff that comply with these requirements? Please clarify and revise the Rule accordingly.*

**(h) sets the minimum requirements for the Board to approve a national credentialing body. It reinforces that the national credentialing body must verify these two requirements in order for them to be approved by the Board.**

**I hate to say it but I am now even more confused. Who is them? The national credentialing body? Or the applicants to the national credentialing body? I’m assuming it’s the latter, but that is unclear from the language. If that’s it, I would suggest saying “...established the following minimum requirements for applicants:”**

**Thanks,  
Brian**

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## Burgos, Alexander N

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**Subject:** FW: [External] Re: 21 NCAC 36 Requests for Changes - March 2023 RRC

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Thursday, March 2, 2023 9:54 AM  
**To:** Angela Ellis <angela@ncbon.com>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] Re: 21 NCAC 36 Requests for Changes - March 2023 RRC

Same here, thanks!

Brian Liebman  
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**From:** Angela Ellis <[angela@ncbon.com](mailto:angela@ncbon.com)>  
**Sent:** Thursday, March 2, 2023 7:14 AM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** [External] Re: 21 NCAC 36 Requests for Changes - March 2023 RRC

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Hi Brian,

We will review the Request for Technical Change and respond by the deadline date.

Look forward to working with you.

Get [Outlook for iOS](#)

### Angela Ellis

Chief Administrative Officer

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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Wednesday, March 1, 2023 4:27:00 PM  
**To:** Angela Ellis <[angela@ncbon.com](mailto:angela@ncbon.com)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** 21 NCAC 36 Requests for Changes - March 2023 RRC

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Board for the March 2023 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, March 16, 2023, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, March 10, 2023.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

Brian Liebman

Counsel to the North Carolina Rules Review Commission

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