

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 329

Short Title: Nursing Act/Technical Amend.

(Public)

Sponsors: Senators Ward; Conder, Daniel, Martin of Guilford, Royall, and Warren.

Referred to: Human Resources.

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS TECHNICAL AND CLARIFYING AMENDMENTS  
TO THE NURSING PRACTICE ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-171.20(5) reads as rewritten:

"(5) 'Nursing program' means any educational program in North Carolina offering to prepare persons to meet the educational requirements for licensure ~~under this Article. or to advance the knowledge and skills of registered nurses who are pursuing baccalaureate degrees with a major in nursing.~~"

Sec. 2. G.S. 90-171.37 reads as rewritten:

**"§ 90-171.37. Revocation, suspension, or denial of licensure.**

The Board shall initiate an investigation upon receipt of information about any practice that might involve any provision of this Article or any rule or regulation promulgated by the Board. In accordance with the provisions of Chapter 150B of the General Statutes, the Board may require remedial education, issue a letter of reprimand, restrict, revoke, or suspend any license to practice nursing in North Carolina or deny any application for licensure if the Board determines that the nurse or applicant:

- (1) Has given false information or has withheld material information from the Board in procuring or attempting to procure a license to practice nursing;
- (2) Has been convicted of or pleaded guilty or **nolo contendere** to any crime which indicates that the nurse is unfit or incompetent to practice nursing or that the nurse has deceived or defrauded the public;

- 1 (3) Has a mental or physical disability or uses any drug to a degree that  
2 interferes with his or her fitness to practice nursing;  
3 (4) Engages in conduct that endangers the public health;  
4 (5) Is unfit or incompetent to practice nursing by reason of deliberate or  
5 negligent acts or omissions regardless of whether actual injury to the  
6 patient is established;  
7 (6) Engages in conduct that deceives, defrauds, or harms the public in the  
8 course of professional activities or services; or  
9 (7) Has ~~willfully~~ violated any provision of this Article or of regulations  
10 enacted by the Board.

11 The Board may take any of the actions specified above in this section when a  
12 registered nurse approved to perform medical acts has violated rules governing the  
13 performance of medical acts by a registered nurse; provided this shall not interfere with  
14 the authority of the Board of Medical Examiners to enforce rules and regulations  
15 governing the performance of medical acts by a registered nurse.

16 The Board may reinstate a revoked license or remove licensure restrictions when it  
17 finds that the reasons for revocation or restriction no longer exist and that the nurse or  
18 applicant can reasonably be expected to safely and properly practice nursing."

19 Sec. 3. G.S. 90-171.38 reads as rewritten:

20 **"§ 90-171.38. Standards for nursing programs.**

21 A nursing program may be operated under the authority of a general hospital, or an  
22 approved post-secondary educational institution. ~~an educational institution or agency, or~~  
23 ~~any other authority satisfactory to the Board.~~—The Board shall establish, revise, or repeal  
24 standards for nursing programs. These standards shall specify program requirements,  
25 curricula, faculty, students, facilities, resources, administration, and describe the  
26 approval process. The standards approved by the Board and in effect on June 30, 1980,  
27 shall be the prescribed standards. Before making any substantive change in the  
28 standards the Board shall hold a hearing in accordance with Chapter 150B. Any  
29 institution desiring to establish a new nursing program shall apply to the Board and  
30 submit satisfactory evidence that it will meet the standards prescribed by the Board.  
31 Those standards shall be designed to ensure that graduates of those programs have the  
32 educational training to safely and properly practice nursing. The Board shall encourage  
33 the continued operation of all present programs that meet the standards approved by the  
34 Board and the Board shall promote the establishment of additional programs."

35 Sec. 4. G.S. 90-171.47 reads as rewritten:

36 **"§ 90-171.47. Reports: immunity from suit.**

37 Any person who has reasonable cause to suspect misconduct or incapacity of a  
38 licensee or who has reasonable cause to suspect that any person is in violation of this  
39 Article, including those actions specified in G.S. 90-171.37 (1) through (7), ~~should~~  
40 shall report the relevant facts to the Board. Upon receipt of such charge or upon its own  
41 initiative, the Board may give notice of an administrative hearing or may, after diligent  
42 investigation, dismiss unfounded charges. Any person making a report pursuant to this  
43 section shall be immune from any criminal prosecution or civil liability resulting

- 1 therefrom unless such person knew the report was false or acted in reckless disregard of
- 2 whether the report was false."
- 3           Sec. 5. This act is effective upon ratification.