

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

1

HOUSE BILL 277

Short Title: The SAVE Act. (Public)

Sponsors: Representatives White, Adcock, Cunningham, and Wheatley (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Insurance, if favorable, Rules, Calendar, and Operations of the House

March 15, 2021

A BILL TO BE ENTITLED

AN ACT TO DELIVER SAFE, ACCESSIBLE, VALUE-DIRECTED, AND EXCELLENT (SAVE) HEALTH CARE THROUGHOUT NORTH CAROLINA BY MODERNIZING NURSING REGULATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-171.20 reads as rewritten:

"§ 90-171.20. Definitions.

As used in this Article, unless the context requires otherwise:

(1) Advanced assessment. – The taking by an advanced practice registered nurse of the history, physical, and psychological assessment of a patient's signs, symptoms, pathophysiologic status, and psychosocial variations in the determination of differential diagnoses and treatment.

(1a) Advanced practice registered nurse or APRN. – An individual licensed by the Board as an advanced practice registered nurse within one of the following four roles:

a. Nurse practitioner or NP.

b. Certified nurse midwife or CNM.

c. Clinical nurse specialist or CNS.

d. Certified registered nurse anesthetist or CRNA.

(1b) ~~"Board"~~ means the Board. – The North Carolina Board of Nursing.

(2) ~~"Health care provider"~~ means any Health care provider. – Any licensed health care professional and any agent or employee of any health care institution, health care insurer, health care professional school, or a member of any allied health profession. For purposes of this Article, a person enrolled in a program that prepares the person to be a licensed health care professional or an allied health professional shall be deemed a health care provider.

(3) ~~"License"~~ means a License. – A permit issued by the Board to practice nursing as an advanced practice registered nurse, as a registered nurse-nurse, or as a licensed practical nurse, including a renewal or reinstatement thereof.

(3a) ~~"Licensee"~~ means any Licensee. – Any person issued a license by the Board, whether the license is active or inactive, including an inactive license by means of surrender.



* H 2 7 7 - V - 1 *

- 1 (4) "Nursing" is a Nursing. – A dynamic discipline which includes the assessing,
2 caring, counseling, teaching, referring and implementing of prescribed
3 treatment in the maintenance of health, prevention and management of illness,
4 injury, disability or the achievement of a dignified death. It is ministering to;
5 assisting; and sustained, vigilant, and continuous care of those acutely or
6 chronically ill; supervising patients during convalescence and rehabilitation;
7 the supportive and restorative care given to maintain the optimum health level
8 of individuals, groups, and communities; the supervision, teaching, and
9 evaluation of those who perform or are preparing to perform these functions;
10 and the administration of nursing programs and nursing services. For purposes
11 of this Article, the administration of required lethal substances or any
12 assistance whatsoever rendered with an execution under Article 19 of Chapter
13 15 of the General Statutes does not constitute nursing.
- 14 (5) "Nursing program" means any Nursing program. – Any educational program
15 in North Carolina offering to prepare persons to meet the educational
16 requirements for licensure under this Article. Article as a registered nurse or a
17 licensed practical nurse.
- 18 (6) "Person" means an Person. – An individual, corporation, partnership,
19 association, unit of government, or other legal entity.
- 20 (6a) Population focus. – With respect to APRN practice, includes one of the
21 following areas of focus:
- 22 a. The family or the individual across the life span.
23 b. Adult/gerontology.
24 c. Neonatal.
25 d. Pediatrics.
26 e. Women's health or gender-related issues.
27 f. Psychiatric mental health.
- 28 (6b) Practice of nursing as an advanced practice registered nurse or APRN. – In
29 addition to the RN scope of practice and within the APRN role and population
30 foci, also consists of the following six components:
- 31 a. Conducting an advanced assessment.
32 b. Delegating and assigning therapeutic measures to assistive personnel.
33 c. Performing other acts that require education and training consistent
34 with professional standards and commensurate with the APRN's
35 education, certification, demonstrated competencies, and experience.
36 d. Complying with the requirements of this Article and rendering quality
37 advanced nursing care.
38 e. Recognizing limits of knowledge and experience.
39 f. Planning for the management of situations beyond the APRN's
40 expertise.
- 41 (6c) Practice of nursing as a certified nurse midwife or CNM. – In addition to the
42 RN scope of practice and APRN role and population foci, also consists of the
43 following four components:
- 44 a. The management, diagnosis, and treatment of primary sexual and
45 reproductive health care, including primary, preconception,
46 gynecologic/reproductive/sexual health, antepartum, intrapartum,
47 neonatal, and post-pregnancy care.
48 b. Ordering, performing, supervising, and interpreting diagnostic studies.
49 c. Prescribing pharmacologic and nonpharmacologic therapies.
50 d. Consulting with or referring to other health care providers as
51 warranted by the needs of the patient.

- 1 (6d) Practice of nursing as a certified registered nurse anesthetist or CRNA. – In
2 addition to the RN scope of practice and within the APRN role and population
3 foci, also consists of the following:
4 a. Selecting, ordering, procuring, prescribing, and administering drugs
5 and therapeutic devices to facilitate diagnostic, therapeutic, and
6 surgical procedures.
7 b. Ordering, prescribing, performing, supervising, and interpreting
8 diagnostic studies, procedures, and interventions.
9 c. Consulting with or referring to other health care providers as
10 warranted by the needs of the patient.
11 (6e) Practice of nursing as a clinical nurse specialist or CNS. – In addition to the
12 RN scope of practice and APRN role and population foci, also consists of the
13 following eight components:
14 a. The diagnosis and treatment of health and illness states.
15 b. Disease management.
16 c. Prescribing pharmacologic and nonpharmacologic therapies.
17 d. Ordering, performing, supervising, and interpreting diagnostic studies.
18 e. Preventing of illness and risk behaviors.
19 f. Nursing care for individuals, families, and communities.
20 g. Integrating care across the continuum to improve patient outcomes.
21 h. Consulting with or referring to other health care providers as
22 warranted by the needs of the patient.
23 (6f) Practice of nursing as a nurse practitioner or NP. – In addition to the RN scope
24 of practice and APRN role and population foci, also consists of the following
25 six components:
26 a. Health promotion, disease prevention, health education, and
27 counseling.
28 b. Providing health assessment and screening activities.
29 c. Diagnosing, treating, and facilitating patients' management of their
30 acute and chronic illnesses and diseases.
31 d. Ordering, performing, supervising, and interpreting diagnostic studies.
32 e. Prescribing pharmacologic and nonpharmacologic therapies.
33 f. Consulting with or referring to other health care providers as
34 warranted by the needs of the patient.
35 (7) ~~The "practice of nursing by a registered nurse" consists~~ Practice of nursing by
36 a registered nurse. – Consists of the following 10 components:
37 a. Assessing the patient's physical and mental health, including the
38 patient's reaction to illnesses and treatment regimens.
39 b. Recording and reporting the results of the nursing assessment.
40 c. Planning, initiating, delivering, and evaluating appropriate nursing
41 acts.
42 d. Teaching, assigning, delegating to or supervising other personnel in
43 implementing the treatment regimen.
44 e. Collaborating with other health care providers in determining the
45 appropriate health care for a patient but, subject to the provisions of
46 G.S. 90-18.2, not prescribing a medical treatment regimen or making
47 a medical diagnosis, except under supervision of a licensed
48 physician-patient.
49 f. Implementing the treatment and pharmaceutical regimen prescribed or
50 ordered by any person authorized by State law to prescribe or order
51 the regimen.

- g. Providing teaching and counseling about the patient's health.
 - h. Reporting and recording the plan for care, nursing care given, and the patient's response to that care.
 - i. Supervising, teaching, and evaluating those who perform or are preparing to perform nursing functions and administering nursing programs and nursing services.
 - j. Providing for the maintenance of safe and effective nursing care, whether rendered directly or indirectly.
- (8) ~~The "practice of nursing by a licensed practical nurse" consists~~ Practice of nursing by a licensed practical nurse. – Consists of the following seven components:
- a. Participating in the assessment of the patient's physical and mental health, including the patient's reaction to illnesses and treatment regimens.
 - b. Recording and reporting the results of the nursing assessment.
 - c. Participating in implementing the health care plan developed by the registered nurse and/or prescribed by any person authorized by State law to prescribe such a plan, by performing tasks assigned or delegated by and performed under the supervision or under orders or directions of a registered nurse, physician licensed to practice medicine, dentist, or other person authorized by State law to provide the supervision.
 - c1. Assigning or delegating nursing interventions to other qualified personnel under the supervision of the registered nurse.
 - d. Participating in the teaching and counseling of patients as assigned by a registered nurse, physician, or other qualified professional licensed to practice in North Carolina.
 - e. Reporting and recording the nursing care rendered and the patient's response to that care.
 - f. Maintaining safe and effective nursing care, whether rendered directly or indirectly."

SECTION 2. G.S. 90-18(c) reads as rewritten:

"(c) The following shall not constitute practicing medicine or surgery as defined in this Article:

- ...
- (7) ~~The practice of midwifery as defined in G.S. 90-178.2.~~
- ...
- (14) ~~The practice of nursing by a registered nurse engaged in the practice of nursing and the performance of acts otherwise constituting medical practice by a registered nurse when performed in accordance with rules and regulations developed by a joint subcommittee of the North Carolina Medical Board and the Board of Nursing and adopted by both boards, as defined in Article 9A of this Chapter.~~

...."

SECTION 3.(a) G.S. 90-18.2 is repealed.

SECTION 3.(b) G.S. 90-2(a) reads as rewritten:

"(a) There is established the North Carolina Medical Board to regulate the practice of medicine and surgery for the benefit and protection of the people of North Carolina. The Board shall consist of 13 members:

- ...
- (2) Five members shall all be appointed by the Governor as follows:
- ...

d. One shall be a nurse practitioner as ~~defined in G.S. 90-18.2~~ as recommended by the Review Panel pursuant to G.S. 90-3.

...."

SECTION 3.(c) G.S. 90-18.3(a) reads as rewritten:

"(a) Whenever a statute or State agency rule requires that a medical or physical examination shall be conducted by a physician, the examination may be conducted and the form signed by a nurse practitioner or a physician assistant, and a physician need not be present. Nothing in this section shall otherwise change the scope of practice of a nurse practitioner or a physician assistant, as defined by G.S. 90-18.1 and G.S. 90-18.2, respectively.assistant."

SECTION 3.(d) G.S. 90-85.24(a) reads as rewritten:

"(a) The Board of Pharmacy shall be entitled to charge and collect not more than the following fees:

...

(13) For annual registration as a dispensing nurse ~~practitioner under G.S. 90-18.2,~~ practitioner, seventy-five dollars (\$75.00);

...."

SECTION 3.(e) G.S. 90-85.34A reads as rewritten:

"§ 90-85.34A. Public health pharmacy practice.

...

(c) This section does not affect the practice of nurse practitioners ~~pursuant to G.S. 90-18.2~~ or of physician assistants pursuant to G.S. 90-18.1."

SECTION 4. G.S. 90-29(b) reads as rewritten:

"(b) A person shall be deemed to be practicing dentistry in this State who does, undertakes or attempts to do, or claims the ability to do any one or more of the following acts or things which, for the purposes of this Article, constitute the practice of dentistry:

...

(6) Administers an anesthetic of any kind in the treatment of dental or oral diseases or physical conditions, or in preparation for or incident to any operation within the oral cavity; provided, however, that this subsection shall not apply to a ~~lawfully qualified certified registered nurse~~ anesthetic who administers such ~~anesthetic under the supervision and direction of a licensed dentist or physician;~~anesthetic.

...."

SECTION 5. G.S. 90-171.23(b) reads as rewritten:

"(b) Duties, powers. The Board is empowered to:

...

(14) ~~Appoint and maintain a subcommittee of the Board to work jointly with the subcommittee of the North Carolina Medical Board to develop rules and regulations to govern the performance of medical acts by registered nurses and to determine reasonable fees to accompany an application for approval or renewal of such approval as provided in G.S. 90-8.2. The fees and rules developed by this subcommittee shall govern the performance of medical acts by registered nurses and shall become effective when they have been adopted by both Boards.~~Grant prescribing, ordering, dispensing, and furnishing authority to holders of the advanced practice registered nurse license pursuant to G.S. 90-171.20.

...."

SECTION 6. G.S. 90-171.27(b) reads as rewritten:

"§ 90-171.27. Expenses payable from fees collected by Board.

(b) The schedule of fees shall not exceed the following rates:

Application for license as advanced practice registered nurse.....\$100.00

1	<u>Renewal of license to practice as advanced practice registered nurse</u>	
2	<u>(two-year period).....</u>	100.00
3	<u>Reinstatement of lapsed license to practice as advanced practice</u>	
4	<u>registered nurse and renewal fee.....</u>	180.00
5	Application for examination leading to certificate and license as	
6	registered nurse.....	\$75.00
7	Application for certificate and license as registered nurse by	
8	endorsement.....	150.00
9	Application for each re-examination leading to certificate and license as	
10	registered nurse.....	75.00
11	Renewal of license to practice as registered nurse (two-year period).....	100.00
12	Reinstatement of lapsed license to practice as a registered nurse and	
13	renewal fee.....	180.00
14	Application for examination leading to certificate and license as licensed	
15	practical nurse by examination.....	75.00
16	Application for certificate and license as licensed practical nurse by	
17	endorsement.....	150.00
18	Application for each re-examination leading to certificate and license as	
19	licensed practical nurse.....	75.00
20	Renewal of license to practice as a licensed practical nurse (two-year	
21	period).....	100.00
22	Reinstatement of lapsed license to practice as a licensed practical nurse	
23	and renewal fee.....	180.00
24	Application fee for retired registered nurse status or retired licensed	
25	practical nurse status.....	50.00
26	Reinstatement of retired registered nurse to practice as a registered nurse	
27	or a retired licensed practical nurse to practice as a licensed	
28	practical nurse (two-year period).....	100.00

Reasonable charge for duplication services and materials.
 A fee for an item listed in this schedule shall not increase from one year to the next by more than twenty percent (20%)."

SECTION 7.(a) Article 9A of Chapter 90 of the General Statutes is amended by adding the following new sections to read:

"§ 90-171.36B. Advanced practice registered nurse licensure.

(a) No advanced practice registered nurse shall practice as an advanced practice registered nurse unless the nurse is licensed by the Board under this section.

(b) An applicant for a license to practice as an APRN shall apply to the Board in a format prescribed by the Board and pay a fee in an amount determined under G.S. 90-171.27.

(c) The Board shall adopt rules, not inconsistent with this Article, which identify the criteria which must be met by an applicant in order to be issued a license.

"§ 90-171.36C. Advanced practice registered nurse licensure; grandfathering exceptions.

(a) The Board shall issue an APRN license to any person recognized by the Board as an APRN or approved to practice as an APRN in this State on December 31, 2021.

(b) An advanced practice registered nurse licensed under this section shall maintain all practice privileges provided to licensed advanced practice registered nurses under this Chapter.

"§ 90-171.36D. Advanced practice registered nurse licensure renewal; reinstatement.

(a) An applicant for renewal of an APRN license issued under this Article shall apply for licensure renewal according to the frequency and schedule established by the Board and pay the required fee.

1 (b) Failure to renew the APRN license before the expiration date shall result in automatic
2 forfeiture of the right to practice nursing as an APRN in North Carolina until such time as the
3 license has been reinstated.

4 (c) An APRN licensee who has allowed his or her license to lapse by failure to renew
5 may apply for reinstatement in a manner prescribed by the Board and pay the required fee.

6 (d) The Board shall adopt rules, not inconsistent with this Article, which identify the
7 criteria which must be met by an applicant for APRN license renewal or reinstatement."

8 **SECTION 7.(b)** G.S. 90-171.37(b) is repealed.

9 **SECTION 8.** G.S. 90-171.43 reads as rewritten:

10 **"§ 90-171.43. License required.**

11 (a) No person shall practice or offer to practice as ~~a~~an advanced practice registered nurse,
12 registered nurse-nurse, or licensed practical nurse, or use the word "nurse" as a title for herself or
13 himself, or use an abbreviation to indicate that the person is ~~a~~an advanced practice registered
14 nurse, registered ~~nurse-nurse,~~ or licensed practical nurse, unless the person is currently licensed
15 as ~~a~~an advanced practice registered nurse, registered ~~nurse-nurse,~~ or licensed practical nurse as
16 provided by this Article. If the word "nurse" is part of a longer title, such as "nurse's aide", a
17 person who is entitled to use that title shall use the entire title and may not abbreviate the title to
18 "nurse". This Article shall not, however, be construed to prohibit or limit the following:

19 (1) The performance by any person of any act for which that person holds a
20 license issued pursuant to North Carolina ~~law;~~law.

21 (2) The clinical practice by students enrolled in approved nursing programs,
22 continuing education programs, or refresher courses under the supervision of
23 qualified ~~faculty;~~faculty.

24 (3) The performance of nursing performed by persons who hold a temporary
25 license issued pursuant to ~~G.S. 90-171.33;~~G.S. 90-171.33.

26 (4) The delegation to any person, including a member of the patient's family, by
27 a physician licensed to practice medicine in North Carolina, a licensed dentist
28 or registered nurse of those patient-care services which are routine, repetitive,
29 limited in scope that do not require the professional judgment of a registered
30 nurse or licensed practical ~~nurse;~~nurse.

31 (5) Assistance by any person in the case of emergency.

32 Any person permitted to practice nursing without a license as provided in subdivision ~~{(a)}~~(2)
33 (a)(2) or ~~{(a)}~~(3)-(a)(3) of this section shall be held to the same standard of care as any licensed
34 nurse.

35 (a1) The abbreviations for the APRN designation of a certified nurse midwife, a clinical
36 nurse specialist, a certified registered nurse anesthetist, and a nurse practitioner shall be APRN,
37 plus the role title, i.e., CNM, CNS, CRNA, and NP.

38 (a2) It shall be unlawful for any person to use the title "APRN" or "APRN" plus their
39 respective role titles, the role title alone, authorized abbreviations, or any other title that would
40 lead a person to believe the individual is an APRN, unless permitted by this act.

41"

42 **SECTION 9.** G.S. 90-171.43A reads as rewritten:

43 **"§ 90-171.43A. Mandatory employer verification of licensure status.**

44 (a) Before hiring an advanced practice registered nurse, a registered ~~nurse-nurse,~~ or a
45 licensed practical nurse in North Carolina, a health care facility shall verify that the applicant has
46 a current, valid license to practice nursing pursuant to G.S. 90-171.43.

47 (b) For purposes of this section, "health care facility" means:

48 (1) Facilities described in G.S. 131E-256(b).

49 (2) Public health departments, physicians' offices, ambulatory care facilities, and
50 rural health clinics."

51 **SECTION 10.** G.S. 90-171.44 reads as rewritten:

"§ 90-171.44. Prohibited acts.

It shall be a violation of this Article, and subject to action under G.S. 90-171.37, for any person to:

- (1) Sell, fraudulently obtain, or fraudulently furnish any nursing diploma or aid or abet therein.
- (2) Practice nursing under cover of any fraudulently obtained license.
- (3) Practice nursing without a license. This subdivision shall not be construed to prohibit any licensed registered nurse who has successfully completed a program established under G.S. 90-171.38(b) from conducting medical examinations or performing procedures to collect evidence from the victims of offenses described in that subsection.
- (3a) Refer to himself or herself as an advanced practice registered nurse; or refer to himself or herself as any of the four roles of advanced practice registered nurses, a registered nurse, or a licensed practical nurse; or use the abbreviations "APRN," "CNM," "CNS," "CRNA," "NP," "RN," and "LPN."
- (4) Conduct a nursing program or a refresher course for activation of a license, that is not approved by the Board.
- (5) Employ unlicensed persons to practice nursing."

SECTION 11.(a) Article 10A of Chapter 90 of the General Statutes is repealed.

SECTION 11.(b) G.S. 90-21.11 reads as rewritten:

"§ 90-21.11. Definitions.

The following definitions apply in this Article:

- (1) Health care provider. – Without limitation, any of the following:
 - a. A person who pursuant to the provisions of Chapter 90 of the General Statutes is licensed, or is otherwise registered or certified to engage in the practice of or otherwise performs duties associated with any of the following: medicine, surgery, dentistry, pharmacy, optometry, ~~midwifery~~, osteopathy, podiatry, chiropractic, radiology, nursing, physiotherapy, pathology, anesthesiology, anesthesia, laboratory analysis, rendering assistance to a physician, dental hygiene, psychiatry, or psychology.

...."

SECTION 12.(a) No later than 30 calendar days after this act becomes law, the Governor shall submit to the Centers for Medicare and Medicaid Services an "opt-out" letter requesting an exemption under 42 C.F.R. § 482.52(c) that allows hospitals, ambulatory surgical centers, critical access hospitals, and rural hospitals in this State the maximum flexibility to obtain Medicare reimbursement for anesthesia services in a manner that best serves each facility and the patients and communities the facility serves.

SECTION 12.(b) This section is effective when it becomes law.

SECTION 13.(a) The North Carolina Board of Nursing, the North Carolina Medical Board, and the North Carolina State Board of Dental Examiners shall adopt rules to implement the provisions of this act.

SECTION 13.(b) This section is effective when it becomes law.

SECTION 14. This act becomes effective October 1, 2021.