

:

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0317

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

PLEASE NOTE: *This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

What is a controlling institution? Is this a general hospital or an approved post-secondary institution?

Paragraph (a) seems to be missing something. Please either delete "those" or add some additional information as to what "those" refers.

What is the intent of (b)? Is this just to say that a faculty head of the nursing department has to be a full-time RN? Am I correct that your specific authority for this is G.S. 90-171.38(a)? (b) appears to be repetitive of (c) and (d)(1). Is it necessary?

Is "full-time" as used in (b) defined somewhere in rule or statute? I'm not sure I understand the requirement here. Full-time with the program?

What is the difference between (b) and (c)?

Is (c)(5), what is the intent of lines 24-25, "Once completed, this preparation need not be repeated if employing organization is changed"? Is the intent here that if the faculty member changes schools, then the requirements of this Sub-Paragraph carry over?

In (c)(5), is "education" on line 25, the same as preparation" on line 27 and 28? Please use consistent language where you can.

In (c)(5)(E), is "successful" determined by you all or is this determined by the sponsor of the activity? If it's you all, please delete or define "successful"

The earliest available effective date is September 1 since this has been filed for the August RRC meeting. I have made this change below.

Please correct the History Note as follows:

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

*History Note: Authority G.S. 90-171.23(b)(8); 90-171.38;
Eff. June 1, 1992;
Amended Eff. December 1, 2016; January 1, 2015; April 1, 2008; March 1, 2006;
Readopted Eff. January 1, 2019;
Amended Eff. September 1, 2021*

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

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

1 21 NCAC 36 .0317 is amended as published in NCR 35:20, pages 2247 – 2248 as follows:

2
3 **21 NCAC 36 .0317 ADMINISTRATION**

4 (a) The controlling institution of a nursing program shall provide those human, physical, technical, and financial
5 resources and services essential to support program processes and outcomes, including those listed in Paragraph (f)
6 and (g) of this Rule, and maintain compliance with Section .0300 of this Chapter.

7 (b) The controlling institution shall ensure that a full-time registered nurse, qualified pursuant to Paragraph (e) of this
8 Rule, has the authority to direct the nursing program.

9 (c) The controlling institution shall ensure that the program director has the authority and responsibility for
10 maintaining compliance with the Rules in this Chapter and other legal requirements in all areas of the program.

11 (d) The controlling institution shall ensure that the program director has non-teaching time sufficient to allow for
12 program organization, administration, continuous review, planning, and development.

13 (e) The program director in a program preparing students for initial nurse licensure shall satisfy the following
14 requirements:

15 (1) hold an active unencumbered license or multistate licensure privilege to practice as a registered
16 nurse in North Carolina;

17 (2) have two years of full-time experience as a faculty member in a Board-approved nursing program;

18 (3) be experientially qualified, having clinical nursing experience, experience as a faculty member in a
19 nursing program, and academic or nursing leadership experience to lead the program to accomplish
20 the mission, goals, and expected program outcomes;

21 (4) hold either a baccalaureate in nursing or a graduate degree in nursing from an accredited institution.
22 If newly employed on or after January 1, 2016, hold a graduate degree from an accredited institution.
23 If newly employed on or after January 1, 2021, hold a graduate degree in nursing from an accredited
24 institution;

25 (5) prior to or within the first three years of employment, have education in teaching and learning
26 principles for adult education, including curriculum development, implementation, and evaluation,
27 appropriate to the program director role. Once completed, this preparation need not be repeated if
28 employing organization is changed. This preparation may be demonstrated by one of the following:

29 (A) completion of 45 contact hours of Board-approved continuing education courses;

30 (B) completion of a certificate program in nursing education;

31 (C) nine semester hours of graduate course work in adult learning and learning principles;

32 (D) national certification in nursing education; or

33 (E) documentation of successful completion of structured, individualized development
34 activities of at least 45 contact hours approved by the Board. Criteria for approval shall
35 include content in the faculty role in curriculum implementation, curricular objectives to
36 be met and evaluated, review of strategies for identified student population, and
37 expectations of student and faculty performance.

1 ~~Any registered nurse who was employed as a nurse program director for the first time prior to January 1,~~
2 ~~1984 shall be exempt from the requirements in Subparagraph (e)(5) of this Rule.~~

3 (6) maintain competence in the areas of assigned responsibility; and

4 (7) have knowledge of current nursing practice for the registered nurse and the licensed practical nurse.

5 (f) A nursing education program shall implement, for quality improvement, a comprehensive program evaluation that
6 shall include the following:

7 (1) students' achievement of program outcomes;

8 (2) evidence of program resources, including fiscal, physical, human, clinical, and technical learning
9 resources; student support services; and the availability of clinical sites and the viability of those
10 sites adequate to meet the objectives of the program;

11 (3) measures of program outcomes for graduates;

12 (4) evidence that accurate program information for the public is available;

13 (5) evidence that the controlling institution and its administration support program outcomes;

14 (6) evidence that program director and program faculty meet Board qualifications and are sufficient in
15 number to achieve program outcomes;

16 ~~(7) evidence that the academic institution assures security of student information;~~

17 ~~(8)~~(7) evidence that collected evaluative data is used in implementing quality improvement activities; and

18 ~~(9)~~(8) evidence of student participation in program planning, implementation, evaluation, and continuous
19 improvement.

20 (g) The controlling institution and the nursing education program shall communicate information describing the
21 nursing education program that is accurate, complete, consistent across mediums, and accessible by the public. The
22 following shall be accessible to all applicants and students:

23 (1) admission policies and practices;

24 (2) policy on advanced placement and transfer of credits;

25 (3) the number of credits required for completion of the program;

26 (4) tuition, fees, and other program costs;

27 (5) policies and procedures for withdrawal, including refund of tuition or fees;

28 (6) the grievance procedure;

29 (7) criteria for successful progression in the program, including graduation requirements; and

30 (8) policies for clinical performance.

31
32 *History Note: Authority G.S. 90-171.23(b)(8); 90-171.38;*

33 *Eff. June 1, 1992;*

34 *Amended Eff. December 1, 2016; January 1, 2015; April 1, 2008; March 1, 2006; January 1, 2019.*
35 *2019; August 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0318

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

PLEASE NOTE: This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please end (c)(1) with a semi-colon, rather than a period.

Is "full-time" as used in (c)(3) and (4) defined somewhere?

In (c)(5), is "education" on line 22, the same as preparation" on line 24 and 25? Please use consistent language where you can.

Is (c)(5), what is the intent of lines 24-25, "Once completed, this preparation need not be repeated if employing organization is changed"? Is the intent here that if the faculty member changes schools, then the requirements of this Sub-Paragraph carry over?

In (c)(5), line 24-25, should there be a "the" before "employing organization"?

In (c)(5)(E), is "successful" determined by you all or is this determined by the sponsor of the activity? If it's you all, please delete or define "successful"

In (d), what is "academic preparation"? Those requirements in (c)(5)?

The earliest available effective date is September 1 since this has been filed for the August RRC meeting. I have made this change below.

Please correct the History Note as follows:

*History Note: Authority G.S. 90-171.23(b)(8); 90-171.38; 90-171.83;
Eff. February 1, 1976;
Amended Eff. December 1, 2016; January 1, 2015; August 1, 2011; November 1, 2008;
July 1, 2006; July 1, 2000; January 1, 1996; June 1, 1992; January 1, 1989; January 1,
1984;
Readopted Eff. January 1, 2019;
Amended Eff, September 1, 2021*

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

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

1 21 NCAC 36 .0318 is amended as published in NCR 35:20, pages 2248 – 2249 as follows:

2
3 **21 NCAC 36 .0318 FACULTY**

4 ~~(a) All nursing program faculty, including both full time and part time faculty members, shall participate in~~
5 ~~curriculum implementation and evaluation.~~

6 ~~(b)(a)~~ Policies for nursing program faculty members shall be consistent with those for other faculty of the controlling
7 institution, with variations as needed due to the nature of the nursing curriculum.

8 ~~(c)(b)~~ Fifty percent or more of the nursing faculty shall hold a graduate degree.

9 ~~(d) As of January 1, 2021, 80 percent of the full time faculty shall hold a graduate degree in nursing.~~

10 ~~(e) As of January 1, 2021, 50 percent of the part time faculty shall hold a graduate degree in nursing.~~

11 ~~(f) All faculty shall hold an active unencumbered license or multistate licensure privilege to practice as a registered~~
12 ~~nurse in North Carolina.~~

13 ~~(g)(c)~~ Nurses licensed pursuant to this Chapter who are full-time and part-time faculty and who teach in a program
14 leading to initial licensure as a nurse shall:

15 ~~(1)~~ hold an active unencumbered license or multistate licensure privilege to practice
16 as a registered nurse in North Carolina.

17 ~~(1)(2)~~ hold either a baccalaureate in nursing or a graduate degree in nursing from an accredited institution;

18 ~~(2)(3)~~ have two calendar years or the equivalent of full-time clinical experience as a registered nurse;

19 ~~(3)(4)~~ if newly employed in a full-time faculty position on or after January 1, 2016, hold a graduate degree
20 from an accredited institution or obtain a graduate degree in nursing from an accredited institution
21 within five years of initial full-time employment;

22 ~~(4)(5)~~ prior to or within the first three years of employment, have education in teaching and learning
23 principles for adult education, including curriculum development, implementation, and evaluation,
24 appropriate to faculty assignment. Once completed, this preparation need not be repeated if
25 employing organization is changed. This preparation may be demonstrated by one of the following:

26 (A) completion of 45 contact hours of Board-approved continuing education courses;

27 (B) completion of a certificate program in nursing education;

28 (C) nine semester hours of graduate course work in adult learning and learning principles;

29 (D) national certification in nursing education; or

30 (E) documentation of successful completion of structured, individualized development
31 activities of at least 45 contact hours approved by the Board. Criteria for approval shall
32 include content in the faculty role in the curriculum implementation, curricular objectives
33 to be met and evaluated, review of strategies for identified student population, and
34 expectations of student and faculty performance.

35 ~~Any registered nurse who was employed as a nurse faculty member or program director prior to January 1,~~
36 ~~1984 shall be exempt from the requirements in Subparagraph (g)(4) of this Rule.~~

37 ~~(5)(6)~~ maintain competence in the areas of assigned responsibility; and

1 ~~(6)(7)~~ have knowledge of current nursing practice for the registered nurse and the licensed practical nurse.
2 ~~(4)(d)~~ Interdisciplinary faculty who teach in nursing program courses shall have academic preparation in the content
3 area they are teaching.

4 ~~(4)(e)~~ Clinical preceptors shall have competencies, assessed by the nursing program, related to the area of assigned
5 clinical teaching responsibilities. Clinical preceptors may be used to enhance faculty-directed clinical learning
6 experiences after a student has received basic instruction for that specific learning experience. Clinical preceptors shall
7 hold an active unencumbered license to practice as a registered nurse in North Carolina.

8 ~~(4)(f)~~ Nurse faculty members shall have the authority and responsibility for:

- 9 (1) student admission, progression, and graduation requirements; and
- 10 (2) the development, implementation, and evaluation of the curriculum.

11 ~~(4)(g)~~ Nurse faculty members shall be academically qualified and sufficient in number to implement the curriculum
12 as required by the course objectives, the levels of the students, the nature of the learning environment, and to provide
13 for teaching, supervision, and evaluation.

14 ~~(4)(h)~~ The faculty-student ratio for faculty-directed preceptor clinical experiences shall be no greater than 1:15. The
15 faculty-student ratio for all other clinical experiences shall be no greater than 1:10.

16
17 *History Note:* Authority G.S. 90-171.23(b)(8); 90-171.38; 90-171.83;

18 *Eff. February 1, 1976;*

19 *Amended Eff. December 1, 2016; January 1, 2015; August 1, 2011; November 1, 2008; July 1, 2006;*

20 *July 1, 2000; January 1, 1996; June 1, 1992; January 1, 1989; January 1, 1984; January 1, ~~2019~~*

21 *2019; August 1, 2021.*