

21 NCAC 36 .0120 DEFINITIONS

The following definitions apply throughout this chapter unless the context indicates otherwise:

- (1) "Administrative Law Counsel" means an attorney licensed to practice in this State whom the Board has retained to serve as procedural officer for contested cases.
- (2) "Academic term" means one semester of a school year.
- (3) "Accountability/Responsibility" means being answerable for action or inaction of self, and of others in the context of delegation or assignment.
- (4) "Accredited institution" means an institution accredited by a United States Department of Education-approved institutional accrediting body.
- (5) "Active Practice" means activities that are performed, either for compensation or without compensation, consistent with the scope of practice for each level of licensure as defined in G.S. 90-171.20(4), (7), and (8).
- (6) "Advanced Practice Registered Nurse (APRN)" means a nurse practitioner, nurse anesthetist, nurse-midwife, or clinical nurse specialist.
- (7) "Assigning" means designating responsibility for implementation of a specific activity or set of activities to an individual licensed and competent to perform such activities.
- (8) "Bulletin" means the official publication of the Board.
- (9) "Chief Nursing Administrator" means a senior level executive within the healthcare organization responsible for overseeing the practice of nursing to ensure consistency in practice standards and to facilitate an interdisciplinary team approach to the delivery of care.
- (10) "Clinical Agency" means an agency established to administer or provide health care services in which a student provides care to clients under the supervision of faculty or a preceptor.
- (11) "Clinical experience" means application of nursing knowledge demonstrating clinical judgment in a current or evolving practice setting in which a student provides care to clients under the supervision of faculty or a preceptor.
- (12) "Clinical judgment" means the observed outcome of critical thinking and decision-making. It is an iterative process that uses nursing knowledge to observe and assess presenting situations, identify a prioritized client concern, and generate the best possible evidence-based solutions in order to deliver safe client care.
- (13) "Competent" means having the knowledge, skills, and ability to safely perform an activity or role.
- (14) "Continuing Competence" means on-going acquisition and application of knowledge and the decision-making, psychomotor, and interpersonal skills expected of the licensed nurse resulting in nursing care that contributes to the health and welfare of clients served.
- (15) "Contact Hour" means 60 minutes of an organized learning experience.
- (16) "Continuing Education Activity" means a planned, organized learning experience that is related to the practice of nursing or contributes to the competency of a nurse as outlined in 21 NCAC 36 .0223(a)(2).
- (17) "Controlling institution" means the degree-granting organization or hospital under which a nursing education program is operating or seeking to establish a new nursing education program. The controlling institution shall hold approval or applicable licensure by the appropriate North Carolina agency, the University of North Carolina System, or North Carolina Community College System and be accredited by an accrediting body recognized by the United States Secretary of Education.
- (18) "Curriculum" means an organized system of teaching and learning activities directed toward the achievement of specified learning objectives and outcomes.
- (19) "Delegation" means transferring to a competent individual the authority to perform a specific nursing activity in a selected situation. The nurse retains accountability/responsibility for the delegation.
- (20) "Debriefing" means an organized learning activity that follows a clinical or simulated experience and is led by a trained faculty facilitator. Students' reflective thinking is encouraged and feedback is provided regarding the students' performance during discussion of various aspects of the completed experiences.
- (21) "DHSR" means Division of Health Service Regulation.
- (22) "Dimensions of Practice" means aspects of nursing practice, including professional responsibility, knowledge-based practice, ethical and legal practice, and collaborating with others, consistent with G.S. 90-171.20(4), (7), and (8).

- (23) "Distance education" means teaching and learning strategies used to meet the learning needs of students when the students and faculty are not in the same location.
- (24) "External standardized examination" means a commercially available standardized predictive test that provides individual student scores that are linked to a probability of passing the NCLEX™ examination.
- (25) "Faculty directed clinical practice" means clinical experiences provided under the accountability/responsibility and direction of program faculty.
- (26) "Focused client care experience" means a clinical experience that emulates an entry-level work experience in nursing, assisting the student in transitioning to an entry-level nursing practice. Supervision may be by faculty and preceptor dyad or direct faculty supervision.
- (27) "Full Approval" is the status assigned to a program following graduation by the first cohort of students, evidence of compliance with Section .0300 of this Chapter, and an NCLEX® examination pass rate that meets or exceeds 90 percent of the national pass rate for licensure level on first writing of the licensure examination for calendar years ending December 31.
- (28) "Initial Approval" means the status assigned to a nursing education program following submission of a new, complete application and documented evidence of compliance with Section .0300 of this Chapter.
- (29) "Interdisciplinary faculty" means faculty from professions other than nursing.
- (30) "Interdisciplinary team" means all individuals involved in providing a client's care who cooperate, collaborate, communicate, and integrate care to ensure that care is continuous and reliable.
- (31) "Learning resources" means materials that faculty use to assist students in meeting the expectations for learning defined by the curriculum.
- (32) "Level of Licensure" means practice of nursing by either a licensed practical nurse or a registered nurse, as defined in G.S. 90-171.20(7) and (8).
- (33) "Level of student" means the point in the program to which the student has progressed.
- (34) "Maximum enrollment" means the total number of pre-licensure students that can be enrolled in the program at any one time. The number reflects the capacity of the program based on demonstrated resources sufficient to implement the curriculum.
- (35) "Methods of Instruction" means the planned process through which teacher and student interact with selected environment and content so that the response of the student gives evidence that learning has taken place, based upon stated course objectives and outcomes for learning experiences in classroom, laboratory, simulation, and clinical settings.
- (36) "National Credentialing Body" means a credentialing body that offers certification or re-certification in the licensed nurse's or Advanced Practice Registered Nurse's specialty area of practice.
- (37) "NCLEX-PN™" means the National Council Licensure Examinations for Practical Nurses.
- (38) "NCLEX-RN™" means the National Council Licensure Examinations for Registered Nurses.
- (39) "Nursing Accreditation body" means a national nursing accrediting body that is recognized by the United States Department of Education.
- (40) "Program faculty" means individuals employed full or part-time by an academic institution responsible for developing, implementing, evaluating, and updating nursing curricula.
- (41) "Nursing project" means a project or research study of a topic related to nursing practice that includes a problem statement, objectives, methodology, and summary of findings.
- (42) "Participating in" means to have a part in or contribute to the elements of the nursing process. As defined by the legal scope of practice, the licensed practical nurse role for participating in the nursing process is dependent upon the assignment and supervision by the registered nurse, physician, dentist, or other person authorized by State law to provide the supervision.
- (43) "Pattern of noncompliance" means episodes of recurring non-compliance with one or more Rules in Section .0300.
- (44) "Preceptor" means a registered nurse at or above the level of licensure that an assigned student is seeking who may serve as a teacher, mentor, role model, and supervisor for the student in a faculty-directed clinical experience.
- (45) "Prescribing Authority" means the legal permission granted by the Board of Nursing and Medical Board for the nurse practitioner and nurse midwife to procure and prescribe legend and controlled pharmacological agents and devices to a client in compliance with Board rules and other applicable federal and State law, regulations, and rules.
- (46) "Program Closure" means to cease operation of a program.

- (47) "Program Description Report" means a written assessment of a program designed to detail program features and operations which support Board evaluation of compliance with established regulations as set forth in Section .0300 of this Chapter.
- (48) "Program" means a course of study that prepares an individual to function as an entry-level practitioner of nursing. The four types of programs are:
- (a) Bachelor of Science Degree in Nursing (BSN) - Curriculum components for the BSN provide for the attainment of knowledge and skill sets in the current practice in nursing, nursing theory, nursing research, community and public health, health care policy, health care delivery and finance, communications, therapeutic interventions, and current trends in health care. For this program type, the client is the individual, family, group, and community;
 - (b) Associate Degree in Nursing (ADN) – Curriculum components for the ADN provide for the attainment of knowledge and skill sets in the current practice in nursing, community concepts, health care delivery, communications, therapeutic interventions, and current trends in health care. For this program type, client is the individual, group of individuals, and family;
 - (c) Practical Nurse Diploma (PN) - Curriculum components for the PN diploma prepare for providing direct nursing care under the supervision of a registered nurse or other health care provider as defined by the Nursing Practice Act. Curriculum components provide for the attainment of knowledge and skill sets in the current practice of practical nursing, communications, therapeutic interventions, including pharmacology, growth and development, and current trends in health care. For this program type client is the individual or group of individuals; and
 - (d) Direct Master's Entry (DME) – Curriculum components for a DME provide for the attainment of knowledge and skill sets in the current practice in nursing, nursing theory, nursing research, community and public health, health care policy, health care delivery and finance, communications, therapeutic interventions, and current trends in health care. For this program type, the client is the individual, family, group, and community. The DME will provide additional education for strengthened competencies in organizational and systems thinking, quality improvement and safety, care coordination, interprofessional communication, and team-based care and leadership for students with a non-nursing baccalaureate degree.
- (49) "Review" means collecting and analyzing information to assess compliance with Section .0300 of this Chapter. Information may be collected by multiple methods, including review of written reports and materials, on-site observations, review of documents, and in-person or telephone interviews and conferences.
- (50) "Self-Assessment" means the process whereby an individual reviews their own nursing practice and identifies the knowledge and skills possessed as well as those skills to be strengthened or acquired.
- (51) "Simulation" means a technique, not a technology, to replace or amplify clinical experiences with guided experiences that evoke or replicate substantial aspects of the real world of nursing practice in a fully interactive manner.
- (52) "Specialty" means a broad, population-based focus of study encompassing the common health-related problems of a particular group of patients and the likely co-morbidities, interventions, and responses to those problems.
- (53) "Supervision" means the provision of guidance or direction, evaluation, and follow-up by a licensed nurse to accomplish an assigned or delegated nursing activity or set of activities.
- (54) "Survey" means an on-site visit for the purpose of gathering data in relation to reviewing a program's compliance with Section .0300 of this Chapter.
- (55) "Traditional clinical experience" means a clinical experience where the student provides in-person care to patients/clients under the guidance of an instructor or preceptor.
- (56) "Warning Status" means the status assigned to a nursing education program found to be noncompliant with any provision in Section .0300 of this Chapter.

*History Note: Authority G.S. 90-171.23; 90-171.38;
Eff. April 1, 2003;*

*Amended Eff. June 1, 2017; December 1, 2016; July 1, 2012; November 1, 2008; May 1, 2006;
December 1, 2005; August 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,
2018;
Amended Eff. March 1, 2024; January 1, 2019.*

21 NCAC 36 .0220 REFRESHER COURSE

(a) Completion of a Board-approved refresher course shall be required of previously licensed individuals who have not held an active license in any jurisdiction for five or more years and requests:

- (1) reactivation of an inactive license;
- (2) reinstatement of an expired license; or
- (3) endorsement to North Carolina.

(b) If completion of a Board-approved refresher course is required by the Board following disciplinary action authorized pursuant to G.S. 90-171.37, the individual shall be subject to restrictions issued by the Board during the clinical component of the refresher course. The individual shall meet all requirements for reinstatement of the license prior to enrollment in the refresher course.

(c) Application for approval of a refresher course shall be completed and submitted by the provider at least 90 days prior to the expected date of enrollment and shall comply with the rules as defined in this Chapter. The application for Refresher Course is posted on the Board's website at www.ncbon.com. No student shall be enrolled prior to Board approval. Board approval shall be granted to a provider for a period of time not to exceed five years. All changes in faculty, curriculum, or clinical facilities shall be approved by the Board prior to implementation, as set out in the Rules of this Chapter.

(d) The application for approval of a refresher course shall include:

- (1) course objectives, content outline, and time allocation;
- (2) didactic and clinical learning experiences, including teaching methodologies for measuring the registrant's abilities to practice nursing;
- (3) a plan for evaluation of student competencies and ability to competently practice nursing;
- (4) a faculty list that includes the director and all instructors, and identifies their qualifications and their functions in teaching roles; and
- (5) the projected clinical schedule.

(e) The Board shall make site visits if it is unable to determine that all requirements have been met through application document review. A decision on an application to offer a refresher course shall be given within 30 days following receipt of a complete application.

(f) A provider seeking to offer a refresher course shall be a post-secondary educational institution, a health care institution, or other agency providing education in healthcare-related fields.

(g) The director of the refresher course is responsible for administering and implementing the course and maintaining compliance with this Rule. The director shall:

- (1) hold an active unencumbered license to practice as a registered nurse in North Carolina;
- (2) hold a baccalaureate or higher degree in nursing;
- (3) have had at least two years experience in direct patient nursing practice as a registered nurse; and
- (4) have at least one year prior teaching experience preparing individuals for a registered nurse or licensed practical nurse licensure at the post-secondary level or in a nursing staff development position which provides workforce education to nurses.

(h) Instructors for the refresher course shall report to the director of the refresher course and meet the requirements as set out in Subparagraphs (g)(1)-(3) of this Rule.

(i) The ratio of instructors to students for clinical experiences shall not exceed 1:10.

(j) Clinical preceptors for the course shall hold an active unencumbered license to practice as a registered nurse in North Carolina. Prior to becoming a clinical preceptor, the director or designated instructor shall ensure the competencies of the prospective preceptor align with the assigned clinical precepting responsibilities.

(k) The refresher course shall include both theory and clinical instruction. Course objectives shall be stated that:

- (1) show relationships between nursing theory and practice; and
- (2) identify behaviors consistent with the ability to competently practice nursing.

(l) The curriculum for a registered nurse refresher course shall include at least 240 hours of instruction, at least 120 of which shall consist of clinical experiences, and shall incorporate:

- (1) the scope of practice for the registered nurse, as defined in G.S. 90-171.20 and 21 NCAC 36 .0221, .0224, .0225 and .0401; and
- (2) instruction in and opportunities to demonstrate knowledge, skills, and abilities to competently practice nursing according to components of practice for the registered nurse as defined in 21 NCAC 36 .0224.

(m) The curriculum for a licensed practical nurse refresher course shall include at least 180 hours of instruction, at least 90 of which shall consist of clinical experiences, and shall incorporate:

- (1) the scope of practice for the licensed practical nurse, as defined in G.S. 90-171.20(8) and 21 NCAC 36 .0221, .0225 and .0401; and
 - (2) instruction in and opportunities to demonstrate knowledge, skills, and abilities to competently practice nursing according to components of nursing practice for the licensed practical nurse as defined in 21 NCAC 36 .0225.
- (n) The refresher course director or the designated refresher course instructor shall assess each refresher student and ensure the appropriateness of all clinical learning settings and assignments.
- (o) Registered nurse and licensed practical nurse refresher courses shall limit simulation experiences to no more than 50 percent of clinical experiences, pursuant to 21 NCAC 36 .0321(p).
- (p) Evaluation processes shall be implemented that effectively measure the refresher student's ability to competently practice nursing consistent with the level of licensure and scope as set forth in 21 NCAC 36 .0221, .0224, .0225, and .0401.
- (q) The student shall complete both the theory and clinical components of the refresher course within 24 months of initial enrollment in the course.
- (r) The provider shall contract, in writing, with the agency the support and availability to provide the required clinical experiences for the refresher course.
- (s) Individuals previously licensed in North Carolina and presently residing outside of North Carolina may meet the requirements of this Rule by successfully completing a refresher course approved by another state board of nursing.
- (t) Individuals enrolled in refresher courses shall identify themselves as RN Refresher Student (R.N.R.S.) or LPN Refresher Student (L.P.N.R.S.), consistent with the course level, after signatures on records or on name pins.
- (u) The director of the refresher course shall provide the Board with a list of the names and license numbers of those individuals who have completed the refresher course at the appropriate level of licensure.

History Note: Authority G.S. 90-171.23(b)(3); 90-171.35; 90-171.36; 90-171.37; 90-171.38; 90-171.83;
Eff. May 1, 1982;
Amended Eff. January 1, 2007; July 1, 2000; June 1, 1993; April 1, 1989;
Readopted Eff. January 1, 2019;
Amended Eff. March 1, 2024.

21 NCAC 36 .0233 OUT OF STATE STUDENTS

(a) Unlicensed nursing students enrolled in out-of-state nursing education programs seeking clinical experiences in North Carolina agencies shall be allowed access to these facilities following approval by the Board. At least 30 days prior to the start of the clinical experience, the chief nursing administrator or RN designee of a North Carolina agency shall submit the request for unlicensed nursing students enrolled in out-of-state nursing education programs to access the facility. The request shall include the following:

- (1) a letter of request for approval to provide the clinical offering, including proposed starting and completion dates;
- (2) documentation that the program is currently approved by the Board of Nursing in the state in which the parent institution is located;
- (3) the name, qualifications, curriculum vitae, and evidence of an active, unencumbered registered nurse licensure of the faculty responsible for coordinating the student's experience;
- (4) the name, qualifications, resume, and evidence of active unencumbered license to practice as a registered nurse in North Carolina for the preceptor or on-site faculty; and
- (5) evidence of licensure from the UNC Board of Governors consistent with G.S. 116-15.

(b) The chief nursing administrator of the clinical agency shall distribute copies of the following documents to all students and faculty involved in the clinical experiences:

- (1) North Carolina Nursing Practice Act;
- (2) North Carolina administrative rules and related interpretations provided by the Board regarding the role of the registered nurse, licensed practical nurse, and unlicensed nursing personnel; and
- (3) North Carolina Board of Nursing developed Suggestions for Utilization of Preceptors.

(c) Failure to remain in compliance with the requirements of Paragraph (a) of this Rule shall result in the immediate withdrawal of the Board's approval for use of the facility by unlicensed nursing students enrolled in out-of-state nursing education programs, consistent with G.S. 90-171.43(2).

*History Note: Authority G.S. 90-171.23(b) 90-171.43; 90-171.83;
 Eff. April 1, 2008;
 Readopted Eff. January 1, 2019;
 Amended Eff. March 1, 2024.*

21 NCAC 36 .0302 ESTABLISHMENT OF A NURSING PROGRAM - INITIAL APPROVAL

(a) A controlling institution seeking initial approval to operate a program shall employ a program director qualified pursuant to Rule .0317(a) of this Section. A controlling institution can seek initial approval to establish one program and one program entry option at a time.

(b) The program director shall develop and submit an application for initial approval at least six months prior to the proposed program start date. The application shall contain the following:

- (1) a narrative description of the organizational structure of the program and its relationship to the controlling institution, including accreditation status. The controlling institution shall be an accredited institution;
- (2) a general overview of the entire proposed curriculum that includes:
 - (A) the program philosophy, purposes, and objectives;
 - (B) a master plan of the curriculum, indicating the sequence for both nursing and non-nursing courses, as well as prerequisites and corequisites;
 - (C) course descriptions and course objectives for all courses; and
 - (D) course syllabi pursuant to 21 NCAC 36 .0321(j) for all first-year nursing courses;
- (3) the projected student enrollment;
- (4) evidence of learning resources and clinical experiences available to implement and maintain the program;
- (5) financial resources to begin and maintain the program;
- (6) physical facilities to house the program;
- (7) support services available to the program from the controlling institution;
- (8) approval of the program by the governing body of the controlling institution;
- (9) approval from the applicable licensing regulatory body in North Carolina for the controlling institution;
- (10) student policies for admission, progression and graduation of students;
- (11) an emergency preparedness plan for addressing situations which shall include a reduction in the availability of clinical agencies, a transition from in-person to virtual learning platforms, and a need for increased use of simulation;
- (12) a comprehensive program evaluation plan, pursuant to 21 NCAC 36 .0317(e); and
- (13) a plan with a specified time frame for:
 - (A) availability of qualified faculty as specified in 21 NCAC 36 .0318; and
 - (B) course syllabi as specified in 21 NCAC 36 .0321(i) and (j) of this Section for all nursing courses.

(c) The application to establish a program shall contain accurate information required in Paragraph (b) of this Rule, be complete, and be signed by the program director and the chief executive officer of the controlling institution.

(d) The completed application required in Paragraph (b) of this Rule shall be received by the Board not less than 120 days prior to a regular meeting of the Board to be considered for placement on the agenda of that meeting.

(e) If another program exists in the institution, the application shall include:

- (1) the organizational relationship of the existing program and the proposed program in the institution;
- (2) the NCLEX pass rate of the existing program for the past three years; and
- (3) a description of the expected impact of the proposed program on the existing program, including:
 - (A) the availability of a program director for each program;
 - (B) the availability of qualified faculty;
 - (C) the physical facilities adequate to house both programs;
 - (D) the availability of learning resources;
 - (E) the availability of clinical experiences; and
 - (F) the availability of student services.

(f) No new program application shall be considered if a program currently exists in the institution if:

- (1) any currently approved program at the institution is on warning status; or
- (2) resources are not available to maintain both the existing and the proposed program in compliance with Rules .0300 to .0323 of this Section.

(g) The proposed program shall be subject to an on-site survey after the application meets all the requirements set forth in this Rule. Following the on-site survey, the Board shall prepare a report outlining the program's compliance with established regulations and afford the proposed program an opportunity to respond to this report.

(h) When the Board grants initial approval, it shall establish a maximum enrollment and implementation date for the program based on the resources outlined under Paragraph (b) of this Rule.

- (i) The institution seeking initial approval shall not solicit students until the program has been granted initial approval status by the Board.
- (j) Programs which have not received initial approval pursuant to Rule .0303 of this Chapter, shall not admit students.
- (k) The program shall enroll the first class of students within one year after the Board issues initial approval status.
- (l) For a minimum of 12 months after initial approval is rescinded, the controlling institution shall not submit an application to establish a program.
- (m) A program shall retain initial approval status for the time necessary for full implementation of the curriculum and graduation of the first cohort of students, provided the program complies with Section .0300 of this Chapter.
- (n) Programs with initial approval status shall be surveyed by the Board:
 - (1) during the final term of curriculum implementation of the program; and
 - (2) upon receipt by the Board of information that the program may not be complying with Section .0300.
- (o) The program shall be granted full approval status provided:
 - (1) the Board finds that the program has complied with Section .0300 of this Chapter while on initial approval status;
 - (2) an on-site survey is completed during the final term of curriculum implementation; and
 - (3) the program demonstrates an NCLEX® examination pass rate that meets or exceeds 90 percent of the national pass rate for licensure level on first writing of the licensure examination for calendar years ending December 31.
- (p) If at any time a program on initial approval status is not complying with Section .0300 of this Chapter, the program, upon written notification, shall:
 - (1) correct the area of noncompliance and submit documentation of this correction to the Board; or
 - (2) submit and implement a plan for correction to the Board.
- (q) If a program fails to correct the areas of noncompliance identified by the Board, in writing, pursuant to Paragraph (p) of this Rule and is found to be in noncompliance with the requirements of Section .0300 of this Chapter, the Board shall provide the program with written notice of the decision to rescind initial approval status.
- (r) Upon written request from the program submitted within 10 business days of the Board's written notice of rescinding the initial approval status, the Board shall schedule a hearing at the next meeting of the Board for which appropriate notice can be provided, or at a meeting of the Board that is scheduled by consent of the parties.
- (s) Following the hearing and consideration of all evidence provided, the Board shall assign the program full approval status or shall enter an Order rescinding the initial approval status, which shall constitute program closure pursuant to 21 NCAC 36 .0309.

*History Note: Authority G.S. 90-171.23(b)(8); 90-171.38;
 Eff. February 1, 1976;
 Amended Eff. June 1, 1992; January 1, 1989; November 1, 1984; May 1, 1982;
 Temporary Amendment Eff. October 11, 2001;
 Amended Eff. December 1, 2016; January 1, 2009; December 1, 2005; August 1, 2002;
 Readopted Eff. January 1, 2019;
 Amended Eff. March 1, 2024.*

21 NCAC 36 .0303 EXISTING NURSING PROGRAM

(a) Accreditation by a national nursing accreditation body as defined in 21 NCAC 36 .0120(39) is required for all programs. For those programs granted initial approval status, full approval status, or warning status prior to December 31, 2024, accreditation by a national nursing accreditation body (not to include pre-accreditation status) is required effective January 1, 2032. The program shall submit official written documentation verifying accreditation from a national nursing accreditation body.

(b) The program shall be issued a letter of noncompliance, subject to a corrective action plan addressing identified deficiencies, a monitoring plan subject to conditions, additional program surveys, a change in program approval status, withdrawal of approval status, discipline, or closure of the program upon a finding of noncompliance with this Section.

(c) Full Approval

- (1) Approved programs shall be reviewed by the Board at least once every 10 years as specified in G.S. 90-171.40. Reviews of individual programs shall be conducted at shorter intervals upon request from the individual institution or if an issue is identified suggesting noncompliance with this Section.
- (2) The program shall submit a copy of the self-study report prepared for accreditation and submitted to the national nursing accreditation body. The program shall also submit written documentation from the national nursing accreditation body verifying compliance with accreditation standards.
- (3) The Board shall send a written report of the review no more than 30 business days following the completion of the review process. Responses from a nursing education program regarding a review report or warning status as referenced in Paragraph (d) of this Rule shall be received in the Board office by the deadline date specified in the letter accompanying the report or notification of warning status. If no materials or documents are received by the specified deadline date, the Board shall act upon the findings in the review report and the testimony of the Board staff.
- (4) If the Board finds a pattern of noncompliance with one or more rules in this Section, the Board may take action as outlined in Paragraph (b) of this Rule.

(d) Warning Status

- (1) If the Board finds that a program is not complying with the rules in this Section, the Board shall assign the program warning status and shall give written notice by certified mail to the program specifying:
 - (A) the areas in which there is noncompliance;
 - (B) the date by which the program must comply with the rules in this Section. The maximum time for compliance shall be two consecutive years after issuance of the written notice; and
 - (C) the opportunity to schedule a hearing. Any request for a hearing regarding the program warning status shall be submitted to the Board. A hearing shall be afforded pursuant to the provisions of G.S. 150B, Article 3A.
- (2) On or before the required date of compliance specified in Part (d)(1)(B) of this Rule if the Board determines that the program is complying with the rules in this Section, the Board shall assign the program full approval status.
- (3) If the Board finds the program is not in compliance with the rules in this Section by the date specified in Part (d)(1)(B) of this Rule, the program shall remain on warning status, and a review by the Board shall be conducted during that time.
- (4) If the Board finds the program is not in compliance with the rules in this Section for two consecutive years following the date specified in Part (d)(1)(B) of this Rule, warning status approval will be withdrawn, constituting a program closure consistent with Paragraph (b) of this Rule.
- (5) Upon written request from the program submitted within 10 business days of the Board's written notice of warning status, or withdrawal of approval, the Board shall schedule a hearing at the next meeting of the Board for which notice can be provided.
- (6) If a hearing is held at the request of the program and the Board determines that the program is not in compliance with the rules in this Section, the program shall remain on warning status, and a review by the Board shall be conducted while the program is on warning status. Following the review, the Board shall:
 - (A) continue the program on warning status;
 - (B) withdraw approval, constituting program closure consistent with Paragraph (b) of this Rule; or
 - (C) remove the program from warning status and issue full approval status.

History Note: Authority G.S. 90-171.23(b); 90-171.38; 90-171.39; 90-171.40;
Eff. February 1, 1976;
Amended Eff. December 1, 2016; August 1, 2011; July 3, 2008; March 1, 2006; January 1, 2004;
June 1, 1992; January 1, 1989;
Readopted Eff. January 1, 2019;
Amended Eff. March 1, 2024.

21 NCAC 36 .0309 PROCESS FOR PROGRAM CLOSURE

- (a) A program is deemed closed when the program has not enrolled students for a period of two consecutive years since the last graduating class or student enrollment has not occurred for a two consecutive year period.
- (b) When the controlling institution makes the decision to close a nursing program, the Administration of the institution shall submit a written plan for the discontinuation of the program to the Board and shall include:
- (1) the reasons for program closure;
 - (2) the date of intended closure;
 - (3) a plan for students to complete this or another approved program;
 - (4) a plan detailing the arrangement for secure storage and access to academic records and transcripts for all students and graduates; and
 - (5) the communication methods to all current and former students the intent to close.
- (c) When the controlling institution makes the decision to close a nursing program, the institution may not apply to establish a nursing program until at least 12 calendar months from the date of official notification to the Board in writing that the plan for closure has been fully implemented.
- (d) When the Board closes a nursing program based on noncompliance with the rules and requirements in this Section, the Board shall give written notice of closure by certified mail to the program specifying the areas in which there is evidence of noncompliance and the opportunity for the program to request a hearing contesting the involuntary program closure pursuant to the provisions of G.S. 150B, Article 3A.
- (e) If the program does not contest the involuntary closure by the Board, the program director shall, within 30 days, develop and submit a plan for discontinuation of the program for Board approval consistent with Paragraph (b) of this Rule. The plan shall address transfer of students to approved programs. Involuntary program closure shall occur within six months from the date of notification of closure by the Board.
- (f) When the Board closes a program, the controlling institution may not apply to establish a nursing program until at least 24 calendar months from the date of official notification of program closure by the Board.

History Note: *Authority G.S. 90-171.38; 90-171.39; 90-171.40;*
 Eff. June 1, 1992;
 Amended Eff. December 1, 2016; December 1, 2005;
 Readopted Eff. January 1, 2019;
 Amended Eff. March 1, 2024.

21 NCAC 36 .0317 ADMINISTRATION

(a) The program shall ensure that a full-time registered nurse, qualified pursuant to Paragraph (d) of this Rule, has the authority to direct the nursing program. Full-time registered nurse is a registered nurse employed by the institution who is regularly assigned to work at least 40 hours each week in the position of program director.

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

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

(d) The program director shall:

- (1) hold an active unencumbered license or multistate licensure privilege to practice as a registered nurse in North Carolina;
- (2) have two years of full-time experience as a faculty member in a Board-approved program;
- (3) have experience in clinical nursing as a faculty member in a program, and academic or nursing leadership experience to lead the program to accomplish the mission, goals, and expected program outcomes;
- (4) hold a graduate degree in nursing from an accredited institution;
- (5) prior to or within the first three years of employment, have education in teaching and learning principles for adult education, including curriculum development, implementation, and evaluation, appropriate to the program director role. Once completed, this education need not be repeated if employing organization is changed. Proof of this education is one of the following:
 - (A) completion of 45 contact hours of Board-approved continuing education courses pursuant to Rule .0223 of this Chapter. A list of Board-approved continuing education courses is posted at www.ncbon.com;
 - (B) completion of a certificate program in nursing education;
 - (C) nine semester hours of graduate course work in adult learning and learning principles;
 - (D) national certification in nursing education;
 - (E) documentation of completion of structured, individualized development activities of at least 45 contact hours approved by the Board. Criteria for approval shall include content in the faculty role in curriculum implementation, curricular objectives to be met and evaluated, review of strategies for identified student population, and expectations of student and faculty performance; or
 - (F) A letter from the controlling institution attesting that the program director has been approved by the controlling institution following the submission of a portfolio. Individuals with prior teaching experience in an academic setting seeking the program director position shall submit to the controlling institution for approval a portfolio detailing the individual's formal education in teaching and learning principles for adult education, which includes curriculum development, implementation, and evaluation, appropriate to the program director role. A copy of this submission shall be provided to the Board upon request.
- (6) maintain competence pursuant to Rule .0232 of this Chapter in the areas of assigned responsibility.

(e) A nursing education program shall implement, for quality improvement, a comprehensive program evaluation in writing that shall include the following:

- (1) students' achievement of program outcomes;
- (2) description of program resources, including fiscal, physical, human, clinical, and technical learning resources; student support services; and the availability of clinical sites and the viability of those sites adequate to meet the objectives of the program;
- (3) measures of program outcomes for graduates;
- (4) the public's access to accurate program information;
- (5) how the program and the controlling institution achieve concurrent outcomes;
- (6) an attestation from the program director that all program faculty meet Board qualifications and are sufficient in number to achieve program outcomes;
- (7) reporting of collected evaluative data used in implementing quality improvement activities; and
- (8) description of student participation in program planning, implementation, evaluation, and continuous improvement.

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

- (1) admission policies and practices;
- (2) policy on advanced placement and transfer of credits;
- (3) the number of credits required for completion of the program;
- (4) tuition, fees, and other program costs;
- (5) policies and procedures for withdrawal, including refund of tuition or fees;
- (6) the grievance procedure;
- (7) criteria for successful progression in the program, including graduation requirements; and
- (8) policies for clinical performance.

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. March 1, 2024; September 1, 2021.

21 NCAC 36 .0318 FACULTY

(a) The program shall develop policies for program faculty members consistent with those for other faculty of the controlling institution, with variations as needed due to the nature of the nursing curriculum.

(b) Fifty percent or more of the nursing faculty per program shall hold a graduate degree.

(c) Nurses licensed pursuant to this Chapter who are full-time and part-time faculty and who teach in a program as a nurse shall:

- (1) hold an active unencumbered license or multistate licensure privilege to practice as a registered nurse in North Carolina;
- (2) hold either a baccalaureate in nursing or a graduate degree in nursing from an accredited institution;
- (3) have two calendar years or the equivalent of full-time experience as a registered nurse. A full-time registered nurse is a registered nurse employed by the program who is regularly assigned to work at least 40 hours each week in a position;
- (4) full-time faculty shall hold a graduate degree from an accredited institution or obtain a graduate degree in nursing from an accredited institution within five years of initial full-time employment;
- (5) prior to or within the first three years of employment, have education in teaching and learning principles for adult education, including curriculum development, implementation, and evaluation, appropriate to faculty assignment. Once completed, this education need not be repeated if the employing organization is changed. This education may be demonstrated by one of the following:
 - (A) completion of 45 contact hours of Board-approved continuing education courses;
 - (B) completion of a certificate program in nursing education;
 - (C) nine semester hours of graduate course work in adult learning and learning principles;
 - (D) national certification in nursing education;
 - (E) documentation of completion of structured, individualized development activities of at least 45 contact hours approved by the Board. Criteria for approval shall include content in the faculty role in the curriculum implementation, curricular objectives to be met and evaluated, review of strategies for identified student population, and expectations of student and faculty performance; or
 - (F) individuals with prior teaching experience in an academic setting seeking a faculty position shall be evaluated by the Program Director to assess each individual's prior teaching experience commensurate with formal education in teaching and learning principles for adult education including curriculum development, implementation, and evaluation, appropriate to faculty assignment.

(6) maintain competence pursuant to Rule .0232 of this Chapter in the areas of assigned responsibility.

(d) Interdisciplinary faculty who teach in program courses shall be licensed or certified in the content area in which they are teaching.

(e) Clinical preceptors shall hold an active unencumbered license to practice as a registered nurse in North Carolina.

(f) The program shall provide workshops and presentations devoted to faculty development.

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

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. March 1, 2024; September 1, 2021.

21 NCAC 36 .0320 STUDENTS

(a) Admission requirements and practices for the program shall be stated in the controlling institution's published written and digital communications and shall include assessment of the student's:

- (1) record of high school graduation, high school equivalent, or earned credits from a post-secondary institution;
- (2) achievement potential through the use of previous academic records that are consistent with curriculum demands and scholastic expectations; and
- (3) physical and mental health that is indicative of the applicant's ability to provide competent nursing care to the public.

(b) The program shall publish policies in a nursing student handbook and college catalog that provide for identification and dismissal of students who:

- (1) present physical or mental health problems that conflict with the safety essential to nursing practice or do not respond to treatment or counseling within a timeframe that enables meeting program objectives;
- (2) demonstrate behavior that conflicts with the safety essential to nursing practice; or
- (3) fail to demonstrate professional behavior, including honesty, integrity, and appropriate use of social media, while in the nursing program of study.

(c) The program shall maintain an NCLEX® examination pass rate that meets or exceeds 90 percent of the national pass rate for licensure level on first writing of the licensure examination for calendar years ending December 31.

(d) The controlling institution shall publish policies in a nursing student handbook and college catalog for transfer of credits or for admission to advanced placement, and the program shall determine the total number of nursing courses or credits awarded for advanced placement.

History Note: Authority G.S. 90-171.23(b)(8); 90-171.38; 90-171.43;

Eff. February 1, 1976;

Amended Eff. December 1, 2016; January 1, 2006; August 1, 1998; January 1, 1996; June 1, 1992;

January 1, 1989; January 1, 1984;

Readopted Eff. January 1, 2019;

Amended Eff. March 1, 2024.

21 NCAC 36 .0321 CURRICULUM

(a) The program curriculum shall:

- (1) be planned by members of the program faculty;
- (2) reflect the stated program philosophy, purposes, and objectives, pursuant to 21 NCAC 36 .0302(b)(2);
- (3) be consistent with Article 9A of G.S. 90 and the Rules in this Chapter governing the practice of nursing;
- (4) define the level of performance required to pass each course in the curriculum;
- (5) enable a student to develop the nursing knowledge, skills, and abilities necessary for competent practice consistent with the level of licensure and scope as set forth in 21 NCAC 36 .0221, .0224, .0225, and .0231;
- (6) include content in the biological, physical, social, and behavioral sciences to provide a foundation for competent and effective nursing practice;
- (7) provide students the opportunity to acquire and demonstrate, through didactic content and clinical experience under faculty supervision, the knowledge, skills, and abilities required for effective and competent nursing practice in the areas of medical/surgical, obstetric, pediatric, psychiatric/mental health, and community health, across the lifespan; and
- (8) be revised to reflect changes and advances in health care and its delivery.

(b) Didactic content and supervised clinical experience across the lifespan appropriate to program type shall include:

- (1) implementing quality and safety principles and practices minimizing the risk of harm to clients and providers through both system effectiveness and individual performance to include clinical judgment, skill in clinical management, time management, and emergency preparedness;
- (2) using informatics to communicate, manage knowledge, mitigate error, and support decision making;
- (3) employing evidence-based practice to integrate the best research with clinical expertise and client values for optimal care, including skills to identify and apply best practices to nursing care;
- (4) providing client-centered, culturally competent care by:
 - (A) respecting client differences, values, preferences, and expressed needs;
 - (B) involving clients in decision-making and care management;
 - (C) coordinating and managing continuous client care consistent with the level of licensure. This shall include a demonstrated ability to delegate and supervise others and provide leadership within the profession appropriate for program type; and
 - (D) promoting healthy lifestyles for clients and populations;
- (5) working in interdisciplinary teams to cooperate, collaborate, communicate, engage in patient teaching consistent with the level of licensure, and integrate client care and health promotion;
- (6) participating in quality improvement processes to measure client outcomes, identify hazards and errors, and develop changes in client care; and
- (7) legal and ethical issues and professional responsibilities of the licensed nurse.

(c) Clinical experience hours, traditional or simulated, shall accomplish the objectives of the curriculum, shall be supervised by qualified faculty pursuant to 21 NCAC 36 .0318, and shall ensure students' ability to practice at an entry level.

(d) All student clinical experiences, including those with preceptors, shall be directed by nursing faculty.

(e) A focused client care experience with a minimum of 120 hours shall be provided in the final year of curriculum implementation for programs preparing registered nurses.

(f) A focused client care experience with a minimum of 90 hours shall be provided in the final semester of the curriculum for programs preparing practical nurses.

(g) Learning experiences and methods of instruction, including distance education methods, shall be consistent with the written curriculum plan and shall demonstrate logical curricular progression.

(h) Remediation strategies for students shall be in place at the beginning of each course and include processes to remediate errors in the clinical setting.

(i) Objectives for each course shall indicate the knowledge, skills, and abilities expected for competent student performance. These objectives shall:

- (1) indicate the relationship between the classroom learning and the application of this learning in the clinical experience;
- (2) serve as criteria for the selection of the types of and settings for learning experiences; and
- (3) serve as the basis for evaluating student performance.

(j) Student course syllabi shall include a description and outline of:

- (1) the course content;
 - (2) the learning environments and activities;
 - (3) when the course is taken in the curriculum;
 - (4) allocation of time for didactic content, clinical experience, laboratory experience, and simulation; and
 - (5) evaluation by faculty of student performance, including all evaluation tools used in the course.
- (k) Each course shall be implemented in accordance with and evaluated by reference to the student course syllabus.
- (l) Requests for approval of changes in the currently approved curriculum, or expansion of, the program, shall be submitted to the Board in writing at least 60 days prior to implementation for approval by the Board. Criteria for approval shall include program approval status, the availability of classrooms, laboratories, clinical placements, equipment, and supplies and faculty sufficient to implement the curriculum to an increased number of students. Requests for expansion in enrollment shall be considered only for programs with full approval status.
- (m) The program shall notify the Board at least 45 days prior to implementation of:
 - (1) alternative or additional program schedules; and
 - (2) planned decrease in the Board-approved student enrollment number to accurately reflect program capacity.
- (n) The program shall have written policies and procedures on the following:
 - (1) short-term and long-term plans for integrating simulation into the curriculum;
 - (2) method of debriefing for each simulated activity; and
 - (3) a plan for orienting faculty to simulation.
- (o) For all programs using simulation experiences substituted for clinical experience time, the nursing education program shall:
 - (1) demonstrate that simulation faculty have been formally educated and maintain the competencies in simulation and debriefing; and
 - (2) provide a simulation environment with faculty, space, equipment, and supplies that simulate realistic clinical experiences to meet the curriculum and course objectives.
- (p) Programs shall limit simulation experiences to:
 - (1) no more than 25 percent in the focused client care experience; and
 - (2) no more than 50 percent of clinical experience time in each course.
- (q) External standardized examinations shall not be used to determine a student's progression or graduation in a nursing education program preparing students for initial nurse licensure. When used, external examinations shall not weigh more than 10 percent of the final course grade or final course points calculation.

*History Note: Authority G.S. 90-171.23(b)(8); 90-171.38;
Eff. February 1, 1976;
Amended Eff. June 1, 1992; January 1, 1989; January 1, 1984;
Temporary Amendment Eff. October 11, 2001;
Amended Eff. December 1, 2016; December 1, 2005; August 1, 2002;
Readopted Eff. January 1, 2019;
Amended Eff. March 1, 2024.*

FACILITIES

Authority G.S. 90-171.23(b)(8); 90-171.38;
Eff. February 1, 1976;
Amended Eff. January 1, 1996; June 1, 1992; January 1, 1989; May 1, 1988;
Temporary Amendment Eff. October 11, 2001;
Amended Eff. December 1, 2016; April 1, 2006; August 1, 2002; July 1, 2023;
Readopted Eff. January 1, 2019;
Repealed Eff. March 1, 2024.

21 NCAC 36 .0323 RECORDS AND REPORTS

(a) The program shall maintain a system for maintaining official records consistent with the policies of the controlling institution. Current and permanent student records shall be stored in a secure manner that prevents physical damage and unauthorized access.

(b) Both permanent and current records shall be available for review by Board staff.

(c) The official permanent record for each graduate shall include documentation of graduation from the program and a transcript of the individual's achievement in the program.

(d) The record for each currently enrolled student shall contain up-to-date and complete information, including the following:

- (1) documentation of admission criteria met by the student;
- (2) documentation of high school graduation, high school equivalent, or earned credits from post-secondary institution approved pursuant to G.S. 90-171.38(a); and
- (3) a transcript of credit hours achieved in the classroom, laboratory, and clinical instruction for each course that reflects progression consistent with program policies.

(e) The program shall file an annual report with the Board by November 1 of each year. The annual report shall be available to the program director through the Board's website at www.ncbon.com and shall include the following:

- (1) accreditation status;
- (2) academic calendar;
- (3) faculty composition;
- (4) student enrollment;
- (5) graduation rate;
- (6) formal remediation process; and
- (7) use of simulation.

(f) In addition to the annual report in Paragraph (e) of this Rule, non-accredited programs shall file a program description report with the Board at least 30 days prior to a scheduled review by the Board. The program description report shall be available on the Board's website at www.ncbon.com.

(g) The program shall concurrently submit to the Board all communications regarding accreditation that are submitted to the accrediting body.

(h) The Board may require additional records and reports for review at any time to provide evidence and substantiate compliance with the rules in this Section by a program and its controlling institutions.

(i) The program shall notify the Board of any change of the program director at least 10 business days prior to the change.

(j) The program director shall verify to the Board in writing all students who have completed the program no later than one month following completion of the Board-approved program.

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

Eff. February 1, 1976;

Amended Eff. December 1, 2016; January 1, 2015; December 1, 2005; January 1, 2004; June 1, 1992; January 1, 1989; January 1, 1984;

Readopted Eff. January 1, 2019;

Amended Eff. March 1, 2024; November 1, 2020.