

21 NCAC 36 .0403 is proposed to be amended as follows:

21 NCAC 36 .0403 QUALIFICATIONS OF NURSE AIDE

(a) A nurse aide I shall perform basic nursing skills and personal care activities after successfully completing an approved nurse aide I training and competency evaluation or equivalent as approved by the Division of Health Service Regulation (DHSR). A licensed nurse shall delegate these activities only after considering the variables defined in Rule .0401(b) and (c) of this Section. Pursuant to G.S. 90-171.55, no individual may function as a nurse aide I, regardless of title, providing nursing care activities, as identified in Rule .0401(a) of this Section, to clients or residents unless:

(1) the individual has successfully completed, in addition to an orientation program specific to the employing facility, a State-approved nurse aide I training and competency evaluation program or its equivalent; or a State-approved competency evaluation program and the employing facility or agency has verified listing on the Division of Health Service Regulation Nurse Aide Registry (DHSR Nurse Aide Registry); or

(2) the employing agency or facility has assured that the individual is enrolled in a State-approved nurse aide I training and competency evaluation program that the individual will successfully complete within four months of employment date. During the four month period, the individual shall be assigned only tasks for which they have demonstrated competence and that they perform under supervision.

(b) A nurse aide II shall perform more complex nursing skills with emphasis on sterile technique in elimination, oxygenation, and nutrition after successful completion of a Board-approved nurse aide II training and competency evaluation program. A licensed nurse shall delegate these activities to the nurse aide II only after consideration of the variables described in Rule .0401(b) and (c) of this Section. Pursuant to G.S. 90-171.55, no individual may function as a nurse aide II unless:

(1) the individual has successfully completed, in addition to an orientation program specific to the employing agency, a Board-approved nurse aide II course according to these Rules or its equivalent as identified by the Board;

(2) the individual is listed as a nurse aide I on the DHSR Nurse Aide Registry with no substantiated findings of abuse, neglect, exploitation, mistreatment, diversion of drugs, fraud, or misappropriation of client or employing facility property listed on the DHSR Nurse Aide Registry and/or on the NC Health Care Personnel Registry; and

(3) the employing facility or agency has inquired of the Board as to information in the Board of Nursing Nurse Aide II Registry concerning the individual and confirms with the Board that the individual is listed on the Board Nurse Aide II Registry as a nurse aide II.

(c) Listing on a Nurse Aide Registry is not required if the care is performed by clients themselves, their families or significant others, or by caretakers who provide personal care to individuals whose health care needs are incidental to the personal care required.

1 ~~(d) Pursuant to G.S. 131E-114.2 and G.S. 131E-270, a medication aide shall be limited to performing technical aspects~~
2 ~~of medication administration, consistent with Rule .0401(b) and (c) of this Section, Rule .0221 of this Chapter, and~~
3 ~~only after:~~

- 4 ~~(1) successful completion of a Board approved medication aide training program;~~
5 ~~(2) successful completion of a State approved competency evaluation program; and~~
6 ~~(3) listing on the Medication Aide Registry.~~

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8 *History Note: Authority G.S. 90-171.20(2)(4)(7)d., e.g.; 90-171.43(4); 90-171.55; 90-171.56; ~~131E-114.2; 131E-~~*
9 *~~270; 42U.S.C.S. 1395i-3 (1987);~~*
10 *~~Eff. March 1, 1989;~~*
11 *~~Temporary Amendment Eff. October 11, 1989 For a Period of 180 Days to Expire on April 6, 1990;~~*
12 *~~Amended Eff. September 1, 2006; December 1, 1995; March 1, 1990;~~*
13 *~~Readopted Eff. January 1, 2019.~~*
14 *Amended Eff. December 1, 2026.*