



QUALIFICATIONS FOR ELECTION OF NURSE MEMBERS

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Thank you for your interest in the North Carolina Board of Nursing Election of Nurse Members. In order to determine your qualifications to run in the Election of Nurse Members, please review the following items:

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NURSING PRACTICE ACT: Section 90-171.21

§ 90.171.21. *Board of Nursing; composition; selection; vacancies; qualifications; term of office; compensation.*

(a) The Board shall consist of 14 members. Eight members shall be registered nurses. Three members shall be licensed practical nurses. Three members shall be representatives of the public.

(b) Selection. The North Carolina Board of Nursing shall conduct an election each year to fill vacancies of nurse members of the Board scheduled to occur during the next year.

Nominations of candidates for election of registered nurse members shall be made by written petition signed by not less than 10 registered nurses eligible to vote in the election.

Nominations of candidates for election of licensed practical nurse members shall be made by written petition signed by not less than 10 licensed practical nurses eligible to vote in the election. Every licensed registered nurse holding an active license shall be eligible to vote in the election of registered nurse Board members.

Every licensed practical nurse holding an active license shall be eligible to vote in the election of licensed practical nurse Board members. The list of nominations shall be filed with the Board after January 1 of the year in which the election is to be held and no later than midnight of the first day of April of such year. Before preparing ballots, the Board shall notify each person who has been duly nominated of the person's nomination and request permission to enter the person's name on the ballot. A member of the Board who is nominated for reelection and who does not withdraw the member's name from the ballot is disqualified to participate in conducting the election. Elected members shall begin their term of office on January 1 of the year following their election.

Nominations of persons to serve as public members of the Board may be made to the Governor or the General Assembly by any citizen or group within the State. The Governor shall appoint one public member to the Board, and the General Assembly shall appoint two public members to the Board. Of the public members appointed by the General Assembly, one shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and one shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

Board members shall be commissioned by the Governor upon their election or appointment.

(c) Vacancies. All unexpired terms of Board members appointed by the General Assembly shall be filled within 45 days after the term is vacated. The Governor shall fill all other unexpired terms on the Board within 30 days after the term is vacated. For vacancies of registered nurse or licensed practical nurse members, the Governor shall appoint the person who received the next highest number of votes to those elected members at the most recent election for Board members. Appointees shall serve the remainder of the unexpired term and until their successors have been duly elected or appointed and qualified.

(d) Qualifications. Of the eight registered nurse members on the Board, one shall be a nurse administrator employed by a hospital or a hospital system, who shall be accountable for the administration of nursing services and not directly involved in patient care; one shall be an individual who meets the requirements to practice as a certified registered nurse anesthetist, a certified nurse midwife, a clinical nurse specialist, or a nurse practitioner; two shall be staff nurses, defined as individuals who are primarily involved in direct patient care regardless of practice setting; one shall be an at-large registered nurse who meets the requirements of sub-subdivisions (1)a., al., and b. of this subsection, but is not currently an educator in a program leading to licensure or any other degree-granting program; and three shall be nurse educators. Of the three nurse educators, one shall be a practical nurse educator, one shall be an associate degree or diploma nurse educator, and one shall be a baccalaureate or higher degree nurse educator. All nurse educators shall meet

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the minimum education requirement as established by the Board's education program standards for nurse faculty. Candidates eligible for election to the Board as nurse educators are not eligible for election as the at-large member. Minimum ongoing employment requirements for every registered nurse and licensed practical nurse shall include continuous employment equal to or greater than fifty percent (50%) of a full-time position that meets the criteria for the specified Board member position.

(1) Except for the at-large member, every registered nurse member shall meet the following criteria:

a. Hold a current, unencumbered license to practice as a registered nurse in North Carolina.

a 1. Be a resident of North Carolina.

b. Have a minimum of five years of experience as a registered nurse.

c. Have been engaged continuously in a position that meets the criteria for the specified Board position for at least three years immediately preceding election.

d. Show evidence that the employer of the registered nurse is aware that the nurse intends to serve on the Board.

(2) Every licensed practical nurse member shall meet the following criteria:

a. Hold a current, unencumbered license to practice as a licensed practical nurse in North Carolina.

a 1. Be a resident of North Carolina.

b. Have a minimum of five years of experience as a licensed practical nurse.

c. Have been engaged continuously in the position of a licensed practical nurse for at least three years immediately preceding election.

d. Show evidence that the employer of the licensed practical nurse is aware that the nurse intends to serve on the Board.

(3) A public member appointed by the Governor shall not be a provider of health services or employed in the health services field. No public member appointed by the Governor or person in the public member's immediate family as defined by G.S. 90-405(8) shall be currently employed as a licensed nurse or been previously employed as a licensed nurse.

(4) The nurse practitioner, nurse anesthetist, nurse midwife, or clinical nurse specialist member shall be recognized by the Board as a registered nurse who meets the following criteria:

a. Has graduated from or completed a graduate level advanced practice nursing education program accredited by a national accrediting body.

b. Maintains current certification or recertification from a national credentialing body approved by the Board or meets other requirements established by rules adopted by the Board.

c. Practices in a manner consistent with rules adopted by the Board and other applicable law.

(e) Term. Members of the Board shall serve four-year staggered terms. No member shall serve more than two consecutive four-year terms or eight consecutive years after January 1, 2005.

(f) Removal. The Board may remove any of its members for neglect of duty, incompetence, or unprofessional conduct. A member subject to disciplinary proceedings shall be disqualified from Board business until the charges are resolved.

(g) Reimbursement. Board members are entitled to receive compensation and reimbursement as authorized by G.S. 93B-5.

21 NCAC 36. 0109: SELECTION AND QUALIFICATIONS OF NURSE MEMBERS

(a) Vacancies in nurse member positions on the Board that are scheduled to occur during the next year shall be announced in the last issue of the Board's "Bulletin" for the calendar year, which shall be posted on the Board's website at www.ncbon.com. The "Bulletin" and Board's website at www.ncbon.com shall include a petition form for nominating a nurse to the Board and information on filing the petition with the Board.

(b) Each petition shall be checked with the records of the Board to validate that the candidate and each petitioner holds an active unencumbered North Carolina license to practice nursing. If the candidate does not hold an active unencumbered license, the petition shall be declared invalid. If any petitioners do not hold an active unencumbered licenses, and this decreases the number of petitioners to fewer than 10, the petition shall be declared invalid.

(c) In a format provided by the Board, each candidate shall submit a packet with the following information:

- (1) indicate the category of Board member position for which the candidate is seeking election;
- (2) attest to meeting the qualifications specified in G.S. 90-171.21(d);
- (3) provide permission to be listed on the slate; and
- (4) complete the Application for Boards and Commissions in accordance with Executive Order 55 Enhanced Disclosures from Applicants to Boards and Commissions.

The candidate packet shall be received by the Board on or before April 15 by electronic submission, mailed copy with postmarked envelope, or in-person received by Board staff during normal business hours.

(d) Minimum on-going employment requirements for the registered nurse or licensed practical nurse member shall include continuous employment equal to or greater than 50% of a full-time position that meets the criteria for the specified Board member position.

(e) This Paragraph shall apply in determining qualifications for registered nurse categories of membership:

- (1) Nurse Educator includes any nurse who teaches in or directs a Board-approved nursing program in the specific category as outlined in G.S. 90-171.21(d).
- (2) Hospital is defined as any facility that has an organized medical staff and that is designed, used, and primarily operated to provide health care, diagnostic and therapeutic services, and continuous nursing services to inpatients, but excludes nursing homes and adult care homes.
- (3) A hospital system is defined as a multihospital system or a single diversified hospital system that includes a hospital as defined in Subparagraph (e)(2) of this Rule plus non-hospital pre-acute and post-acute client services.
- (4) A nurse accountable for the administration of nursing services shall be the chief nurse executive of a hospital or hospital system or the director of nursing services for a service division that includes inpatient care within a hospital or hospital system.
- (5) A nurse practitioner, nurse anesthetist, nurse midwife, or clinical nurse specialist includes any advanced practice registered nurse who meets the criteria specified in G.S. 90-171.21(d)(4).

(f) The term "nursing practice," when used in determining qualifications for registered or licensed practical nurse categories of membership, means any position for which the holder of the position is required to hold an active license to practice nursing at the appropriate licensure level for each category.

(g) A candidate shall be listed in only one category on the slate.

(h) Separate slates shall be prepared for election of registered nurse candidates and for election of licensed practical nurse candidates. Candidates shall be listed in random order on the slate for licensed practical nurse candidates and within the categories for registered nurse candidates. Slates shall be published in the "Bulletin"

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and posted on the Board's website at www.ncbon.com following the Spring Board meeting and shall be accompanied by biographical data on candidates and a photograph.

(i) The procedure for voting shall be identified in the "Bulletin" and posted on the Board's website at www.ncbon.com following the Spring Board meeting.

(j) The tabulation of results of the votes shall be verified by matching the license number of each nurse who voted with the database of licensed nurses maintained by the Board.

(k) If more than one candidate is to be elected in a category, the plurality vote shall be in descending order until the required number has been elected. In any election, if there is a tie vote between candidates, the tie shall be resolved by a draw from the names of candidates who have tied.

(l) The results of an election shall be recorded in the minutes of the next regular meeting of the Board following the election and shall include at least the following:

- (1) the number of nurses eligible to vote;
- (2) the number of votes cast; and
- (3) the number of votes cast for each candidate on the slate.

(m) The results of the election shall be reported to the Governor and in the annual report as directed in G.S. 93B-2 and G.S. 138A.

(n) All petitions to nominate a nurse, signed consents to appear on the slate, verifications of qualifications, and copies of the computerized validation and tabulation shall be retained for a period of four years following the close of an election.

*History Note: Authority G.S. 90-171.21; 90-171.23(b);
Eff. May 1, 1982;
Amended Eff. August 1, 1998; January 1, 1996; June 1, 1992; March 1, 1990; April 1, 1989;
Temporary Amendment Eff. July 2, 2001;
Amended Eff. December 1, 2010; November 1, 2008; January 1, 2004; August 1, 2002;
Readopted Eff. January 1, 2019.*

21 NCAC 36. .0112: DETERMINATION OF VACANCY

- (a) A Board member, with the exception of the At-Large Registered Nurse, shall notify the Executive Director immediately upon change of employment.
- (b) Licensed nurse members of the Board, with the exception of the At-Large Registered Nurse, who cease to meet the employment criteria as defined in G.S. 90-171.21(d) and Rule .0109 Paragraphs (d) and (e) of this Section shall have 60 days to resume employment that meets the criteria. If employment criteria for the specified area are not met within 60 days, the seat shall be declared vacant; provided, however, that if such a change in employment for the specified category of Board member occurs within 18 months of the end of the member's term, such member may continue to serve until the end of the term.
- (c) If at any time a registered nurse member, with the exception of the At-Large Registered Nurse, no longer meets the eligibility requirements listed in G.S. 90-171.21(d)(1)(a) and (a1), such member shall no longer continue to serve and the position shall be declared vacant.
- (d) If at any time a licensed practical nurse member no longer meets the eligibility requirements listed in G.S. 90-171.21(d)(2)(a) and (a1), such member shall no longer continue to serve and the position shall be declared vacant.

*History Note: Authority G.S. 90-171.21(c); 90-171.23(b);
Eff. May 1, 1988;
Amended Eff. November 1, 2008; January 1, 2004; August 1, 2002; March 1, 1990; May 1, 1989;
Readopted Eff. January 1, 2019.*

21 NCAC 36. 0113 DETERMINATION OF QUALIFICATIONS

(a) For purposes of G.S. 90-171.21 and Rule .0109(d) and (e) of this Section, the Board shall consider the following factors in determining whether a candidate is qualified to run for election:

- (1) whether the licensee is presently employed equal to or greater than 50% of a full-time position in the applicable practice area;
- (2) whether the licensee has been employed equal to or greater than 50% of a full-time position in the applicable practice area for the preceding three years;
- (3) the duration of any periods of interruption of employment in the applicable practice area during the preceding three years and the reasons for such interruptions;
- (4) job descriptions, contracts, and any other relevant evidence concerning the time, effort, and education devoted to the applicable practice area; and
- (5) whether engagement in the applicable practice area is or has been for compensation, and whether income derived therefrom meets the eligibility requirements for the applicable practice area.

(b) While serving on the Board, currently seated Board members, with the exception of the At-Large Registered Nurse, shall maintain employment equal to or greater than 50% of a full-time position in the applicable practice area.

History Note *Authority G.S. 90-171.21(d); 90-171.23(b)(2);
Eff. May 1, 1988;
Amended Eff. January 1, 2004; August 1, 2002; May 1, 1989;
Readopted Eff. January 1, 2019.*

Board Member Code of Conduct/Job Description and Governing Policies

The mission of the Board of Nursing is to protect the public by regulating the practice of nursing. Equity, Integrity, and Agility guide the Board's work. As a Board member, you are a representative of the Board of Nursing and its mission. As such, it is the duty and responsibility of each Board member to know the laws and rules that govern the work of the Board and to fulfill their obligations by acting in accordance with the code of conduct.

The Board operates pursuant to the following laws and rules:

- Nursing Practice Act [Nursing Practice Act | North Carolina Board of Nursing \(ncbon.com\)](https://www.ncbon.com)
- Title 21 Occupational Licensing Boards and Commissions Chapter 36 Nursing (Rules) [OAH - NCAC > Title 21 - Occupational Licensing Boards and Commissions > Chapter 36 - Nursing - Browsing \(state.nc.us\)](https://www.ncleg.gov/legislative-statutes/title-21)
- Article 33C Meetings of Public Bodies (Open Meetings Law) [Chapter 143 - Article 33C \(ncleg.gov\)](https://www.ncleg.gov/legislative-statutes/article-33c)
- Chapter 93B Occupational Licensing Boards [Chapter 93B \(ncleg.gov\)](https://www.ncleg.gov/legislative-statutes/chapter-93b)
- Chapter 138A State Government Ethics Act [Laws, Rules & Resources | Ethics Commission \(nc.gov\)](https://www.ncleg.gov/legislative-statutes/chapter-138a)
- Chapter 150B Administrative Procedure Act [Chapter 150B \(ncleg.net\)](https://www.ncleg.gov/legislative-statutes/chapter-150b)

Selection of Chief Executive Officer

Pursuant to the Nursing Practice Act, the Board shall employ a Chief Executive Officer who shall be a Registered Nurse and not a member of the Board.

Chief Executive Officer Evaluation

The Ad Hoc Committee for the Performance Evaluation of the Chief Executive Officer (CEO) shall facilitate the Board's completion of the CEO Performance Evaluation on an annual basis.

Meeting Profiles

As a Board Member, you will be asked to sit on a variety of committees tasked with conducting certain business on behalf of the Board. Each committee will have a chair charged with running the meeting and coordinate with a Board staff liaison to address the matters before the specific committee.

Code of Conduct

- The mission of a regulatory board for a licensed profession is to ensure that the public will have access to competent, safe, and ethical practitioners in the profession.
- The major functions of Board members are to create policy, implement the mission, vision, and value statements and govern rather than to manage.
- Members of a regulatory board must familiarize themselves with the laws, rules, regulations, policies, and procedures that govern their service on the board.
- The work of regulatory boards for licensed professionals is public service, not private interest, or group advocacy.
- Performance of public service is a privilege, not an earned or inherited right.
- Regardless of whether a member of a regulatory board for a licensed profession is a licensee in that or some other profession, a consumer, or any other type of member, it is essential for each board member to represent the public; that is, all of the people. Board members do not represent the profession, nor any other private.
- Members of regulatory boards must report any actual or perceived conflict of interest.
- Members of regulatory boards shall avoid any relationship, activity or position that may influence, directly or indirectly, the performance of their official duties as a board member.

Job description

Therefore, each Member of the North Carolina Board of Nursing shall:

1. Fulfill the oath to uphold the laws of North Carolina regarding the practice of nursing for the protection of the public.
2. Read and re-read the laws, rules, and policies under which the Board operates.
3. Prepare for, attend, and participate in the meetings of the Board and committees to which appointment has been accepted. As a guideline, the Board references Executive Order 34 *Ethics and Attendance Standards for Gubernatorial Appointees to the Board*, which states members are required to attend at least 75% of a Board's regularly scheduled meetings.
4. Utilize electronic tools to include Board issued devices and email for meeting preparation and communication with staff.

5. Review, complete and submit all surveys, assessments, and other staff requests within the designated time frame in order to adhere to Board policies and procedures.
6. Respond to all emails, phone calls, or text messages related to the Board communication within 24-48 hours.
7. Ensure each matter is dealt with in a fair, equitable, impartial, and just manner based on what is best for the consumer of nursing practice.
8. Reveal actual or perceived conflicts of interest and recuse from Board decision making when appropriate.
9. Ensure the rights to due process and protect the integrity of individuals and agencies who appear before the Board.
10. Accept responsibility and accountability for the decisions made by the Board, regardless of personal opinion.
11. Maintain confidentiality of confidential documents, information, and general Board matters.
12. Demonstrate mutual respect and support for each other and the staff of the Board in all Board related activities.
13. Not speak or act for the Board without proper authorization.
14. Avoid advising and/or conferring with those licensees and/or their legal counsel(s) who have been issued or may be issued a letter of charges by the Board.
15. Adhere to all deadlines and requirements as outlined in NC General Statute Chapter 138A NC State Ethics Act.
16. Selecting and evaluating the performance of the Chief Executive Officer (CEO).
17. Maintain confidentiality about all internal matters of the organization.

Removal of Board Member

If a Board Member fails to conduct themselves accordingly or acts inconsistently with the job description as described above, the Board may remove said Board Member pursuant to GS 90-171.21(f) and the attached policy, Removal of Board Member

Adopted: January 18, 1984

Revised: November 1990; September 1999; September 2001; August 2007; May 2014; May 2019; September 2022