

*A Position Statement does not carry the force and effect of law and rules but is adopted by the Board as a means of providing direction to licensees who seek to engage in safe nursing practice. Board Position Statements address issues of concern to the Board relevant to protection of the public and are reviewed regularly for relevance and accuracy to current practice, the Nursing Practice Act, and Board Administrative Code Rules.*

**Issue:**

Nursing law and rules require that only persons that are currently licensed as a registered nurse or licensed practical nurse may practice, offer to practice, and portray themselves as a registered nurse or licensed practical nurse. New graduate nurses that are not licensed as a registered nurse or licensed practical nurse are considered unlicensed assistive personnel (UAP) and may not work, practice, function, or portray himself/herself in the capacity as a licensed nurse until he/she has successfully passed NCLEX and issued a North Carolina single state nursing license or multi-state enhanced Nurse Licensure Compact (eNLC) license.

**Unlicensed New Graduate Nurse (UAP) Role:**

Unlicensed new graduate nurses seeking and obtaining employment with health care agencies prior to obtaining a nursing license may do so in the capacity of UAP such as Nurse Aide I (NAI), Nurse Aide II (NAII), etc. If working as an NAI, the Division of Health Services Regulation (DHSR) requires the individual to be listed on the [Nurse Aide I Registry](#). If working as an NAII, the individual is required to be listed on both the DHSR [Nurse Aide I Registry](#) and the Board of Nursing [Nurse Aide II Registry](#).

Employers seeking to employ unlicensed new graduate nurses may do so for positions and responsibilities of UAP. The unlicensed new graduate nurse may begin employment orientation prior to the issuance of a nursing license. The employment orientation must be confined to nonclinical settings. Observation or work performed in the actual clinical area by the unlicensed new graduate nurse must be done as an unlicensed employee, not as a licensed nurse.

Upon issuance of a license by the Board of Nursing and verification of licensure by the employer, the newly licensed nurse may work in the capacity of a licensed nurse.

**References**

[Nursing Practice Act, G.S. 90-171.43](#)

[Nursing Practice Act, G.S. 90-171.43A](#)

[21 NCAC 36.0211 \(f\) - Licensure by Examination](#)

[21 NCAC 36.0224 – Component of Nursing Practice for the Registered Nurse](#)

[21 NCAC 36.0225 – Components of Nursing Practice for the Licensed Practice Nurse](#)

[21 NCAC 36.0221 – License Required](#)

[NCBON Position Statement - Title “Nurse” is Protected](#)

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