



QUALIFICATIONS FOR ELECTION OF NURSE MEMBERS

TABLE OF CONTENTS

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 NC Board of Nursing Election of Nurse Members, please review the following items:

Nursing Practice Act – August 2009: Section 90-171.21	page 2
21 NCAC 36 .0109: Selection and Qualifications of Nurse Members	page 5
21 NCAC 36.0112: Determination of Vacancy	page 8
21 NCAC 36.0113: Determination of Qualifications	page 9
Board Member Code of Conduct – Job Description	page 10



QUALIFICATIONS FOR ELECTION OF NURSE MEMBERS

NURSING PRACTICE ACT: Section 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.



QUALIFICATIONS FOR ELECTION OF NURSE MEMBERS

(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 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:



QUALIFICATIONS FOR ELECTION OF NURSE MEMBERS

- 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.



QUALIFICATIONS FOR ELECTION OF NURSE MEMBERS

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 North Carolina Board of Nursing "Bulletin" for the calendar year, which shall be mailed to the address on record for each North Carolina licensed nurse. The "Bulletin" 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 nominee and each petitioner holds a current North Carolina license to practice nursing. If the nominee is not currently licensed, the petition shall be declared invalid. If any petitioners are not currently licensed and this decreases the number of petitioners to less than 10, the petition shall be declared invalid.

(c) On forms provided by the Board, each nominee shall:

- (1) indicate the category for which the nominee is seeking election;
- (2) attest to meeting the qualifications specified in G.S. 90-171.21(d); and
- (3) provide written permission to be listed on the ballot; and
- (4) complete the Application for Boards and Commissions in accordance with Governor Perdue's Executive Order 55

The forms must be received by the Board by April 15 at midnight.

(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 applies 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 which has an organized medical staff and which is designed, used, and primarily operated to provide health care, diagnostic and



QUALIFICATIONS FOR ELECTION OF NURSE MEMBERS

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 preacute and postacute client services.
- (4) A nurse accountable for the administration of nursing services shall be the chief nurse executive of a hospital, 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 practical nurse categories of membership, means any position for which the holder of the position is required to hold a current license to practice nursing at the appropriate licensure level for each category.

(g) A nominee shall be listed in only one category on the ballot.

(h) Separate slates shall be prepared for election of registered nurse nominees and for election of licensed practical nurse nominees. Nominees shall be listed in random order on the slate for licensed practical nurse nominees and within the categories for registered nurse nominees. Slates shall be published in the "Bulletin" following the Spring Board meeting and shall be accompanied by biographical data on nominees and a passport-type photograph.

(i) The procedure for voting shall be identified in the "Bulletin" following the Spring Board meeting.

(j) The Board of Nursing may contract with a computer or other service to receive the votes and tabulate the results.

(k) The tabulation and verification of the tabulation of votes shall include the following:

- (1) The certificate number shall be provided for each individual voting; and
- (2) The certificate number shall be matched with the database from the Board.

(l) A plurality vote shall elect. If more than one person 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



QUALIFICATIONS FOR ELECTION OF NURSE MEMBERS

there is a tie vote between nominees, the tie shall be resolved by a draw from the names of nominees who have tied.

(m) The results of an election shall be recorded in the minutes of the next regular meeting of the Board of Nursing 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 person on the slate.

(n) The results of the election shall be forwarded to the Governor and the Governor shall commission those elected to the Board of Nursing.

(o) 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 three months 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. January 1, 2004; August 1, 2002.*



QUALIFICATIONS FOR ELECTION OF NURSE MEMBERS

21 NCAC 36.0112: DETERMINATION OF VACANCY

- (a) Except for the RN At-Large Member, should a licensed nurse member of the Board 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, the member shall have 60 days to resume employment in the designated area. 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.
- (b) If at any time a registered nurse member 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.
- (c) 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.
- (d) Any vacancy of an unexpired term shall be filled according to G.S. 90-171.21(c).

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.



QUALIFICATIONS FOR ELECTION OF NURSE MEMBERS

21 NCAC 36.0113: DETERMINATION OF QUALIFICATIONS

For purposes of G.S. 90-171.21 and Rule .0109 (d) and (e) of this Section, the Board shall determine whether a person meets the employment requirements by examining the following factors:

- (1) whether the licensee is presently employed equal to or greater than 50% of a full-time position;
- (2) the number of days during the preceding three years devoted to practice in the specified activity that would qualify the licensee for election in that category;
- (3) the duration of any periods of interruption of engaging in the specified activity during the preceding three years and the reasons for any such interruptions;
- (4) job descriptions, contracts, and any other relevant evidence concerning the time, effort, and education devoted to the specified activity; and
- (5) whether engagement in the specified activity is or has been for compensation, and whether income from the specified activity meets the eligibility requirements for the specified nurse member category.

*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.*



Board Member Code of Conduct/Job Description

The Code of Conduct is a set of behavioral expectations intended to assure the Public that the Board and its individual members uphold the highest level of integrity and ethical standards. The following principles provide the foundation for assuring public trust in professional regulation:

- 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.
- A major function of Board members is to create policy, articulate the mission, and sustain the vision of the Board; to 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 the licensed professions 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 group.
- Members of regulatory boards must strive beyond the norm to avoid any actual or perceived conflict of interest that may compromise the integrity of the board.
- Members of regulatory boards must strive beyond the norm to avoid any relationship, activity or position that may influence, directly or indirectly, the performance of his or her official duties as a board member.

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 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.
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Board Member Code of Conduct/Job Description

4. Utilize electronic media to include Board issued iPad, Board Member SharePoint Site and email for meeting preparation and communication with staff.
5. Review, complete and submit all surveys, assessments, mail referendums and other staff requests within the designated time frame in order to adhere to Board policies and procedures.
6. Respond to all emails or phone calls related to 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 oneself 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; and,
15. Adhere to all deadlines and requirements as outlined in NC General Statute Chapter 138A NC State Ethics Act

Adopted: January 18, 1984

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