

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" 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.*