

## SUBCHAPTER 13L - NURSING POOL LICENSURE

### SECTION .0100 - GENERAL INFORMATION

#### 10A NCAC 13L .0101 DEFINITIONS

The following definitions apply throughout this Subchapter:

- (1) "Division" means the Division of Health Service Regulation within the Department of Health and Human Services.
- (2) "Premises" means a building and the tract of land upon which it sits.

*History Note: Authority G.S. 131E-154.4;  
Eff. January 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015.*

### SECTION .0200 - LICENSING

#### 10A NCAC 13L .0201 APPLICATION FOR LICENSE

(a) Requests for a nursing pool license shall be submitted on application forms made available by the Division. Each application shall include the following information:

- (1) Business identification consisting of the following:
  - (A) The business name or names under which the licensed services will be offered in brochures, yellow pages, and other advertisements.
  - (B) The full street address location of the office premises which the public will contact to obtain the offered nursing pool services.
  - (C) The postal address of the office for which licensing is requested.
  - (D) A listing or description of any state issued licenses applicable to the premises for which the application is submitted.
- (2) Ownership disclosure consisting of the following:
  - (A) The name of the legal person, corporation, partnership, or proprietor, with ownership liability and authority applying for a license.
  - (B) The name, business title, address, and telephone number of the proprietor, managing partner, or chief executive officer.
  - (C) The name of other corporations, trusts, or holding companies involved when the applying entity is a wholly owned subsidiary corporation.
- (3) Names, title and telephone number of the on-site manager for the location to be licensed.
- (4) General information on all health care related services expected to be offered to the public from the premises on the effective date of licensure.

(b) Nursing pools subject to this Subchapter, but exempt from separate licensure, shall submit an application in accordance with this Rule and an addendum to their existing license shall be issued.

(c) A copy of this Subchapter together with the governing statutes shall be maintained on the licensed premises for use by on-site personnel.

*History Note: Authority G.S. 131E-154.4;  
Eff. January 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015.*

#### 10A NCAC 13L .0202 ISSUANCE OF LICENSE

(a) Each site shall be individually licensed when it has been determined by the Division that the site involved is substantially in compliance with this Subchapter. Business sites using the same public business name already licensed by the Division pursuant to G.S. 131E, Articles 5 or 6 shall have "nursing pool" added to their existing license.

(b) Nursing pools administered by health care facilities as defined in G.S. 131E-154.2 of the Nursing Pool Licensure Act, and agencies licensed under Article 5 or 6 of Chapter 131E of the General Statutes and not required

to be separately licensed may request the issuance of a license as a more visible means of demonstrating their compliance with the provisions of this Subchapter.  
(c) All licenses shall be renewed every two years.

*History Note: Authority G.S. 131E-154.3; 131E-154.4; 131E-154.5;  
Eff. January 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015.*

#### **10A NCAC 13L .0203 PROGRAM COMPLIANCE**

(a) The Division shall employ a system of initial and renewal applications, complaint investigation and on-site inspections for nursing pools with sites in the state as a means for monitoring and determining program compliance. This system shall be applied uniformly to all licensed and license-exempt nursing pool premises. Routine licensing renewal activities may be conducted by mail. Licensing of nursing pools with sites outside the state, but which provide personnel to health care facilities within the state, shall be conducted by mail.

(b) In the event of non-compliance with any rule or rules in this Subchapter or the Nursing Pool Licensure Act, the business shall be given no more than thirty days, the specific time period to be determined by the Division, to correct the non-compliance.

(c) The Division may suspend, revoke, annul, withdraw, recall, cancel, or amend a license in accordance with G.S. 131E-154.6 for any nursing pool that substantially fails to comply with the rules contained in this Subchapter or that fails to implement an approved plan of correction for violations of rules cited by the Division. A nursing pool may appeal any adverse decision made by the Division concerning its license by making such appeal in accordance with the Administrative Procedure Act, G.S. 150B and departmental rules 10A NCAC 01 et seq. As provided for in G.S. 131E-154.7, the Division may seek injunctive relief to prevent a person from establishing or operating a nursing pool without a license.

*History Note: Authority G.S. 131E-154.4;  
Eff. January 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015.*

#### **10A NCAC 13L .0204 PUBLIC DISPLAY**

(a) The nursing pool's license shall be valid only for the premises on which displayed and specified on the license.

(b) The public use of the pool's license status shall not be included in any advertisement which involves any unlicensed services offered by the licensee and has the potential for misleading the public into believing that both covered and non-covered services are represented by the license.

*History Note: Authority G.S. 131E-154.3; 131E-154.4;  
Eff. January 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015.*

### **SECTION .0300 - ADMINISTRATION**

#### **10A NCAC 13L .0301 WRITTEN POLICIES AND PROCEDURES**

(a) The nursing pool shall have written administrative and personnel policies to govern the services that it provides. These policies shall include those concerning patient care, personnel, training and orientation, supervision, employee evaluation, and organizational structure.

(b) At the option of the licensee, written policies and procedures may address other services not subject to the Nursing Pool Licensure Act. The Division shall not require separate policies and procedures if the premises from which nursing pool services are offered also offers additional temporary nursing services not subject to licensure.

(c) Policies shall provide that no reprisal action shall be taken against any employee who reports instances of patient rights violations or patient abuse, neglect, or exploitation to the appropriate governmental authority.

(d) The nursing pool shall retain all administrative records for five years and shall make these records available to the Division upon request. Administrative records shall include:

- (1) documents evidencing control and ownerships, such as corporation or partnership papers;

- (2) policies and procedures governing the operation of the agency;
- (3) minutes of the agency's professional and administrative staff meetings;
- (4) reports of complaints, inspections, reviews, and corrective actions taken related to licensure; and
- (5) contracts and agreements to which the agency is a party.

*History Note: Authority G.S. 131E-154.4;  
Eff. January 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;  
Amended Eff. April 1, 2024.*

#### **10A NCAC 13L .0302 PERSONNEL RECORDS**

- (a) A nursing pool shall maintain a personnel record on each individual.
- (b) Each individual's personnel record shall include:
  - (1) A legible copy of an unexpired license verification to practice nursing as a registered nurse or a licensed practical nurse or an unexpired Nurse Aide I or Nurse Aide II listing verification.
  - (2) A completed job application with employment history, training, education, continuing education, and identification data including name, address, and telephone number.
  - (3) Results of reference checks.
  - (4) Performance evaluations annually. The annual performance evaluation shall include feedback from the health care facility of the on-site performance of contracted nursing personnel.
- (c) Personnel records shall be maintained for one year after termination from agency employment.

*History Note: Authority G.S. 131E-154.4;  
Eff. January 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015;  
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#### **10A NCAC 13L .0303 INSURANCE REQUIRED**

The nursing pool shall carry general and professional liability insurance written by an insurer approved by the North Carolina Department of Insurance. The terms of such insurance shall be disclosed to clients receiving services from the licensee.

*History Note: Authority G.S. 131E-154.4;  
Eff. February 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015.*