

October 3, 2024

In Re: North Carolina Board of Nursing Temporary Waivers in response to the State of Emergency declared by Governor Cooper in response to Hurricane Helene.

On September 25, 2024, Governor Roy Cooper declared a state of emergency due to the impact of Hurricane Helene. Pursuant to the Governor's Declared Statement Number FEMA-4827-DR, the following counties or territories in Western North Carolina were identified:

Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania, Watauga, Wilkes, and Yancey Counties and the Eastern Band of Cherokee Indians.

The mission of the North Carolina Board of Nursing ("Board") is to protect the public by regulating the practice of nursing. The Board is vested with the authority to waive the requirements of Article 9A Chapter 90 of the General Statutes to allow emergency health services to the public should the Governor declare a state of emergency.

Pursuant to the authority granted to the Board by N.C. Gen. Stat. §90-171.49 in response to Executive Order 315 (2024), the Board hereby waives the following rules and requirements:

Emergency Temporary Reinstatement of Inactive and Retired RNs and LPNs

21 NCAC 36 .0202 INACTIVE AND RETIRED STATUS

- (b) An applicant whose licensure status is inactive or retired and who desires to resume the practice of nursing in North Carolina shall:
- (1) submit a completed application for reinstatement, stating that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application. Application is posted on the Board's website at www.ncbon.com;
 - (2) have no pending court conditions as a result of any misdemeanor or felony convictions. The applicant shall provide a written explanation and all investigative reports or court documents evidencing the circumstances of the crimes if requested by the Board. The Board shall use these documents when determining if a license should be denied pursuant to G.S. 90-171.48 and 90-171.37;
 - (3) self-certify that the applicant is of mental and physical health necessary to competently practice nursing;
 - (4) submit the licensure application fee, as established in G.S. 90-171.27(b);
 - (5) attest to having completed continuing competence requirements and submit evidence of completion if requested by the Board, as specified in Rule .0232(b) of this Section; and,
 - (6) complete a criminal background check in accordance with G.S. 90-171.48.

Waive the provisions of (b)(4)-(6) so that an applicant may practice as an RN or LPN during the declared state of emergency. Applicants shall apply for reinstatement as provided in (b)(1). The provisions of (a), (b)(2-3), and (c) shall not be waived. Applicants with licenses surrendered or suspended due to disciplinary action will not be considered. The emergency license is temporary and shall expire on December 31, 2024, unless the waiver provisions are sooner amended, or rescinded by the Board or further Executive Order.

Emergency Temporary Reinstatement of Expired License

21 NCAC 36 .0203 REINSTATEMENT OF EXPIRED LICENSE

- (a) An applicant whose license has expired and who desires reinstatement of that license shall:
- (1) submit a completed application for reinstatement, stating that the information on the application is true and complete and authorizing the release to the Board of all information pertaining to the application. The Application for Reinstatement is posted on the Board's website at www.ncbon.com;
 - (2) have an unencumbered license in all jurisdictions in which a license is or has ever been held;
 - (3) attest to having completed continuing competence requirements and submit evidence of completion if requested by the Board, as specified in Rule .0232(b) of this Section;
 - (4) have no pending court conditions as a result of any misdemeanor or felony convictions. An Applicant shall provide a written explanation and all investigative reports or court documents evidencing the circumstances of the crime(s) if requested by the Board. The Board shall use these documents when determining if a license should be denied pursuant to G.S. 90-171.48 and G.S. 90-171.37;
 - (5) submit such other evidence that the Board may require according to these rules to determine whether the license should be reinstated;
 - (6) complete a criminal background check after license has been expired for 30 calendar days in accordance with G.S. 90-171.48;
 - (7) self-certify that the applicant is of mental and physical health necessary to competently practice nursing; and
 - (8) submit the reinstatement fee, as established in G.S. 90-171.27(b).

Waive the provisions of (a)(3), (5), (6), and (8) so that an applicant may practice as an RN or LPN during the declared state of emergency. Applicants shall apply for reinstatement as provided in (a)(1). The provisions of (a)(2), (4), and (7) shall not be waived. The provisions of (c)(2) requiring a refresher course shall not be waived. Applicants with licenses surrendered or suspended due to disciplinary action will not be considered. The emergency license is temporary and shall expire on December 31, 2024, unless the waiver provisions are sooner amended, or rescinded by the Board or further Executive Order.

Emergency Temporary Licensure by Endorsement

Those applicants seeking to aid Western North Carolina during this declared state of emergency, shall review and abide by the following.

21 NCAC 36 .0218 LICENSURE BY ENDORSEMENT

- (a) To be eligible for licensure by endorsement, an applicant shall:
- (1) submit a completed application for endorsement, stating that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application. The Application for Endorsement is posted on the Board's website at www.ncbon.com;
 - (2) submit the licensure application fee as established in G.S. 90-171.27(b);
 - (3) have an unencumbered license in all jurisdictions in which a license is or has ever been held;
 - (4) have an active unencumbered license in a jurisdiction. If the license has been inactive or expired for five or more years, the applicant shall meet the requirements for a refresher course as indicated in G.S. 90-171.35 and G.S. 90-171.36;
 - (5) have no pending court conditions as a result of any misdemeanor or felony convictions. The applicant shall provide a written explanation and all investigative reports or court documents evidencing the circumstances of the crime(s) if requested by the Board. The Board shall use these documents when determining if a license should be denied pursuant to G.S. 90-171.48 and G.S. 90-171.37;
 - (6) submit a written explanation and all related documents if the nurse has ever been listed as a nurse aide and if there have ever been any substantiated findings pursuant to G.S. 131E-255. The Board may take these findings into consideration when determining if a license should be denied pursuant to G.S. 90-171.37. In the event findings are pending, the Board shall withhold taking any action until the investigation is completed;
 - (7) submit a self-certification that the applicant is of mental and physical health necessary to competently practice nursing;
 - (8) show completion of a nursing education program which was approved by the jurisdiction of original licensure. If applying for licensure by endorsement as a licensed practical nurse, applicant may also show evidence that:
 - (A) applicant has successfully completed a course of study for military corpsman that is comparable to that required of licensed practical nurse graduates in North Carolina; or
 - (B) applicant has been licensed in another NCSBN-member jurisdiction for five or more years immediately prior to application submission and has practiced in a nursing position at the same level of licensure for which application is being made for two calendar years of full-time employment immediately prior to application as verified by the employer; and
 - (9) complete a criminal background check in accordance with G.S. 90-171.48.

Waive the provisions of (a)(2), (8), and (9) so that an applicant may practice as an RN or LPN during the declared state of emergency. Applicants shall apply for reinstatement as provided in (a)(1). The provisions of (a)(3-7) shall not be waived. Applicants with licenses surrendered or suspended due to disciplinary action will not be considered. The emergency license is temporary and shall expire on December 31, 2024, unless the waiver provisions are sooner amended, or rescinded by the Board or further Executive Order.

This waiver does not waive any other statutory requirements or limitations. This waiver shall take effect on October 3, 2024 and shall remain in full force and effect until December 31, 2024, or unless sooner amended, or rescinded by the Board or further Executive Order.

A handwritten signature in black ink that reads "Crystal L. Tillman". The signature is written in a cursive style with a large initial 'C'.

Crystal L. Tillman, DNP, RN, CPNP, PMHNP-BC, FRE
Chief Executive Officer
North Carolina Board of Nursing