

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 518

Short Title: Nurses Aides Training Programs.

(Public)

Sponsors: Representatives Moore; Bowman, Cummings, and McLawhorn.

Referred to: Judiciary I.

March 24, 1993

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF THE BOARD OF NURSING TO
REGULATE NURSES AIDES TRAINING PROGRAMS AND TO SET THE
MINIMUM QUALIFICATIONS FOR FACULTY MEMBERS OF THESE
PROGRAMS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-171.55 reads as rewritten:

"§ 90-171.55. Nurses Aides Registry.

(a) Registry. – The Board of Nursing, established pursuant to G.S. 90-171.21, shall establish a Nurses Aides Registry for persons functioning as nurses aides regardless of ~~title~~–title, and nurses aides shall annually apply to be listed on the Registry. The Board may establish two levels of registration for nurses aides and may establish training and education requirements for registration. A faculty member of a nurses aides training or evaluation program may be either (i) a holder of a current North Carolina license as a registered nurse or (ii) a holder of a current North Carolina license as a licensed practical nurse working under the supervision of a holder of a current North Carolina license as a registered nurse. The Board shall consider those Level I nurses aides employed in State licensed or Medicare/Medicaid certified nursing facilities who meet applicable State and federal registry requirements as adopted by the North Carolina Medical Care Commission as having fulfilled the training and registry requirements of the Board, except for the fee requirements prescribed by this section.

(a1) Fee. – The Board may charge an annual fee of five dollars (\$5.00) for each registry applicant. The Board shall adopt rules to ensure that whenever possible, the fee is collected through the employer or prospective employer of the registry applicant.

1 Fees collected may be used by the Board in administering the registry. The Board's
2 authority granted by this Article shall not conflict with the authority of the Medical Care
3 Commission.

4 (b) Bonds. –

5 (1) Each nurses aide training program, except for those operated by (i)
6 institutions under the Board of Governors of The University of North
7 Carolina, (ii) institutions of the North Carolina Community College
8 System, (iii) public high schools, and (iv) hospital authorities acting
9 pursuant to G.S. 131E-23(31), shall provide a guaranty bond unless the
10 program has already provided a bond or an alternative to a bond under
11 G.S. 115D-95. The Board of Nursing may revoke the approval of a
12 program that fails to maintain a bond or an alternative to a bond
13 pursuant to this subsection or G.S. 115D-95.

14 (2) When application is made for approval or renewal of approval, the
15 applicant shall file a guaranty bond with the clerk of the superior court
16 of the county in which the program will be located. The bond shall be
17 in favor of the students. The bond shall be executed by the applicant
18 as principal and by a bonding company authorized to do business in
19 this State. The bond shall be conditioned to provide indemnification to
20 any student, or his parent or guardian, who has suffered a loss of
21 tuition or any fees by reason of the failure of the program to offer or
22 complete student instruction, academic services, or other goods and
23 services related to course enrollment for any reason, including the
24 suspension, revocation, or nonrenewal of a program's approval,
25 bankruptcy, foreclosure, or the program ceasing to operate.

26 The bond shall be in an amount determined by the Board to be
27 adequate to provide indemnification to any student, or his parent or
28 guardian, under the terms of the bond. The bond amount for a
29 program shall be at least equal to the maximum amount of prepaid
30 tuition held at any time during the last fiscal year by the program. The
31 bond amount shall also be at least ten thousand dollars (\$10,000).

32 Each application for a license shall include a letter signed by an
33 authorized representative of the program showing in detail the
34 calculations made and the method of computing the amount of the
35 bond pursuant to this subdivision and the rules of the Board. If the
36 Board finds that the calculations made and the method of computing
37 the amount of the bond are inaccurate or that the amount of the bond is
38 otherwise inadequate to provide indemnification under the terms of the
39 bond, the Board may require the applicant to provide an additional
40 bond.

41 The bond shall remain in force and effect until cancelled by the
42 guarantor. The guarantor may cancel the bond upon 30 days notice to
43 the Board. Cancellation of the bond shall not affect any liability
44 incurred or accrued prior to the termination of the notice period.

- 1 (3) An applicant that is unable to secure a bond may seek a waiver of the
2 guaranty bond from the Board and approval of one of the guaranty
3 bond alternatives set forth in this subdivision. With the approval of the
4 Board, an applicant may file with the clerk of the superior court of the
5 county in which the program will be located, in lieu of a bond:
- 6 a. An assignment of a savings account in an amount equal to the
7 bond required (i) which is in a form acceptable to the Board; (ii)
8 which is executed by the applicant; and (iii) which is executed
9 by a state or federal savings and loan association, state bank, or
10 national bank, that is doing business in North Carolina and
11 whose accounts are insured by a federal depositors corporation;
12 and (iv) for which access to the account in favor of the State of
13 North Carolina is subject to the same conditions as for a bond in
14 subdivision (2) of this subsection.
- 15 b. A certificate of deposit (i) which is executed by a state or
16 federal savings and loan association, state bank, or national
17 bank, which is doing business in North Carolina and whose
18 accounts are insured by a federal depositors corporation; and
19 (ii) which is either payable to the State of North Carolina,
20 unrestrictively endorsed to the Board; in the case of a
21 negotiable certificate of deposit, is unrestrictively endorsed to
22 the Board; or in the case of a nonnegotiable certificate of
23 deposit, is assigned to the Board in a form satisfactory to the
24 Board; and (iii) for which access to the certificate of deposit in
25 favor of the State of North Carolina is subject to the same
26 conditions as for a bond in subdivision (2) of this subsection."

27 Sec. 2. Effective July 1, 1995, G.S. 90-171.55(a), as amended by Section 1 of
28 this act, reads as rewritten:

29 "(a) Registry. – The Board of Nursing, established pursuant to G.S. 90-171.21,
30 shall establish a Nurses Aides Registry for persons functioning as nurses aides
31 regardless of title, and nurses aides shall annually apply to be listed on the Registry.
32 The Board may establish two levels of registration for nurses aides and may establish
33 training and education requirements for registration. ~~A faculty member of a nurses aides
34 training or evaluation program may be either (i) a holder of a current North Carolina license as
35 a registered nurse or (ii) a holder of a current North Carolina license as a licensed practical
36 nurse working under the supervision of a holder of a current North Carolina license as a
37 registered nurse.~~The Board shall consider those Level I nurses aides employed in State
38 licensed or Medicare/Medicaid certified nursing facilities who meet applicable State and
39 federal registry requirements as adopted by the North Carolina Medical Care
40 Commission as having fulfilled the training and registry requirements of the Board,
41 except for the fee requirements prescribed by this section."

42 Sec. 3. Section 2 of this act becomes effective July 1, 1995; the remainder of
43 this act is effective upon ratification.