

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**SENATE BILL 376  
Commerce, Small Business and Entrepreneurship Committee Substitute Adopted  
5/9/07**

Short Title: Amend Nurse Practice Act. (Public)

Sponsors:

Referred to:

February 28, 2007

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO  
2 ACQUIRE PROPERTY, CONDUCT EVIDENCE HEARINGS BY PANELS,  
3 SERVE SUBPOENAS ISSUED BY THE BOARD, AND ESTABLISH  
4 STANDARDS FOR APPLICANT REQUIREMENTS FOR MEDICATION AIDE  
5 TRAINING.  
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 90-171.23(b) is amended by adding the following new  
9 subdivisions:

10 "(b) Duties, powers. The Board is empowered to:

11 ...

12 (21) Proceed in accordance with G.S. 90-171.37A, notwithstanding  
13 G.S. 150B-40(b), when conducting a contested case hearing in  
14 accordance with Article 3A of Chapter 150B of the General Statutes.

15 (22) Designate one or more of its employees to serve papers or subpoenas  
16 issued by the Board. Service under this subdivision is permitted in  
17 addition to any other methods of service permitted by law.

18 (23) Acquire, hold, rent, encumber, alienate, and otherwise deal with real  
19 property in the same manner as a private person or corporation, subject  
20 only to approval of the Governor and the Council of State. Collateral  
21 pledged by the Board for an encumbrance is limited to the assets,  
22 income, and revenues of the Board."

23 **SECTION 2.** Article 9A of Chapter 90 of the General Statutes is amended  
24 by adding a new section to read:

25 "**§ 90-171.37A. Use of hearing committee and depositions.**

26 (a) The Board, in its discretion, may designate in writing three or more of its  
27 members to conduct hearings as a hearing committee to take evidence. A majority of the  
28 hearing committee shall be licensed nurses.

1       (b) Evidence and testimony may be presented at hearings before the Board or a  
2 hearing committee in the form of depositions before any person authorized to administer  
3 oaths in accordance with the procedure for the taking of depositions in civil actions in  
4 the superior court.

5       (c) The hearing committee shall submit a recommended decision that contains  
6 findings of fact and conclusions of law to the Board. Before the Board makes a final  
7 decision, it shall give each party an opportunity to file written exceptions to the  
8 recommended decision made by the hearing committee and to present oral arguments to  
9 the Board. A quorum of the Board will issue a final decision."

10       **SECTION 3.** G.S. 90-171.56(1) reads as rewritten:

11       "(1) Establish standards for faculty and applicant requirements for  
12       medication aide ~~training; and training.~~"

13       **SECTION 4.** This act is effective when it becomes law.