

**STATE OF NORTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**MEDICAL CARE COMMISSION EMERGENCY TELECONFERENCE MEETING
DIVISION OF HEALTH SERVICE REGULATION
809 RUGGLES DRIVE, RALEIGH NC 27603
EDGERTON BUILDING
CONFERENCE ROOM - 026A**

Thursday, April 9, 2020

10:00 a.m.

I. Meeting Opens – Roll Call

II. Chairman’s Comments.....Dr. John Meier

III. Public Meeting Statement.....Dr. John Meier

This meeting of the Medical Care Commission is open to the public but is not a public hearing. Therefore, any discussion will be limited to members of the Commission and staff unless questions are specifically directed by the Commission to someone in the audience.

IV. Ethics Statement.....Dr. John Meier

The State Government Ethics Act requires members to act in the best interest of the public and adhere to the ethical standards and rules of conduct in the State Government Ethics Act, including the duty to continually monitor, evaluate, and manage personal, financial, and professional affairs to ensure the absence of conflicts of interest.

V. New Business

A. Rule for Adoption (Discuss Rule)

1. Healthcare Personnel Registry Rule.....Nadine Pfeiffer & Jana Busick

Emergency rulemaking for nurse aid certification or registration reciprocity due to COVID-19

- Rule: 10A NCAC 130 .0301 (See Exhibits A & A/1)

B. Rule for Initiating Rulemaking Approval (Discuss rule)

2. Healthcare Personnel Registry Rule..... Nadine Pfeiffer & Jana Busick

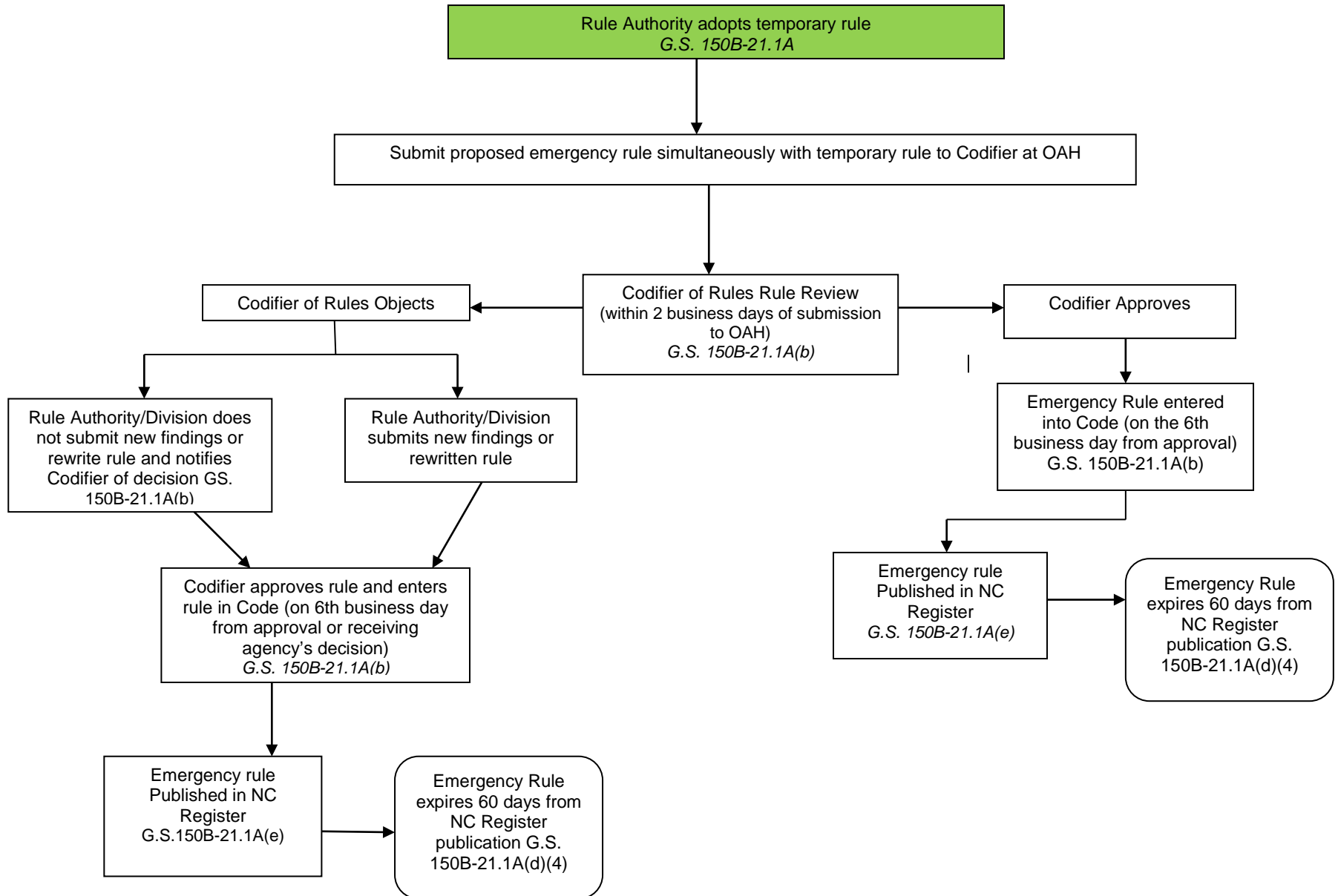
Temporary rulemaking for nurse aid certification or registration reciprocity due to COVID-19

- Rule: 10A NCAC 130 .0301 (See Exhibits B & B/1)

VI. Meeting Adjournment

Emergency Rulemaking Process

**Exhibit A
4/2020**



1 10A NCAC 130 .0301 is proposed for amendment under emergency procedures as follows:

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SECTION .0300 - NURSE AIDE I REGISTRY

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10A NCAC 130 .0301 NURSE AIDE I TRAINING AND COMPETENCY EVALUATION

6 (a) To be eligible to be listed on the NC Nurse Aide I Registry by the Health Care Personnel Education and
7 Credentialing Section, a person ~~shall~~ shall:

8 (1) pass a Nurse Aide I training program approved by the Department in accordance with 42 CFR Part
9 483.151 through Part 483.152 and the State of North Carolina's Nurse Aide I competency ~~exam~~
10 exam; or

11 (2) apply to the Department for approval to be listed on the NC Nurse Aide I Registry by reciprocity
12 transfer of a nurse aide certification or registration from another State to North Carolina.

13 (b) In applying for reciprocity transfer of a nurse aide certification or registration to be listed on the NC Nurse Aide
14 I Registry pursuant to Subparagraph (a)(2) of this Rule, the applicant shall meet the following criteria:

15 (1) submit a completed application to the Department that includes the following:

16 (A) first, middle, and last name;

17 (B) the applicant's prior name(s), if any;

18 (C) mother's maiden name;

19 (D) gender;

20 (E) social security number;

21 (F) date of birth;

22 (G) mailing address;

23 (H) email address;

24 (I) home telephone number;

25 (J) any other State registries of nurse aides upon which the applicant is listed;

26 (K) certification or registration numbers for any State nurse aide registries identified in Part
27 (b)(1)(J) of this Rule;

28 (L) original issue dates for any certifications or registrations identified in Part (b)(1)(K) of this
29 Rule;

30 (M) expiration dates for any certifications or registrations identified in Part (b)(1)(K) of this
31 Rule;

32 (N) training program name(s);

33 (O) training program locations(s);

34 (P) training program completion date(s) with a passing score; and

35 (Q) employment history;

- 1 (2) provide documentation verifying that his or her registry listing is active and in good standing in the
2 State(s) of transfer, dated no earlier than 30 calendar days prior to the date the application is received
3 by the Department; and
- 4 (3) provide a copy of his or her Social Security card and a valid government-issued identification
5 containing a photograph and signature.

6 (c) For the applicant to be approved for reciprocity transfer of a nurse aide certification or registration to be listed on
7 the NC Nurse Aide I Registry, the Department shall verify the following:

- 8 (1) the applicant has completed an application in accordance with Subparagraph (b)(1) of this Rule;
9 (2) the applicant is listed on another State's registry of nurse aides with an active status;
10 (3) the applicant has no pending or substantiated findings of abuse, neglect, exploitation, or
11 misappropriation of resident or patient property recorded on another State's registry of nurse aides;
12 (4) the applicant has been employed as a nurse aide for monetary compensation consisting of at least
13 eight hours of time worked performing nursing or nursing-related tasks delegated and supervised by
14 a Registered Nurse for the previous 24 consecutive months;
15 (5) the name listed on the Social Security card and government-issued identification containing a
16 photograph and signature submitted with the application matches the name listed on another State's
17 registry of nurse aides or that the applicant has submitted additional documentation verifying any
18 name changes; and
- 19 (6) that the applicant completed a State-approved nurse aide training and competency evaluation
20 program that meets the requirements of 42 CFR 483 Part 152 or a State-approved competency
21 evaluation program that meets the requirements of 42 CFR 483 Part 154.

22 (d) The Department shall within 15 business days of receipt of an application for reciprocity transfer of a nurse aide
23 certification or registration or receipt of additional information from the applicant:

- 24 (1) inform the applicant by letter whether he or she has been approved; or
25 (2) request additional information from the applicant.

26 The applicant shall be added to the NC Nurse Aide I Registry within three business days of Department approval.

27 ~~(b)~~ (e) This Rule incorporates 42 CFR Part 483 Subpart D by reference, including all subsequent amendments and
28 editions. Copies of the Code of Federal Regulations may be accessed electronically free of charge from
29 www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR.

30 ~~(c)~~ (f) The State of North Carolina's Nurse Aide I competency exam shall include each course requirement specified
31 in the Department-approved Nurse Aide I training program as provided for in 42 CFR Part 483.152.

32 ~~(d)~~ (g) The State of North Carolina's Nurse Aide I competency exam shall be administered and evaluated only by the
33 Department or its contracted testing agent as provided for in 42 CFR Part 483.154.

34 ~~(e)~~ (h) The Department shall include a record of completion of the State of North Carolina's Nurse Aide I competency
35 exam in the NC Nurse Aide I Registry within 30 business days of passing the written or oral exam and the skills
36 demonstration as provided for in 42 CFR Part 483.154.

1 ~~(i)~~ (i) If the State of North Carolina's Nurse Aide I competency exam candidate does not pass the written or oral exam
2 and the skills demonstration as provided for in 42 CFR Part 483.154, the candidate shall be advised by the Department
3 of the areas that the individual did not pass.

4 ~~(j)~~ (j) Every North Carolina's Nurse Aide I competency exam candidate shall have, as provided for in 42 CFR Part
5 483.154, the opportunity to take the exam three times before being required to retake and pass a Nurse Aide I training
6 program.

7 ~~(k)~~ (k) A person who is currently listed on any state's Nurse Aide I Registry shall not be required to take the
8 Department-approved Nurse Aide I training program to be listed or, if his or her 24-month listing period has expired,
9 relisted on the NC Nurse Aide I Registry, unless the person fails to pass the State of North Carolina's Nurse Aide I
10 competency exam after three attempts.

11 ~~(l)~~ (l) U.S. military personnel who have completed medical corpsman training and retired or non-practicing nurses
12 shall not be required to take the Department-approved Nurse Aide I training program to be listed or relisted on the
13 Nurse Aide I Registry, unless the person fails to pass the State of North Carolina's Nurse Aide I competency exam
14 after three attempts.

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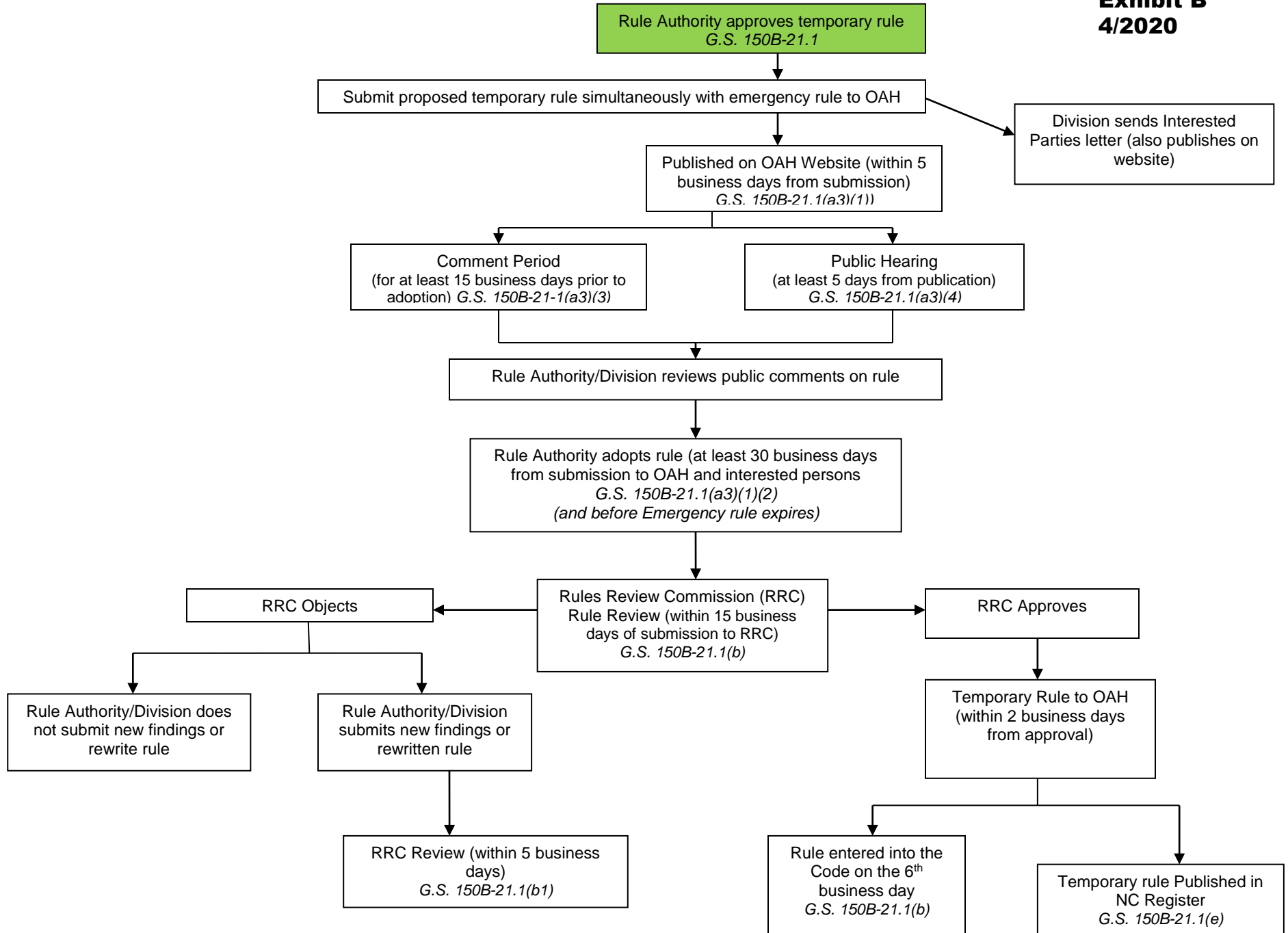
16 *History Note: Authority G.S. 131E-255; 42 CFR Part 483;*

17 *Eff. January 1, ~~2016~~. 2016;*

18 *Emergency Rule Eff. April 20, 2020.*

Temporary Rulemaking Process

**Exhibit B
4/2020**



1 10A NCAC 130 .0301 is proposed for amendment under temporary procedures as follows:

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SECTION .0300 - NURSE AIDE I REGISTRY

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- (1) pass a Nurse Aide I training program approved by the Department in accordance with 42 CFR Part 483.151 through Part 483.152 and the State of North Carolina's Nurse Aide I competency ~~exam~~ exam; or
- (2) apply to the Department for approval to be listed on the NC Nurse Aide I Registry by reciprocity transfer of a nurse aide certification or registration from another State to North Carolina.

(b) In applying for reciprocity transfer of a nurse aide certification or registration to be listed on the NC Nurse Aide I Registry pursuant to Subparagraph (a)(2) of this Rule, the applicant shall meet the following criteria:

- (1) submit a completed application to the Department that includes the following:
 - (A) first, middle, and last name;
 - (B) the applicant's prior name(s), if any;
 - (C) mother's maiden name;
 - (D) gender;
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 - (J) any other State registries of nurse aides upon which the applicant is listed;
 - (K) certification or registration numbers for any State nurse aide registries identified in Part (b)(1)(J) of this Rule;
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 - (N) training program name(s);
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- 1 (2) provide documentation verifying that his or her registry listing is active and in good standing in the
2 State(s) of transfer, dated no earlier than 30 calendar days prior to the date the application is received
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16 *History Note: Authority G.S. 131E-255; 42 CFR Part 483;*

17 *Eff. January 1, ~~2016~~. 2016;*

18 *Temporary Amendment Eff. June 26, 2020.*