

In Re: Temporary Waivers in response to the State of Emergency declared by Governor Cooper following Hurricane Helene.

Amended October 18, 2024

The following waiver is amended to include Mecklenburg and Swain counties as indicated in the North Carolina Disaster Declaration Number FEMA-4827-DR published on October 15, 2024.

On September 25, 2024, Governor Roy Cooper declared a state of emergency due to the impact of Hurricane Helene. Pursuant to the North Carolina Disaster Declaration 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.

On October 5, 2024, Governor Roy Cooper issued Executive Order No. 318 (2024) to increase the pool of professional healthcare workers and provide regulatory flexibility to expand healthcare workforce.

The Board of Nursing and the Board of Medicine are granted authority under N.C. Gen. Stat. § 90-171.49 and N.C. Gen. Stat. § 90-12.5 respectively to take this action in order to permit the provision of emergency health services to the public for the benefit and protection of the people of North Carolina. The Nurse Practitioner Joint Subcommittee (the “Committee”) is composed of members of both the Board and Nursing and Board of Medicine pursuant to the authority under N.C. Gen. Stat. § 90-171.23(b)(14) and N.C. Gen. Stat. § 90-8.2. The Committee regulates the practice of Nurse Practitioners in accordance with N.C. Gen. Stat. § 90-18.2. Pursuant to the authority granted to the Committee under Executive Order 318 (2024), the Committee hereby waives the following:

Emergency Temporary Reinstatement of Nurse Practitioner Approval to Practice

21 NCAC 36 .0808. Inactive Status

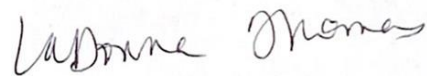
- (a) Any nurse practitioner who wishes to place her or his approval to practice on an inactive status shall notify the Board in writing.
- (b) A nurse practitioner with an inactive approval to practice status shall not practice as a nurse practitioner.
- (c) A nurse practitioner with an inactive approval to practice status who reapplies for approval to practice shall meet the qualifications for approval to practice in Rules .0803(a)(1), .0804(a) and (b), .0807, and .0810 of this Section and receive notification from the Board of approval prior to beginning practice after the application is approved.
- (d) A nurse practitioner who has not practiced as a nurse practitioner in more than two years shall complete a nurse practitioner refresher course approved by the Board in accordance with Paragraphs (o) and (p) of 21 NCAC 36 .0220 and consisting of common conditions and management of these conditions

directly related to the nurse practitioner's area of academic education and national certification. A nurse practitioner refresher course participant shall be granted an approval to practice that is limited to clinical activities required by the refresher course.

Waive the provisions of .0808(c) and (d) so that a nurse practitioner may apply for an approval to practice without a supervising physician in the above-named counties during the declared state of emergency. The refresher program is waived for Nurse Practitioners out of practice for less than 5 years. All other provisions and requirements shall apply. This waiver applies to those applicants holding an inactive approval to practice who have maintained their current, national certification as a nurse practitioner. Applicants must also hold an active, unencumbered Registered Nurse license to be eligible. Applicants with approvals to practice surrendered or suspended due to disciplinary action will not be considered. The emergency approval is temporary and shall expire on December 31, 2024, unless the waiver provisions are sooner amended, or rescinded by the Committee or further Executive Order.

This waiver does not waive other statutory requirements or limitations. This waiver is effective as of the date below and shall remain in full force and effect until December 31, 2024, or unless sooner amended, or rescinded by the Committee or further Executive Order.

This, the 18th day of October 2024.



LaDonna Thomas
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Chair, North Carolina Board of Nursing