

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 320  
Judiciary Committee Substitute Adopted 4/14/97

Short Title: Nurses' Training.

(Public)

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Sponsors:

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Referred to:

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March 6, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE ESTABLISHMENT OF PROGRAMS TO TRAIN  
LICENSED NURSES TO CONDUCT MEDICAL EXAMINATIONS OF VICTIMS  
OF SEXUAL OFFENSES, TO CONDUCT MEDICAL PROCEDURES TO  
COLLECT EVIDENCE FROM THE VICTIMS, AND TO ALLOW DIRECT  
PAYMENT TO NURSES WHO PROVIDE THIS SERVICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-171.38 reads as rewritten:

**"§ 90-171.38. Standards for nursing programs.**

(a) A nursing program may be operated under the authority of a general hospital, or an approved post-secondary educational institution. The Board shall establish, revise, or repeal standards for nursing programs. These standards shall specify program requirements, curricula, faculty, students, facilities, resources, administration, and describe the approval process. Any institution desiring to establish a nursing program shall apply to the Board and submit satisfactory evidence that it will meet the standards prescribed by the Board. Those standards shall be designed to ensure that graduates of those programs have the education necessary to safely and competently practice nursing. The Board shall encourage the continued operation of all present programs that meet the standards approved by the Board.

1       (b) Any individual, organization, association, corporation, or institution may  
2 establish a program for the purpose of training or educating any nurse licensed under G.S.  
3 90-171.30, 90-171.32, or 90-171.33 in the skills, procedures, and techniques necessary to  
4 conduct medical examinations of, and the medical procedures to collect evidence from,  
5 the victims of first-degree rape as defined in G.S. 14-27.2, second-degree rape as defined  
6 in G.S. 14-27.3, statutory rape as defined in G.S. 14-27.7A, first-degree sexual offense as  
7 defined in G.S. 14-27.4, second-degree sexual offense as defined in G.S. 14-27.5 or  
8 attempted first-degree or second-degree rape or attempted first-degree or second-degree  
9 sexual offense as defined in G.S. 14-27.6. The Board shall establish, revise, or repeal  
10 standards for any such program. Any individual, organization, association, corporation,  
11 or institution which desires to establish a program under this subsection shall apply to the  
12 Board and submit satisfactory evidence that it will meet the standards prescribed by the  
13 Board."

14       Section 2. G.S. 90-171.44 reads as rewritten:

15 **"§ 90-171.44. Prohibited acts.**

16       It shall be a violation of this Article, and subject to action under G.S. 90-171.37, for  
17 any person to:

- 18       (1) Sell, fraudulently obtain, or fraudulently furnish any nursing diploma or  
19 aid or abet ~~therein;~~ therein.
- 20       (2) Practice nursing under cover of any fraudulently obtained ~~license;~~  
21 license.
- 22       (3) Practice nursing without a ~~license;~~ license. This subdivision shall not be  
23 construed to prohibit any licensed nurse who has successfully completed  
24 a program established under G.S. 90-171.38(b) from conducting  
25 medical examinations of, or procedures to collect evidence from, the  
26 victims of offenses described in that subsection.
- 27       (4) Conduct a nursing program or a refresher course for activation of a  
28 license, that is not approved by the ~~Board;~~ or Board.
- 29       (5) Employ unlicensed persons to practice nursing."

30       Section 3. G.S. 58-50-25 reads as rewritten:

31 **"§ 58-50-25. Nurses' services.**

32       (a) No agency, institution or physician providing a service for which payment or  
33 reimbursement is required to be made under a policy governed by Articles 1 through 64  
34 of this Chapter shall be denied such payment or reimbursement on account of the fact that  
35 such services were rendered through a registered nurse acting under authority of rules and  
36 regulations adopted by the North Carolina Medical Board and the Board of Nursing  
37 pursuant to G.S. 90-6 and 90-171.23.

38       (b) Nothing herein shall be construed to authorize contracting with or making  
39 payments directly to any nurse not otherwise permitted. A licensed nurse who has  
40 successfully completed a program established under G.S. 90-171.38(b) may receive  
41 direct payment for conducting medical examinations or medical procedures described in  
42 that subsection if the payment is in lieu of any payment which would have otherwise  
43 been permitted."

1 Section 4. G.S. 143B-480.2 reads as rewritten:

2 **"§ 143B-480.2. Victim assistance.**

3 (a) Only victims who have reported the following crimes are eligible for assistance  
4 under this Program: first-degree rape as defined in G.S. 14-27.2, second-degree rape as  
5 defined in G.S. 14-27.3, first-degree sexual offense as defined in G.S. 14-27.4, second-  
6 degree sexual offense as defined in G.S. 14-27.5, or attempted first-degree or second-  
7 degree rape or attempted first-degree or second-degree sexual offense as defined in G.S.  
8 14-27.6. Assistance is limited to immediate and short-term medical expenses, ambulance  
9 services, and mental health services provided by a professional licensed or certified by  
10 the State to provide such services, not to exceed five hundred dollars (\$500.00) incurred  
11 by the victim for the medical examination, medical procedures to collect evidence, or  
12 counseling treatment which follow the attack, or ambulance services from the place of the  
13 attack to a place where medical treatment is provided.

14 (b) With the exception of assistance authorized under subsection (e) of this  
15 section, Assistance—assistance for expenses authorized under this section is to be paid  
16 directly to any hospital, ambulance service, attending physicians, or mental health  
17 professionals providing counseling, upon the filing of proper forms.

18 (c) Assistance shall not be awarded unless the rape, attempted rape, sexual  
19 offense, or attempted sexual offense was reported to a law-enforcement officer within 72  
20 hours after its occurrence or the Secretary finds there was good cause for the failure to  
21 report within that time.

22 (d) Upon an adverse determination by the Secretary on a claim for medical  
23 expenses, a victim is entitled to judicial review of that decision. The person seeking  
24 review shall file a petition in the Superior Court of Wake County.

25 (e) In lieu of any payment which may otherwise have been made under subsection  
26 (b), assistance for expenses authorized under this section may be paid directly to any  
27 licensed nurse who has successfully completed a program approved under G.S. 90-  
28 171.38(b). The Secretary shall adopt rules to facilitate the payments authorized under  
29 this subsection and to encourage, whenever practical, the use of nurses trained under G.S.  
30 90-171.38(b) to conduct medical examinations and procedures."

31 Section 5. This act is effective when it becomes law.