

CHAPTER 96-02-02

LICENSURE

Section	
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96-02-02-01. Initial license requirements.

The following requirements apply to all applicants seeking initial licensure by the board:

1. A completed application form.
2. Payment of the appropriate application fee as set by the board.
3. Evidence of the required education.
4. The applicant has passed a national certifying examination approved by the board.
5. The applicant must meet one or more of the following conditions:
 - a. The applicant has passed a national certifying examination approved by the board within two years of the date of application for initial licensure.
 - b. The applicant has practiced by performing clinical laboratory testing as defined in subsection 5 of North Dakota Century Code section 43-48-01 for a total of three hundred hours within three years of the date of application for initial licensure. Proof of practice by performing clinical laboratory testing must be provided by the applicant and may be evaluated by the board for sufficiency.
 - c. The applicant has obtained thirty continuing education hours within two years of the date of application for initial licensure. The continuing education hours obtained must satisfy the requirements for continuing education established in section 96-02-04-01.
6. All applications must be signed or attested to electronically.

History: Effective June 1, 1991; amended effective May 1, 2002; July 1, 2017

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-04, 43-48-06, 43-48-07, 43-48-08, 43-48-09, 43-48-13

96-02-02-01.1 Military spouse licensure.

The board shall license individuals that meet the definition of military spouse set forth in North Dakota Century Code section 43-51-01 who, through the submission of a completed application form, demonstrate the following:

1. The military spouse demonstrates competency in clinical laboratory practice through methods or standards determined by the board which must include experience in clinical laboratory practice for at least two of the four years preceding application.

2. The board determines the issuance of the license will not substantially increase risk of harm to the public.

The board may require the submission of any information it deems necessary to assist it in making its determination. The board may deny a license if the board determines the applicant does not meet the above requirements. If the board determines that the applicant substantially meets the above requirements, the board may issue a provisional license. When issuing a provisional license, the board may explain the steps necessary for the applicant to fully meet the above requirements and be issued a non-provisional license. A provisional license shall be automatically granted by the board if the board does not deny or grant the license within thirty days of application. The board may place conditions on any license or provisional license. Military spouses shall not be assessed fees for the issuance of a license or provisional license under this section. A provisional license may be valid for up to two years. Provisional licenses expire for reasons including:

1. The board grants the application for license.
2. The board denies the application for licensure.
3. The provisional license expires.
4. The board revokes the provisional license to protect the public safety.
5. The applicant fails to meet any steps or conditions the board placed on the provisional license.

History: Effective December 1, 2019.

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-04, 43-48-08, 43-48-09, 43-48-13, 43-51-11.1

96-02-02-02. Requirements for specific licenses.

1. A clinical laboratory scientist, medical laboratory scientists, or medical technologist (clinical laboratory scientist) must have earned a bachelor's degree in a science-related discipline, completed the academic requirements of a structured clinical educational program recognized by the board, and passed a national certifying examination approved by the board, and have passed a national certifying examination approved by the board.
2. A clinical laboratory specialist must have a bachelor's or higher degree with a major in one of the chemical, physical, or biological sciences and may only perform functions directly related to the person's particular specialty.

A clinical laboratory specialist must pass a national certifying examination approved by the board in a specialty area. A license issued to a clinical laboratory specialist will designate the area of specialty. A clinical laboratory technician or medical laboratory technician must successfully complete the academic requirements of a structured clinical educational program recognized by the board and must pass a national certifying examination approved by the board.

A categorical license issued to a clinical laboratory specialist will designate the area of specialty.

Specialty areas include:

- a. Blood Bank or Immunohematology

- b. Chemistry
 - c. Hematology
 - d. Microbiology
3. A clinical laboratory technician or medical laboratory technician must successfully complete the academic requirements of a structured clinical educational program recognized by the board and must pass a national certifying examination approved by the board.
 4. The board may issue a provisional permit to a person who has applied for licensure and is eligible to take a board-recognized national certifying examination.

The provisional permit may not exceed one year. At the board's discretion, the permit may be renewed a maximum of two consecutive times for a period of one year each.

History: Effective June 1, 1991; amended effective May 1, 2002; July 1, 2017, December 1, 2019.

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-04, 43-48-07, 43-48-08, 43-48-09, 43-48-11

96-02-02-03. Reciprocity.

1. The board will evaluate the submission of requests for reciprocity for licensure on an individual basis and grant such only upon a finding that the requirements for licensure in another state or jurisdiction are equal to or more stringent than those of North Dakota and that the applicant's license in another state or jurisdiction is in good standing.
2. The board may deny a request for reciprocity for licensure if the applicant has had disciplinary action taken against him or her or has engaged in conduct that violates the standards of section 96-02-09-02 or conduct that meets the requirements for discipline under North Dakota Century Code section 43-48-15 even if the applicant is currently in good standing in another state or jurisdiction.
3. If an individual applying for licensure by reciprocity under this section has been licensed previously by the board to practice in North Dakota, the individual must also meet the continuing education requirements of section 96-02-04-01 before being licensed under this section.

History: Effective June 1, 1991; amended effective May 1, 2002; July 1, 2017, December 1, 2019.

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-04

96-02-02-04. License renewal - Licenses are renewable biennially.

1. Notice for renewal of license will be issued by the board in May of even-numbered years to all license holders. An applicant for renewal must meet the continuing education requirements described in section 96-02-04-01 and submit a completed application and fees to the board on or before the first of July of the renewal year.
2. Proof of the required continuing education within the prior licensing period must be submitted with renewals.
3. If a licensee fails to receive the renewal notice, it is the responsibility of the licensee to contact the board before the first of July deadline.
4. If the applicant has not submitted a completed application and fees to the board office or has not met the continuing education requirements described in section 96-02-04-01 on or before the first of July of the renewal year, the applicant must pay the applicable late fee. A licensee may practice until his or her license expires under subsection 5 of this section or final disciplinary action is taken under section 96-02-09-01.

5. Licenses will expire if the applicant has not completed the continuing education requirements described in section 96-02-04-01 or has not submitted a completed renewal form and fees to the board within ninety days from the first of July of the renewal year. The board may waive the late fee or extend the period for license renewal due to extraordinary circumstances as determined in the board's sole discretion.
6. If an individual's license expires, the person must make application for a license in accordance with section 96-02-02-01 and meet the requirements of sections 96-02-02-02 and 96-02-04-01.

History: Effective June 1, 1991; amended effective May 1, 2002; July 1, 2017, December 1, 2019.

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-04, 43-48-06, 43-48-14

96-02-02-05. Registration refused, revoked, or suspended.

Repealed effective May 1, 2002.

96-02-02-06. Inactive status.

Repealed effective May 1, 2002.

CHAPTER 96-02-10
EXEMPTION FROM LICENSURE

Section	
96-2-10-1	Exempt Tests and Methods
96-02-10-01.1	Exempt Test and Method
96-02-10-02	Supervision

96-02-10-01. Exempt tests and methods.

An individual, is exempt from the provisions of North Dakota Century Code chapter 43-48 if the individual is supervised either by an individual licensed by the board, an advanced practice registered nurse, or a physician and the individual is performing the following food and drug administration-waived tests and using the following methods, or performing tests determined by the board to be equivalent to those listed in this section,~~is exempt from the provisions of North Dakota Century Code chapter 43-48:~~

1. Any of the following tests by nonautomated or automated urinalysis by dipstick:
 - a. Bilirubin.
 - b. Blood.
 - c. Glucose.
 - d. Ketone.
 - e. Leukocyte.
 - f. Nitrate.
 - g. Potential of hydrogen (pH).
 - h. Protein.
 - i. Specific gravity.
 - j. Urobilinogen.
2. Fecal occult blood by any accepted method.
3. Ovulation test by visual color comparison.
4. Qualitative urine pregnancy test by visual color comparison.
5. Erythrocyte sedimentation rate by any accepted nonautomated method.
6. Whole blood glucose by any accepted single analyte method.
7. Spun microhematocrit by any accepted method.
8. Hemoglobin by single analyte instrument or manual copper sulfate method.
9. Any of the following tests by immunoassay using a rapid test device that detects antibodies or antigens:
 - a. Helicobacter pylori.
 - b. Influenza.
 - c. Mononucleosis.

- d. Streptococcus group A.
 - e. Hepatitis C virus.
 - f. Respiratory syncytial virus.
10. Prothrombin time international normalized ratio by mechanical endpoint.
11. Antibodies to human immunodeficiency virus types 1 and 2 by clearview complete HIV 1/2 assay.
- ~~12.~~ Total cholesterol by cholestech analyzer.
12. Alere cholestech analyzer, but only for the following analytes:
- a. Total cholesterol
 - b. High density lipoprotein (HDL) cholesterol
- ~~13.~~ High-density lipoprotein-cholesterol by cholestech analyzer.
44. 13. Syphilis health check.
- ~~45.~~ 14. CoaguCheck XS system.
- ~~46.~~ 15. UltraCrit hematocrit.
- ~~47.~~ 16. Abaxis Piccolo Xpress analyzer whole blood methods, but only for the following analytes:
- a. Total cholesterol.
 - b. HDL cholesterol.
 - c. Triglycerides.
 - d. Glucose.
 - e. Blood urea nitrogen (BUN).
 - f. Creatinine.
 - g. Sodium.
 - h. Potassium.
 - i. Chloride.
 - j. Bicarbonate.
 - k. Total protein.
 - l. Total bilirubin.
 - m. Aspartate aminotransferase (AST).
 - n. Alanine aminotransferase (ALT).
 - o. Albumin.
 - p. Total calcium.
 - q. Alkaline phosphatase.

48.17.i-STAT creatinine when performed by radiology technologists or technicians.

18. Alere affinion AS100 glycosylated hemoglobin (A1C)

History: Effective January 1, 2006; amended effective January 1, 2008; April 1, 2012; April 1, 2013; July 1, 2017, December 1, 2019.

General Authority: NDCC 43-48-03, 43-48-04

Law Implemented: NDCC 43-48-03

96-02-10-01.1. Exempt test and method.

An individual, supervised by an individual licensed by the board, advanced practice registered nurse, or physician performing total protein tests by Reichert digital refractometer, is exempt from the provisions of North Dakota Century Code chapter 43-48.

History: Effective January 1, 2010, December 1, 2019.

General Authority: NDCC 43-48-03, 43-48-04

Law Implemented: NDCC 43-48-03

96-02-10-02. Supervision.

As used in subsection 9 of North Dakota Century Code section 43-48-03 and North Dakota Administrative Code sections 96-02-10-01 and 96-02-10-01.1, "supervised" means the following:

1. The supervisor shall identify the individuals being supervised on a form provided by the board and shall promptly notify the board of any changes to the information provided.
2. The supervisor shall ensure the individuals being supervised are appropriately trained in all tests and methods performed by the supervised individuals.
3. The supervisor shall:
 - a. Perform annual competency assessments of the individuals supervised using generally accepted clinical laboratory standards.
 - b. Not allow an individual supervised to start or continue performing tests until the individual has been properly trained and demonstrated competency.
 - c. Document training and competency assessments, retain the documentation for three years, and submit the documentation to the board upon request.
4. The supervisor shall regularly monitor and be available to consult with the individuals being supervised.

Failure by the licensee to supervise is unprofessional conduct and may be subject to disciplinary action by the board.

History: Effective January 1, 2006; amended effective January 1, 2010.

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-03