

## **CHAPTER 96-02-09 DISCIPLINE**

### **Section**

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### **96-02-09-01. Disciplinary procedure.**

1. Upon filing of a written and signed complaint alleging a licensee engaged in conduct identified as grounds for disciplinary action under North Dakota Century Code section 43-48-15, the board shall notify the licensee of the complaint and require a written response from the licensee. The board may initiate a complaint on its own motion upon learning of conduct identified as grounds for disciplinary action under North Dakota Century Code section 43-48-15, and shall notify the licensee of the complaint and require a written response from the licensee.
2. The board may designate a board member to investigate the complaint. After completing the investigation, the board member will recommend whether the board should take disciplinary action against the licensee.
3. The board shall determine if there is a reasonable basis to believe the licensee engaged in conduct identified as grounds for disciplinary action under North Dakota Century Code section 43-48-15. If the board determines there is not a reasonable basis to believe a violation occurred, the board will notify the complainant and the licensee. If the board determines there is a reasonable basis to believe a violation occurred, the board will proceed with a disciplinary action in accordance with North Dakota Century Code chapter 28-32.
4. The board may, at any time, offer or accept a proposal for informal resolution of the complaint or disciplinary action.

**History:** Effective May 1, 2002; amended effective July 1, 2017; January 1, 2025.

**General Authority:** NDCC 43-48-04

**Law Implemented:** NDCC 43-48-15

### **96-02-09-02. Unprofessional conduct.**

Unprofessional conduct includes:

1. Scientific and professional misconduct including falsification, fabrication, plagiarism, concealment, inappropriate omission of information, and making false or deceptive statements.
2. Dishonest or illegal compensation for services rendered.
3. Failure to comply with all laws regarding confidentiality and security of patient information and test results.
4. Failure to protect the safety and welfare of patients, employees, coworkers, the public, and the environment as it relates to clinical laboratory practice.
5. Failure to report a violation of clinical laboratory practice law or rules to the board.
6. Suspension or revocation of, or disciplinary action against, an individual's license in another jurisdiction.

7. Failure to meet minimum standards of clinical laboratory practice.
8. Practice beyond the scope of practice allowed by an individual's current license.
9. Conviction of an offense determined by the board to have a direct bearing upon that individual's ability to practice clinical laboratory science or is failure to sufficiently rehabilitate as determined by the board in accordance with North Dakota Century Code section 12.1-33-02.1.
10. Addiction to the habitual use of alcoholic beverages, narcotics, stimulants, or other addictive substances which impairs the licensee's ability to practice clinical laboratory science.

**History:** Effective January 1, 2010; amended effective January 1, 2025.

**General Authority:** NDCC 43-48-04

**Law Implemented:** NDCC 43-48-15

### **96-02-09-03. Code of ethics.**

A licensee shall comply with the following code of ethics in the licensee's professional practice and conduct. The code reflects the ethical principles of the clinical laboratory profession and outlines the obligations of licensees to self, client, society, and the profession and sets forth mandatory standards of conduct for all licensees.

1. A licensee's primary duty is to the patient, placing the welfare of the patient above the licensee's own needs and desires and ensuring each patient receives the highest quality of care according to current standards of practice. High quality laboratory services are safe, effective, efficient, timely, equitable, and patient centered. A licensee shall work with all patients and all patient samples without regard to disease state, ethnicity, race, religion, or sexual orientation. A licensee shall prevent and avoid conflicts of interest that undermine the best interests of patients.
2. A licensee is accountable for the quality and integrity of the laboratory services the licensee provides. This obligation includes maintaining the highest level of individual competence as patient needs change, yet practicing within the limits of the licensee's level of practice. A licensee shall exercise sound judgment in all aspects of laboratory services they provide. Furthermore, a licensee shall safeguard patients from others' incompetent or illegal practice through identification and appropriate reporting of instances where the integrity and high quality of laboratory services have been breached.
3. A licensee shall maintain strict confidentiality of patient information and test results. A licensee shall safeguard the dignity and privacy of patients and provide accurate information to patients and other health care professionals. A licensee shall respect patients' rights to make decisions regarding the patient's own medical care.
4. A licensee shall uphold the dignity and respect of the profession and maintain a reputation of honesty, integrity, competence, and reliability. A licensee shall contribute to the advancement of the profession by improving and disseminating the body of knowledge, adopting scientific advances that benefit the patient, maintaining high standards of practice and education, and seeking fair socioeconomic working conditions for members of the profession.
5. A licensee shall establish cooperative, honest, and respectful working relationships within the clinical laboratory and with all members of the health care team with the primary objective of ensuring a high standard of care for the patients they serve.
6. As a practitioner of an autonomous profession, a licensee has the responsibility to contribute from the licensee's sphere of professional competence to the general well-being of society. A licensee shall serve as a patient advocate, applying the licensee's expertise to improve patient

health care outcomes by eliminating barriers to access to laboratory services and promoting equitable distribution of health care resources.

7. A licensee shall comply with all relevant laws and regulations pertaining to the practice of clinical laboratory science.

**History:** Effective January 1, 2025.

**General Authority:** NDCC 43-48-04

**Law Implemented:** NDCC 43-48-04