

**FIRST ENGROSSMENT
with Senate Amendments****ENGROSSED HOUSE BILL NO. 1245**

Introduced by

Representatives Keiser, Devlin, Porter

Senators Klein, Krebsbach, O'Connell

1 A BILL for an Act to create and enact a new subsection to section 43-12.1-10 and a new
2 section to chapter 43-12.1 of the North Dakota Century Code, relating to transitional nurse
3 licensure and continuing education; to amend and reenact section 43-12.1-02, subsection 2 of
4 section 43-12.1-04, and sections 43-12.1-08 and 43-12.1-09 of the North Dakota Century
5 Code, relating to nursing education programs; and to provide for application.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 43-12.1-02 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-12.1-02. Definitions.** In this chapter, unless the context or subject matter otherwise
10 requires:

- 11 1. "Advanced practice registered nurse" means a person who holds a current license
12 to practice in this state as an advanced practice registered nurse and either has a
13 graduate degree with a nursing focus or has completed the educational
14 requirements in effect when the person was initially licensed.
- 15 2. "Board" means the North Dakota board of nursing.
- 16 3. "Licensed practical nurse" means a person who holds a current license to practice
17 in this state as a licensed practical nurse ~~and either has an associate degree with~~
18 ~~a major in nursing or has completed the educational requirements in effect when~~
19 ~~the person was initially licensed.~~
- 20 4. "Nurse" means any person currently licensed as an advanced practice registered
21 nurse, registered nurse, or licensed practical nurse.
- 22 5. "Nursing" means the performance of acts utilizing specialized knowledge, skills,
23 and abilities for people in a variety of settings. Nursing includes the following acts,

which may not be deemed to include acts of medical diagnosis or treatment or the practice of medicine as defined in chapter 43-17:

- a. The maintenance of health and prevention of illness.
- b. Diagnosing human responses to actual or potential health problems.
- c. Providing supportive and restorative care and nursing treatment, medication administration, health counseling and teaching, case finding and referral of persons who are ill, injured, or experiencing changes in the normal health processes.
- d. Administration, teaching, supervision, delegation, and evaluation of health and nursing practices.
- e. Collaboration with other health care professionals in the implementation of the total health care regimen and execution of the health care regimen prescribed by a health care practitioner licensed under title 43.

6. "Prescriptive practices" means assessing the need for drugs, immunizing agents, or devices and writing a prescription to be filled by a licensed pharmacist.

7. "Registered nurse" means a person who holds a current license to practice in this state as a registered nurse ~~and either has a baccalaureate degree with a major in nursing or has completed the educational requirements in effect when the person was initially licensed.~~

8. "Specialty practice registered nurse" means a person who holds a current license to practice in this state as a specialty practice registered nurse and has the educational preparation and national certification within a defined area of nursing practice.

9. "Transitional practical nurse license" means a license issued by the board to a person who meets all of the requirements for licensure by endorsement as a licensed practical nurse, except the educational requirements.

10. "Transitional registered nurse license" means a license issued by the board to a person who meets all of the requirements for licensure by endorsement as a registered nurse, except the educational requirements.

11. "Unlicensed assistive person" means an assistant to the nurse who regardless of title is authorized by the board to perform nursing interventions delegated and supervised by a licensed nurse.

SECTION 2. AMENDMENT. Subsection 2 of section 43-12.1-04 of the North Dakota Century Code is amended and reenacted as follows:

2. ~~Students~~ Upon notification of the board, a student practicing nursing as a part of a board-approved nursing education program preparing for initial or advanced licensure as a registered nurse or licensed practical nurse which is located in an institution of higher education that offers transferable credit.

SECTION 3. AMENDMENT. Section 43-12.1-08 of the North Dakota Century Code is amended and reenacted as follows:

43-12.1-08. Powers and duties of the board. The board shall regulate the practice of nursing to assure that qualified competent practitioners and high quality standards are available. Regulation of the profession of nursing must ensure that no person may practice or offer to practice nursing or use titles of advanced practice registered nurse, specialty practice registered nurse, registered nurse, licensed practical nurse, or unlicensed assistive person, or titles of a similar nature which denote the practice of nursing to the general public unless licensed or registered as provided in this chapter. The board shall:

1. Enforce the provisions of this chapter. The board has all of the duties, powers, and authority specifically granted by and necessary for the enforcement of this chapter.
2. Adopt rules necessary to administer this chapter.
3. Appoint and employ a qualified registered nurse to serve as executive director and approve any additional staff positions necessary to administer this chapter.
4. Establish fees and receive all moneys collected under this chapter and authorize all expenditures necessary to conduct the business of the board. Any balance of fees after payment of expenditures must be used to administer this chapter.
5. Establish qualifications for nursing licensure and registration.
6. Establish standards for nursing education and practice and:
 - a. Collaborate and consult with the appropriate nursing organizations and other affected parties in the establishment of the standards; and

- 1 b. Consult with the medical profession in the establishment of prescriptive
2 practice standards for advanced practice registered nurses. Prescriptive
3 practices must be consistent with the scope of practice of the advanced
4 practice registered nurse and include evidence of a collaborative agreement
5 with a licensed physician.
- 6 7. Periodically review and approve nursing education programs leading to initial or
7 advanced licensure. The board may not restrict the offering in this state of nursing
8 programs accredited by the national league for nursing accrediting commission,
9 incorporated, or the commission on collegiate nursing education if the programs
10 meet the same or equivalent education standards required by the board for North
11 Dakota programs.
- 12 8. License and register applicants and renew and reinstate licenses and registrations.
- 13 9. Establish standards for assessing the competence of licensees and registrants
14 continuing in or returning to practice.
- 15 10. Collect and analyze data regarding nursing education, nursing practice, and
16 nursing resources.
- 17 11. Issue limited licenses to individuals requiring accommodation to practice nursing.
- 18 12. Establish confidential programs for the rehabilitation of nurses with workplace
19 impairments.
- 20 13. Discipline applicants, licensees, and registrants for violating this chapter.
- 21 14. Establish a nursing student loan program funded by license fees to encourage
22 persons to enter and advance in the nursing profession.
- 23 15. Establish a registry of persons licensed or registered by the board.
- 24 16. Collaborate and consult with the North Dakota nurses association, North Dakota
25 licensed practical nurses association, and other nursing specialty groups prior to
26 the adoption of rules.
- 27 17. Report annually to the governor and nursing profession regarding the regulation of
28 nursing in the state.
- 29 18. Conduct and support projects pertaining to nursing education and practice.

1 19. Notify the board of pharmacy on an annual basis, or more frequent basis if
2 necessary, of advanced practice registered nurses authorized to write
3 prescriptions.

4 20. Adopt rules to allow nurses licensed by another state to receive short-term clinical
5 education in North Dakota health care facilities.

6 **SECTION 4. AMENDMENT.** Section 43-12.1-09 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **43-12.1-09. Licensure - Registration.** Each applicant who successfully meets the
9 requirements of this section is entitled to initial licensure or registration as follows:

- 10 1. An applicant for licensure by examination to practice as a registered nurse or
11 licensed practical nurse shall:
- 12 a. Submit a completed application and appropriate fee as established by the
13 board;
- 14 b. Submit an official transcript showing completion of a ~~board-approved~~ nursing
15 education program preparing for the level of licensure sought; and
- 16 c. Pass an examination approved by the board.
- 17 2. An applicant for licensure by endorsement to practice as a registered nurse or
18 licensed practical nurse shall:
- 19 a. Submit a completed application and appropriate fee as established by the
20 board;
- 21 b. Submit an official transcript showing completion of a nursing education
22 program ~~equal to or exceeding the requirements for nursing education~~
23 ~~programs in place in this state at the time the applicant qualified for initial~~
24 licensure preparing for the level of licensure sought;
- 25 c. Submit proof of initial licensure by examination with the examination meeting
26 the state requirements for licensure examinations in effect at the time the
27 applicant qualified for initial licensure; and
- 28 d. Submit evidence of current unencumbered licensure in another state or
29 territory or meet continued competency requirements as established by the
30 board.

3. ~~If an applicant for licensure by endorsement does not meet the educational requirements for the appropriate level of licensure as established by the board, a transitional license may be issued. A transitional license may be issued and renewed according to board rules. Renewal requires proof of progression towards meeting the academic requirements or thirty hours of continuing education.~~

4. An applicant for licensure as an advanced practice registered nurse shall:

- a. Submit a completed application and appropriate fee as established by the board;
- b. Submit evidence of appropriate education and current certification in an advanced nursing role by a national nursing organization meeting criteria as established by the board; and
- c. Possess or show evidence of application for a current unencumbered registered nurse license.

~~5.~~ 4. An applicant for licensure as an advanced practice registered nurse who completed an advanced nursing education program and was licensed or certified in advanced practice by another state before January 1, 2001, or who completed an advanced nursing education program and was licensed or certified as a women's health care nurse practitioner by another state before January 1, 2007, may apply for and receive an advanced practice license if that person meets the requirements that were in place in this state at the time the applicant qualified for initial advanced practice licensure in that state.

~~6.~~ 5. An applicant for unlicensed assistive person registration shall:

- a. Submit a completed application and the appropriate fee as established by the board; and
- b. Provide verification of appropriate training, evidence of certification or evaluation in the performance of basic nursing interventions.

~~7.~~ 6. An applicant for licensure as a specialty practice registered nurse shall:

- a. Submit a completed application and appropriate fees as established by the board;

- 1 b. Submit evidence of appropriate education and current certification in a
2 specialty nursing role by a national nursing organization meeting criteria as
3 established by the board; and
4 c. Possess or show evidence of application for a current unencumbered
5 registered nurse license.

6 **SECTION 5.** A new subsection to section 43-12.1-10 of the North Dakota Century
7 Code is created and enacted as follows:

8 The board shall issue a licensed practical nurse license or a registered nurse
9 license to each individual who holds a license as a transitional practical nurse or a
10 transitional registered nurse on August 1, 2003. A newly issued license under this
11 section replaces the transitional license.

12 **SECTION 6.** A new section to chapter 43-12.1 of the North Dakota Century Code is
13 created and enacted as follows:

14 **Continuing education requirements.** The board shall adopt rules requiring every
15 nurse licensed in the state to fulfill continuing education requirements. Before the board may
16 renew a license, the licensee shall submit evidence to the board establishing that all continuing
17 education requirements prescribed by the rules adopted by the board have been met.

18 **SECTION 7. APPLICATION.** The licensure requirements of section 6 of this Act are
19 effective beginning with the 2005 licensure year.