

June 2007

TITLE 43

Occupations and Professions

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code Title 43. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

ABSTRACTERS

Senate Bill No. 2217 increases the amounts of the fees that an abstracter may charge for making and certifying an abstract.

Senate Bill No. 2119 updates the requirements for abstracters, including that an abstracter must have and maintain a complete tract index and all instruments of record in the office of the recorder in and for the county in which the abstracter is engaged in business.

ADDICTION COUNSELORS

House Bill No. 1053 modifies the law regulating addiction counselors, including amending definitions, decreasing the membership of the board of addiction counseling examiners from nine members to seven members, amending the board's powers and duties, amending the provisions relating to renewal of a license, and modifying the requirements for an addiction counselor to engage in private practice.

BARBERS

House Bill No. 1477 provides limitations on how a barber pole may be used and by whom, in order to avoid deceptive acts.

CONTRACTORS

Senate Bill No. 2158 modifies the law regulating contractors, clarifying that contractors maintain a limited liability or limited partnership registration; providing that failure of a contractor to be licensed as required results in that contractor being prohibited from maintaining a claim, action, suit, or proceeding in court related to the contractor's business or capacity as a contractor; and authorizing the Secretary of State to destroy contractor license renewals after they have been on file for six years.

House Bill No. 1033 as part of a bill that replaces the existing law regarding public improvements, updates a statutory cross-reference in the law regulating contractors.

DENTISTS

House Bill No. 1293 provides a physician or physician assistant may apply topical fluoride varnish in accordance with rules adopted by the State Board of Dental Examiners; an advanced practice registered nurse may apply topical fluoride varnish if the nurse has completed training approved by the board; and a registered nurse, licensed practical nurse, registered dental hygienist, or registered dental assistant who has completed training approved by the board may apply topical fluoride varnish if acting under the direct or general supervision of a physician or dentist.

House Bill No. 1313 updates the law relating to regulation of dentists and dental assistants, including changing the duties of the Board of Dental Examiners' secretary treasurer and executive director and changing the board member rate of compensation, modifying the scope of practice of a dental assistant, providing a dental assistant is an auxiliary to the practice of dentistry; expanding the exemptions to regulation of dentists to include a dentist from another state who is attending an educational program in this state; recognizing a dentist may practice a specialty practice; providing the board may conduct specified background investigations on applicants and licensees, including requiring criminal history

checks; and providing dentists have a mandatory duty to report any illegal, unethical, or errant behavior or conduct of another dentist.

Senate Bill No. 2152 provides the additional requirement to qualify to be selected under the dentists' loan repayment program that a dentist within 15 miles of Bismarck, Fargo, or Grand Forks must provide dental services to low-income patients in the first year of receiving benefits under the program and broadens the dentists' loan repayment program to include new practice grants.

ELECTRICIANS

House Bill No. 1218 increases the journeyman electrician licensure qualifications for an applicant who registers as an apprentice with the State Electrical Board after January 31, 2008.

NURSES

House Bill No. 1118 authorizes the State Board of Nursing to issue a limited license or registration to an applicant upon the showing of good cause; updates references to unlicensed assistive persons; and provides exceptions to the requirements for licensure by endorsement to practice as a licensed practical nurse.

Senate Bill No. 2025 provides the circumstances under which a correctional facility employee who is not licensed by the State Board of Nursing may provide medication to an inmate of the correctional facility.

Senate Bill No. 2130 as part of a bill providing comprehensive changes relating to psychiatric residential treatment for children, updates language exempting from the nurse regulation laws an individual who provides medication within a psychiatric residential treatment facility for children.

OPTOMETRISTS

House Bill No. 1123 clarifies the secretary of the State Board of Optometry may delegate authority to a designee, modifies the payment of the annual licensure renewal fee from payment in January to payment in December, and modifies what types of employment arrangements are acceptable under which a person that is not a licensed optometrist may employ an optometrist.

PHARMACISTS

House Bill No. 1054 addresses the regulation of pharmacists, pharmacies, pharmacy interns, and pharmacy technicians, including providing pharmacy permitholders and pharmacists must follow the State Board of Pharmacy's established procedures for closure of a pharmacy; increasing the board member per diem from \$20 per day to \$200 per day; and providing reporting requirements for actions of a pharmacist, pharmacy intern, or pharmacy technician which may be grounds for disciplinary action.

House Bill No. 1256 provides for a legend drug donation and repository program to be administered by the State Board of Pharmacy.

House Bill No. 1299 provides the pharmacist ownership requirements do not apply to a pharmacy permit applicant that is a hospital if the pharmacy for which the hospital seeks a permit is a retail pharmacy that is the sole provider of pharmacy services in the community and is a retail pharmacy that was in existence before the hospital took over operation.

House Bill No. 1350 provides the pharmacist ownership requirements do not apply to a pharmacy permit applicant that is an owner of a postgraduate medical residency training program if the pharmacy for which permit is sought is collocated with and is run in direct conjunction with the postgraduate medical residency training program.

House Bill No. 1455 directs the State Board of Pharmacy to license wholesale prescription drug distributors; directs the board to regulate wholesale distribution of prescription drugs; and provides that under certain circumstances, drug pedigrees must be provided to the person that receives the drug.

PLUMBERS

Senate Bill No. 2060 modifies the compensation levels for members of the State Board of Plumbing and changes the penalty provision for violation of the chapter regulating the practice of plumbing.

House Bill No. 1019 amends Senate Bill No. 2060 to provide that violation of the State Plumbing Code is a Class B misdemeanor.

PRIVATE INVESTIGATORS

Senate Bill No. 2052 updates the language of persons exempt from the regulation of the Private Investigative and Security Board to refer to experts specializing in fire origin and cause investigations.

Senate Bill No. 2062 provides that under specified conditions, a proprietary employer is exempt from the licensure requirements of the Private Investigative and Security Board and provides for voluntary registration of employees of proprietary security employees.

PROFESSIONAL EMPLOYER ORGANIZATIONS

Senate Bill No. 2036 directs the Secretary of State to license and regulate professional employer organizations that are in the practice of providing professional employer services, including designating what rights, duties, and obligations are affected by the law; providing requirements for licensure; providing financial capability requirements; and providing benefit plan requirements.

REAL ESTATE APPRAISERS

Senate Bill No. 2125 requires the Real Estate Appraiser Qualifications and Ethics Board to regulate certified general appraisers, certified residential appraisers, and appraiser apprentices.

REAL ESTATE SALESPERSONS

House Bill No. 1119 changes the Real Estate Commission title of secretary treasurer to executive director and provides the commission may license an organization of a salesperson or broker associate.

Senate Bill No. 2343 provides the registration provisions of the Subdivided Lands Disposition Act do not apply to the sale or lease of any improved land on which there is a residential, commercial condominium, or industrial building or the sale or lease of land under a contract obligating the seller or lessor to erect such a building thereon within a period of two years.

Senate Bill No. 2168 removes the statutory reference to the specific dollar amount that would be reasonable for the Real Estate Commission to pay for errors and omissions insurance coverage.

VETERINARIANS

House Bill No. 1052 updates the law regulating the practice of veterinary medicine, including updating reference to the American Veterinary Medicine Association and modifying the definition of the term "veterinarian-client-patient relationship."

House Bill No. 1125 creates a loan repayment program for veterinarians through which veterinarians engaged in food animal veterinary medicine may qualify to have a portion of their student loans repaid for agreeing to practice in a selected community.

Senate Bill No. 2056 repeals the section setting out the statement of purpose of the chapter regulating the practice of veterinary medicine.

WATER WELL CONTRACTORS

House Bill No. 1131 increases the membership of the State Board of Water Well Contractors to include a geothermal system driller and adds the practice of drilling geothermal systems to the activities and individuals regulated by the board.

MISCELLANEOUS

Senate Bill No. 2260 as part of a bill providing for comprehensive changes relating to criminal history checks, provides the State Board of Nursing may require criminal history record checks be conducted as part of initial or renewal licensure; provides the State Board of Pharmacy may conduct specified background investigations on applicants and licensees, including requiring criminal history checks; provides the Real Estate Commission may require criminal history record checks as part of initial or renewal licensure; and provides the Board of Social Work Examiners shall require new applicants and may require licensees to undergo criminal history record checks and to consent to a child abuse information index check.