

Fifty-eighth  
Legislative Assembly  
of North Dakota

## 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,

- 1           which may not be deemed to include acts of medical diagnosis or treatment or the  
2           practice of medicine as defined in chapter 43-17:
- 3           a.    The maintenance of health and prevention of illness.  
4           b.    Diagnosing human responses to actual or potential health problems.  
5           c.    Providing supportive and restorative care and nursing treatment, medication  
6           administration, health counseling and teaching, case finding and referral of  
7           persons who are ill, injured, or experiencing changes in the normal health  
8           processes.  
9           d.    Administration, teaching, supervision, delegation, and evaluation of health  
10          and nursing practices.  
11          e.    Collaboration with other health care professionals in the implementation of the  
12          total health care regimen and execution of the health care regimen prescribed  
13          by a health care practitioner licensed under title 43.
- 14          6.    "Prescriptive practices" means assessing the need for drugs, immunizing agents,  
15          or devices and writing a prescription to be filled by a licensed pharmacist.
- 16          7.    "Registered nurse" means a person who holds a current license to practice in this  
17          state as a registered nurse ~~and either has a baccalaureate degree with a major in~~  
18          ~~nursing or has completed the educational requirements in effect when the person~~  
19          ~~was initially licensed.~~
- 20          8.    "Specialty practice registered nurse" means a person who holds a current license  
21          to practice in this state as a specialty practice registered nurse and has the  
22          educational preparation and national certification within a defined area of nursing  
23          practice.
- 24          9.    "Transitional practical nurse license" means a license issued by the board to a  
25          person who meets all of the requirements for licensure by endorsement as a  
26          licensed practical nurse, except the educational requirements.
- 27          10.   "Transitional registered nurse license" means a license issued by the board to a  
28          person who meets all of the requirements for licensure by endorsement as a  
29          registered nurse, except the educational requirements.

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

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

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

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

12          **43-12.1-08. Powers and duties of the board.** The board shall regulate the practice of  
13 nursing to assure that qualified competent practitioners and high quality standards are  
14 available. Regulation of the profession of nursing must ensure that no person may practice or  
15 offer to practice nursing or use titles of advanced practice registered nurse, specialty practice  
16 registered nurse, registered nurse, licensed practical nurse, or unlicensed assistive person, or  
17 titles of a similar nature which denote the practice of nursing to the general public unless  
18 licensed or registered as provided in this chapter. The board shall:

- 19           1. Enforce the provisions of this chapter. The board has all of the duties, powers,  
20                           and authority specifically granted by and necessary for the enforcement of this  
21                           chapter.
- 22           2. Adopt rules necessary to administer this chapter.
- 23           3. Appoint and employ a qualified registered nurse to serve as executive director and  
24                           approve any additional staff positions necessary to administer this chapter.
- 25           4. Establish fees and receive all moneys collected under this chapter and authorize  
26                           all expenditures necessary to conduct the business of the board. Any balance of  
27                           fees after payment of expenditures must be used to administer this chapter.
- 28           5. Establish qualifications for nursing licensure and registration.
- 29           6. Establish standards for nursing education and practice and:
  - 30                   a. Collaborate and consult with the appropriate nursing organizations and other  
31                           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~~ Establish standards for nursing education  
7           programs leading to licensure and collaborate with nursing education program  
8           approval organizations and accreditation organizations. The board may not restrict  
9           the offering in this state of nursing programs accredited by the national league for  
10           nursing accrediting commission, or the commission on collegiate nursing  
11           education.
- 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~~ Approve for licensure graduates of nursing  
15           education programs that are recognized by the board or that are accredited by  
16           national nursing program accreditation organizations that are recognized by the  
17           board. However, a graduate of a nursing education program that is not located in  
18           the United States, Canada, or the United States' possessions or territories must  
19           have a baccalaureate degree in order to be licensed as a registered nurse. The  
20           board may not restrict the offering in this state of nursing programs accredited by  
21           the national league for nursing accrediting commission, incorporated, or the  
22           commission on collegiate nursing education.
- 23           10. Collect and analyze data regarding nursing education, nursing practice, and  
24           nursing resources.
- 25           11. Issue limited licenses to individuals requiring accommodation to practice nursing.
- 26           12. Establish confidential programs for the rehabilitation of nurses with workplace  
27           impairments.
- 28           13. Discipline applicants, licensees, and registrants for violating this chapter.
- 29           14. Establish a nursing student loan program funded by license fees to encourage  
30           persons to enter and advance in the nursing profession.
- 31           15. Establish a registry of persons licensed or registered by the board.

- 1           16. Collaborate and consult with the North Dakota nurses association, North Dakota
- 2                   licensed practical nurses association, and other nursing specialty groups prior to
- 3                   the adoption of rules.
- 4           17. Report annually to the governor and nursing profession regarding the regulation of
- 5                   nursing in the state.
- 6           18. Conduct and support projects pertaining to nursing education and practice.
- 7           19. Notify the board of pharmacy on an annual basis, or more frequent basis if
- 8                   necessary, of advanced practice registered nurses authorized to write
- 9                   prescriptions.
- 10          20. Adopt rules to allow nurses licensed by another state to receive short-term clinical
- 11                   education in North Dakota health care facilities.

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

14           **43-12.1-09. Licensure - Registration.** Each applicant who successfully meets the  
15 requirements of this section is entitled to initial licensure or registration as follows:

- 16           1. An applicant for licensure by examination to practice as a registered nurse or  
17                   licensed practical nurse shall:
  - 18                   a. Submit a completed application and appropriate fee as established by the
  - 19                   board;
  - 20                   b. Submit an official transcript showing completion of a ~~board-approved~~ nursing
  - 21                   education program preparing for the level of licensure sought; and
  - 22                   c. Pass an examination approved by the board.
- 23           2. An applicant for licensure by endorsement to practice as a registered nurse or  
24                   licensed practical nurse shall:
  - 25                   a. Submit a completed application and appropriate fee as established by the
  - 26                   board;
  - 27                   b. Submit an official transcript showing completion of a nursing education
  - 28                   program ~~equal to or exceeding the requirements for nursing education~~
  - 29                   ~~programs in place in this state at the time the applicant qualified for initial~~
  - 30                   licensure preparing for the level of licensure sought;

- 1           c.    Submit proof of initial licensure by examination with the examination meeting  
2                    the state requirements for licensure examinations in effect at the time the  
3                    applicant qualified for initial licensure; and
- 4           d.    Submit evidence of current unencumbered licensure in another state or  
5                    territory or meet continued competency requirements as established by the  
6                    board.
- 7           3.    ~~If an applicant for licensure by endorsement does not meet the educational~~  
8                    ~~requirements for the appropriate level of licensure as established by the board, a~~  
9                    ~~transitional license may be issued. A transitional license may be issued and~~  
10                  ~~renewed according to board rules. Renewal requires proof of progression towards~~  
11                  ~~meeting the academic requirements or thirty hours of continuing education.~~
- 12          4.    An applicant for licensure as an advanced practice registered nurse shall:
- 13                  a.    Submit a completed application and appropriate fee as established by the  
14                          board;
- 15                  b.    Submit evidence of appropriate education and current certification in an  
16                          advanced nursing role by a national nursing organization meeting criteria as  
17                          established by the board; and
- 18                  c.    Possess or show evidence of application for a current unencumbered  
19                          registered nurse license.
- 20          ~~5.~~ 4.    An applicant for licensure as an advanced practice registered nurse who  
21                          completed an advanced nursing education program and was licensed or certified  
22                          in advanced practice by another state before January 1, 2001, or who completed  
23                          an advanced nursing education program and was licensed or certified as a  
24                          women's health care nurse practitioner by another state before January 1, 2007,  
25                          may apply for and receive an advanced practice license if that person meets the  
26                          requirements that were in place in this state at the time the applicant qualified for  
27                          initial advanced practice licensure in that state.
- 28          ~~6.~~ 5.    An applicant for unlicensed assistive person registration shall:
- 29                  a.    Submit a completed application and the appropriate fee as established by the  
30                          board; and

- 1                   b. Provide verification of appropriate training, evidence of certification or  
2                   evaluation in the performance of basic nursing interventions.
- 3       ~~7.~~ 6. An applicant for licensure as a specialty practice registered nurse shall:
- 4                   a. Submit a completed application and appropriate fees as established by the  
5                   board;
- 6                   b. Submit evidence of appropriate education and current certification in a  
7                   specialty nursing role by a national nursing organization meeting criteria as  
8                   established by the board; and
- 9                   c. Possess or show evidence of application for a current unencumbered  
10                  registered nurse license.

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

13                An individual who holds a license as a transitional practical nurse or a transitional  
14                registered nurse on August 1, 2003, may renew that license for the 2004 licensure  
15                year. Effective with the 2005 licensure year, the board may not renew transitional  
16                licenses.

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

19                **Continuing education requirements.** The board shall adopt rules requiring every  
20 nurse licensed in the state to fulfill continuing education requirements. Before the board may  
21 renew a license, the licensee shall submit evidence to the board establishing that all continuing  
22 education requirements prescribed by the rules adopted by the board have been met. The  
23 continuing education requirements must be the same for all nurses, regardless of the type of  
24 nurse or the level of education.

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