

**FIRST ENGROSSMENT
with Senate Amendments**

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1118

Introduced by

Human Services Committee

(At the request of the Board of Nursing)

1 A BILL for an Act to amend and reenact sections 43-12.1-08, 43-12.1-09, and 43-12.1-10 of the
2 North Dakota Century Code, relating to the issuance of limited licenses and registrations by the
3 board of nursing and the requirements of nurse applicants for license by endorsement; and to
4 declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 43-12.1-08 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **43-12.1-08. Duties of the board.**

9 1. The board shall regulate the practice of nursing. Regulation of the practice of
10 nursing must ensure that a person may not practice or offer to practice nursing or
11 use titles of advanced practice registered nurse, specialty practice registered
12 nurse, registered nurse, licensed practical nurse, or unlicensed assistive person, or
13 titles of a similar nature which denote the practice of nursing to the general public
14 unless licensed or registered as provided in this chapter.

15 2. The board shall:

- 16 a. Enforce this chapter.
- 17 b. Adopt rules necessary to administer this chapter after collaborating and
18 consulting with North Dakota nursing associations and other affected parties.
- 19 c. Appoint and employ a registered nurse to serve as executive director and
20 approve any additional staff positions necessary to administer this chapter.
- 21 d. Establish fees and receive all moneys collected under this chapter and
22 authorize all expenditures necessary to conduct the business of the board.
23 Any balance of fees after payment of expenditures must be used to
24 administer this chapter.

- 1 e. Collect and analyze data regarding nursing education, nursing practice, and
2 nursing resources.
- 3 f. Issue and renew limited licenses or registrations to individuals requiring
4 accommodation to practice nursing or assist in the practice of nursing.
- 5 g. Establish confidential programs for the rehabilitation of nurses with workplace
6 impairments.
- 7 h. Establish a nursing student loan program funded by license fees to
8 encourage individuals to enter and advance in the nursing profession.
- 9 i. Establish a registry of individuals licensed or registered by the board.
- 10 j. Report annually to the governor and nursing profession regarding the
11 regulation of nursing in the state.
- 12 k. Conduct and support projects pertaining to nursing education and practice.
- 13 l. Notify the board of pharmacy on an annual basis, or more frequent basis if
14 necessary, of advanced practice registered nurses authorized to write
15 prescriptions.
- 16 m. Adopt rules to allow nurses licensed by another state to receive short-term
17 clinical education in North Dakota health care facilities.

18 **SECTION 2. AMENDMENT.** Section 43-12.1-09 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **43-12.1-09. Initial licensure and registration.**

- 21 1. The board shall license and register nursing and unlicensed assistive person
22 applicants. The board shall adopt rules establishing qualifications for initial nursing
23 licensure and unlicensed assistive person registration and for issuing limited
24 licenses and registrations pursuant to subsection 3.
- 25 2. Each applicant who successfully meets the requirements of this section is entitled
26 to initial licensure or registration as follows:
 - 27 a. An applicant for licensure by examination to practice as a registered nurse or
28 licensed practical nurse shall:
 - 29 (1) Submit a completed application and appropriate fee as established by
30 the board.

- 1 (2) Submit an official transcript showing completion of an in-state nursing
2 education program or a board-approved out-of-state nursing education
3 program preparing for the level of licensure sought. The board shall
4 adopt rules establishing standards for the approval of out-of-state
5 nursing education programs. These standards for out-of-state
6 programs must include consideration of whether the program is
7 accredited by the national league for nursing accrediting commission,
8 incorporated, or the commission on collegiate nursing education and
9 whether the program meets the requirements of the state in which the
10 program is provided.
- 11 (3) Pass an examination approved by the board.
- 12 b. An applicant for licensure by endorsement to practice as a registered nurse or
13 licensed practical nurse shall:
- 14 (1) Submit a completed application and appropriate fee as established by
15 the board.
- 16 (2) Submit an official transcript showing completion of a nursing education
17 program preparing for the level of licensure sought.
- 18 (3) Submit proof of initial licensure by examination with the examination
19 meeting North Dakota requirements for licensure examinations in effect
20 at the time the applicant qualified for initial licensure.
- 21 (4) Submit evidence of current unencumbered licensure in another state or
22 meet continued competency requirements as established by the board.
- 23 (5) Notwithstanding the foregoing requirements of this subdivision, if an
24 applicant for licensure as a licensed practical nurse has been licensed
25 in another state as a licensed practical nurse based upon completion of
26 a registered nurse education program and has had at least twenty-four
27 months of unencumbered practice as a licensed practical nurse in
28 another state within the five-year period preceding the application, then
29 the applicant is not required to meet any additional educational
30 requirements for licensure as a licensed practical nurse.
- 31 c. An applicant for licensure as an advanced practice registered nurse shall:

- 1 (1) Submit a completed application and appropriate fee as established by
2 the board.
- 3 (2) Submit evidence of appropriate education and current certification in an
4 advanced nursing role by a national nursing organization meeting
5 criteria as established by the board. An advanced practice registered
6 nurse applicant must have a graduate degree with a nursing focus or
7 must have completed the educational requirements in effect when the
8 applicant was initially licensed.
- 9 (3) Possess or show evidence of application for a current unencumbered
10 registered nurse license.
- 11 d. An applicant for licensure as an advanced practice registered nurse who
12 completed an advanced nursing education program and was licensed or
13 certified in advanced practice by another state before January 1, 2001, or
14 who completed an advanced nursing education program and was licensed or
15 certified as a women's health care nurse practitioner by another state before
16 January 1, 2007, may apply for and receive an advanced practice license if
17 that applicant meets the requirements that were in place in this state at the
18 time the applicant qualified for initial advanced practice licensure in that state.
- 19 e. An applicant for unlicensed assistive person registration shall:
- 20 (1) Submit a completed application and the appropriate fee as established
21 by the board.
- 22 (2) Provide verification of appropriate training or evidence of certification or
23 evaluation in the performance of basic nursing interventions.
- 24 f. An applicant for licensure as a specialty practice registered nurse shall:
- 25 (1) Submit a completed application and appropriate fee as established by
26 the board.
- 27 (2) Submit evidence of appropriate education and current certification in a
28 specialty nursing role by a national nursing organization meeting
29 criteria as established by the board. A specialty practice registered
30 nurse applicant must have the educational preparation and national
31 certification within a defined area of nursing practice.

1 (3) Possess or show evidence of application for a current unencumbered
2 registered nurse license.

3 3. For good cause shown, the board may issue a limited license or registration to an
4 applicant.

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

7 **43-12.1-10. Renewal of license or registration - Reactivation.**

8 1. The board shall renew a current license to practice as an advanced practice
9 registered nurse, specialty practice registered nurse, registered nurse, or licensed
10 practical nurse if the licensee submits a renewal application, submits the
11 appropriate fee established by the board, and meets all requirements for licensure.
12 If a licensee does not renew a license before the license expires, the board shall
13 reactivate that license if that licensee meets the reactivation requirements set by
14 the board.

15 2. The board shall renew the registration of an unlicensed assistive person if the
16 registrant submits a renewal application, the appropriate fee established by the
17 board, and documentation of competency by the employer or evidence of
18 certification or evaluation. A lapsed unlicensed assistive person registration may
19 be reactivated upon submission of the application, payment of the appropriate fee
20 established by the board, and documentation of competency or evidence of
21 certification or evaluation.

22 3. For good cause shown, the board may issue a limited license or registration to a
23 licensee or registrant. The board shall adopt rules establishing qualifications for
24 issuing limited licenses and registrations pursuant to this subsection.

25 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.