

Introduced by

Senators Oban, Hogan, K. Roers

Representatives Lefor, Rohr, M. Ruby

1 A BILL for an Act to amend and reenact section 43-48-03 of the North Dakota Century Code,
2 relating to clinical laboratory personnel exemptions.

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

4 **SECTION 1. AMENDMENT.** Section 43-48-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-48-03. Exemptions.**

7 The provisions of this chapter do not apply to the following:

- 8 1. Physicians duly and currently licensed to practice medicine.
- 9 2. Nurses duly and currently licensed to practice nursing and practicing within the scope
10 of the nursing license.
- 11 3. Persons performing clinical testing for teaching or research, provided that the results
12 of any examination performed in such laboratories are not used in health
13 maintenance, diagnosis, or treatment of disease.
- 14 4. Persons employed by the United States government, or any bureau, division, or
15 agency thereof, and working in a licensed laboratory.
- 16 5. Any person in the pursuit of a supervised course of study leading to a degree at an
17 accredited or educational program approved by the board.
- 18 6. Phlebotomy personnel performing phlebotomy procedures.
- 19 7. Persons performing testing for their own personal use and persons performing
20 screening tests for mass screening under appropriate supervision.
- 21 8. Agents of the state or federal government performing hematological tests for anemia
22 upon participants of the special supplemental food program for women, infants, and
23 children.

- 1 9. An individual performing exempt tests identified by rules adopted by the board. The
2 individual must be supervised by an individual who is licensed by the board ~~and who~~
3 ~~performs tests and uses, a physician licensed by the board of medicine, an advanced~~
4 practice registered nurse licensed by the board of nursing, or other categories of
5 individuals approved by the board by rule. The supervisor and individual shall adhere
6 to the methods identified by rules adopted by the board.
- 7 10. Perfusionists performing clinical laboratory tests for hematology, coagulation, and
8 chemistry during the course of a patient's perfusion procedures.
- 9 11. Personnel of the division of laboratory services of the state department of health
10 participating in the centers for disease control and prevention's chemical terrorism
11 toxic metals determination program.
- 12 12. A person licensed or registered under another chapter of this title and carrying out the
13 therapy or practice for which the person is licensed or registered.
- 14 13. Personnel performing whole blood glucose waived tests as categorized by the food
15 and drug administration based on the criteria established by the Clinical Laboratory
16 Improvement Act of 1988 [42 U.S.C. 263a et seq.].

17 **(Contingent effective date - [See note](#)) Exemptions.** The provisions of this chapter do not
18 apply to the following:

- 19 1. Physicians duly and currently licensed to practice medicine.
- 20 2. Nurses duly and currently licensed to practice nursing and practicing within the scope
21 of the nursing license.
- 22 3. Persons performing clinical testing for teaching or research, provided that the results
23 of any examination performed in such laboratories are not used in health
24 maintenance, diagnosis, or treatment of disease.
- 25 4. Persons employed by the United States government, or any bureau, division, or
26 agency thereof, and working in a licensed laboratory.
- 27 5. Any person in the pursuit of a supervised course of study leading to a degree at an
28 accredited or educational program approved by the board.
- 29 6. Phlebotomy personnel performing phlebotomy procedures.
- 30 7. Persons performing testing for their own personal use and persons performing
31 screening tests for mass screening under appropriate supervision.

- 1 8. Agents of the state or federal government performing hematological tests for anemia
- 2 upon participants of the special supplemental food program for women, infants, and
- 3 children.
- 4 9. An individual performing exempt tests identified by rules adopted by the board. The
- 5 individual must be supervised by an individual who is licensed by the board and who
- 6 ~~performs tests and uses, a physician licensed by the board of medicine, an advanced~~
- 7 practice registered nurse licensed by the board of nursing, or other categories of
- 8 individuals approved by the board by rule. The supervisor and individual shall adhere
- 9 to the methods identified by rules adopted by the board.
- 10 10. Perfusionists performing clinical laboratory tests for hematology, coagulation, and
- 11 chemistry during the course of a patient's perfusion procedures.
- 12 11. Personnel of the division of laboratory services of the state department of health or
- 13 department of environmental quality who are participating in the centers for disease
- 14 control and prevention's chemical terrorism toxic metals determination program.
- 15 12. A person licensed or registered under another chapter of this title and carrying out the
- 16 therapy or practice for which the person is licensed or registered.
- 17 13. Personnel performing whole blood glucose waived tests as categorized by the food
- 18 and drug administration based on the criteria established by the Clinical Laboratory
- 19 Improvement Act of 1988 [42 U.S.C. 263a et seq.].