

**House Human Services Committee
ND Board of Nursing
HB 1221**

Chairman Weisz and members of the Committee. I am Dr. Stacey Pfenning APRN FNP, Executive Director of the North Dakota Board of Nursing (NDBON).

As representative for the Board, I am here to share language considerations for **HB 1221** a bill to create and enact a new chapter to title 43 of the NDCC, relating to professional transparency for health care practitioners.

Section 1. Definitions. Subsection 3.c. (page 2, line 5) includes the initials C.N.A. and line 7 includes the words “certified nurse assistant”. The certified nurse aide is a support role and not considered to be a “practitioner of nursing”. Oversight of C.N.A.’s is under the jurisdiction of the ND Health and Human Services, Refer to NDCC 24-44 Nurse Aide Registry for definitions and rules. In addition, the Nurse Practices Act titles and abbreviations for nurses include Licensed Practical Nurse (L.P.N.), Registered Nurse (R.N.), and Advanced Practice Registered Nurse (A.P.R.N.).

Line 9 describes a “regionally” accredited institution. Nurse licensure requires graduation from an accredited institution and advanced registered nurse licensure requires completion of an accredited graduate level program. We propose removing the word regionally.

Requirements. (Line 25, page 2) Subsection 3.a.-d. (page 3, lines 4-14) list those health care practitioners and scenarios that are not subject to this chapter or exempt from the requirements listed in this bill.

Violations and Enforcement. (Line 15, page 3) Subsection 1.-3. (Lines 16-23) explain violations that may be grounds for disciplinary action. While line 16 aligns with the rest of this bill, 17 through 23 speak to practicing out of scope and assisting with or delegating things outside of scope of practice. The Board is concerned that all individuals and scenarios listed in lines 4 through 14 (specifically lines 9 through 14) are considered exempt from the violations listed in lines 16 through 23. According to the **NPA 43-12.1**, and **NDAC 54**, the performance or delegation of any nursing task, whether by an APRN, RN, or LPN that is outside of scope of practice for the level of licensure may be considered grounds for disciplinary action. The Board would request that violations listed in lines 17 through 23 be removed from the bill as they already exist in the Nurse Practices Act, or the exemptions listed in lines 4 through 14 be clarified to address the name badge requirements specifically.

Thank you for your time and attention, and the opportunity to share the NDBONs recommendations about HB 1221. I am open to any questions the Committee members may have.

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(Committee members: Robin Weisz, Chairman, Karen Rohr, Vice Chairman, Mike Beltz, Chuck Damschen, Bill Devlin, Gretchen Dobervich, Clayton Fegley, Dwight Kiefert, Todd Porter, Matthew Ruby, Mary Schneider, Kathy Skroch, Bill Tveit, and Greg Westlind)