

**SB 2114**  
**Senate Workforce Committee**

Chairman Wobbema and Committee members, my name is Maureen Bentz. I'm the Associate Director for Practice at the North Dakota Board of Nursing.

I am the case manager for nurses who are encumbered by the Board through a disciplinary order. Approximately 30 nurses are being monitored currently.

A nurse who is encumbered by the Board through a disciplinary order typically returns to the nursing workforce after a two-to-five-year period of surrender or suspension of their nursing license. After that period of suspension or surrender for public safety, the nurse is thoroughly vetted by the Board for readiness to re-enter the nursing workforce. A nurse must apply for reinstatement, submit letters of reference, obtain the appropriate evaluations to determine fitness for duty, and submit to a criminal history record check to begin the process. Once reinstated, they are required to establish themselves in the recovery community by participating in ongoing care, attending support group regularly, and by obtaining a sponsor. They must submit to random drug screening, provide regular employer evaluations, and complete monthly self-evaluation reports of their recovery progress. These nurses are very closely monitored and held accountable to the terms of their Board ordered discipline. It is important to note that any formal discipline by the Board is publicly reported to state and national databases and to the OIG (Office of Inspector General) and may exclude the nurse from working in a facility that receives federal funds.

Although the Board carefully evaluates a nurse before reinstatement of their license to encumbered status, they have very limited employment options. Three

major healthcare employers in North Dakota do not allow employment of an encumbered nurse.

As Dr. Pfenning mentioned in her testimony, 44 states, including all states that border North Dakota, have an option to monitor nurses without encumbering their nursing license through a disciplinary order. They do this through an alternative to discipline program or ATD. These programs are set up to provide the same supervision for the nurse in a non-disciplinary manner through a contract between the nurse and the program. This contract is meant to occur before it impacts their nursing practice and replaces a disciplinary order that remains on their nursing license forever. The contract is based on an a treatment professional's recommendations and remains confidential if the participant complies with all terms of the contract.

States with ATD programs keep nurses in the workforce through those programs. The major healthcare employers previously referenced, also operate in several of our neighboring states and allow nurses to work if they have a contract with the states' ATD program. I respectfully urge you to recommend a "do pass" on this bill to provide North Dakota nurses with a path back into the nursing workforce that provides non-disciplinary monitoring and support while ensuring public protection.