

NOV 27 2013



NORTH DAKOTA BOARD OF NURSING

919 S 7th St., Suite 504, Bismarck, ND 58504-5881

Telephone: (701) 328-9777 Fax: (701) 328-9785

Web Site Address: <http://www.ndbon.org>

Workplace Impairment Program: (701) 328-9783.

November 27, 2013

Mr. John Walstad
Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Mr. Walstad,

The Notice of Intent to adopt Administrative Rules and copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

Constance B. Kalanek

Constance Kalanek, RN
Executive Director

Enclosures



NORTH DAKOTA BOARD OF NURSING

919 S 7th St., Suite 504, Bismarck, ND 58504-5881
Telephone: (701) 328-9777 Fax: (701) 328-9785
Web Site Address: <http://www.ndbon.org>

Workplace Impairment Program: (701) 328-9783

NOTICE OF INTENT TO ADOPT, AMEND OR REPEAL ADMINISTRATIVE RULES

TAKE NOTICE that the North Dakota Board of Nursing will hold a public hearing to address proposed amendments of North Dakota Administrative Code Title 54. The hearing will be:

January 16, 1:30 PM at the North Dakota Board of Nursing, 919 South Seventh Street, Suite 504 Bismarck, North Dakota.

The proposed amendment of the following Title 54 Board of Nursing:

- **Article 54-01 General Administration**
- **Article 54-02 Nurse Licensure**
- **Article 54-03.2 Standards for Nursing Education Programs**
- **Article 54-04.1 Nursing Education Loans**
- **Article 54-05 Standards of Practice**
- **Article 54-07 Unlicensed Assistive Person**
- **Article 54-09 Workplace Impairment Program - Repeal**

The purpose of the amendment is to update the Title 54 to be consistent with the revisions to the NDCC Nurse Practices Act 43-12.1 and revisions to NDCC Occupational and Professional Licensing 43-51-02. The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

The proposed rules may be reviewed at the office of the North Dakota Board of Nursing, 919 S 7th St., Suite 504, Bismarck ND 58504-5881. A copy of the proposed rules may be requested by writing the above address or calling (701) 328-9777. The proposed rules will be available on the ND Board of Nursing Website at www.ndbon.org. Written or oral comments on the proposed rules sent to the above address or the contact us section of the website and received **January 29, 2014** the date the comment period closes, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Board of Nursing at the above phone number or address at least one week prior to the public hearing.

Dated this 27 day of November 2013.
Constance B. Kalanek, RN Executive Director

NDAC TITLE 54

ND BOARD OF NURSING PROPOSED AMENDMENTS

Article/Chapter/ Section	Title	Purpose of Amendment
Article 54-01 General Administration	CHAPTER 54-01-01 ORGANIZATION OF BOARD	<ul style="list-style-type: none"> • Consistent with Nurse Practices Act Revisions. Board Membership - Five members are registered nurses, one member is an advanced practice registered nurse, two are licensed practical nurses, and one is a public member.
	CHAPTER 54-01-03 DEFINITIONS	<ul style="list-style-type: none"> • Definitions updated to meet the recommendations of the Atkinson & Atkinson LLC Audit, Uniform Licensure Requirements and revisions to the NDCC Nurse Practices Act 43-12.1. Twenty-nine definitions new, enhanced or deleted.
Article 54-02 Nurse Licensure	Chapter 54-02-01 Licensure by examination	<ul style="list-style-type: none"> • Added provisions to reflect current electronic process for the licensure examination. • Replaced verbiage to reflect current terminology, i.e. use term international versus foreign. • Used the term candidate to describe applicant.
	Chapter 54-02-05 Renewal of License	<ul style="list-style-type: none"> • Updated title to reflect content • Initial applicants to receive license expiring on December 31 of the following year rather than initial. • Clarification language. • Updated language to be consistent with definitions.
	Chapter 54-02-06 License by endorsement	<ul style="list-style-type: none"> • Clarifying language – added the term jurisdiction and Criminal History Record Check language. • Added a new section for military spouses, HB 1246. (NDCC 43-51-11.1)
	Chapter 54-02-05 Disciplinary Action	<ul style="list-style-type: none"> • Updated behaviors that may indicate professional misconduct. • Individual records obtained by board are exempt. • Evaluations of individual nurses must be submitted directly to board from evaluator. • Further defined dismissal of a Potential Violation Report;

NDAC TITLE 54

ND BOARD OF NURSING PROPOSED AMENDMENTS

		<ul style="list-style-type: none"> • Emergency Suspension – issued by Disciplinary Review Panel & is for 5 years or until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board. • Replaced reapplication & reissuance with reinstatement to be consistent with definitions. • Paper license no longer issued so marking of encumbered license occurs electronically. • Failure to initiate or renew licensure or registration - non-disciplinary and associated fees, courses etc. • Applicants for initial or renewal must report felony offenses.
	Chapter 54-02-10 RN & LPN Nurse Licensure Compact	<ul style="list-style-type: none"> • Extended the time a nurse can practice on a license after declaration of primary state of residence from 30 days to 90 days.
Article 54-03.2 Standards for Nursing Education Programs	CHAPTER 54-03.2-01 General Provisions	<ul style="list-style-type: none"> • Inserted term education after nursing throughout this article. • Inserted “clinically” qualified to requirements for faculty.
	CHAPTER 54-03.2-02 Organization and Administration	<ul style="list-style-type: none"> • Added “national” accreditation. • Clarifying language.
	CHAPTER 54-03.2-03 Nurse Administrator	<ul style="list-style-type: none"> • Specified the requirements for administrator with master’s degrees not in nursing education for practical or associate degrees. • Specified the requirements for administrator of programs leading to a baccalaureate, master’s or doctoral degree. • All administrators must have an active unencumbered license.
	CHAPTER 54-03.2-04 Faculty	<ul style="list-style-type: none"> • Specified the requirements for faculty with master’s degrees not in nursing education for practical or associate degrees. • Specified the requirements for faculty of programs leading to a baccalaureate, master’s or doctoral degree.

NDAC TITLE 54

ND BOARD OF NURSING PROPOSED AMENDMENTS

		<ul style="list-style-type: none"> • Added Nurse Licensure Compact language. • All faculty must have an active unencumbered license.
	CHAPTER 54-03.2-05 Students	<ul style="list-style-type: none"> • Policies must include background checks.
	CHAPTER 54-03.2-06 Curriculum	<ul style="list-style-type: none"> • Added terminology for to include clinical judgment and skills in clinical management consistent with standards of practice. • Added recognition process for out of state programs.
	CHAPTER 54-03.2-07 Nursing Education Program Approval	<ul style="list-style-type: none"> • Inserted term “status”. • Decreased notification time for scheduling a survey. • Removed repetitive language.
	CHAPTER 54-03.2-08 New Nursing Education Programs	<ul style="list-style-type: none"> • Added language to allow the board to continue initial approval. • Added clarifying language.
	CHAPTER 54-03.2-09 Closure Of A Nursing Education Program	<ul style="list-style-type: none"> • Specified verbiage for closure of a program and requirements to be met.
	CHAPTER 54-03.2-10 Innovation In Nursing Education	<ul style="list-style-type: none"> • Inserted term education after nursing throughout.
Article 54-04.1 Nursing Education Loans	CHAPTER 54-04.1-01 Nursing Education Loan Program	<ul style="list-style-type: none"> • Applicants do not have an option for one year renewal, dated language.
	Chapter 54-04.1-02 Qualifications	<ul style="list-style-type: none"> • Added “national” accreditation.
	54-04.1-04-03. Termination of employment	<ul style="list-style-type: none"> • Revised the interest rate language.

NDAC TITLE 54

ND BOARD OF NURSING PROPOSED AMENDMENTS

	CHAPTER 54-04.1-05 Monetary Repayment	<ul style="list-style-type: none"> Eliminate the requirement to have the payment made by the fifth day of the month. Monthly payment required.
Article 54-05 Standards of Practice	CHAPTER 54-05-01 Standards Of Practice For Licensed Practical Nurses	<ul style="list-style-type: none"> Repealed four sections and added three sections to update the language from the National Council State Board of Nursing Model Rules and the Uniform Licensure Requirements and process of delegation. New sections relate to professional accountability, scope of practice, responsibility to organize, manage and supervise the practice of nursing. Included delegation in this chapter.
	CHAPTER 54-05-02 Standards Of Practice For Registered Nurses	<ul style="list-style-type: none"> Repealed four sections and added four sections to update the language from the National Council State Board of Nursing Model Rules and the Uniform Licensure Requirements and process of delegation. New sections relate to professional accountability, scope of practice, advocate for the client, responsibility to organize, manage and supervise the practice of nursing. Included delegation in this chapter.
	CHAPTER 54-05-03.1 Advanced Practice Registered Nurse	<ul style="list-style-type: none"> Added language in section 02 & 03.1 to be consistent with the Nurse Practices Act. Eliminated the notification of change in scope of practice. Scope must be consistent with education and certification. Prescriptive authority will be issued when all requirements are met. Notification requirement removed- use electronic verification. Deleted nurse clinician – no longer an APRN role
	CHAPTER 54-05-04 Standards For Delegation	<ul style="list-style-type: none"> Repealed

NDAC TITLE 54

ND BOARD OF NURSING PROPOSED AMENDMENTS

Article 54-07 Unlicensed Assistive Person	CHAPTER 54-07-01 General Provisions	<ul style="list-style-type: none"> • Added Section 05 on Consumer directed service providers. Moved from repealed chapter entitled Standards for Delegation.
	CHAPTER 54-07-02 Unlicensed Assistive Person Registry	<ul style="list-style-type: none"> • Clarifying language for registration process. • Added a category for registration of nursing students. • Temporary permit issued for 90 days.
	CHAPTER 54-07-02.1 Criminal History Record Checks For Registration	<ul style="list-style-type: none"> • Updated for Medication III registration.
	CHAPTER 54-07-03.1 Unlicensed Assistive Competence	<ul style="list-style-type: none"> • Revised title to read "Role of the Unlicensed Assistive Person and Technician. • Removed specific competency since the applicants must have a verification of education or training. • Added a new section of standards for the Unlicensed Assistive Person/Technician and delegation process from the National Council State Board of Nursing Model Rules.
	CHAPTER 54-07-05 Medication Administration By A Medication Assistant III	<ul style="list-style-type: none"> • Added clarifying language for Medication III. • Clarified requirements for the Medication III including supervision requirements. Added acute care setting. • Routes and types of medication administration that can be delegated. • Added a definition of medical assistant student. • Listed credentialing organizations acceptable to the board. • Expanded list of medication routes that are allowed for Medication III.
Article 54-09 Workplace Impairment Program - Repeal		<ul style="list-style-type: none"> • Repeal.