CHAPTER 54-05-03.1
ADVANCED PRACTICE REGISTERED NURSE

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54-05-03.1-01. Statement of intent.

The 1977 legislative assembly enacted legislation that recognized the performance of additional acts to be performed by registered nurses practicing in expanded roles and gave the board of nursing the power to set standards for nurses practicing in specialized roles. From 1980 to 1991, the board licensed advanced practitioners in nursing as nurse clinicians, nurse practitioners, clinical nurse specialists, certified nurse midwives, and certified registered nurse anesthetists. The 1991 legislative assembly added prescriptive practices to the acts an advanced practice registered nurse may perform, if qualified. The 1995 legislative assembly further defined the educational requirements for the advanced practice registered nurse.

The scope of practice for a registered nurse with advanced licensure is based upon an understanding that a broad range of health care services can be appropriately and competently provided by a registered nurse with validated knowledge, skills, and abilities in specific practice areas. The health care needs of citizens in North Dakota require that nurses in advanced practice roles provide care to the fullest extent of their scope of practice. The advanced practice registered nurse retains the responsibility and accountability for that scope of practice and is ultimately accountable to the patient within the Nurse Practices Act.

The advanced practice registered nurse is responsible and accountable to practice according to the standards of practice prescribed by the board and the profession. The purpose of the standards is:

1. To establish practice parameters for safe nursing practice.

2. To serve as a guide for the board to regulate the practice of the advanced practice registered nurse.

History: Effective March 1, 1992; amended effective November 1, 1996; April 1, 2004.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-02(1)(7)

54-05-03.1-02. Board authority - Title - Abbreviation.

The board shall authorize advanced nursing practice to a registered nurse who has submitted evidence of advanced knowledge, skills, and abilities in a defined area of nursing practice. Individuals are licensed as advanced practice registered nurses in the roles of certified nurse practitioner, certified registered nurse anesthetist, certified nurse midwife, or certified clinical nurse specialist and in the population foci of family across the lifespan, adult-gerontology, neonatal, pediatrics, women's health or gender related or psychiatric mental health. Each advanced practice registered nurse shall use the designation APRN and applicable role designation for purposes of identification and documentation. No person may use the advanced practice registered nurse (APRN) title plus the person's respective role title without the express authority of the board of nursing to do so.

History: Effective March 1, 1992; amended effective November 1, 1996; April 1, 2011; April 1, 2014.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(1)

54-05-03.1-03. Definitions.

Repealed effective April 1, 2004.

54-05-03.1-03.1. Standards of practice for the advanced practice registered nurse.

The standards of practice for the registered nurse found in chapter 54-05-02 are the core standards of practice for all categories of advanced practice registered nurses. The advanced practice registered nurse has evolved into the roles of certified nurse practitioner, certified registered nurse anesthetist, certified nurse midwife, or certified clinical nurse specialist.

The advanced practice registered nurse functions in any setting as a member of the interdisciplinary team and provides care to the fullest extent of the scope of practice which includes:

1. Complete the assessment of the health status and health needs based on interpretation of health-related data and preventive health practices;

2. Analyze multiple sources of data, identify alternative possibilities as to the nature of a health care problem and select appropriate treatment;

3. Coordinate human and material resources for the provision of care;

4. Maintain accountability and responsibility for the quality of nursing care provided; and

5. Collaborate with the interdisciplinary team.

History: Effective November 1, 1996; amended effective April 1, 2004; March 24, 2004; April 1, 2014.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(1)

54-05-03.1-03.2. Scope of practice as an advanced practice registered nurse.

The scope of practice must be consistent with the nursing education and advanced practice certification.

1. Practice as an advanced practice registered nurse may include:

    a. Perform a comprehensive assessment of clients and synthesize and analyze data within a nursing framework;

    b. Identify, develop, plan, and maintain evidence-based, client-centered nursing care;

c. Prescribe a therapeutic regimen of health care, including diagnosing, prescribing, administering, and dispensing legend drugs and controlled substances;

d. Evaluate prescribed health care regimen;

e. Assign and delegate nursing interventions that may be performed by others;

f. Promote a safe and therapeutic environment;

g. Provide health teaching and counseling to promote, attain, and maintain the optimum health level of clients;

h. Communicate and collaborate with the interdisciplinary team in the management of health care and the implementation of the total health care regimen;

i. Manage and evaluate the clients' physical and psychosocial health-illness status;

j. Manage, supervise, and evaluate the practice of nursing;

k. Utilize evolving client information management systems;

l. Integrate quality improvement principles in the delivery and evaluation of client care;

m. Teach the theory and practice of nursing;

n. Analyze, synthesize, and apply research outcomes in practice; and

o. Integrate the principles of research in practice.

2. Notwithstanding the above, all services rendered by the licensee shall be commensurate with the academic preparation, knowledge, skills, and abilities of the advanced practice licensed nurse's experience, continuing education, and demonstrated competencies. The nurse must recognize individual limits of knowledge, skills, and abilities and plan for situations beyond the licensee's expertise.

History: Effective April 1, 2004; amended effective March 24, 2004; July 1, 2008; April 1, 2014.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(1)

54-05-03.1-04. Initial requirements for advanced practice registered nurse licensure.

Applicants for advanced practice registered nurse licensure must:

1. Possess a current license to practice as a registered nurse in North Dakota or in a compact state;

2. Submit evidence of completion of an accredited graduate level advanced practice registered nurse program in one of the four roles and with at least one population focus;

3. Submit evidence of current certification by a national nursing certifying body in the advanced practice registered nurse role and population foci appropriate to educational preparation. Primary source verification of certification is required;

4. Not have an encumbered license or privilege to practice in any state or territory;

5. Submit a completed notarized application and pay the fee of one hundred twenty-five dollars;

6. Certify that scope of practice is consistent with their nursing education and nursing certification; and

7. After December 31, 2015, all applicants for advanced practice registered nurse licensure must meet the licensure requirements in this chapter.

History: Effective March 1, 1992; amended effective November 1, 1996; December 1, 1997; June 1, 2001; April 1, 2004; July 1, 2008; April 1, 2011; April 1, 2014; July 1, 2020.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-09(2)(c)(d)

54-05-03.1-05. Temporary permit.

An applicant for advanced licensure who possesses a current registered nurse license, and has submitted a complete application, the required fee, and evidence of meeting all educational requirements, may be issued a ninety-day temporary advanced practice registered nurse permit for practice in an advanced practice registered nurse category if the applicant:

1. Is applying for licensure under section 54-05-03.1-04;

2. Has applied as a first-time candidate to the next national nursing certification examination for the advanced practice registered nurse category;

3. Is awaiting certification results based upon initial application; or

4. Temporary permit will not include prescriptive authority.

History: Effective March 1, 1992; amended effective November 1, 1996; April 1, 2011.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-09(2)(c)(d)

54-05-03.1-06. Requirements for advanced practice registered nurse licensure renewal.

The advanced practice registered nurse license is valid for the same period of time as the applicant's registered nurse license. Applicants for renewal of the advanced practice registered nurse license must possess a current license to practice as a registered nurse in North Dakota or in a compact state and must comply with the following:

1. Complete the advanced practice registered nurse license renewal application;

2. Pay an advanced practice registered nurse licensure renewal fee of eighty dollars; and

3. Submit evidence of current national certification in the appropriate advanced practice registered nurse role and with at least one population focus, or participate in a competence maintenance program recognized by the board.

Any individual holding a license to practice nursing as an advanced practice licensee in this state that is valid on December 31, 2015, shall be deemed to be licensed as an advanced practice registered nurse under the provisions of this chapter with the individual's current privileges and shall be eligible for renewal of such license under the conditions and standards prescribed in this chapter.

History: Effective March 1, 1992; amended effective November 1, 1996; June 1, 2001; April 1, 2004; April 1, 2011; April 1, 2014; July 1, 2020.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-10(1)

54-05-03.1-06.1. Reactivation of a license.

An advanced practice registered nurse previously licensed in North Dakota who applies for reactivation of APRN only must meet board requirements and includes the following:

1. Complete the application and submit to a criminal history record check according to section 54-02-12-01;

2. Pay the nonrefundable renewal fee and fifty dollar reactivation fee; and

3. Meet the requirements in section 54-02-05-05.1, practice requirements for license renewal, section 54-02-05-08, continuing education requirement for license renewal and section 54-05-03.1-06 requirements for advanced practice registered nurse licensure renewal; or

4. Submit other evidence the applicant wishes to submit which would provide proof of nursing competence acceptable to the board.

History: Effective July 1, 2008; amended effective July 1, 2020.
General Authority: NDCC 12-60-24.2(o), 43-12.1-08
Law Implemented: NDCC 43-12.1-09.1, 43-12.1-10(1)

54-05-03.1-06.2. Scope of practice.

The scope of practice of the advanced practice registered nurse must be consistent with the nursing education and nursing certification.

History: Effective April 1, 2011; amended effective April 1, 2014.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-10(1)

54-05-03.1-07. Disciplinary action against advanced practice registered nurse license.

Repealed effective April 1, 2004.

54-05-03.1-08. Prescriptive authority review committee. Repealed effective October 1, 2011.

54-05-03.1-09. Requirements for prescriptive authority.

Applicants for prescriptive authority shall:

1. Be currently licensed as an advanced practice registered nurse in North Dakota.

2. Submit a complete, notarized prescriptive authority application and pay the fee of seventy-five dollars.

3. Submit a completed transcript with degree posted from an accredited graduate level advanced practice registered nurse program and which includes evidence of completion of advanced pharmacotherapy, physical assessment, and pathophysiology.

4. Provide evidence of completion of thirty contact hours of education or equivalent in pharmacotherapy related to the applicant's scope of advanced practice that:

    a. Have been obtained within a three-year period of time immediately prior to the date of application for prescriptive authority; or

    b. May otherwise be approved by the board.

History: Effective March 1, 1992; amended effective November 1, 1996; December 1, 1997; April 1, 2004; March 24, 2004; April 1, 2011; October 1, 2011; July 1, 2020.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-02(7), 43-12.1-09(2)(c)(d)

54-05-03.1-10. Authority to prescribe.

The advanced practice registered nurse plans and initiates a therapeutic regimen that includes ordering and prescribing medical devices and equipment, nutrition, diagnostic and supportive services including home health care, hospice, and physical and occupational therapy.

1. A permanent advanced practice registered nurse license with the addition of prescriptive authority shall be issued upon meeting all requirements.

2. The advanced practice registered nurse with prescriptive authority may prescribe drugs as defined by chapter 43-15-01 pursuant to applicable state and federal laws.

3. A prescriptive authority advanced practice registered nurse license does not include drug enforcement administration authority for prescribing controlled substances. Each licensee must apply for and receive a drug enforcement administration number before writing prescriptions for controlled substances.

4. An advanced practice registered nurse with prescriptive authority who prescribes controlled substances has access to the North Dakota prescription drug monitoring program and shall utilize the prescription drug monitoring program in the following manner:

    a. Shall evaluate a prescription drug monitoring program report for a client in the following situations:

        (1) New or unestablished client requiring prescription for controlled substance;

        (2) Every six months during treatment of client with a controlled substance;

        (3) Client requests early refills or engages in a pattern of taking more than prescribed dosage; and

        (4) Upon suspicion or known drug overuse, diversion, or abuse by client.

    b. Shall document evaluation of the prescription drug monitoring program reports made under this rule.

    c. May evaluate the prescription drug monitoring program report in the following situations:

        (1) Long-term care settings;

        (2) Controlled settings in which controlled substances are locked and administered to client;

        (3) Treatment of client with terminal illness, cancer, or cancer-related disorders; and

        (4) Hospice or palliative care settings.

5. The licensee may prescribe, administer, sign for, dispense over-the-counter, legend, and controlled substances, and procure pharmaceuticals, including samples following state and federal regulations.

6. The signature on documents related to prescriptive practices must clearly indicate that the licensee is an advanced practice registered nurse.

7. The advanced practice registered nurse with prescriptive authority may not prescribe, sell, administer, distribute, or give to oneself or to one's spouse or child any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug.

8. Notwithstanding any other provision, a practitioner who diagnoses a sexually transmitted disease, such as chlamydia, gonorrhea, or any other sexually transmitted infection, in an individual patient may prescribe or dispense, and a pharmacist may dispense, prescription antibiotic drugs to that patient's sexual partner or partners, without there having been an examination of that patient's sexual partner or partners.

History: Effective March 1, 1992; amended effective November 1, 1996; April 1, 2004; January 1, 2009; April 1, 2011; April 1, 2014; October 1, 2016.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(1)

54-05-03.1-11. Prescriptive authority renewal.

Prescriptive authority is valid for the same period of time as the applicant's advanced practice registered nurse and registered nurse license. The applicant for renewal must:

1. Renew the applicant's registered nurse license.

2. Submit verification of current certification by a national nursing certification body in the specific area of nursing practice.

3. Submit a completed advanced practice registered nurse with prescriptive authority renewal application.

4. Pay the advanced practice registered nurse renewal fee of eighty dollars and the seventy-five dollar renewal fee for prescriptive authority.

5. Provide evidence of completion of fifteen contact hours of education during the previous two years in pharmacotherapy related to the scope of practice. These contact hours may fulfill the registered nurse renewal continuing education requirement. The education or its equivalent as approved by the board may include academic credits, attendance at approved seminars and courses, or participation in approved correspondence or home study continuing education courses.

History: Effective March 1, 1992; amended effective November 1, 1996; June 1, 2001; April 1, 2004; March 24, 2004; April 1, 2011; July 1, 2020.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-10(1)

54-05-03.1-12. Change in physician collaboration regarding prescriptive authority.

Repealed effective October 1, 2011.

54-05-03.1-13. Suspension or enjoining of prescriptive authority.

The prescriptive authority granted to an advanced practice registered nurse may be temporarily suspended or enjoined according to provisions of North Dakota Century Code chapters 28-32 and 32-06, when the advanced practice registered nurse has:

1. Failed to maintain current licensure as an advanced practice registered nurse or failed to meet prescriptive authority requirements;

2. Prescribed outside the scope of practice or for other than therapeutic purposes;

3. Violated any state or federal law or regulation applicable to prescriptions; or

Following final board action notice of suspension or injunctive action regarding prescriptive authority will be forwarded to the board of pharmacy.

History: Effective March 1, 1992; amended effective November 1, 1996; October 1, 2011.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-10(1)

54-05-03.1-14. Encumbered license.

Repealed effective April 1, 2004.

54-05-03.1-15. Recognition at effective date.

Any registered nurse with an advanced license as a nurse practitioner, clinical nurse specialist, nurse midwife, or certified registered nurse anesthetist on November 1, 1996, must continue to be recognized as an advanced practice registered nurse, and is eligible for renewal of the advanced practice registered nurse license under the provision of this title. These rules may not be construed to limit or restrict the advanced practice registered nurse's scope of practice statement previously approved by the board.

History: Effective March 1, 1992; amended effective November 1, 1996; April 1, 2014.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08