ARTICLE 54-10
ALTERNATIVE TO DISCIPLINE PROGRAM

Chapter
54-10-01 Alternative to Discipline Program

CHAPTER 54-10-01
ALTERNATIVE TO DISCIPLINE PROGRAM

Section
54-10-01-01 Organization
54-10-01-02 Eligibility and Participation
54-10-01-03 Noncompliance

54-10-01-01. Organization.

1. The board shall employ a program coordinator to organize and administer the alternative to discipline program.

2. The program coordinator shall:

   a. Review, evaluate, and determine eligibility of nurses who request participation in or are recommended for the alternative to discipline program;

   b. Review and designate treatment facilities and services to which nurses in the alternative to discipline program may be referred;

   c. Receive and review information relating to the participation of nurses in the alternative to discipline program;

   d. Prepare reports for the board; and

   e. Other duties as deemed necessary by the board.

History: Effective April 1, 2024.
General Authority: NDCC 43-12.1
Law Implemented: NDCC 43-12.1-08

54-10-01-02. Elgibility and participation.

1. Referrals can be made for participation in the program by:

   a. The licensed nurse themselves;

   b. A friend or family member;

   c. The employer;

   d. The board of nursing; or

   e. An alternative to discipline program or board of nursing from another state.

2. Participation in the program may be exempt if the nurse remains in compliance with the nurse's contract. To ensure public safety and to facilitate monitoring unless otherwise prohibited by law, the program contract authorizes the program to communicate directly with:

   a. Current and prospective employers;

   b. Health, mental health, and treatment providers;

c. Probation departments;

d. Drug court agencies;

e. Disciplinary, nondisciplinary, and regulatory agencies;

f. Recovery community programs and support individuals;

g. Drug test collection sites; and

h. Third-party monitoring and drug testing services.

3. Participants shall:

a. Be actively licensed as a nurse in North Dakota or be a nurse currently enrolled in an alternative to discipline program who is requesting endorsement from another state;

b. Have a physical, mental, or chemical dependency condition that is affecting, or may affect their nursing practice;

c. Agree to enter the program and provide consent voluntarily for appropriate medical, chemical dependency, or mental health evaluations;

d. Follow all recommendations of the evaluator; and

e. Agree to the terms set forth in the agreement.

4. Participants shall acknowledge that North Dakota is their home state for purposes of the nurse licensure compact and that during the term of the agreement their multistate licensure privilege to practice in all other party states will be deactivated until the contract is complete.

5. Participants may not practice nursing in any other state without prior written authorization from the North Dakota alternative to discipline program and the board of nursing and alternative to discipline program in the state in which the participant intends to practice.

History: Effective April 1, 2024.
General Authority: NDCC 43-12.1
Law Implemented: NDCC 43-12.1-08

54-10-01-03. Noncompliance.

1. Failure to comply with the program conditions may result in termination of participation and report to the North Dakota board of nursing for investigation and consideration of disciplinary action.

2. Participants who voluntarily terminate the program or who were required to terminate due to noncompliance, who request to re-enter the program must submit evidence of a minimum period of continuous sobriety as defined by the program.

History: Effective April 1, 2024.
General Authority: NDCC 43-12.1
Law Implemented: NDCC 43-12.1-08