CHAPTER 96-02-10
EXEMPTION FROM LICENSURE

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96-02-10-01. Exempt tests and methods.

An individual is exempt from the provisions of North Dakota Century Code chapter 43-48 if the individual is supervised by an individual licensed by the board, an advanced practice registered nurse, or a physician and the individual is performing the following food and drug administration-waived tests and using the following methods, or performing tests determined by the board to be equivalent to those listed in this section:

1. Any of the following tests by nonautomated or automated urinalysis by dipstick:
   a. Bilirubin.
   b. Blood.
   c. Glucose.
   d. Ketone.
   e. Leukocyte.
   f. Nitrate.
   g. Potential of hydrogen (pH).
   h. Protein.
   i. Specific gravity.
   j. Urobilinogen.
2. Fecal occult blood by any accepted method.
3. Ovulation test by visual color comparison.
4. Qualitative urine pregnancy test by visual color comparison.
5. Erythrocyte sedimentation rate by any accepted nonautomated method.
6. Whole blood glucose by any accepted single analyte method.
7. Spun microhematocrit by any accepted method.
8. Hemoglobin by single analyte instrument or manual copper sulfate method.
9. Any of the following tests by immunoassay using a rapid test device that detects antibodies or antigens:
   a. Helicobacter pylori.
   b. Influenza.

c. Mononucleosis.

d. Streptococcus group A.

e. Hepatitis C virus.

f. Respiratory syncytial virus.

g. SARS-CoV-2

10. Prothrombin time international normalized ratio by mechanical endpoint.

11. Antibodies to human immunodeficiency virus types 1 and 2 by clearview complete HIV 1/2 assay.

12. Alere cholestech analyzer, but only for the following analytes:

a. Total cholesterol; and

b. High-density lipoprotein (HDL) cholesterol.

13. Syphilis health check.

14. CoaguCheck XS system.

15. UltraCrit hematocrit.

16. Abaxis piccolo xpress analyzer whole blood methods, but only for the following analytes:

a. Total cholesterol.

b. HDL cholesterol.

c. Triglycerides.

d. Glucose.

e. Blood urea nitrogen (BUN).

f. Creatinine.

g. Sodium.

h. Chloride.

i. Potassium.

j. Bicarbonate.

k. Total protein.

l. Total bilirubin.

m. Aspartate aminotransferase (AST).

n. Alanine aminotransferase (ALT)

o. Albumin.

p. Total calcium.

q. Alkaline phosphatase.

17. i-STAT creatinine when performed by radiology technologists or technicians.

18. Alere affinion AS100 glycosylated hemoglobin (A1C).

19. Urine drug screen, if positive results are confirmed by utilizing additional confirmation tests.

20. Any of the following tests by polymerase chain reaction using a closed system that detects DNA or RNA:

    a. SARS-CoV-2.

    b. Streptococcus group A.

    c. Respiratory syncytial virus.

    d. Influenza.

    e. Human rhinovirus.

History: Effective January 1, 2006; amended effective January 1, 2008; April 1, 2012; April 1, 2013; July 1, 2017; April 1, 2020; April 1, 2022; January 1, 2026; April 1, 2026.
General Authority: NDCC 43-48-03, 43-48-04
Law Implemented: NDCC 43-48-03

96-02-10-01.1. Exempt test and method.

An individual, supervised by an individual licensed by the board, advanced practice registered nurse, or physician performing total protein tests by Reichert digital refractometer, is exempt from the provisions of North Dakota Century Code chapter 43-48.

History: Effective January 1, 2010; amended effective April 1, 2020.
General Authority: NDCC 43-48-03, 43-48-04
Law Implemented: NDCC 43-48-03

96-02-10-02. Supervision.

As used in subsection 9 of North Dakota Century Code section 43-48-03 and North Dakota Administrative Code sections 96-02-10-01 and 96-02-10-01.1, "supervised" means the following:

1. The supervisor shall identify the individuals being supervised on a form provided by the board and promptly shall notify the board of any changes to the information provided.

2. The supervisor shall ensure the individuals being supervised are trained appropriately in all tests and methods performed by the supervised individuals.

3. The supervisor:

    a. Shall perform annual competency assessments of the individuals supervised using generally accepted clinical laboratory standards.

    b. May not allow an individual supervised to start or continue performing tests until the individual has been properly trained and demonstrated competency.

    c. Shall document training and competency assessments, retain the documentation for three years, and submit the documentation to the board upon request.

d. Shall ensure acceptable cleanliness testing is completed at least monthly at all locations that perform DNA or RNA detection testing for individuals supervised.

4. The supervisor regularly shall monitor and be available to consult with the individuals being supervised.

Failure by the licensee to supervise is unprofessional conduct and the licensee may be subject to disciplinary action by the board.

History: Effective January 1, 2006; amended effective January 1, 2010; January 1, 2026.
General Authority: NDCC 43-48-04
Law Implemented: NDCC 43-48-03