



NORTH DAKOTA
DEPARTMENT of HEALTH

OFFICE OF STATE HEALTH OFFICER
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June 27, 2011

The Honorable Jack Dalrymple
Governor of North Dakota
Governor's Office – State Capital
600 East Boulevard Avenue
Bismarck, ND 58505

Topic: Request for approval of emergency rulemaking for Nurse Aide Training, Competency, and Registry

Dear Governor Dalrymple:

On April 28, 2011, House Bill 1041 was signed into law and filed with the Secretary of State with an effective date of July 1, 2011. This bill transferred the responsibility for the training, competency evaluation, and registry of nurse aides, home health aides, and medications assistants I and II from the North Dakota Board of Nursing to the North Dakota Department of Health.

To implement the provisions of this law, the Department of Health was required to develop and implement rules which would become effective July 1, 2011. The July 1, 2011 effective date results in the need for the rules to go through the emergency rulemaking process.

The Department of Health has drafted proposed rules to implement HB 1041. A group of stakeholders representing the North Dakota Board of Nursing, North Dakota Department of Health, North Dakota Department of Human Services, North Dakota Long Term Care Association, North Dakota Hospital Association, Individuals with Physical and Intellectual Disabilities, Home Health Agencies, and others met on June 13 and 14, 2011 to review the proposed rules and provide recommendations.

As required by North Dakota Century Code 28-32-03, we respectfully request your approval for the department to proceed in adopting the proposed rules on Nurse Aide Training, Competency, and Registry as interim final (emergency) rules by no later than July 1, 2011 so that we may proceed with the necessary filing with legislative council. It is necessary for our department to implement these requirements by July 1, 2011 to ensure that a mechanism is in place to provide for the training, competency evaluation, and registry of certified nurse aides, home health aides, and nurse aides, as well as medication assistants I and II. These individuals will then be able to work in the health care settings throughout the state without interruption.

We would appreciate receiving your approval for these proposed rules by no later than July 1, 2011. Should you require any additional information, please contact Darleen Bartz, Health Section Chief, or Bruce Pritschet, Health Facilities Division Director, at 701-328-2351. I look forward to your response.

Sincerely,

Arvy Smith
Deputy State Health Officer