

**ARTICLE 54-07
UNLICENSED ASSISTIVE PERSON**

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**CHAPTER 54-07-01
GENERAL PROVISIONS**

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54-07-01-01. Statement of intent.

The 1991 legislative assembly enacted legislation declaring that it is the policy of this state to regulate through the board of nursing the practice of nursing, those engaged in licensed nursing practice, and those persons who assist in the practice of nursing. Other governmental agencies, through implementation of federal standards and regulations, may also be charged with the regulation of those who assist in the practice of nursing. It is the intent of the board to recognize other state registries that may exist, rather than duplicating those services. These rules govern the provision, administration, and management of nursing interventions by licensed nurses and nursing interventions delegated to unlicensed assistive persons. Licensed nurses are accountable and responsible to clients for the nature and quality of nursing interventions. In organizations where direct nursing care is not provided as a specific service, the provisions of this article do not apply.

History: Effective November 1, 1992; amended effective February 1, 1998; June 1, 2002.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(1)

54-07-01-02. Definitions.

Repealed effective June 1, 2002.

54-07-01-03. Recognition of other state registries.

The board will acknowledge placement on other state registries in lieu of the unlicensed assistive person registry. Criteria for recognition of other state registries is as follows:

1. The registry is open to the public during normal business hours.
2. The registry contains information about the individual that meets or exceeds the requirements for the unlicensed assistive person registry.

3. The registry provides a mechanism for removal of the individual for cause, or marking of the registry of disciplinary action by the board.
4. The agency operating the registry has submitted sufficient documentation to the board of nursing to verify compliance with these requirements.

History: Effective November 1, 1992; amended effective September 1, 1994; December 1, 1995; June 1, 2002.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(1)

54-07-01-04. Medicaid waiver recipient service providers.

A person who provides services authorized by North Dakota Century Code section 50-24.1-18.1 to individuals found eligible by the department of human services to direct their own care or to individuals who have designated a legally responsible person to make health care decisions on their behalf shall be required to register as an unlicensed assistive person on a registry recognized by the board and the North Dakota department of human services.

History: Effective April 1, 2007; amended effective July 1, 2008.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(1)

54-07-01-05. Consumer-directed service providers.

A nurse licensed under North Dakota Century Code chapter 43-12.1 may verify the competence of an unlicensed assistive person to perform nursing interventions for individuals directing their own care or for individuals who have a legally responsible person acting on their behalf, when the licensed nurse is requested to train the unlicensed assistive person to provide services authorized by North Dakota Century Code section 50-24.1-18.1 to individuals found eligible by the department of human services to direct their own care or who have designated a legally responsible person to make health care decisions on their behalf.

History: Effective April 1, 2014.

General Authority: NDCC 43-12.1-02(5)

Law Implemented: NDCC 43-12.1-08(1), 50-24.1-18.1