

**Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007**

SENATE BILL NO. 2025
(Legislative Council)
(Budget Committee on Government Services)

AN ACT to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to provision of medication at a correctional facility; to amend and reenact section 43-12.1-04 of the North Dakota Century Code, relating to exemptions from the Nurse Practices Act; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 12-44.1 of the North Dakota Century Code is created and enacted as follows:

Provision of medication - Training requirements - Verification - Rules.

1. A correctional facility may authorize an employee to provide medication to an inmate of a correctional facility if the employee is:
 - a. Licensed or registered under title 43 and is providing the medication within the scope of practice of the profession for which the individual is licensed or registered; or
 - b. A correctional facility staff member who has successfully completed medication administration training that has been preapproved by the North Dakota board of nursing.
2. If a correctional facility uses a correctional facility staff member to provide medication to an inmate under subdivision b of subsection 1:
 - a. The correctional facility staff member may not provide the medication by the parenteral route; and
 - b. The correctional facility shall provide to the board of nursing verification of appropriate medication administration training for that correctional facility staff member.

SECTION 2. AMENDMENT. Section 43-12.1-04 of the North Dakota Century Code is amended and reenacted as follows:

43-12.1-04. Persons exempt from provisions of chapter. This chapter does not apply to a person that is not licensed or registered under this chapter and is:

1. ~~Persons who perform~~ A person that performs nursing interventions in cases of emergency or disaster.
2. ~~Students~~ A student practicing nursing as a part of an in-state nursing education program.
3. ~~Legally~~ A licensed nurse of another state who is in good standing and who is employed in this state by the United States government or any of its bureaus, divisions, or agencies.
4. A nurse licensed by another state or Canada, whose employment requires the nurse to accompany and care for a patient in transit for health care.

5. A nurse licensed by another state whose employment by a resident of that state requires the nurse to accompany and care for the resident in North Dakota.
6. ~~A person~~ An individual who performs nursing tasks for a family member.
7. A person ~~who is not licensed under this chapter and who~~ that renders assistance pursuant to chapter 23-27.
8. A person licensed or registered under another chapter of this title and carrying out the therapy or practice for which the person is licensed or registered.
9. A person ~~who~~ that provides medications, other than by the parenteral route:
 - a. Within a correctional facility, in compliance with section 1 of this Act;
 - ~~b.~~ b. Within a residential treatment ~~centers~~ center for children licensed under chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;
 - ~~b.~~ c. Within a treatment or care ~~centers~~ center for developmentally disabled persons licensed under chapter 25-16;
 - ~~e.~~ d. Within a group ~~homes~~ home, a residential child care ~~facilities~~ facility, and or an adult foster care ~~facilities~~ facility licensed under section 50-11-01 or North Dakota Administrative Code chapter 75-03-16; or
 - ~~d.~~ e. Within a human service ~~centers~~ center licensed under chapter 50-06.
10. A nurse currently licensed to practice nursing by another jurisdiction:
 - a. Whose practice in another state requires that nurse to attend orientation, meetings, or continuing education in North Dakota;
 - b. Who serves as a guest lecturer or short-term consultant; or
 - c. Who provides evaluation undertaken on behalf of an accrediting organization.
11. An individual, including a feeding assistant, performing nonhands-on tasks while employed in a medicare-funded organization.
12. Upon written notification to the board by an out-of-state nursing program, a student practicing nursing as a part of a nursing education program preparing for initial or advanced licensure as a registered nurse or licensed practical nurse which is approved by a board of nursing and is located in an institution of higher education that offers transferable credit.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2025 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 45 Nays 0 Absent 2

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 87 Nays 0 Absent 7

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

Governor

Filed in this office this _____ day of _____, 2007,

at ___ o'clock _____ M.

Secretary of State