

Introduced by

1 A BILL for an Act to create and enact a new chapter to title 23, subsection 13 of section  
2 43-12.1-04, and section 43-12.1-16.1 of the North Dakota Century Code, relating to a nurse  
3 aide registry, individuals exempt from regulation by the state board of nursing, and supervision  
4 of nursing interventions; and to amend and reenact sections 43-12.1-03 and 43-12.1-16 of the  
5 North Dakota Century Code, relating to individuals exempt from regulation by the state board of  
6 nursing and delegation of medication administration.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1.** A new chapter to title 23 of the North Dakota Century Code is created and  
9 enacted as follows:

10 **Definitions.** As used in this chapter, unless the context otherwise requires, the  
11 following definitions apply:

- 12 1. "Certified nurse aide" means an individual who is entered on the nurse aide  
13 registry and who has either successfully completed the requirements for the  
14 department-approved training and competency evaluation program or has  
15 successfully completed the requirements of the department-approved competency  
16 evaluation program.
- 17 2. "Department" means the state department of health.
- 18 3. "Home health aide" means an individual who is registered on the nurse aide  
19 registry and who is determined competent to render personal related services  
20 under the supervision of a nurse in the home setting.
- 21 4. "Medication assistant" means an individual who is registered on the nurse aide  
22 registry and who has successfully completed the requirements of a  
23 department-approved medication assistant program for a specific employment

1           setting. A medication assistant may be designated a medication assistant I or a  
2           medication assistant II.

3           5. "Nurse aide" means an individual who is registered on the nurse aide registry and  
4           who has successfully completed the competency requirements identified by the  
5           department to provide nursing or nursing-related services to an individual in a  
6           health care facility or other setting.

7           6. "Nurse aide registry" means a listing of individuals who the department has  
8           determined have successfully completed the requirements established by the  
9           department to be designated as certified nurse aide, home health aide, nurse aide,  
10          or medication assistant.

11          **Nurse aide registry - Rules.**

12          1. The department shall establish and administer a nurse aide registry. The registry  
13          must include disciplinary findings, including findings of abuse, neglect, or  
14          misappropriation of property, and must include the eligibility of the individual to be  
15          employed.

16          2. The health council shall adopt rules to regulate and register an individual who  
17          receives compensation for engaging in the provision of nursing or nursing-related  
18          services to an individual in a health care facility or other setting. The rules do not  
19          apply to a licensed health care professional practicing within the scope of that  
20          profession, an unlicensed assistive person under chapter 43-12.1, or a volunteer in  
21          the course of providing services without pay. In developing the rules, the health  
22          council shall consult with the state board of nursing and other key stakeholders.

23          3. The rules required under subsection 2 must include the regulation of certified nurse  
24          aides, home health aides, medication assistants, and nurse aides. For each  
25          category of regulated individuals, the rules must address:

26           a. Nurse aide registry requirements;

27           b. Training and competency requirements;

28           c. Approval of training programs;

29           d. Initial registration and renewal of registration of individuals who have met  
30          training and competency requirements;

- 1           e. Reporting and investigation of complaints regarding individuals on the  
2           registry; and
- 3           f. A disciplinary process for a validated finding of abuse, neglect, or  
4           misappropriation of resident or client property and for other misconduct that  
5           has the potential to be harmful to a resident or client by an individual on the  
6           nurse aide registry.
- 7           4. The department may not charge fees under this chapter for initial registration or  
8           renewal of registration of an individual's registration status on the nurse aide  
9           registry, consistent with federal prohibition of charging an individual for initial  
10           registration or renewal of registration as a certified nurse aide.
- 11           5. The department may compile data regarding the reason given for an employer  
12           terminating an individual on the nurse aide registry.

13           **SECTION 2. AMENDMENT.** Section 43-12.1-03 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15           **43-12.1-03. License required - Title - Abbreviation.** Any person ~~who~~ that provides  
16 nursing care to a resident of this state must hold a current license or registration issued by the  
17 board. It is unlawful for a person to practice nursing, offer to practice nursing, assist in the  
18 practice of nursing, or use any title, abbreviation, or designation to indicate that the person is  
19 practicing nursing or assisting in the practice of nursing in this state unless that person is  
20 currently licensed or registered under this chapter. A currently licensed advanced practice  
21 registered nurse or specialty practice registered nurse may use titles approved by the board; a  
22 currently licensed registered nurse may use the abbreviation "R.N."; a currently licensed  
23 practical nurse may use the abbreviation "L.P.N."; and an unlicensed assistive person with  
24 current registration may use the title identified by the employer. A person may not use ~~the title~~  
25 "nurse" or be referred to as a "nurse" unless licensed by the board or exempt under section  
26 43-12.1-04.

27           **SECTION 3.** Subsection 13 of section 43-12.1-04 of the North Dakota Century Code is  
28 created and enacted as follows:

29           13. An individual who is registered on the nurse aide registry under section 1 of this  
30           Act, including a certified nurse aide, home health aide, nurse aide, and medication  
31           assistant.

1           **SECTION 4. AMENDMENT.** Section 43-12.1-16 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **43-12.1-16. Delegation of medication administration.** A licensed nurse may  
4 delegate medication administration to a person exempt under ~~subsection~~ subsections 9 and 13  
5 of section 43-12.1-04.

6           **SECTION 5.** Section 43-12.1-16.1 of the North Dakota Century Code is created and  
7 enacted as follows:

8           **43-12.1-16.1. Supervision of nursing interventions.** A nurse may supervise and  
9 delegate nursing interventions to an individual exempt under subsection 13 of section  
10 43-12.1-04.