

**Testimony**  
**Administrative Rules Committee**  
**North Dakota Board of Clinical Laboratory Practice**  
**Article 96-02**  
**Thursday December 10, 2009 11:40 a.m.**

Good morning chairman Klein and members of the Administrative Rules Committee. My name is Bruce Pritschet and today I am testifying on behalf of Nancy Schmidt the Board Chairperson for North Dakota Board of Clinical Laboratory Practice. I am an Ex-Officio member of the Board representing the Department of Health.

Rule changes the Board has submitted can be found on pages 209 – 210 of your manual [Article 96-02 – (Chapter 96-02-09 and 96-02-10)]. The Board plans to add a section to define unprofessional conduct by a licensee and include an exemption for a specific test and method. The rule changes suggested did not result from statutory changes made by the Legislative Assembly.

The rule changes do not relate to any federal statute or regulation. The Board followed the Procedures for Adopting Administrative Rules as written by the Attorney General dated June 22, 2009. The Board held a public hearing on August 25, 2009. No one attended. No oral or written comments were received on the proposed rule changes. No changes were made by the Board after the public hearing and the comment period closed.

The approximate cost for the public hearing was \$1,573.00. A regulatory analysis was not required, neither was an economic impact statement. A constitutional takings assessment was not prepared as it was not necessary because the rule does not limit the uses of real property.

Currently the Clinical Lab Board does not have an administrative code addressing or defining unprofessional conduct by a licensed laboratory professional. The board felt it was important to identify a code of ethics for lab professionals to follow. The other change (96-02-10-01.1) related to the performance of a specific total protein test and was an exemption of the test and method added at the request of the plasma donor centers in North Dakota. These rule changes were not adopted as emergency rules.

This concludes my testimony. I am happy to answer any questions you might have.