

**HOUSE BILL NO. 1041**

Introduced by

Legislative Management

(Long-Term Care Committee)

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 subsection 9 of section 43-12.1-02 and  
5 section 43-12.1-16 of the North Dakota Century Code, relating to definitions, individuals exempt  
6 from regulation by the state board of nursing, and delegation of medication administration; and  
7 to provide for application.

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

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

11 **Definitions.**

12 As used in this chapter, unless the context otherwise requires, the following definitions  
13 apply:

- 14 1. "Certified nurse aide" means an individual who is registered on the nurse aide registry  
15 and who has either successfully completed the requirements for the  
16 department-approved training and competency evaluation program or has successfully  
17 completed the requirements of the department-approved competency evaluation  
18 program.
- 19 2. "Department" means the state department of health.
- 20 3. "Home health aide" means an individual who is registered on the nurse aide registry  
21 and who renders personal related service under the supervision of a registered  
22 professional nurse.
- 23 4. "Medication assistant" means an individual who is registered on the nurse aide registry  
24 and who has successfully completed the requirements of a department-approved

- 1           medication assistant program for a specific employment setting. A medication  
2           assistant may be designated a medication assistant I or a medication assistant II.  
3        5.   "Nurse aide" means an individual who is registered on the nurse aide registry and who  
4           has successfully completed the competency requirements identified by the department  
5           to provide nursing or nursing-related services to an individual in a health care facility or  
6           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, or  
10          medication assistant.

11        **Nurse aide registry - Rules.**

- 12        1.   The department shall establish and administer a nurse aide registry. The registry must  
13           include disciplinary findings, including findings of abuse, neglect, or misappropriation  
14           of property, and must include the eligibility of the individual to be employed.  
15        2.   The health council shall adopt rules to regulate and register an individual who receives  
16           compensation for engaging in the provision of nursing or nursing-related services to an  
17           individual in a health care facility or other setting. The rules do not apply to a licensed  
18           health care professional practicing within the scope of that profession, an unlicensed  
19           assistive person under chapter 43-12.1, or a volunteer in the course of providing  
20           services without pay. In developing the rules, the health council shall consult with the  
21           state board of nursing and other key stakeholders.  
22        3.   The rules required under subsection 2 must include the regulation of certified nurse  
23           aides, home health aides, medication assistants, and nurse aides. For each category  
24           of regulated individuals, the rules must address:  
25           a.   Nurse aide registry requirements;  
26           b.   Training and competency requirements;  
27           c.   Approval of training programs;  
28           d.   Initial registration and renewal of registration of individuals who have met training  
29           and competency requirements;  
30           e.   Reporting and investigation of complaints regarding individuals on the registry;  
31           and

1           f. A disciplinary process for a validated finding of abuse, neglect, or  
2           misappropriation of resident or client property and for other misconduct that has  
3           the potential to be harmful to a resident or client by an individual on the nurse  
4           aide registry.

5           4. The department may not charge fees under this chapter for initial registration or  
6           renewal of registration of an individual's registration status on the nurse aide registry,  
7           consistent with federal prohibition of charging an individual for initial registration or  
8           renewal of registration as a certified nurse aide.

9           **SECTION 2. AMENDMENT.** Subsection 9 of section 43-12.1-02 of the North Dakota  
10 Century Code is amended and reenacted as follows:

11           9. "Unlicensed assistive person" means an assistant to the nurse, other than an  
12           individual who is registered on the nurse aide registry under section 1 of this Act, who  
13           regardless of title is authorized by the board to perform nursing interventions  
14           delegated and supervised by a nurse.

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

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

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

22           **43-12.1-16. Delegation of medication administration.**

23           A licensed nurse may delegate medication administration to a person exempt under  
24 ~~subsections~~ subsections 9 and 13 of section 43-12.1-04.

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

27           **43-12.1-16.1. Supervision and delegation of nursing interventions.**

28           A nurse may supervise and delegate nursing interventions to an individual exempt under  
29 subsection 13 of section 43-12.1-04.

30           **SECTION 6. APPLICATION.** The department of human services shall implement and  
31 administer the registration of unlicensed assistive persons as provided under section 2 of this

- 1 Act within the limits of the budget requested by the department. The department may not add
- 2 any full-time equivalent positions to assist with the implementation and administration of the
- 3 registration of unlicensed assistive persons.