

Introduced by

Senators J. Lee, Anderson, Meyer, Nelson

Representatives Porter, Delmore

1 A BILL for an Act to amend and reenact section 43-48-03 and subsection 2 of section 43-48-05
2 of the North Dakota Century Code, relating to clinical laboratory practice exemptions and board
3 membership.

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

5 **SECTION 1. AMENDMENT.** Section 43-48-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-48-03. Exemptions.**

8 The provisions of this chapter do not apply to the following:

- 9 1. Physicians duly and currently licensed to practice medicine.
- 10 2. Nurses duly and currently licensed to practice nursing and practicing within the scope
11 of the nursing license.
- 12 3. Persons performing clinical testing for teaching or research, provided that the results
13 of any examination performed in such laboratories are not used in health
14 maintenance, diagnosis, or treatment of disease.
- 15 4. Persons employed by the United States government, or any bureau, division, or
16 agency thereof, and working in a licensed laboratory.
- 17 5. Any person in the pursuit of a supervised course of study leading to a degree at an
18 accredited or educational program approved by the board.
- 19 6. Phlebotomy personnel performing phlebotomy procedures.
- 20 7. Persons performing testing for their own personal use and persons performing
21 screening tests for mass screening under appropriate supervision.
- 22 8. Agents of the state or federal government performing hematological tests for anemia
23 upon participants of the special supplemental food program for women, infants, and
24 children.

- 1 9. An individual supervised by an individual who is licensed by the board and who
2 performs tests and uses methods identified by rules adopted by the board.
- 3 10. Perfusionists performing clinical laboratory tests for hematology, coagulation, and
4 chemistry during the course of a patient's perfusion procedures.
- 5 11. Personnel of the division of laboratory services of the state department of health
6 participating in the centers for disease control and prevention's chemical terrorism
7 toxic metals determination program.
- 8 12. A person licensed or registered under another chapter of this title and carrying out the
9 therapy or practice for which the person is licensed or registered.
- 10 13. ~~An individual who performs tests and uses methods identified by rules adopted by the~~
11 ~~board after having completed any training required by the board and successfully~~
12 ~~passed a certifying exam administered by the board or by an entity the board appoints~~
13 ~~for the tests performed and methods used. To be exempt initially under this section,~~
14 ~~the individual shall complete all required training and pass the certifying exam within~~
15 ~~the time periods the board requires for the tests performed and methods used. To~~
16 ~~continue exemption status, the individual shall successfully complete any required~~
17 ~~training and pass the certifying exam for the tests performed and methods used as~~
18 ~~often as the board requires.~~ Personnel performing waived tests as categorized by the
19 food and drug administration based on the criteria established by the Clinical
20 Laboratory Improvement Act of 1988 [42 U.S.C. 263a et seq.].

21 **SECTION 2. AMENDMENT.** Subsection 2 of section 43-48-05 of the North Dakota Century
22 Code is amended and reenacted as follows:

- 23 2. The board must be composed of:
- 24 a. One physician recommended by the North Dakota pathology organization. The
25 North Dakota pathology organization shall submit to the governor a list of
26 physicians qualified to serve, such list to contain at least three names licensed to
27 practice medicine in the state and qualified to practice as a pathologist.
- 28 b. The following laboratory persons, whose names may be included on a list of such
29 persons qualified to serve submitted to the governor by the North Dakota society
30 for medical technology or other interested persons, such list to contain at least
31 three names for each vacancy:

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- 1 (1) One administrative nonphysician clinical laboratory director;
- 2 (2) One clinical laboratory scientist; and
- 3 (3) One clinical laboratory technician.
- 4 c. Two consumer members, each of whom must be a citizen of the United States, a
- 5 resident of North Dakota for at least two years before the date of appointment,
- 6 and a current resident of North Dakota.
- 7 d. The state health officer or such officer's designee, ex officio.