

Introduced by

Workforce Development Committee

(At the request of the North Dakota Board of Nursing)

1 A BILL for an Act to amend and reenact sections 43-12.1-02 and 43-12.1-08 of the North
2 Dakota Century Code, relating to the establishment of an alternative to discipline program for
3 nurses licensed in North Dakota.

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

5 **SECTION 1. AMENDMENT.** Section 43-12.1-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-12.1-02. Definitions.**

8 In this chapter, unless the context otherwise requires:

9 1. "Advanced practice registered nurse" means an individual who holds a current license
10 to practice in this state as an advanced practice registered nurse within one of the
11 roles of certified nurse practitioner, certified registered nurse anesthetist, certified
12 nurse midwife, or certified clinical nurse specialist, and who functions in one of the
13 population foci as approved by the board.

14 2. "Alternative to discipline" means a voluntary alternative to traditional discipline
15 program designed for nurses with substance use disorders, behavioral health
16 conditions, or medical health conditions.

17 3. "Board" means the North Dakota board of nursing.

18 ~~3.4.~~ "Licensed practical nurse" means an individual who holds a current license to practice
19 in this state as a licensed practical nurse and who practices dependently under the
20 supervision of a registered nurse, specialty practice registered nurse, advanced
21 practice registered nurse, or licensed practitioner.

22 ~~4.5.~~ "Nurse" means an individual who is currently licensed as an advanced practice
23 registered nurse, specialty practice registered nurse, registered nurse, or licensed
24 practical nurse.

1 ~~5-6.~~ "Nursing" means the performance of acts utilizing specialized knowledge, skills, and
2 abilities for people in a variety of settings. The term includes the following acts, which
3 may not be deemed to include acts of medical diagnosis or treatment or the practice of
4 medicine as defined in chapter 43-17:

- 5 a. The maintenance of health and prevention of illness.
- 6 b. Assessing and diagnosing human responses to actual or potential health
7 problems.
- 8 c. Providing supportive and restorative care and nursing treatment, medication
9 administration, health counseling and teaching, case finding and referral of
10 individuals who are ill, injured, or experiencing changes in the normal health
11 processes.
- 12 d. Administration, teaching, supervision, delegation, and evaluation of health and
13 nursing practices.
- 14 e. Collaboration with other health care professionals in the implementation of the
15 total health care regimen and execution of the health care regimen prescribed by
16 a health care practitioner licensed under the laws of this state.

17 ~~6-7.~~ "Prescriptive practices" means assessing the need for drugs, immunizing agents, or
18 devices and writing a prescription to be filled by a licensed pharmacist.

19 ~~7-8.~~ "Registered nurse" means an individual who holds a current license to practice in this
20 state as a registered nurse and who practices nursing independently and
21 interdependently through the application of the nursing process.

22 ~~8-9.~~ "Specialty practice registered nurse" means an individual who holds a current license
23 to practice in this state as a specialty practice registered nurse and who has current
24 certification from a national certifying body in a specific area of nursing practice.

25 ~~9-10.~~ "Unlicensed assistive person" means an assistant to the nurse, who regardless of title
26 is authorized to perform nursing interventions delegated and supervised by a nurse.

27 **SECTION 2. AMENDMENT.** Section 43-12.1-08 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **43-12.1-08. Duties of the board.**

- 30 1. The board shall regulate the practice of nursing as provided in this chapter.
- 31 2. The board shall:

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- 1 a. Enforce this chapter.
- 2 b. Adopt and enforce administrative rules necessary to administer this chapter after
- 3 collaborating and consulting with North Dakota nursing organizations and other
- 4 affected parties.
- 5 c. Appoint and employ a registered nurse to serve as executive director and
- 6 approve any additional staff positions necessary to administer this chapter.
- 7 d. Establish fees and receive all moneys collected under this chapter and authorize
- 8 all expenditures necessary to conduct the business of the board. Any balance of
- 9 fees after payment of expenditures must be used to administer this chapter.
- 10 e. Collect and analyze data regarding nursing education, nursing practice, and
- 11 nursing resources.
- 12 f. Issue and renew limited licenses or registrations to individuals requiring
- 13 accommodation to practice nursing or assist in the practice of nursing.
- 14 ~~g. Establish a nursing student loan program funded by license fees to encourage~~
- 15 ~~individuals to enter and advance in the nursing profession~~Conduct and support
- 16 projects pertaining to funding assistance for nurse or student participation in
- 17 nursing education.
- 18 h. Establish a registry of individuals licensed or registered by the board.
- 19 i. Report annually to the governor and nursing profession regarding the regulation
- 20 of nursing in the state.
- 21 j. Conduct and support projects pertaining to nursing education and practice.
- 22 ~~k. Adopt and enforce administrative rules to allow nurses licensed by another state~~
- 23 ~~to receive short-term clinical education in North Dakota health care facilities.~~
- 24 ~~l.~~ License qualified applicants for nurse licensure.
- 25 ~~m.~~ Register qualified applicants for the unlicensed assistive person registry.
- 26 ~~n.~~ Adopt and enforce rules for continuing competence of licensees and registrants.
- 27 ~~o.~~ Adopt and enforce rules for nursing practices.
- 28 ~~p.~~ Issue practice statements regarding the interpretation and application of this
- 29 chapter.
- 30 ~~p.~~ Adopt and enforce rules to establish an alternative to discipline program. Records
- 31 of an alternative to discipline program, including the identity of a nurse

1 participating in the alternative to discipline program, are exempt records under
2 section 44-04-17.1. Records of an alternative to discipline program may be
3 disclosed by the board when disclosure of the records is necessary to protect the
4 health, safety, and welfare of the public, when ordered by a court of competent
5 jurisdiction, and as otherwise determined by the board at the discretion of the
6 board.