

§ 4. There is hereby appropriated out of any moneys in the State Treasury in any of such trust funds at this time or which may hereafter be deposited with the State Treasurer to the credit of such trust funds, not otherwise appropriated, for the biennium beginning July 1, 1939, and for each biennium thereafter, all such moneys that may be necessary for the making of the investments authorized by this act.

§ 5. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 15, 1939.

NURSES

CHAPTER 187

S. B. No. 98—(Committee on Public Welfare)

NURSES PRACTICE ACT, AMENDMENT

An act to amend and re-enact Sections 506a2, 506a3, 506a4, 506a5, 506a6 as amended by Chapter 208 of the Session Laws of 1927, 506a7, 506a9 as amended by Chapter 208 of the Session Laws of 1927, 506a11, 506a12, 506a18, and 506a19 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, relating to creating a board of nurse examiners, providing for the appointment of an inspector of schools of nursing, and for the examination, registration, re-registration, and regulation of graduated nurses, and exempting practical nurses from registration, and empowering the board to prescribe the minimum course of study and standards for schools of nursing, and prescribing a penalty for the violation thereof. Also, defining terms as used in this act; repealing all acts or parts of acts in conflict herewith; and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 506a2 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, be and the same is hereby amended and re-enacted so as to read as follows:

§ 506a2. TERM OF OFFICE; VACANCIES.] Each member of said board shall serve a term of five years and until her successor is appointed and qualified, except in the case of the first board, whose members shall hold office as follows: one member for a period of one year; one member for a period of two years; one member for a period of three years; one member for a period of four years; one member for a period of five years; the members and their respective terms to be designated by the Governor, provided that the

members of the present board shall serve until their respective terms expire.

Hereafter, each vacancy on said board as the same occurs shall be filled by the Governor from a list of three names submitted to him by the North Dakota State Nurses Association, working in conjunction with the State League of Nursing Education. The nurses whose names are thus submitted shall be registered in North Dakota, and shall have had at least five years experience in nursing education; viz; teaching, administration, or other work equivalent thereto in scope and quality. The Governor shall fill such vacancy by appointment of one of the three persons whose names are thus submitted to him within ten days thereafter.

§ 2. AMENDMENT.] That Section 506a3 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be and the same is hereby amended and re-enacted so as to read as follows:

§ 506a3. ORGANIZATION OF BOARD; OFFICES.] The members of the board shall meet annually, at their regular place of business, for the purpose of organizing, and shall elect one of their members president; one member vice-president; one member secretary; and one member treasurer, provided that the office of secretary and treasurer may be held by one and the same person, if so determined by the board. The secretary-treasurer, or the treasurer shall furnish to the board a surety bond for the faithful discharge of her duties in an amount equal at least to the largest sum which will come into her hands in any one year to be determined by the board, and in any event not less than \$2,000, which bond shall be filed in the office of the Secretary of State of North Dakota.

The board shall appoint an inspector or inspectors for schools of nursing, whose services may be terminated at the will of the board. Such inspector or inspectors may be either members of the board or other nurses duly registered and qualified.

The board shall maintain its headquarters and office in the State Capitol Building, Bismarck, North Dakota, and shall adopt an official seal which shall remain in the custody of the secretary-treasurer, or secretary. Said board shall record in a suitable book, the names of all nurses and schools of nursing registered under the provisions of this act. The board is hereby empowered to draw up such rules and regulations as are necessary to carry out the provisions of this act

§ 3. AMENDMENT.] That Section 506a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, be and the same is hereby amended and re-enacted so as to read as follows:

§ 506a4. COMPENSATION; DISPOSITION OF FEES.] Each member of said board shall receive not to exceed \$5.00 per day while actually and necessarily engaged in the performance of the duties of the office, which together with actual and necessary expenses

incurred in the performance of such duties, shall be paid from fees received by the board under the provisions of this act, and no part of the expenses of said board shall at any time be paid out of funds in the State Treasury and belonging to the State of North Dakota. The secretary-treasurer or secretary, and inspector of schools of nursing shall be paid such salaries for their services as may be fixed by the board. The board may pay, from monies received, all necessary expenditures for clerical help, printing, postage, travel, nursing surveys, preparation and grading of examination papers, office equipment and maintenance, attendance at board meetings and conducting public examinations, and in executing any other legitimate project pertaining to nursing and schools of nursing. At the end of each fiscal year, any money in excess of \$1,000 still in the hands of the secretary-treasurer, or treasurer, shall be deposited by her with the State Treasurer of North Dakota to be kept by him for the maintenance and use of the board for the above named purposes, and to be disbursed by him, upon warrants signed by the president and also by the secretary-treasurer, or by the president and the treasurer.

§ 4. AMENDMENT.] That Section 506a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, be and the same is hereby amended and re-enacted so as to read as follows:

§ 506a5. SCHEDULE OF SUBJECTS.] Said board shall examine applicants for registration under the provisions of this act upon such subjects as the board shall determine to be necessary in the course of study required in an accredited school of nursing.

§ 5. AMENDMENT.] That Section 506a6 of the 1925 Supplement to the Compiled Laws of North Dakota, as amended by Chapter 208 of the Session Laws of North Dakota for 1927, is hereby amended and re-enacted so as to read as follows:

§ 506a6. DUTIES OF INSPECTOR OF SCHOOLS OF NURSING; COURSE OF STUDY IN SCHOOLS OF NURSING.] The inspector of schools of nursing shall survey all schools of nursing in North Dakota at least once yearly and shall report in writing to the board the results of her survey. She shall perform such other nursing education and administrative duties as may be assigned by the board. Before any school of nursing shall admit any student for the professional nursing course, such student must present certified evidence that she has completed at least 16 units of high school work, which may include one unit of physical education, or an equivalent education, provided that prior to September 1, 1941, completion of only 8 units of high school work or its equivalent shall be required. Such applicants graduating from graded and consolidated schools with high school departments, and taking State examinations, must present certified evidence from the State Superintendent of Public Instruction to the effect that said student has

earned the prescribed number of units. Those students, graduating from classified high schools, must present certified evidence from the superintendents of such classified schools to the effect that said student has earned the prescribed number of high school units. Applicants from other States or foreign countries must present certified transcripts of credits to show preliminary education equivalent to that required of North Dakota residents.

§ 6. AMENDMENT.] That Section 506a7 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, be and the same is hereby amended and re-enacted so as to read as follows:

§ 506a7. REQUIREMENTS FOR SCHOOLS OF NURSING FOR REGISTRATION.] Any school of nursing shall be entitled to registration as an accredited school of nursing which meets the requirements of the board for such school upon payment of a fee of \$25.00 to the secretary-treasurer or treasurer of said board. In the event that any such school shall subsequently become disqualified by failure to comply with terms and requirements for registration, the board shall have the power to revoke its registration. A school may be reinstated by the board as an accredited school of nursing by showing that it meets the requirements for such schools, and upon the payment of a fee of \$25.00.

§ 7. AMENDMENT.] That Section 506a9 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as amended by Chapter 208, Session Laws of 1927, is hereby amended and re-enacted so as to read as follows:

§ 506a9. QUALIFICATIONS OF APPLICANTS; REQUIREMENTS FOR REGISTRATION; RENEWAL.] Any person desiring to practice professional nursing in this State shall make application to said board as provided in Section 506a8 of the 1925 Supplement to the 1913 Code, and shall pay to the secretary-treasurer, or treasurer at the time of making application for registration the sum of \$15.00 as an examination fee, and shall present herself at the next regular meeting of said board for the examination of applicants, and upon satisfactory proof that said applicant (1) is of the age of twenty-one (21) years or over; (2) is of good moral character; (3) has received the preliminary education required by Section 5 hereof, provided that any student in training at the time this act takes effect shall be required to show completion of only eight units of high school work or its equivalent; (4) has graduated from or is within three months of graduating from an accredited school of nursing furnishing instruction in a systematic course of theory and practice of nursing meeting the minimum requirements of the board, which course may be received in one or more hospitals and/or institutions of higher education as may be approved by the board; said board shall proceed to examine said applicant.

If the applicant shall attain a general average of at least 75

per cent in her examination, said board shall enter the applicant's name in a register provided for under the provisions of this act, and shall issue to said person a certificate of registration authorizing said person to practice as a registered nurse in the State of North Dakota. No certificate of registration shall be issued until such time as said applicant can produce evidence of having completed satisfactorily the full time course for nursing education as required by the board and the provisions of this act, and provided that no certificate of registration shall be issued to a person who is not a citizen of the United States or has not declared her intention to become such; provided further that the board may at its discretion, in case of emergency, issue temporary permits without such citizenship requirements. The annual fee shall be \$2.00 for such permits, which may be renewed for reasons satisfactory to the board. Registration must be renewed annually, and a fee of \$1.00 is required for the renewal certificate. On January 1, the secretary-treasurer, or secretary of the board shall mail to all registered nurses an application form for re-registration. Re-registration must be completed before February 15 of each year, and the application and fee (\$1.00) must be in the hands of the secretary-treasurer, or secretary of the board by that time. The nurse must be prepared to show the certificate upon request. The failure of any such license holder to renew her registration annually shall suspend the right of such person to practice professional nursing in the State. Re-registration may be obtained by complying with the provisions of this law and the payment of the required fee of \$1.00. A penalty fee of \$1.00, in addition to the registration fee, shall be levied for failure to complete re-registration on time.

§ 8. AMENDMENT.] That Section 506a11 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, be and the same is hereby amended and re-enacted so as to read as follows:

§ 506a11. APPLICANTS REGISTERED IN OTHER STATES.] The board may issue licenses without examination to applicants who have been registered in other States or foreign countries upon the payment of a \$15.00 registration fee, provided said applicant can produce satisfactory evidence of having been duly licensed by said State or foreign country to practice therein as a registered nurse, and provided that the applicant can meet the qualification requirements for nurse registration in North Dakota, and provided that said applicant is a citizen of the United States or has declared her intention to become such. Pending the issuance of a certificate, the board may at its discretion issue to the applicant, upon the payment of a fee of \$2.00 a permit to practice professional nursing in the State until such registration is completed, provided that such temporary permit shall expire at the end of one year, and can only be renewed for reasons satisfactory to the board.

§ 9. AMENDMENT.] That Section 506a12 of the 1925 Supple-

ment to the Compiled Laws of North Dakota for 1913, be and the same is hereby amended and re-enacted so as to read as follows:

§ 506a12. EXAMINATIONS.] On and after the passage of this act, all applicants for certificates of registration, except those exempt under Sections 506a10 and 506a11 of the 1925 Supplement to the 1913 Code and Section 8 of this act, shall pass the examination required by the board before receiving a certificate of registration.

§ 10. AMENDMENT.] That Section 506a18 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, be and the same is hereby amended and re-enacted so as to read as follows:

§ 506a18. BOARD MAY REVOKE CERTIFICATE FOR CAUSE.] The board shall have the power to revoke any certificate issued by said board in accordance with the provisions of this act for the following reasons: gross incompetency, dishonesty, or any act derogatory to the morals or standing of the profession of nursing, as may be determined by said board, provided that such revocation shall be by a majority vote of the entire board after due consideration of the specific charges, which shall be made in writing, under oath, and filed with the secretary-treasurer, or secretary of the board. A certified copy of such charges and notice of the hearing of the board shall be served on the person whose certificate is sought to be revoked at least thirty days prior to the hearing on the same. The board shall be authorized to furnish a list of the names and addresses of those whose certificates have been revoked to the board of nurse examiners of other States, upon written request of such board.

§ 11. AMENDMENT.] That Section 506a19 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, be and the same is hereby amended and re-enacted so as to read as follows:

§ 506a19. PENALTY FOR VIOLATION.] Any person violating any of the provisions of this act, or who shall willfully make a false representation to this board in applying for a certificate of registration, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$100.00 and not less than \$10.00. Subsequent violations shall be punished by a fine of not in excess of \$100.00 or imprisonment in the county jail of not more than thirty days or both.

§ 12. DEFINITIONS.] As used in this act, the feminine pronoun in all cases includes the masculine.

"Board" means the Board of Nurse Examiners of the State of North Dakota.

"Professional nursing" means a blend of intellectual attainments, attitudes and manual skills based upon the principles of scientific medicine acquired by means of a prescribed course in a school of nursing affiliated with one or more hospitals or schools

recognized for such purposes by the State through the board of nurse examiners; and practiced in conjunction with curative and preventive medicine, by an individual licensed to so by the State through the Board of Nurse Examiners.

A "professional nurse" means one who has met all the legal requirements for registration in the State, and who practices or holds a position by virtue of her professional knowledge and legal status, and who holds a certificate from the North Dakota Board of Nurse Examiners, acquired according to the provisions of this act.

Training school and school of nursing are used synonymously.

§ 13. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 14. EMERGENCY.] An emergency is hereby declared to exist and this act shall take effect and be in force from and after its passage and approval.

Approved March 15, 1939.

PHOTOGRAPHY

CHAPTER 188

H. B. No. 270—(Schauss, Benno and Bergesen)

PHOTOGRAPHY ACT

An act to create a State board of photographic examiners and to regulate the practice of professional photography and to provide for licensing and registration of persons engaged in the practice of professional photography and to protect the public from fraud practiced by unscrupulous and irresponsible persons through misrepresentation and other unconscionable artifices and the obtaining of the possession of property without returning value therefor and for the protection of the public health and safety; providing for the enforcement of the provision of this act and for the punishment for violation thereof.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. PHOTOGRAPHY DEFINED.] The practice of professional photography shall be deemed to be the profession or occupation of production for compensation of images on sensitized materials by the action of light, and with the use of a camera; development and fixation of the latent image to render same visible and permanent, and/or the subsequent reproduction or transfer of such