

Sixtieth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1118

Introduced by

Human Services Committee

(At the request of the Board of Nursing)

1 A BILL for an Act to amend and reenact sections 43-12.1-08, 43-12.1-09, and 43-12.1-10 of the  
2 North Dakota Century Code, relating to the issuance of limited licenses and registrations by the  
3 board of nursing and the requirements of nurse applicants for license by endorsement.

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

5 **SECTION 1. AMENDMENT.** Section 43-12.1-08 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **43-12.1-08. Duties of the board.**

8 1. The board shall regulate the practice of nursing. Regulation of the practice of  
9 nursing must ensure that a person may not practice or offer to practice nursing or  
10 use titles of advanced practice registered nurse, specialty practice registered  
11 nurse, registered nurse, licensed practical nurse, or unlicensed assistive person, or  
12 titles of a similar nature which denote the practice of nursing to the general public  
13 unless licensed or registered as provided in this chapter.

14 2. The board shall:

15 a. Enforce this chapter.

16 b. Adopt rules necessary to administer this chapter after collaborating and  
17 consulting with North Dakota nursing associations and other affected parties.

18 c. Appoint and employ a registered nurse to serve as executive director and  
19 approve any additional staff positions necessary to administer this chapter.

20 d. Establish fees and receive all moneys collected under this chapter and  
21 authorize all expenditures necessary to conduct the business of the board.

22 Any balance of fees after payment of expenditures must be used to  
23 administer this chapter.

- 1 e. Collect and analyze data regarding nursing education, nursing practice, and
- 2 nursing resources.
- 3 f. Issue and renew limited licenses or registrations to individuals requiring
- 4 accommodation to practice nursing or assist in the practice of nursing.
- 5 g. Establish confidential programs for the rehabilitation of nurses with workplace
- 6 impairments.
- 7 h. Establish a nursing student loan program funded by license fees to
- 8 encourage individuals to enter and advance in the nursing profession.
- 9 i. Establish a registry of individuals licensed or registered by the board.
- 10 j. Report annually to the governor and nursing profession regarding the
- 11 regulation of nursing in the state.
- 12 k. Conduct and support projects pertaining to nursing education and practice.
- 13 l. Notify the board of pharmacy on an annual basis, or more frequent basis if
- 14 necessary, of advanced practice registered nurses authorized to write
- 15 prescriptions.
- 16 m. Adopt rules to allow nurses licensed by another state to receive short-term
- 17 clinical education in North Dakota health care facilities.

18 **SECTION 2. AMENDMENT.** Section 43-12.1-09 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **43-12.1-09. Initial licensure and registration.**

- 21 1. The board shall license and register nursing and unlicensed assistive person
- 22 applicants. The board shall adopt rules establishing qualifications for initial nursing
- 23 licensure and unlicensed assistive person registration and for issuing limited
- 24 licenses and registrations pursuant to subsection 3.
- 25 2. Each applicant who successfully meets the requirements of this section is entitled
- 26 to initial licensure or registration as follows:
  - 27 a. An applicant for licensure by examination to practice as a registered nurse or
  - 28 licensed practical nurse shall:
    - 29 (1) Submit a completed application and appropriate fee as established by
    - 30 the board.

- 1                   (2)    Submit an official transcript showing completion of an in-state nursing  
2                                    education program or a board-approved out-of-state nursing education  
3                                    program preparing for the level of licensure sought. The board shall  
4                                    adopt rules establishing standards for the approval of out-of-state  
5                                    nursing education programs. These standards for out-of-state  
6                                    programs must include consideration of whether the program is  
7                                    accredited by the national league for nursing accrediting commission,  
8                                    incorporated, or the commission on collegiate nursing education and  
9                                    whether the program meets the requirements of the state in which the  
10                                   program is provided.
- 11                   (3)    Pass an examination approved by the board.
- 12                   b.    An applicant for licensure by endorsement to practice as a registered nurse or  
13                                    licensed practical nurse shall:
- 14                                    (1)    Submit a completed application and appropriate fee as established by  
15                                    the board.
- 16                                    (2)    Submit an official transcript showing completion of a nursing education  
17                                    program preparing for the level of licensure sought.
- 18                                    (3)    Submit proof of initial licensure by examination with the examination  
19                                    meeting North Dakota requirements for licensure examinations in effect  
20                                    at the time the applicant qualified for initial licensure.
- 21                                    (4)    Submit evidence of current unencumbered licensure in another state or  
22                                    meet continued competency requirements as established by the board.
- 23                                    (5)    Notwithstanding the foregoing requirements of this subdivision, if an  
24                                    applicant for licensure as a licensed practical nurse has been licensed  
25                                    in another state as a licensed practical nurse based upon completion of  
26                                    a registered nurse education program and has had at least twenty-four  
27                                    months of unencumbered practice as a licensed practical nurse in  
28                                    another state within the five-year period preceding the application, then  
29                                    the applicant is not required to meet any additional educational  
30                                    requirements for licensure as a licensed practical nurse.
- 31                   c.    An applicant for licensure as an advanced practice registered nurse shall:

- 1                   (1)    Submit a completed application and appropriate fee as established by  
2                   the board.
- 3                   (2)    Submit evidence of appropriate education and current certification in an  
4                   advanced nursing role by a national nursing organization meeting  
5                   criteria as established by the board. An advanced practice registered  
6                   nurse applicant must have a graduate degree with a nursing focus or  
7                   must have completed the educational requirements in effect when the  
8                   applicant was initially licensed.
- 9                   (3)    Possess or show evidence of application for a current unencumbered  
10                  registered nurse license.
- 11                 d.    An applicant for licensure as an advanced practice registered nurse who  
12                  completed an advanced nursing education program and was licensed or  
13                  certified in advanced practice by another state before January 1, 2001, or  
14                  who completed an advanced nursing education program and was licensed or  
15                  certified as a women's health care nurse practitioner by another state before  
16                  January 1, 2007, may apply for and receive an advanced practice license if  
17                  that applicant meets the requirements that were in place in this state at the  
18                  time the applicant qualified for initial advanced practice licensure in that state.
- 19                 e.    An applicant for unlicensed assistive person registration shall:
- 20                   (1)    Submit a completed application and the appropriate fee as established  
21                   by the board.
- 22                   (2)    Provide verification of appropriate training or evidence of certification or  
23                   evaluation in the performance of basic nursing interventions.
- 24                 f.    An applicant for licensure as a specialty practice registered nurse shall:
- 25                   (1)    Submit a completed application and appropriate fee as established by  
26                   the board.
- 27                   (2)    Submit evidence of appropriate education and current certification in a  
28                   specialty nursing role by a national nursing organization meeting  
29                   criteria as established by the board. A specialty practice registered  
30                   nurse applicant must have the educational preparation and national  
31                   certification within a defined area of nursing practice.

1                   (3) Possess or show evidence of application for a current unencumbered  
2                   registered nurse license.

3           3. For good cause shown, the board may issue a limited license or registration to an  
4           applicant.

5           **SECTION 3. AMENDMENT.** Section 43-12.1-10 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **43-12.1-10. Renewal of license or registration - Reactivation.**

8           1. The board shall renew a current license to practice as an advanced practice  
9           registered nurse, specialty practice registered nurse, registered nurse, or licensed  
10           practical nurse if the licensee submits a renewal application, submits the  
11           appropriate fee established by the board, and meets all requirements for licensure.  
12           If a licensee does not renew a license before the license expires, the board shall  
13           reactivate that license if that licensee meets the reactivation requirements set by  
14           the board.

15           2. The board shall renew the registration of an unlicensed assistive person if the  
16           registrant submits a renewal application, the appropriate fee established by the  
17           board, and documentation of competency by the employer or evidence of  
18           certification or evaluation. A lapsed unlicensed assistive person registration may  
19           be reactivated upon submission of the application, payment of the appropriate fee  
20           established by the board, and documentation of competency or evidence of  
21           certification or evaluation.

22           3. For good cause shown, the board may issue a limited license or registration to a  
23           licensee or registrant. The board shall adopt rules establishing qualifications for  
24           issuing limited licenses and registrations pursuant to this subsection.