

**ARTICLE 96-01
GENERAL ADMINISTRATION**

Chapter
96-01-01 Organization of Board

**CHAPTER 96-01-01
ORGANIZATION OF BOARD**

Section
96-01-01-01 Organization of the Board of Clinical Laboratory Practice

96-01-01-01. Organization of the board of clinical laboratory practice.

1. **History and function.** The 1989 legislative assembly passed legislation to license clinical laboratory personnel, codified as North Dakota Century Code chapter 43-48. This chapter requires the governor to appoint a state board of clinical laboratory practice. It is the responsibility of this board to license laboratory personnel.
2. **Officers.** Officers must be elected by the board. Officers will consist of a chair, secretary, and treasurer.
3. **Compensation.** In addition to the expenses incurred while engaged in the performance of their duties, each board member shall receive a per diem fee set by the board, not to exceed the fee established by law for the legislative assembly.
4. **Staff.** The board is authorized to employ an executive director and such other professional and secretarial staff as may be necessary.
5. **Inquiries.** Inquiries regarding the board may be addressed to:

Board of Clinical Laboratory Practice
P.O. Box 4103
Bismarck, ND 58502-4103

History: Effective June 1, 1991; amended effective April 1, 1994; May 1, 2002.

General Authority: NDCC 28-32-02.1, 43-48-04

Law Implemented: NDCC 28-32-02

**ARTICLE 96-02
CLINICAL LABORATORY PERSONNEL LICENSURE**

| | |
|----------|--------------------------|
| Chapter | |
| 96-02-01 | Definitions [Repealed] |
| 96-02-02 | Licensure |
| 96-02-03 | Fees |
| 96-02-04 | Continuing Education |
| 96-02-05 | Name and Address Changes |
| 96-02-06 | Violations [Repealed] |
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CHAPTER 96-02-01

DEFINITIONS

[Repealed effective May 1, 2002]

**CHAPTER 96-02-02
LICENSURE**

| | |
|-------------|--|
| Section | |
| 96-02-02-01 | General <u>Initial</u> License Requirements |
| 96-02-02-02 | Requirements for Specific Licenses |
| 96-02-02-03 | Reciprocity |
| 96-02-02-04 | License Renewal - Licenses Are Renewable Biennially |
| 96-02-02-05 | Registration Refused, Revoked, or Suspended [Repealed] |
| 96-02-02-06 | Inactive Status [Repealed] |

96-02-02-01. ~~General~~Initial license requirements. The following requirements apply to all applicants seeking initial licensure by the board:

1. A completed application form.
2. Payment of the appropriate application fee as set by the board.
3. Evidence of the required education ~~and that~~.
4. ~~the~~ The applicant has passed a national certifying examination approved by the board.
5. The applicant must meet one or more of the following conditions:

- a. The applicant has passed a national certifying examination approved by the board within two years of the date of application for initial licensure.
- b. The applicant has practiced by performing clinical laboratory testing as defined in North Dakota Century Code section 43-48-01(5) for a total of 300 hours within three years of the date of application for initial licensure. Proof of practice by performing clinical laboratory testing must be provided by the applicant and may be evaluated by the board for sufficiency.
- c. The applicant has obtained 30 continuing education hours within two years of the date of application for initial licensure. The continuing education hours obtained must satisfy the requirements for continuing education established in section 96-02-04-01.

4.6. All applications must be signed and notarized or attested to electronically.

History: Effective June 1, 1991; amended effective May 1, 2002; _____.

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-04, 43-48-06, 43-48-07, 43-48-08, 43-48-09, 43-48-13

96-02-02-02. Requirements for specific licenses.

1. Medical technologist (clinical laboratory scientist) must have a bachelor of science ~~or a bachelor of arts~~ degree in a science-related discipline and have passed a national certifying examination approved by the board.
2. A clinical laboratory specialist must have a ~~baccalaureate~~ bachelor or higher degree with a major in one of the chemical, physical, or biological sciences and may only perform functions directly related to the person's particular specialty.

A clinical laboratory specialist must pass a national certifying examination approved by the board in a specialty area. A license issued to a clinical laboratory specialist will designate the area of specialty.
3. A clinical laboratory technician (medical laboratory technician) must successfully complete the academic requirements of a structured clinical educational program recognized by the board and must pass a national certifying examination approved by the board.
4. The board may issue a provisional permit to a person who has applied for licensure and is eligible to take a board-recognized national certifying examination.

The provisional permit may not exceed one year. At the board's discretion, the permit may be renewed a maximum of two consecutive times for a period of one year each.

History: Effective June 1, 1991; amended effective May 1, 2002; _____.

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-04, 43-48-07, 43-48-08, 43-48-09, 43-48-11

96-02-02-03. Reciprocity. The board will evaluate the submission of requests for reciprocity for licensure on an individual basis and grant such only upon a finding that the requirements for licensure in another state or jurisdiction are equal to or more stringent than those of North Dakota and that the applicant's license in another state or jurisdiction is in good standing. The board, at its discretion, may deny a request for reciprocity for licensure if the applicant has had disciplinary action taken against him or her or has engaged in conduct that violates the standards of section 96-02-09-02 or conduct that meets the requirements for discipline under North Dakota Century Code section 43-48-15 even if the applicant is currently in good standing in another state or jurisdiction. If an individual applying for licensure by reciprocity under this section has been licensed previously by the board to practice in North Dakota, the individual must also meet the continuing education requirements of section 96-02-04-01 before being licensed under this section.

History: Effective June 1, 1991; amended effective May 1, 2002; _____.

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-04

96-02-02-04. License renewal - Licenses are renewable biennially.

1. ~~Applications~~Notice for renewal of license will be ~~mailed~~issued by the board in May of even-numbered years to all licenseholders. ~~Fees are payable~~An applicant for renewal must meet the continuing education requirements described in section 96-02-04-01 and submit a completed application and fees to the board on or before the first of July of the renewal year.
2. Proof of the required continuing education within the prior licensing period must be submitted with renewals.
3. If a licensee fails to receive the renewal notice, it is the responsibility of the licensee to contact the board before the first of July deadline.
4. ~~License fees are considered delinquent and a late charge is assessed if the renewal application is not received by the board office on or before the first of July of the renewal year~~If the applicant has not submitted a completed application and fees to the board office or has not met the continuing education requirements described in section 96-02-04-01 on or before the first of July of the renewal year, the applicant must pay the

applicable late fee. A licensee may practice until his or her license expires under subsection 5 of this section or final disciplinary action is taken under section 96-02-09-01.

5. Licenses will expire if the applicant has not completed the continuing education requirements described in section 96-02-04-01 or has not submitted a completed renewal form and fees are not received to the board within ninety days from the first of July of the renewal year. The board may waive the late fee or extend the period for license renewal due to extraordinary circumstances as determined in the board's sole discretion.
6. If a person's license, ~~including one issued pursuant to the grandfather provisions of North Dakota Century Code section 43-48-12,~~ expires, the person must make application for a license in accordance with section 96-02-02-01 and meet the requirements of ~~section~~sections 96-02-02-02 and 96-02-04-01.

History: Effective June 1, 1991; amended effective May 1, 2002; _____.

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-04, 43-48-06, 43-48-14

96-02-02-05. Registration refused, revoked, or suspended. Repealed effective May 1, 2002.

96-02-02-06. Inactive status. Repealed effective May 1, 2002.

CHAPTER 96-02-03 FEES

Section
96-02-03-01 Fees

96-02-03-01. Fees. The board shall set fees in such an amount as to reimburse the operational cost of licensure services rendered.

| | 2002 | 2004 | 2006 and thereafter |
|---|---------|---------|------------------------------------|
| 1. <u>Initial license fee for licensing</u> Category MT (CLS) and Specialists | \$70.00 | \$80.00 | \$90.00 <u>\$100.00</u> |
| Category CLT, MLT | \$50.00 | \$60.00 | \$70.00 <u>\$80.00</u> |
| 2. <u>Biennial renewal License fee</u> <u>for biennial license renewal</u> | | | |

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|--------------------------------------|---------|---------|----------------|
| Category MT (CLS) and Specialists | \$60.00 | \$70.00 | \$80.00\$90.00 |
| Category CLT, MLT | \$40.00 | \$50.00 | \$60.00\$70.00 |
3. Late fees \$50.00\$100.00
 4. Provisional permit fee \$50.00
 5. Provisional permit extension fee \$50.00
 6. The provisional permit fee may be applied toward the intial fee for licensing if the application for licensure is submitted before the provisional permit expires.
 7. Any request for the purchase of a list of licensees' names and employment addresses for offering continuing education opportunities, research, and professional organizations building lists of contacts in the state of North Dakota shall be accompanied by a one hundred dollar administrative service fee.

History: Effective June 1, 1991; amended effective May 1, 2002; _____.

General Authority: NDCC 43-48-04, 43-48-06

Law Implemented: NDCC 43-48-04, 43-48-06

**CHAPTER 96-02-04
CONTINUING EDUCATION**

Section
96-02-04-01 Continuing Education

96-02-04-01. Continuing education.

1. ~~A clinical laboratory practitioner licensed in North Dakota~~An individual licensed by the board must complete ~~twenty~~thirty continuing education contact hours for the two-year licensing period to maintain licensure in North Dakota: after the individual's initial continuing education licensure period. During the individual's initial continuing education licensure period, continuing education hours must be earned pursuant to the following schedule:
 - a. ~~Twenty~~Thirty continuing education hours are required if licensed after June thirtieth of the even-numbered year and before July first of the odd-numbered year.

- b. ~~Ten~~Fifteen continuing education hours are required if licensed after June thirtieth and on or before December thirty-first of the odd-numbered year.
 - c. No continuing education hours are required if licensed on or after January first of an even-numbered year.
2. An individual who was licensed by the board but whose license has expired must complete all continuing education hours that were outstanding at the time their license expired, plus additional continuing education hours within two years of the date of the application for licensure according to the following schedule before being relicensed in North Dakota:
- a. No additional continuing education hours are required if the individual's license has been expired less than six months when the application for licensure is submitted.
 - b. Fifteen additional continuing education hours are required if the individual's license has been expired six months or more but less than eighteen months when the application for licensure is submitted.
 - c. Thirty additional continuing education hours are required if the individual's license has been expired eighteen months or more when the application for licensure is submitted.
3. Board-approved continuing education must be directly related to or supportive of clinical laboratory practice. Continuing education includes:
- a. Workshops, refresher courses, professional conferences, seminars, and educational programs presented by providers approved by the board.
 - b. Presentations by licensee:
 - (1) Professional presentations, e.g., workshops, institutes. A presentation may be counted only one time and there is no limit on hours that may be earned under this paragraph.
 - (2) Community or service organization presentations. A general public presentation may be counted only one time and no more than three hours may be earned under this paragraph.
 - c. Formal academic coursework. One credit hour class is equal to ten contact hours.

- d. Formal self-study course with a completion certificate, and there is no limit on hours under this subdivision.
 - e. Research approved by the board.
 - f. Supervised clinical practice approved by the board.
 - g. Facility-based continuing education program. ~~No more than sixty percent of the required hours may be earned under this subdivision.~~
- ~~3.4.~~ Nonacceptable continuing education topics include courses in general safety not directly related to clinical laboratory practice, annual training required by a medical facility such as cardiopulmonary resuscitation or first aid, breath alcohol instrument training, personal reading of professional journals, committee meetings, computer classes, personal enrichment courses, and programs delivered through the mass media.
- 4.5. The board requires verification of continuing education completion, which must be received by the board office on or before the licensure expiration date. Verification must include name of licensee; dates of attendance; title of program, course, or workshop; sponsor's name and address; and number of earned contact hours. Verification documentation must be submitted on a board-approved continuing education record form and include a copy of a continuing education certificate signed by the provider or sponsor.
- 5.6. Failure to meet the continuing education requirements by the deadline referenced in section 96-02-04 will result in nonrenewal of license.
- 6.7. The board may waive continuing education requirements or allow exceptions due to extraordinary circumstances.

History: Effective June 1, 1991; amended effective May 1, 2002, _____.

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-04

CHAPTER 96-02-05 NAME AND ADDRESS CHANGES

Section
96-02-05-01 Name and Address Changes

96-02-05-01. Name and address changes. Any licensee must promptly report a change of name or address/contact information including the licensee's name, address, phone, and e-mail address to the board in writing or by electronic communication.

History: Effective June 1, 1991; amended effective May 1, 2002; _____.

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-04

**CHAPTER 96-02-06
VIOLATIONS**

[Repealed effective May 1, 2002]

**CHAPTER 96-02-07
GRIEVANCES**

[Repealed effective May 1, 2002]

**CHAPTER 96-02-08
BOARD ACTION**

[Repealed effective May 1, 2002]

**CHAPTER 96-02-09
DISCIPLINE**

Section

96-02-09-01 Disciplinary Procedure

96-02-09-02 Unprofessional Conduct

96-02-09-01. Disciplinary procedure.

1. Upon filing of a written and signed complaint alleging a licensee engaged in conduct identified as grounds for disciplinary action under North Dakota Century Code section 43-48-15, the board shall notify the licensee of the complaint and require a written response from the licensee. The board may initiate a complaint on its own motion upon learning of conduct identified as grounds for disciplinary action under North Dakota Century Code section 43-48-15, and shall notify the licensee of the complaint and require a written response from the licensee.
2. The board may direct a board member to investigate the complaint. After completing the investigation, the board member will recommend whether the board should take disciplinary action against the licensee.
3. The board shall determine if there is a reasonable basis to believe the licensee engaged in conduct identified as grounds for disciplinary action under North Dakota Century Code section 43-48-15. If the board determines there is not a reasonable basis to believe, the board will notify the complainant and the licensee. If the board determines there is a reasonable basis to believe, the board will proceed with a disciplinary action in accordance with North Dakota Century Code chapter 28-32.

4. The board may, at any time, offer or accept a proposal for informal resolution of the complaint or disciplinary action.

History: Effective May 1, 2002; amended effective _____.

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-15

96-02-09-02. Unprofessional conduct. Unprofessional conduct includes:

1. Scientific and professional misconduct including falsification, fabrication, plagiarism, concealment, inappropriate omission of information, and making false or deceptive statements.
2. Dishonest or illegal compensation for services rendered.
3. Failure to comply with all laws regarding confidentiality and security of patient information and test results.
4. Failure to protect the safety and welfare of patients, employees, coworkers, the public, and the environment as it relates to clinical laboratory practice.
5. Failure to report a violation of clinical laboratory practice law or rules to the board.
6. Suspension or revocation of, or disciplinary action against, an individual's license in another jurisdiction.
7. Failure to meet minimum standards of clinical laboratory practice.
8. Practice beyond the scope of practice allowed by an individual's current license.
9. Personal problems, legal problems, substance abuse, or mental health difficulties that have interfered with a licensee's professional judgment or practice.

History: Effective January 1, 2010.

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-15

**CHAPTER 96-02-10
EXEMPTION FROM LICENSURE**

| | |
|---------------|--------------------------|
| Section | |
| 96-02-10-01 | Exempt Tests and Methods |
| 96-02-10-01.1 | Exempt Test and Method |
| 96-02-10-02 | Supervision |

96-02-10-01. Exempt tests and methods. An individual, supervised by an individual licensed by the board, performing the following food and drug administration-waived tests and using the following methods, or performing tests determined by the board to be equivalent to those listed in this section, is exempt from the provisions of North Dakota Century Code chapter 43-48:

1. Any of the following tests by nonautomated or automated urinalysis by dipstick:
 - a. Bilirubin.
 - b. Blood.
 - c. Glucose.
 - d. Ketone.
 - e. Leukocyte.
 - f. Nitrate.
 - g. Potential of hydrogen (pH).
 - h. Protein.
 - i. Specific gravity.
 - j. Urobilinogen.
2. Fecal occult blood by any accepted method.
3. Ovulation test by visual color comparison.
4. Qualitative urine pregnancy test by visual color comparison.
5. Erythrocyte sedimentation rate by any accepted nonautomated method.
6. Whole blood glucose by any accepted single analyte method.
7. Spun microhematocrit by any accepted method.
8. Hemoglobin by single analyte instrument or manual copper sulfate method.
9. Any of the following tests by immunoassay using a rapid test device that detects antibodies or antigens:

- a. Helicobacter pylori.
 - b. Influenza.
 - c. Mononucleosis.
 - d. Streptococcus group A.
 - e. Hepatitis C virus.
 - f. Respiratory syncytial virus.
10. Prothrombin time international normalized ratio by mechanical endpoint.
 11. Antibodies to human immunodeficiency virus types 1 and 2 by clearview complete HIV 1/2 assay.
 12. Total cholesterol by cholestech analyzer.
 13. High-density lipoprotein cholesterol by cholestech analyzer.
 14. Syphilis health check.
 15. CoaguCheck XS system.
 16. UltraCrit hematocrit.
 17. Abaxis Piccolo Xpress analyzer, but only for the following analytes: total cholesterol, HDL cholesterol, triglycerides, and glucose.
 18. i-STAT creatinine when performed by radiology technologists or technicians.

History: Effective January 1, 2006; amended effective January 1, 2008; April 1, 2012; April 1, 2013; _____

General Authority: NDCC 43-48-03, 43-48-04

Law Implemented: NDCC 43-48-03

96-02-10-01.1. Exempt test and method. An individual, supervised by an individual licensed by the board, performing total protein tests by Reichert digital refractometer, is exempt from the provisions of North Dakota Century Code chapter 43-48.

History: Effective January 1, 2010.

General Authority: NDCC 43-48-03, 43-48-04

Law Implemented: NDCC 43-48-03

96-02-10-02. Supervision. As used in subsection 9 of North Dakota Century Code section 43-48-03 and North Dakota Administrative Code sections 96-02-10-01 and 96-02-10-01.1, "supervised" means the following:

1. The supervisor shall identify the individuals being supervised on a form provided by the board and shall promptly notify the board of any changes to the information provided.
2. The supervisor shall ensure the individuals being supervised are appropriately trained in all tests and methods performed by the supervised individuals.
3. The supervisor shall:
 - a. Perform annual competency assessments of the individuals supervised using generally accepted clinical laboratory standards.
 - b. Not allow an individual supervised to start or continue performing tests until the individual has been properly trained and demonstrated competency.
 - c. Document training and competency assessments, retain the documentation for three years, and submit the documentation to the board upon request.
4. The supervisor shall regularly monitor and be available to consult with the individuals being supervised.

Failure by the licensee to supervise is unprofessional conduct and may be subject to disciplinary action by the board.

History: Effective January 1, 2006; amended effective January 1, 2010; _____.

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-03