

North Dakota Board of Nursing

Proposed Revisions to the NDAC Chapter 54-05-03.1 Advanced Practice Registered Nurse

Section 54-05-03.1-10 Authority to Prescribe

As Mandated by House Bill 1149

**54-05-03.1-10. Authority to prescribe.** The advanced practice registered nurse plans and initiates a therapeutic regimen that includes ordering and prescribing medical devices and equipment, nutrition, diagnostic and supportive services including home health care, hospice, and physical and occupational therapy.

1. A permanent advanced practice registered nurse license with the addition of prescriptive authority shall be issued upon meeting all requirements.
2. The advanced practice registered nurse with prescriptive authority may prescribe drugs as defined by chapter 43-15-01 pursuant to applicable state and federal laws.
3. A prescriptive authority advanced practice registered nurse license does not include drug enforcement administration authority for prescribing controlled substances. Each licensee must apply for and receive a drug enforcement administration number before writing prescriptions for controlled substances. ~~scheduled drugs~~.
4. The advanced practice registered nurse with prescriptive authority prescribing controlled substances shall have access to the North Dakota Prescription Drug Monitoring Program (PDMP) and utilize the PDMP in the following manner:
  - a. Must assess a PDMP report in the following situations:
    - i. New client requiring prescription for controlled substance(s)
    - ii. Every six months during treatment of client with a controlled substance;
    - iii. Client requests early refills or pattern of taking more than prescribed dosage;
    - iv. Suspicion or known drug overuse, diversion, or abuse;
  - b. Must document assessment of the PDMP reports made under this rule.
  - c. Are not required to access the PDMP in the following:
    - i. Long Term Care settings
    - ii. Controlled settings in which controlled substances are locked and administered to client;
    - iii. Treatment of client with terminal illness, cancer, or cancer related disorders;
    - iv. Hospice or palliative care settings
- 3-d. \_\_\_\_\_
- 4-5. \_\_\_\_\_ The licensee may prescribe, administer, sign for, dispense over-the-counter, legend, and controlled substances, and procure pharmaceuticals, including samples following state and federal regulations.
- 5-6. \_\_\_\_\_ The signature on documents related to prescriptive practices must clearly indicate that the licensee is an advanced practice registered nurse.
- 6-7. \_\_\_\_\_ The advanced practice registered nurse with prescriptive authority may not prescribe, sell, administer, distribute, or give to oneself or to one's spouse or child any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug.

**Title 54 Board of  
Nursing  
Article 54-01  
CHAPTER 54-01-03  
DEFINITIONS**

Section  
54-1-3-1            Definitions

**54-01-03-01. Definitions.** The terms used in this title have the same meaning as in North Dakota Century Code chapter 43-12.1 and apply to North Dakota Administrative Code title 54 unless the context indicates otherwise.

1. "Abandonment" means accepting the client assignment and disengaging the nurse and client relationship without giving notice to a qualified person.
2. "Abuse" means any behavior that is designed to harass, intimidate, or injure another human being through the use of verbal, sexual, emotional, or physical harm.
3. "Accreditation" means the official authorization or status granted by a nationally recognized agency other than a state board of nursing.
4. "Activities of daily living" includes interventions associated with nutrition and hydration, elimination, maintaining mobility, assistance with self-administration of routine regularly scheduled medications, and personal cares. Personal care includes bathing, hair care, nail care, shaving, dressing, oral care, and supporting a safe and healthy environment.
5. "Acts or omissions" means patterns of unsafe behavior, nursing practice deficits, failure to comply with acceptable standards of nursing practice, or grounds for discipline identified in North Dakota Century Code chapter 43-12.1 or these rules.
6. "Advanced assessment" means the collection of the history, physical and psychological assessment data of a client's signs, symptoms, pathophysiologic status, and psychosocial variation in the determination of differential diagnoses and treatment by the advanced practice registered nurse.
7. "Applicant" means an individual seeking official action by the board.
8. "Approved" means that the standards established by the board are met.
9. "Assign" means a licensed nurse designates the responsibility for performance of nursing interventions to another licensed nurse.
10. "Assignment" means the distribution of work that each staff member is to accomplish.

11. "Assisting with self-administration of routine, regularly scheduled medications" means helping the client with one or more steps in the process of taking medications. Examples of "assisting" include opening the medication container or reminding the client of the proper time to take the medication. Assisting with the administration of medication may be a delegated intervention.
12. "Authority" means legal authority to provide nursing care granted through licensure as a registered nurse, licensure as a practical nurse, or through delegation of nursing interventions from the licensed nurse.
13. "Certification" means a process of voluntary recognition by a national nursing organization or other entity of the person's specialty knowledge, skills, and abilities in a defined area of nursing practice. The certification process measures the theoretical and clinical content denoted in the specialty areas or scope of practice and is developed in accordance with generally accepted standards of validity and reliability.
14. "Client" means the recipient of nursing care, which may include an individual, family, group, or a community.
15. "Clinical learning experiences" means the planned, faculty-guided learning experiences that involve direct or indirect contact with clients.
16. "Competence" means the application and integration of knowledge, skills, ability, and judgment necessary to meet standards.
17. "Comprehensive nursing assessment" means analysis and synthesis of data collected by a registered nurse, which is used to establish a health status baseline, establish a plan of care, and address changes in a client's condition.
18. "Consultative nurse" means a licensed nurse who provides guidance and information related to nursing procedures and interventions to the facility or agency but is not individually responsible to direct the plan of care for the client.
19. "Continuing education" means planned, organized learning experiences designed to augment the knowledge, skills, and abilities for the delivery of safe and effective nursing care for the citizens of North Dakota which meets the criteria and reporting requirements established by the board.
20. "Controlled substances" means a drug, substance, or immediate precursor in schedules I through V as set forth in North Dakota Century Code chapter 19-03.1 and any other drugs required by law to be monitored by the prescription drug monitoring program.

20-21.

"Criminal history record information" shall have the same meaning as the phrase is defined in North Dakota Century Code section 12-60-16.1.

21.22.

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Delegation" means the authorization for the performance of selected nursing interventions from a licensed nurse to an unlicensed assistive person.

- ~~22-23.~~ "Denial" means the board's refusal to issue or renew a current license or registration.
- ~~23-24.~~ "Direction" means the provision of written or verbal guidance, or both, and supervision by a licensed nurse who is responsible to manage the provision of nursing interventions by another person.
- ~~24-25.~~ "Distance nursing education program" means a program that is approved by the board of nursing of the jurisdiction in which the program is headquartered, and is equivalent to an "instate nursing program".
- ~~25-26.~~ "Emergency suspension" means action by the board when there are reasonable grounds to believe the licensee, registrant, applicant, or any individual with authority to practice nursing under any privilege has violated a statute or rule the board is empowered to enforce and continued practice would constitute a continuing and imminent threat to the public welfare.
- ~~26-27.~~ "Encumber" means to place on probation.
- ~~27-28.~~ "Evidence-based practice" means integration of research findings with clinical expertise and client values for optimum care.
- ~~28-29.~~ "Focused nursing assessment" means the collection and recording of baseline assessment data by a licensed practical nurse, which is used to observe, monitor, and report signs, symptoms, and changes in client condition in an ongoing manner. The licensed practical nurse reports to the supervising registered nurse or licensed practitioner.
- ~~29-30.~~ "Impaired" means the ability to practice nursing safely has been affected by the use or abuse of alcohol or other drugs, psychiatric or physical disorders, or practice deficiencies.
- ~~30-31.~~ "Inactive license or registration" means a license or registration which is not renewed.
- ~~31-32.~~ "Incompetence" means conduct that deviates from either standards of nursing practice approved by the board or the definition of competence in this section.
- ~~32-33.~~ "Instate nursing program", "nursing program", or "nursing education program" means a nurse program with faculty or facilities located in North Dakota and approved by the board.
- ~~33-34.~~ "Interdisciplinary team" means a group of health care professionals currently licensed under North Dakota Century Code title 43.
- ~~34-35.~~ "Internationally educated" means educated outside the United States.

~~35-36.~~ 36-37. "Jurisdiction" means a province, state, or territory that administers the national council licensure examination for the purpose of licensure.

~~36-37.~~ 37-38. "Licensed nurse" means a person licensed pursuant to North Dakota Century Code chapter 43-12.1 and North Dakota Administrative Code title 54.

~~37-38.~~ 38-39. "Licensed practitioner" means a person lawfully authorized to prescribe medications or treatments under North Dakota Century Code title 43.

~~38-39.~~ 39-40. "Licensee" means a person who has met all the requirements to practice as a licensed nurse pursuant to North Dakota Century Code chapter 43-12.1 and has been issued a license to practice nursing.

~~39-40.~~ 40-41. "Licensure" means the process by which the board grants legal authority privilege to an individual to engage in the practice of nursing as a licensed practical nurse, registered nurse, advanced practice registered nurse, or specialty practice registered nurse upon finding that the individual has attained the essential degree of education and competence necessary to ensure that the public health, safety, and welfare will be protected.

~~40-41.~~ 41-42. "Limit" means to restrict, qualify, or otherwise modify the license or registration.

~~41-42.~~ 42-43. "Major incident" means an act or omission in violation of North Dakota Century Code chapter 43-12.1 or this title which indicates an applicant licensee's or registrant's continuing to practice poses a high risk of harm to the client or another person.

~~42-43.~~ 43-44. "Medication administration" means the delivery of medication by a licensed nurse or an individual delegated to and supervised by a licensed nurse, to a client whose use of that medication must be monitored and evaluated applying specialized knowledge, skills, and abilities possessed by a licensed nurse.

~~43-44.~~ 44-45. "Medication assistant III" means an individual who has a current registration as an unlicensed assistive person, has had additional training in administration of medication, and possesses a current registration from the board.

~~44-45.~~ 45-46. "Medical assistant student" means an individual who is currently enrolled in an approved medical assistant program.

~~45-46.~~ 46-47. "Minor incident" means an act or omission in violation of North Dakota Century Code chapter 43-12.1 or this title which indicates an applicant licensee's or registrant's continuing to practice poses a low risk of harm to the client or another person.

- ~~46-47.~~ \_\_\_\_\_ "Misappropriation of property" means the patterned or knowing, willful, or intentional misplacement, exploitation, taking, or wrongful, temporary, or permanent use of a client's, employer's, or any other person's or entity's belongings, money, assets, or property without consent.
- ~~47-48.~~ \_\_\_\_\_ "NCLEX-PN®" means the national council licensure examination for practical nurses.
- ~~48-49.~~ \_\_\_\_\_ "NCLEX-RN®" means the national council licensure examination for registered nurses.
- ~~49-50.~~ \_\_\_\_\_ "Neglect" means a disregard for and departure from the standards of care which has or could have resulted in harm to the client.
- ~~50-51.~~ \_\_\_\_\_ "Nurse administrator" means a person responsible for organized nursing services and who manages from the perspective of the organization as a whole.
- ~~51-52.~~ \_\_\_\_\_ "Nurse faculty" means individuals employed by an academic institution who are responsible for developing, implementing, teaching, evaluating, and updating nursing program curricula.
- ~~52-53.~~ \_\_\_\_\_ "Nursing intervention" means the initiation and completion of client-focused actions necessary to accomplish the goals defined in the plan of care which may include activities of daily living.
- ~~53-54.~~ \_\_\_\_\_ "Practice deficiency" means a practice activity that does not meet the standards of nursing practice.
- ~~54-55.~~ \_\_\_\_\_ "Practice site" means a facility that signs a written agreement with the nursing education program to provide practice experiences for students.
- ~~55-56.~~ \_\_\_\_\_ "Preceptor" means an individual at or above the level of licensure that an assigned student is seeking who may serve as a teacher, mentor, role model, or supervisor for the assigned student in a clinical setting.
- ~~56-57.~~ \_\_\_\_\_ "Prelicensure program" means a board-approved program of study that meets the requirements for nursing licensure.
- ~~57-58.~~ \_\_\_\_\_ "Probation" means restrictions, requirements, or limitations placed against a licensee or registrant through monitoring for a prescribed period of time.
- ~~58-59.~~ \_\_\_\_\_ "Professional-boundary crossing" means a deviation from an appropriate boundary for a specific therapeutic purpose with a return to establish limits of the professional relationship.

- 59-60. "Professional-boundary violation" means a failure of a licensee or registrant to maintain appropriate boundaries with a client, client family member, or other health care provider.
- 60-61. "Professional boundaries" means the provision of nursing services within the limits of the nurse and client relationship which promote the client's dignity, independence, and best interests and refrain from inappropriate involvement in the client's or client's family personal relationships.
- 61-62. "Professional misconduct" means any practice or behavior that violates the applicable standards governing the individual's practice necessary for the protection of the public health, safety, and welfare.
- 62-63. "Reactivation" means issuance of a previously active license or registration in the absence of disciplinary action.
- 63-64. "Registrant" means an unlicensed assistive person as defined in North Dakota Century Code section 43-12.1-02.
- 64-65. "Reinstatement" means activation of a board-sanctioned license or registration from a surrendered, suspended, or revoked status.
- 65-66. "Reissuance" means issuance of a license from probationary status to full licensure status.
- 66-67. "Relicensure" means renewal, reinstatement, reactivation, or reissuance of a license or registration.
- 67-68. "Reprimand" means action of the board stating the board's concerns regarding the professional conduct of the licensee or registrant.
- 68-69. "Revocation" means the withdrawal by the board of the license or registration of the right to practice nursing or assist in the practice of nursing for a specified length of time of no less than one year. If no specified length of time is identified by the board, revocation is permanent.
- 69-70. "Scope of practice" means the delineation of the nature and extent of practice.
- 70-71. "Sponsor institution" means the governing organization that provides necessary administrative and fiscal resources for a nursing program.
- 71-72. "Stable" means a situation in which the client's clinical and behavioral status and nursing care needs are determined by the registered nurse or licensed practitioner to be predictable,

nonfluctuating, and consistent or in which the fluctuations are expected and the interventions are planned.

72-73. "Stay" means the action of the board that does not immediately take place and may not take place if other conditions, such as probation terms, are met. Violations of the terms and conditions may result in lifting of the stay and imposition of the sanction.

73-74. "Supervision" means maintaining accountability to determine whether or not nursing care is adequate and delivered appropriately. Supervision includes the assessment and evaluation of the client's condition and responses to the nursing plan of care and evaluation of the competence of the person providing nursing care.

- a. "Condition of supervision" means the method of supervision as direct or indirect, the identification of the persons to be supervised as well as the nursing interventions being provided, and the stability or predictability, or both, of the client's condition.
- b. "Direct supervision" means that the responsible licensed nurse or licensed practitioner is physically present in the client care area and is available to assess, evaluate, and respond immediately. Direct supervision does not mean that the responsible licensed nurse or licensed practitioner must be in the same room or "looking over the shoulder" of the persons providing nursing care.
- c. "Indirect supervision" means that the responsible licensed nurse or licensed practitioner is available through periodic inspection and evaluation or by telecommunication, or both, for direction, consultation, and collaboration.

74-75. "Surrender" means an agreement by a licensee or registrant, approved by the board, to relinquish the license or registration to the board.

75-76. "Survey" means an onsite visit or a paper review of a program approved by the board of nursing.

76-77. "Suspension" means withholding by the board of the license or registration of the right to practice nursing or assist in the practice of nursing for a specified or indefinite period of time.

77-78. "Technician" means an unlicensed assistive person who may perform limited nursing functions within the ordinary, customary, and usual roles in the person's field. Examples may include surgical and dialysis technicians and medical assistants.

78-79. "Temporary permit" means the authority to practice nursing for a limited time period.

79-80. "Unlicensed assistive person registry" means a listing of all persons who are authorized by the board or included on another state registry, which

has been recognized by the board to perform nursing interventions delegated and supervised by a licensed nurse.

~~80-81.~~ "Work authorization" means the issuance of an authorization to practice nursing between the dates of graduation and notification of the results of the licensure examination.

**History:** Effective June 1, 2002; amended effective April 1, 2004; August 1, 2005; July 1, 2008; April 1, 2011; October 1, 2011; April 1, 2014.

**General Authority:** NDCC 43-12.1-08(2)

**Law Implemented:** NDCC 43-12.1-08