

# **NORTH DAKOTA ADMINISTRATIVE CODE**

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**Prepared by the Legislative Council staff  
for the  
Administrative Rules Committee**

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**TITLE 7**  
**AGRICULTURE COMMISSIONER**



OCTOBER 2014

ARTICLE 7-15

FERTILIZER REGULATION

Chapter

7-15-01

Investigational Allowances

7-15-02

Micronutrient Guaranteed Analysis

CHAPTER 7-15-01

INVESTIGATIONAL ALLOWANCES

Section

7-15-01-01

Fertilizer Investigational Allowances

7-15-01-02

Micronutrient Investigational Allowances

**7-15-01-01. Fertilizer investigational allowances.** A fertilizer must be deemed deficient if the analysis of any nutrient is below the guarantee by an amount exceeding the values in the following schedule, or if the overall index value of the fertilizer is below 98 percent.

<u>Guarantee, Percent</u>	<u>Nitrogen (N)</u>	<u>Available Phosphate (P<sub>2</sub>O<sub>5</sub>)</u>	<u>Sol. Potash (K<sub>2</sub>O)</u>
	<u>Investigational Allowance, Percent</u>		
<u>04 or less</u>	<u>0.49</u>	<u>0.67</u>	<u>0.41</u>
<u>05</u>	<u>0.51</u>	<u>0.67</u>	<u>0.43</u>
<u>06</u>	<u>0.52</u>	<u>0.67</u>	<u>0.47</u>
<u>07</u>	<u>0.54</u>	<u>0.68</u>	<u>0.53</u>
<u>08</u>	<u>0.55</u>	<u>0.68</u>	<u>0.60</u>
<u>09</u>	<u>0.57</u>	<u>0.68</u>	<u>0.65</u>
<u>10</u>	<u>0.58</u>	<u>0.69</u>	<u>0.70</u>
<u>12</u>	<u>0.61</u>	<u>0.69</u>	<u>0.79</u>

<u>14</u>	<u>0.63</u>	<u>0.70</u>	<u>0.87</u>
<u>16</u>	<u>0.67</u>	<u>0.70</u>	<u>0.94</u>
<u>18</u>	<u>0.70</u>	<u>0.71</u>	<u>1.01</u>
<u>20</u>	<u>0.73</u>	<u>0.72</u>	<u>1.08</u>
<u>22</u>	<u>0.75</u>	<u>0.72</u>	<u>1.15</u>
<u>24</u>	<u>0.78</u>	<u>0.73</u>	<u>1.21</u>
<u>26</u>	<u>0.81</u>	<u>0.73</u>	<u>1.27</u>
<u>28</u>	<u>0.83</u>	<u>0.74</u>	<u>1.33</u>
<u>30</u>	<u>0.86</u>	<u>0.75</u>	<u>1.39</u>
<u>32</u>	<u>0.88</u>	<u>0.76</u>	<u>1.44</u>
<u>34</u>	<u>0.88</u>	<u>0.79</u>	<u>1.46</u>
<u>36</u>	<u>0.88</u>	<u>0.83</u>	<u>1.49</u>
<u>38</u>	<u>0.88</u>	<u>0.86</u>	<u>1.51</u>
<u>40</u>	<u>0.88</u>	<u>0.90</u>	<u>1.54</u>
<u>42</u>	<u>0.88</u>	<u>0.93</u>	<u>1.56</u>
<u>44</u>	<u>0.88</u>	<u>0.96</u>	<u>1.58</u>
<u>46</u>	<u>0.88</u>	<u>1.00</u>	<u>1.61</u>
<u>48</u>	<u>0.88</u>	<u>1.03</u>	<u>1.63</u>
<u>50</u>	<u>0.88</u>	<u>1.07</u>	<u>1.66</u>
<u>52</u>	<u>0.88</u>	<u>1.10</u>	<u>1.68</u>
<u>54</u>	<u>0.88</u>	<u>1.10</u>	<u>1.70</u>
<u>56</u>	<u>0.88</u>	<u>1.10</u>	<u>1.73</u>
<u>58</u>	<u>0.88</u>	<u>1.10</u>	<u>1.75</u>
<u>60</u>	<u>0.88</u>	<u>1.10</u>	<u>1.78</u>
<u>62</u>	<u>0.88</u>	<u>1.10</u>	<u>1.80</u>

The investigational allowance for triple superphosphate, also know as calcium dihydrogen phosphate or monocalcium phosphate, is 1.53 percent.

For these investigational allowances to be applicable, the recommended AOAC International procedures for obtaining, preparing, and analyzing samples must be used.

**History:** Effective October 1, 2014.

**General Authority:** NDCC 19-20.1-12

**Law Implemented:** NDCC 19-20.1

**7-15-01-02. Micronutrient investigational allowance.** Micronutrients shall be deemed deficient if the analysis of any element is below the guarantee by an amount exceeding the values calculated according to the following schedule:

<b><u>Element</u></b>	<b><u>Investigational Allowance</u></b>
<u>Calcium</u>	<u>0.2 unit + 5% of guarantee</u>
<u>Magnesium</u>	<u>0.2 unit + 5% of guarantee</u>
<u>Sulfur</u>	<u>0.2 unit + 5% of guarantee</u>
<u>Boron</u>	<u>0.003 unit + 15% of guarantee</u>
<u>Cobalt</u>	<u>0.0001 unit + 30% of guarantee</u>
<u>Chlorine</u>	<u>0.005 unit + 10% of guarantee</u>
<u>Copper</u>	<u>0.005 unit + 10% of guarantee</u>
<u>Iron</u>	<u>0.005 unit + 10% of guarantee</u>
<u>Manganese</u>	<u>0.005 unit + 10% of guarantee</u>
<u>Molybdenum</u>	<u>0.0001 unit + 30% of guarantee</u>
<u>Sodium</u>	<u>0.005 unit + 10% of guarantee</u>
<u>Zinc</u>	<u>0.005 unit + 10% of guarantee</u>
<u>The maximum allowance when calculated in accordance with the above shall be one unit (one percentage point).</u>	

For these investigational allowances to be applicable, the recommended AOAC International procedures for obtaining, preparing, and analyzing samples must be used.

**History:** Effective October 1, 2014.  
**General Authority:** NDCC 19-20.1-12  
**Law Implemented:** NDCC 19-20.1

**CHAPTER 7-15-02**  
**MICRONUTRIENT GUARANTEED ANALYSIS**

7-15-02-01                    Accepted Micronutrients Minimum Concentrations  
7-15-02-02                    Warning Statements

**7-15-02-01. Accepted micronutrient minimum concentrations.**  
Micronutrients when mentioned in any form or manner shall be registered and guaranteed. Guarantees shall be made on the elemental basis; however, the source of the micronutrient must be specified. For example, a micronutrient that is a mixture of EDTA and citric acid bound micronutrient must specify the percentage of total micronutrient in each form. An iron EDDHA micronutrient must specify the percentage of total iron in ortho-ortho-EDDHA and ortho-para-EDDHA. Except guarantees for those water soluble nutrients labeled for ready-to-use foliar fertilizers, read-to-use specialty liquid fertilizers, hydroponic or continuous liquid feed programs and guarantees for potting, garden, and lawn soils, the minimum percentages which will be accepted for registration are as follows:

<b><u>Element</u></b>	<b><u>Minimum Conce., %</u></b>
<u>Calcium (Ca)</u>	<u>1.0000</u>
<u>Magnesium (Mg)</u>	<u>0.5000</u>
<u>Sulfur (S)</u>	<u>1.0000</u>
<u>Boron (B)</u>	<u>0.0200</u>
<u>Chlorine (Cl)</u>	<u>0.1000</u>
<u>Cobalt (Co)</u>	<u>0.0005</u>
<u>Copper (Cu)</u>	<u>0.0500</u>
<u>Iron (Fe)</u>	<u>0.1000</u>
<u>Manganese (Mn)</u>	<u>0.0500</u>
<u>Molybdenum (Mo)</u>	<u>0.0005</u>
<u>Nickel (Ni)</u>	<u>0.0010</u>
<u>Sodium (Na)</u>	<u>0.1000</u>
<u>Zinc (Zn)</u>	<u>0.0500</u>

**History:** Effective October 1, 2014.  
**General Authority:** NDCC 19-20.1-12  
**Law Implemented:** NDCC 19-20.1

**7-15-02-02. Warning statements.** A warning or caution statement may be required for any product that contains a micronutrient in water soluble form when there is evidence that the micronutrient in excess of a certain percentage



or concentration may be harmful to certain crops or human health, or where there are unusual environmental conditions.

**History:** Effective October 1, 2014.

**General Authority:** NDCC 19-20.1-12

**Law Implemented:** NDCC 19-20.1



**TITLE 28**

**STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS**



## OCTOBER 2014

### CHAPTER 28-02.1-02

#### 28-02.1-02-01. Processing of applications.

1. All information received from references named by the applicant must be received at the board office. No member of the board or relative of the applicant may be named as a reference.
2. An applicant for registration as a professional engineer or professional land surveyor may not be admitted to the examination until the applicant's application has been received, processed, and approved by the board.
3. An applicant may not confer with any member of the board regarding an applicant's case while it is pending before the board. Any applicant may appear before the board at a scheduled meeting.
4. Applicants for registration as a professional engineer or professional land surveyor whose applications have been approved, but who fail to appear for examination four consecutive times, must be deemed to have withdrawn their applications. Further consideration must be based on reapplication.

**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004; October 1, 2010; October 1, 2014.

**General Authority:** NDCC 43-19.1-08

**Law Implemented:** NDCC 43-19.1-08, 43-19.1-12

## CHAPTER 28-02.1-04

**28-02.1-04-01. General requirements.** All applicants must:

1. Complete the applications on forms approved by the board.
2. Complete the application under oath. An affidavit is required.
3. Furnish references as required but may not include board members or relatives of the applicant as references.
4. ~~In the case of student applicants for the fundamentals of engineering and for the fundamentals of land surveying examinations, certification by the dean of the college or the dean's appropriate designee agreed upon by the board may be used in lieu of references.~~

**History:** Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004; October 1, 2010; October 1, 2014.

**General Authority:** NDCC 43-19.1-08

**Law Implemented:** NDCC 43-19.1-12

## CHAPTER 28-02.1-06

**28-02.1-06-02. Qualifications and requirements - Professional land surveyor by examination.** A person applying for registration as a professional land surveyor by examination must have a land surveyor intern certificate and the appropriate experience as required by North Dakota Century Code section 43-19.1-16. The experience must be ~~subsequent to graduation and~~ prior to writing the principles and practice of surveying examination.

Upon successful completion of the principles and practice of surveying examination, professional land surveyor applicants must pass an examination pertaining to land procedures and practices in North Dakota.

**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004; October 1, 2010; October 1, 2014.

**General Authority:** NDCC 43-19.1-08

**Law Implemented:** NDCC 43-19.1-16, 43-19.1-16.1

## CHAPTER 28-02.1-08

### 28-02.1-08-02. Seals.

1. The board has adopted standard seals or stamps similar to those illustrated in this section for use by registered professional engineers and professional land surveyors as prescribed by law. The seal authorized by the state board of registration for professional engineers and land surveyors for registrants is of the crimp type or rubber stamp, or electronic. Seals prepared after July 1, 2005, shall be of a design so the seal consists of two concentric circles with the diameter of the outer circle being one and three-fourth inches [44.45 millimeters] and the diameter of the inner circle being one and one-fourth inches [31.75 millimeters]. The upper portion between the two circles shall bear whichever of the following phrases is applicable to the registrant: "Registered Professional Engineer", "Registered Professional Land Surveyor", or "Registered Professional Engineer & Land Surveyor". Professional land surveyors who purchased a seal with the phrase "Registered Land Surveyor" prior to January 1, 2011, are not required to purchase a new seal. At the bottom of the annular space between the two circles shall appear the inscription "North Dakota"; the inner circle shall contain the name of the registrant, registration number, and the word "Date". The registration number assigned should be centered in the inner area of the seal in the space occupied by the word "NUMBER" and the size of the numbers should not be larger than the word "NAME". The words and parentheses "(NUMBER)" and "(NAME)" should not appear on the seal.
2. Seals may be of rubber stamp, metal impression type, computer-generated, or electronically generated. Electronic seals may be used but an electronic seal may not be used in any document ~~that is being transmitted in an editable digital format~~ unless the document contains a signature that meets the requirements of a digital signature.
3. A registrant shall ~~superimpose the registrant's personal original signature~~ also apply the registrant's signature across the face of the seals for a nondigital signature. A digital signature is not required to be across the face of the seal. A rubber stamp or facsimile signature is not allowed. ~~The signature must be placed across the face and beyond the circumference of the seal.~~ The signature and seal must also be dated. No further certification need accompany the seal and signature.
4. The term "signature", as used herein, shall mean a handwritten identification containing the name of the person who applied it; or for electronic or digital documents shall mean a digital signature that shall include an electronic authentication process in a secure mode that is attached to or logically associated with the electronic document to which it is applied. The digital signature must be unique to, and under the sole control of, the person using it; it must also be capable of



verification and be linked to a document in such manner that the digital signature is invalidated if any data on the document is altered.

**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004; October 1, 2010; October 1, 2014.

**General Authority:** NDCC 43-19.1-08

**Law Implemented:** NDCC 43-19.1-21



### **28-02.1-08-03. Use of seals.**

1. The original copies of all drawings, plan sheets, specifications, studies, reports, plats, maps, and other engineering and surveying work product other than earthwork cross sections must receive a seal and ~~original~~ signature.
  - a. Studies, reports, and project specifications need the seal and ~~original~~ signature only on a single introductory sheet.
  - b. Every sheet or drawing in an original set of engineering plans must receive a seal and ~~original~~ signature.
2. Registrants may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering and land surveying documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers or land surveyors who prepared the segment.
3. Registrants shall not affix their signatures or seals to any engineering or land surveying plan or document dealing with subject matter for which the registrant lacks competence by virtue of education or experience, nor to any such plan or document not prepared under the registrant's direct supervisory control.

4. A registrant shall not contract with a nonlicensed individual to provide these professional services.
5. A registrant may affix the seal and signature to drawings and documents depicting the work of two or more professionals, either from the same or different disciplines, provided it is designated by a note under the seal the specific subject matter for which each is responsible.
6. Any changes made to the final plans, specifications, drawings, reports, or other documents after final revision and sealing by the registrant are prohibited by any person other than the registrant, or another registered individual who assumes responsible charge for the directly related documents, except as provided herein. A duly registered individual making changes to final sealed documents must assume responsible charge and reseal the directly related final documents unless the changes are construction phase revisions, including record drawings, which do not affect the functional design, and such revisions adequately reflect that changes have been made and the original plans are available for review.
7. Mere review of work prepared by another person, even if that person is the registrant's employee, does not constitute responsible charge.
8. A registrant may not affix the registrant's seal or signature to documents having titles or identities excluding the registrant's name unless:
  - a. Such documents were developed by the registrant or under the registrant's responsible charge and the registrant has exercised full authority to determine their development.
  - b. A registrant who is required to use the standard drawings of a sponsoring agency need not affix the registrant's seal and signature to said standard drawings.
  - c. The registrant is providing the registrant's opinion as to the compliance of the document with specific identified rules or statutes and it is clearly identified that the registrant only reviewed the document and had no technical control over the contents of the document.
9. Electronic reproductions of drawings, plan sheets, specifications, studies, reports, plats, maps, and other engineering and surveying work product that are distributed to reviewing agencies, owners, clients, contractors, suppliers, and others ~~shall be accompanied by the following statement~~ must either contain the electronic seal and digital signature as required by this chapter, or have a digital signed and electronic sealed statement from the registrant transmitting the same which shall read: "This document(s) was originally issued and sealed by (name), Registration Number (number) on (date) and the ".The statement shall

also include the statement that "The original documents are stored at (location)", or "The original documents have been destroyed and are no longer available", whichever is applicable. Sets of plans or drawings must have this statement attached to every sheet of the set. For specifications, reports, and studies, only the cover or introductory sheet need include this statement.

10. Paper or hard copy reproductions of drawings, plan sheets, specifications, studies, reports, plats, maps, and other engineering and surveying work product that are distributed to reviewing agencies, owners, clients, contractors, suppliers, and others shall contain a reproduction of the seal and signature. A new seal and original signature will not be required with such paper distribution.
11. Working drawings and unfinished documents must comply with North Dakota Century Code section 43-19.1-21.

**History:** Effective October 1, 2004; amended effective October 1, 2010; October 1, 2014.

**General Authority:** NDCC 43-19.1-08

**Law Implemented:** NDCC 43-19.1-21



**TITLE 61**  
**STATE BOARD OF PHARMACY**



**OCTOBER 2014**

**CHAPTER 61-02-01  
PHARMACY PERMITS**

Section	
61-02-01-01	Permit Required
61-02-01-02	Application for Permit
61-02-01-03	Pharmaceutical Compounding Standards
61-02-01-04	Permit Not Transferable
61-02-01-05	Change of Ownership
61-02-01-06	Affidavit of Ownership
61-02-01-07	Renewal of Permits
61-02-01-08	Change of Location
61-02-01-09	Permit for Heirs at Law of Pharmacist
61-02-01-10	Pharmacist-in-Charge - Requirement - Definition - Duties
61-02-01-11	Pharmacist-in-Charge - Termination of Service
61-02-01-12	Posting of Permit
61-02-01-13	Pharmacist on Duty
61-02-01-14	Limitation on Rent
61-02-01-15	Closing a Pharmacy
61-02-01-16	Transfer of Controlled Substances When Selling a Business
61-02-01-17	Identification
<u>61-02-01-18</u>	<u>Policy and Procedure Manual Required</u>

**61-02-01-18. Policy and procedure manual required.** Each pharmacy must have a written or electronic and easily accessible policy and procedure manual to address all aspects of the pharmacy's operations. The policy and procedure manual must be available for inspection. The policy and procedure manual must set forth in detail the objectives and operational guidelines of the pharmacy. The policy and procedure manual must be reviewed and revised or reaffirmed on an annual basis.

Inspection procedures, including:

1. Location of controlled substance records, including:
  - a. Location of current biennial inventory:

- b. Wholesale records of receipt and sale of controlled substances:
  - c. DEA 222 forms, both paper and electronic, executed or not:
  - d. Information for running reports from the pharmacy computer system relative to dispensing of specific controlled substances: and
  - e. Power of attorney forms if granted and termination forms if executed.
2. Location of most recent inspection forms by the state board of pharmacy, accreditation agencies, or the food and drug administration, if applicable.

**History:** Effective October 1, 2014.

**General Authority:** NDCC 28-32-02, 43-15-10(9), 43-15-10(12), 43-15-10(14)

**Law Implemented:** NDCC 43-15-10(9), 43-15-10(12), 43-15-10(14)



## CHAPTER 61-02-06

**61-02-06-04. Written policy and procedures.** Written policy and procedures must be available ~~at each computer location~~ electronically or in hard copy format, detailing responsibilities of each pharmacist relative to the operation of the computer and its records.

**History:** Effective July 1, 1990, amended October 1, 2014.

**General Authority:** NDCC 28-32-02, 43-15-10(9)(12)(14)

**Law Implemented:** NDCC 43-15-10(9)(12)(14)

## CHAPTER 61-02-07.1

**61-02-07.1-12. Technicians checking technicians.** Activities allowed by law to be performed within a licensed pharmacy by a registered pharmacy technician in the preparation of a prescription or order for dispensing or administration may be performed by one registered pharmacy technician and verified by another registered pharmacy technician working in the same licensed pharmacy, under the following conditions:

1. The licensed pharmacy where the work is being conducted has policies and procedures specifically describing the scope of the activities to be verified through this practice, included in the policy and procedure manual required under section 61-02-01-19.
  - a. Training for the specific activity is reflected in a written policy.
  - b. A record of the individuals trained is maintained in the pharmacy for two years.
2. The pharmacy has a continuous quality improvement system in place to periodically verify the accuracy of the final product, including:
  - a. Recording any quality related events leading up to the final dispensing or administration of the drug prepared.
  - b. Recording any errors which actually reach the patient as a result of these activities.
  - c. Specific limits of acceptable quality related event levels before reassessment is required.
  - d. Consideration must be made for high-risk medications on the institute for safe medication practices (ISMP) list and specific monitoring, review, and quality assurance parameters must be instituted if any of these products are included in the pharmacy's technicians-checking-technicians program.
3. Any error must trigger pharmacist review of the process. This review and subsequent recommendations must be documented.
4. The pharmacy has a system in place to review all quality related events and errors recorded and takes corrective action based on the information to reduce quality related events and eliminate errors reaching the patient.

5. As always, the pharmacist-in-charge and the permit holder are jointly responsible for the final product dispensed or released for administration from the pharmacy.

**History:** Effective January 1, 2009; amended effective October 1, 2014.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 28-32-03

## CHAPTER 61-03-02

### 61-03-02-03. Physical requirements of provider pharmacy licensed on premises or other pharmacy.

1. **Area.** The pharmacy serving a long-term care facility as an institutional drug outlet shall have floor space allocated to it to ensure that drugs are prepared in sanitary, well-lighted and enclosed places, and meet the other requirements of this section. Floor space shall be allotted to conduct the activities involved with the scope of pharmaceutical services provided.
2. **Equipment and materials.** The pharmacy serving a long-term care facility as an institutional drug outlet shall have equipment and physical facilities for proper compounding, dispensing, and storage for drugs, including parenteral preparations. As a minimum, the pharmacy shall have the following:
  - a. Minimum equipment listed in section 61-02-01-03.
  - b. Drugs to meet the needs of the patients of the long-term care facility.
  - c. A pharmacy policy and procedures manual in compliance with section 61-02-01-18.
  - d. Pharmaceutical reference books, which shall include one recent edition (not over five years from publication date) from at least two of the following categories, one of which must include dispensing information:
    - (1) Drug dispensing information from one of the following:
      - (a) United States pharmacopoeia dispensing information.
      - (b) Facts and comparisons.
      - (c) Hospital formulary.
    - (2) Categories to choose from:

Drug interactions - poison and antidote information - chemistry toxicology - pharmacology - bacteriology - sterilization and disinfection - patient counseling - rational therapy - parenteral admixtures.
3. **Drug room.** The drug room of a long-term care facility may utilize the technical equipment and other requirements of a licensed pharmacy for compliance.

#### 4. **Storage.**

- a. All drugs shall be stored in designated areas within the pharmacy to ensure proper sanitation, temperature, light, ventilation, moisture control, and security.

Unattended areas: In the absence of a pharmacist, and whenever any area of a pharmacy serving a long-term facility as an institutional drug outlet is not under the personal and direct supervision of a pharmacist, such areas shall be locked. All areas occupied by a pharmacy serving a long-term care facility as an institutional drug outlet shall be capable of being locked by key or combination, so as to prevent access by unauthorized personnel.

- b. When drugs to be dispensed are stored in a long-term facility drug room, the consulting pharmacist shall verify that space will be available at each unit for storage, safeguarding, and preparation of medication doses for administration and shall include provision of at least the following:
  - (1) A locked drug cabinet or room shall be equipped to ensure physical separation of individual patient prescribed medications. Medications may be stored in these secured individual patient storage areas, or secured portable storage carts providing separate compartments for individual patients may be used.
  - (2) A container or compartment which is capable of securing controlled substances with a lock or other safeguard system shall be permanently attached to storage carts or medication rooms.

**History:** Effective August 1, 1983; amended effective October 1, 2014.

**General Authority:** NDCC 28-32-02, 43-15-10(12), 43-15-10(14)

**Law Implemented:** NDCC 28-32-02, 43-15-10(12), 43-15-10(14)

## CHAPTER 61-04-02

**61-04-02-01. Physician exemption.** The exemption contained in subsection 1 of North Dakota Century Code section 43-15-02 for a duly licensed practitioner of medicine supplying the practitioner's own patients with such remedies as the practitioner may desire shall exempt such practitioners who dispense remedies as an incident to the practice of their profession for a patient's immediate needs, which would be those drugs required for a seventy-two-hour time period, full course of antibiotic treatment, start pack of prepackaged medications, or up to a ten-day supply of initial therapy of a maintenance medication that should be started immediately. but shall not exempt such a practitioner who regularly engages in dispensing such remedies to the practitioner's patients for which such patients are charged either separately or together with charges for other professional services, from recordkeeping, dispensing, labeling, counseling as required by North Dakota Century Code section 43-15-31.2, patient profile system as required by North Dakota Century Code section 43-15-31.1, and all other requirements of the practice of pharmacy as set forth in this chapter or by federal and state laws as they pertain to the regulation of the practice of pharmacy. Documented charts shall meet the requirements of the patient profile system.

**History:** Effective August 1, 1983; amended effective October 1, 2014.

**General Authority:** NDCC 19-02.1-02(2), 19-02.1-14, 28-32-02, 43-15-10(12), 43-15-10(14)

**Law Implemented:** NDCC 19-02.1-02(2), 19-02.1-14, 28-32-03, 43-15-10(12), 43-15-10(14)

CHAPTER 61-04-08

APPENDIX

COLLABORATIVE AGREEMENT FORM

The ~~pharmacist~~ pharmacists and ~~physician~~ physicians listed below are parties to this collaborative agreement, through which the pharmacist receives limited prescriptive authority under the supervision of the physician in accordance with North Dakota Century Code section 43-15-31.4 and administrative rules.

<hr/>		<hr/>	
<u>Institution</u>		<u>Institution</u>	
		<u>Address</u>	
		<hr/>	
		<u>Telephone</u>	
<hr/>		<hr/>	
Pharmacist Name	<u>License Number</u>	Physician Name	<u>License Number</u>
<hr/>		<hr/>	
<u>Address</u> <u>Pharmacist</u> <u>Name</u>	<u>License Number</u>	<u>Address</u> <u>Physician</u> <u>Name</u>	<u>License Number</u>
<hr/>		<hr/>	
<u>Telephone</u> <u>Pharmacist</u> <u>Name</u>	License Number	<u>Telephone</u> <u>Physician</u> <u>Name</u>	License Number
<hr/>		<hr/>	
		<u>Physician</u> <u>Name</u>	<u>License Number</u>

[Please review the administrative rules governing collaborative agreements which accompany this form before proceeding.]

1. Describe the scope and authority to be exercised by the pharmacist. (If requesting authority to initiate drug therapy, pharmacist must include credential verification.)
2. Indicate any restrictions placed on the use of certain types or classes of drugs or drug therapies under this agreement. (Note: Schedule II drugs are excluded by these rules.)

3. If appropriate, indicate any diagnoses which are specifically included or excluded under this agreement.
4. Attach any protocols or guidelines to be used in decisionmaking or other activities contemplated under this agreement. This must include a protocol for treating acute allergic or other adverse reactions related to drug therapy.
5. Describe approved situations, if any, in which the notification time limit may be extended beyond twenty-four hours (not to exceed seventy-two hours).

Attach additional sheets if necessary.

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Pharmacist Signature	Date
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Physician Signature	Date
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<u>Pharmacist Signature</u>	<u>Date</u>
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<u>Physician Signature</u>	<u>Date</u>
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<u>Pharmacist Signature</u>	<u>Date</u>
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<u>Physician Signature</u>	<u>Date</u>
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<u>Physician Signature</u>	<u>Date</u>
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State Board of Pharmacy	Approval Date
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<u>State Board of Medical Examiners</u>	Approval Date
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## CHAPTER 61-04-11

**61-04-11-08. Policy and procedural manual.** The pharmacy shall maintain a ~~current~~ policy and procedural manual, with a section related to the administration of medications by injection, in compliance with section 61-02-01-18.

**History:** Effective May 1, 2002; amended effective October 1, 2014.

**General Authority:** NDCC 43-15-10

**Law Implemented:** NDCC 43-15-10, 43-15-31.5

## CHAPTER 61-06-01

### 61-06-01-05. Drug distribution and control.

1. **General.** A drug distribution system is the entirety of that mechanism by which a physician's prescription is executed, from the time the drug is ordered and received in the ~~primary~~ pharmacy, to the time the prescribed drug is dispensed to the patient.
2. **Purchasing.** All drugs and pharmaceutical products purchased and dispensed by a pharmacy providing home health care pharmacy services must meet national standards of quality (USP-NF standards) and must be clearly and accurately labeled by the manufacturer or distributor as to contents.
3. **Procedure manual.** A policy and procedure manual must be prepared ~~and maintained at each pharmacy providing in accordance with section 61-02-01-18 home health care pharmacy services and be available for inspection. The policy and procedure manual must set forth in detail the objectives and operational guidelines of the pharmacy. The manual must be reviewed and revised on an annual basis. A copy must be provided the board of pharmacy when applying for a permit or engaging in this specialized area of practice.~~
4. **Prescription.** The pharmacist or pharmacy intern acting under the immediate supervision of a pharmacist must receive a written or verbal prescription from a physician before dispensing any compounded, sterile parenteral product. Prescriptions must be filed as required by law or rules of the board.
5. **Profile.** A pharmacy generated profile must be maintained for each patient as required by North Dakota Century Code section 43-15-31.1, and must also include:
  - a. Age.
  - b. Weight.
  - c. Sex.
  - d. Patient directions.
  - e. Other drugs patient is receiving.
  - f. Drug sensitivities and allergies to drugs and foods.
  - g. Primary diagnosis.
  - h. Documentation of patient training and continued competency.

- i. Documentation of patient visits.
6. **Labeling.** Each compounded, sterile parenteral product dispensed to outpatients must be labeled with a permanent label with the following information:
  - a. Name, address, and telephone number of the pharmacy providing home health care pharmacy services.
  - b. Date and identifying prescription number.
  - c. Patient's full name.
  - d. Name of each drug, strength, and amount.
  - e. Directions for use to the patient, including infusion rate.
  - f. Physician's full name.
  - g. Required precautionary information.
  - h. Date and time of compounding.
  - i. Expiration date and time.
  - j. Identity of pharmacist compounding and dispensing.
7. **Records and reports.** The pharmacist managing the section of the pharmacy providing home health care pharmacy services shall maintain access to and submit, as appropriate, such records and reports as are required to ensure patient's health, safety, and welfare. Such records must be readily available, maintained for five years, and subject to inspections by the board of pharmacy or its agents. These must include, as a minimum, the following:
  - a. Policy and procedures manual.
  - b. Training manuals.
  - c. Policies and procedures for cytotoxic waste, if applicable.
  - d. Such other records and reports as may be required by law and rules of the board of pharmacy.
8. **Delivery service.** The pharmacist managing the section of the pharmacy providing home health care pharmacy services is responsible for the environment control of all products shipped. Therefore, any compounded, sterile parenteral product that is frozen, or requires

refrigeration, must be shipped or delivered to a patient in appropriate coolers and stored appropriately in the patient's home.

**History:** Effective April 1, 1988; amended effective October 1, 2014.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 43-15-10(9), 43-15-10(12), 43-15-10(14), 43-15-31, 43-15-31.1

## CHAPTER 61-08-01

**61-08-01-08. Administrative inspection.** North Dakota pharmacy inspectors may conduct onsite periodic routine inspections during reasonable business hours of out-of-state pharmacies registered to do business in North Dakota. Alternatively, the North Dakota board of pharmacy may contract with the respective out-of-state regulatory authorities to conduct and perfect periodic routine inspections.

1. To obtain a license as a nonresident pharmacy, an applicant shall:
  - a. Have submitted an application form prescribed by the board as required under section 61-08-01-02; and
  - b. Have paid the fees specified by the board for the issuance of the license as specified in article 61-11.
2. The pharmacy owner, if an individual, and principals and owners who directly or indirectly own greater than ten percent interest in the company, if the company is not publically held, shall have undergone a state and federal fingerprint-based criminal background check as specified by the board.
3. The facility shall be inspected in a manner and frequency prescribed by the board:
  - a. For nonresident pharmacies that prepare and ship sterile or nonsterile compounded products, or sterile and nonsterile compounded products into this state, the facility must be inspected at least once every twelve months by:
    - (1) The board or its duly authorized agent; or
    - (2) A duly authorized agent of a third party approved by the board which is the national association of boards of pharmacy verified pharmacy program.
  - b. For nonresident pharmacies that do not ship sterile and nonsterile compounded products into this state, the facility must be inspected at least once every two years by:
    - (1) The resident state board of pharmacy, if the resident board's inspection is substantially equivalent to the inspection in this state;
    - (2) The board or its duly authorized agent; or

- (3) A duly authorized agent of a third party approved by the board, which is the national association of boards of pharmacy verified pharmacy program.
  - c. Nonresident pharmacies that dispense more than twenty-five percent of the pharmacy's total prescription volume as a result of original prescriptions or refills solicited through the internet, must be accredited by:
    - (1) The national association of boards of pharmacy verified internet pharmacy practice sites program; or
    - (2) The national association of boards of pharmacy veterinary verified internet pharmacy practice sites program.
  - d. Costs for inspections conducted by the board or an approved third party will be paid by the applicant.
4. At the time of renewal, the nonresident pharmacy shall:
- a. Submit an application form prescribed by the board;
  - b. Provide proof of a recent inspection as outlined in subsection 3; and
  - c. Submit the national association of boards of pharmacy e-profile identification (NABP e-Profile ID) of the pharmacy and pharmacist-in-charge.
5. The board may waive the requirement for a separate criminal background check in subsection 2. If the nonresident pharmacy is a current participant in a pharmacy verification program that provides complete and accurate owner criminal background screening and licensure, disciplinary, and inspection information to the state board of pharmacy, this requirement may also be waived.
6. Any new applicant or renewal application received after July 1, 2015, shall hold the required accreditation from the national association of boards of pharmacy.

**History:** Effective April 1, 1988; amended effective January 1, 2005; October 1, 2014.

**General Authority:** NDCC 28-32-02, 43-15-10(7)(8)(9)(12)(14), 43-15-34, 43-15-35, 43-15-36, 43-15-38

**Law Implemented:** NDCC 28-32-02, 43-15-10(7)(8)(9)(12)(14), 43-15-34, 43-15-35, 43-15-36, 43-15-38

## CHAPTER 61-11-01

**61-11-01-01. Fees.** The following fees must be paid to the board of pharmacy:

1. North Dakota examination	\$100.00
2. Original or duplicate certificate	25.00
3. Reciprocal licensure	150.00
4. a. Internship licensure - North Dakota State University professional student (\$90 is paid to the North Dakota State University college of pharmacy for student programs)	100.00
b. Internship licensure - Pre-pharmacy students	10.00
5. <del>Manufacturer-distributor-warehouse-reverse distributor</del> <u>distributor-wholesale drug license</u>	
<del>Wholesale drug license</del>	<del>200.00</del>
<u>Chain drug warehouse</u>	<u>200.00</u>
<u>Chain pharmacy warehouse</u>	<u>200.00</u>
<u>Hospital offsite warehouse</u>	<u>200.00</u>
<u>Jobber or broker</u>	<u>400.00</u>
<u>Manufacturer</u>	<u>400.00</u>
<u>Own label distributor</u>	<u>400.00</u>
<u>Pharmacy distributor</u>	<u>200.00</u>
<u>Private label distributor</u>	<u>400.00</u>
<u>Repackager</u>	<u>400.00</u>
<u>Reverse distributor</u>	<u>200.00</u>
<u>Third-party logistic provider</u>	<u>400.00</u>
<u>Veterinary-only distributor</u>	<u>200.00</u>
<u>Virtual manufacturer</u>	<u>400.00</u>
<u>Virtual wholesaler or distributor</u>	<u>400.00</u>
<u>Wholesaler or distributor</u>	<u>400.00</u>
Penalty for late renewal	50.00
6. Pharmacy or drug store permit	175.00
Permitting in additional classes	0.00
Penalty for late renewal	50.00
7. Annual renewal for pharmacist in state (active)	100.00
Penalty for late renewal	25.00
8. Annual renewal for pharmacist in state (inactive status)	75.00

Penalty for late renewal	25.00
9. Annual renewal for pharmacist out of state	35.00
Penalty for late renewal	25.00
10. Annual registration for pharmacy technician (\$17.50 is forwarded to the northland association of pharmacy technicians (NAPT))	35.00
Penalty for late renewal	10.00
11. Pharmacy technician-in-training (per year) (two years allowed to complete a program)	10.00
12. License verifications (self-addressed return envelope)	25.00

**History:** Effective January 1, 2006; amended effective October 1, 2010; July 1, 2011; October 1, 2014.

**General Authority:** NDCC 43-15-10

**Law Implemented:** NDCC 43-15-10, 43-15-18, 43-15-20, 43-15-25, 43-15-27, 43-15-34, 43-15-38, 43-15.1-04, 43-15.1-05, 43-15.3-01, 43-15.3-12



**CHAPTER 61-12-01  
PRESCRIPTION DRUG MONITORING PROGRAM**

Section	
61-12-01-01	Definitions
61-12-01-02	Dispenser Reporting
61-12-01-03	Operation of Program
<u>61-12-01-04</u>	<u>Required Use of Certain Dispensing Situations</u>

**61-12-01-02. Dispenser reporting.**

1. Each dispenser licensed by a regulatory agency in the state of North Dakota who dispenses a controlled substance to a patient shall submit to the central repository by electronic means information regarding each prescription dispensed for a controlled substance. The information submitted for each prescription shall include all of the data elements in the American society for automation in pharmacy rules-based standard implementation guide for prescription monitoring programs issued ~~August 31, 2005~~ September 2011, version ~~003~~ 4, release ~~000~~ 2.
2. Each dispenser shall submit the information required by this chapter to the central repository at least once every day unless the board waives this requirement for good cause shown by the dispenser.
3. An extension of the time in which a dispenser must report the information required by this chapter may be granted to a dispenser that is unable to submit prescription information by electronic means if:
  - a. The dispenser suffers a mechanical or electronic failure or cannot report within the required time for other reasons beyond the dispenser's control; or
  - b. The central repository is unable to receive electronic submissions.

**History:** Effective December 1, 2006; amended effective October 1, 2014.

**General Authority:** NDCC 19-03.5

**Law Implemented:** NDCC 19-03.5

**61-12-01-04. Required use for certain dispensing situations.**

1. Prior to dispensing a prescription, each dispenser licensed by a regulatory agency in the state of North Dakota who dispenses a controlled substance to a patient, for the treatment of pain or anxiety shall, at a minimum, request and review a prescription drug monitoring report covering at least a one-year time period or another state's report, or both reports, when applicable and available, if the dispenser becomes aware of a person currently:
  - a. Receiving reported drugs from multiple prescribers:

- b. Receiving reported drugs for more than twelve consecutive weeks:
  - c. Abusing or misusing reported drugs (i.e., over-utilization; early refills; appears overly sedated or intoxicated upon presenting a prescription for a reported drug; or an unfamiliar patient requesting a reported drug by specific name, street name, color, or identifying marks):
  - d. Requesting the dispensing of a reported drug from a prescription issued by a prescriber with whom the dispenser is unfamiliar (i.e., the prescriber is located out-of-state or the prescriber is outside the usual pharmacy geographic prescriber care area); or
  - e. Presenting a prescription for reported drugs when the patient resides outside the usual pharmacy geographic patient population.
2. After obtaining an initial prescription drug monitoring report on a patient, a dispenser shall use professional judgment based on prevailing standards of practice in deciding the frequency of requesting and reviewing further prescription drug monitoring reports or other state's reports, or both reports, for that patient.
  3. In the rare event a report is not immediately available, the dispenser shall use professional judgment in determining whether it is appropriate and in the patient's best interest to dispense the prescription prior to receiving and reviewing a report.
  4. For the purpose of compliance with subsection 1, a report could be obtained through a prescription drug monitoring program intergration with software or also a board-approved aggregate tool, for which the NARxCHECK will be an approved tool. The national association of boards of pharmacy foundation's NARxCHECK service is a risk assessment tool for health care providers and pharmacists that accesses patient prescription information from prescription drug monitoring databases, analyzes the data, and provides a risk-based score that includes prescription drug monitoring program data and graphical analysis to assist in prescribing and dispensing decisions.

**History:** Effective October 1, 2014.

**General Authority:** NDCC 19-03.5, 19-03.5-09, 43-15-10(12)

**Law Implemented:** NDCC 19-03.5

**TITLE 67.1**  
**EDUCATION STANDARDS AND PRACTICES BOARD**



OCTOBER 2014

CHAPTER 67.1-01-01  
ORGANIZATION OF BOARD

Section	
67.1-01-01-01	Organization of the Education Standards and Practices Board
67.1-01-01-02	Duties of the Education Standards and Practices Board
67.1-01-01-03	Fine for Practicing Without a License
<u>67.1-01-01-04</u>	<u>Late Renewal Fee</u>

**67.1-01-01-04. Late renewal fee.** If a licensee does not file a completed renewal application, including the required supporting documentation and the renewal fee before the expiration of the license, the licensee shall pay a late renewal fee of one hundred dollars. A renewal application shall not be granted until the late renewal fee is paid. The board may waive the late renewal fee if the licensee provides proof of medical or other hardship rendering the licensee unable to meet the renewal deadline.

**History:** Effective October 1, 2014.

**General Authority:** NDCC 15.1-13-09

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11

## CHAPTER 67.1-02-02

### 67.1-02-02-02. Initial licenses.

1. Initial teacher licensure for in-state graduates or graduates of out-of-state programs requires a minimum of a four-year bachelor's degree from a state agency-approved teacher education program. The approved program must include a general studies component, a North Dakota recognized program area major, and a professional pedagogy core as defined in this section and the North Dakota standards for teacher education program approval:
  - a. The general studies component includes liberal arts preparation in the areas of the humanities, fine arts, mathematics, natural sciences, behavioral sciences, and symbolic systems as prerequisite to entrance into the professional education program.
  - b. North Dakota recognized program area majors are printed on the application form and include content-specific majors at the secondary level, content-specific kindergarten through grade twelve majors as listed below, majors in middle level education, or majors in elementary education. Majors that are transcribed by state-approved teacher education programs using terminology not appearing on the application form must be compared to the North Dakota standards for teacher education program approval to determine whether they meet the same criteria as the listed recognized majors. Majors must include a minimum of thirty-two semester hours of coursework specific to the major beyond the introductory level. All official transcripts from all institutions of higher education must be submitted to the education standards and practices board.
    - (1) The secondary content-specific major must include a minimum of four semester hours in special methods of teaching at the secondary level and special methods of teaching in the specific content area. Effective July 1, 2008, all initial secondary licensure applicants grades seven through twelve in the core and non-core academic areas will need to meet or exceed the cut scores for the ~~praxis-II~~ content test as set by the education standards and practices board. Effective July 1, 2010, all initial secondary licensure applicants grades seven through twelve in the core and non-core academic areas will need to meet or exceed the cut scores for the ~~praxis-II principles of teaching and learning~~ pedagogical test as set by the education standards and practices board. For purposes of this section, English, reading and language arts, mathematics, science, foreign languages, music, visual arts, history, civics and government, geography, and economics are considered core academic

areas. All other areas are considered non-core academic areas.

- (2) The middle level major must include study of middle level foundations, adolescent development, reading in the content areas at the middle level, and twenty-four semester hours of content coursework in one of the content areas of English and language arts, social studies, science, or mathematics meeting the teacher education program approval standards, and special methods of teaching at the middle level. Study of these areas must total a minimum of thirty-two semester hours, which includes at least two semester hours of special methods of teaching at the middle level and middle level classroom field experience. Effective July 1, 2008, all initial middle level licensure applicants grades five through eight in the core and non-core academic areas will need to meet or exceed the cut scores for the ~~praxis-II content test~~ as set by the education standards and practices board. Effective July 1, 2012, all initial middle level licensure applicants grades five through eight in the core and non-core academic areas will need to meet or exceed the cut scores for the ~~praxis-II principles of teaching and learning pedagogical~~ test as set by the education standards and practices board.
- (3) The elementary major must include special methods of teaching elementary content areas with a minimum of twelve semester hours specific to teaching elementary school mathematics, science, social studies, reading, and language arts. Effective July 1, 2006, all initial elementary licensure applicants grades one through six or grades one through eight restricted license will need to meet or exceed the cut scores as set by the education standards and practices board for the ~~praxis-II elementary test 40044~~ and the ~~praxis-II principles of learning and teaching pedagogical test 30522~~. For the school year 2005-06 and beyond, all elementary teachers new to the profession, but previously licensed, will need to complete the ~~praxis-II elementary test 40044~~ and ~~praxis-II principles of learning and teaching pedagogical test 30522~~ during the school year. Classroom teaching experience will be accepted from all other states toward the requirements of this paragraph.
- (4) Prekindergarten through grade twelve preparation programs in special education, foreign language, art, music, physical education, business education, technology education, and computer education must include a minimum of four semester hours of special methods of teaching inclusive of kindergarten through grade twelve, special methods of teaching in the specific content area, and student teaching in

elementary and secondary schools, grades prekindergarten through grade twelve. Effective July 1, 2006, all applicants in foreign language, art, and music will need to meet or exceed the cut scores for the ~~praxis II content~~ tests and the pedagogical tests grades seven through twelve as set by the education standards and practices board. Effective July 1, 2012, all initial prekindergarten through grade twelve licensure applicants grades seven through twelve in the core and non-core academic areas will need to meet or exceed the cut scores for the ~~praxis II principles of teaching and learning content~~ test and the pedagogical test grades seven through twelve as set by the education standards and practices board.

- (5) The early childhood major must include study of child development, birth through age eight, and include special methods of teaching at the early childhood level. Effective July 1, 2012, all initial early childhood licensure applicants birth through grade three will need to meet or exceed the cut scores for the praxis II principles of teaching and learning test and the praxis II early childhood education content specific cut score as set by the education standards and practices board.
- (6) The special education major for regular licensure meeting or exceeding the teacher education program approval standards must include a second major in early childhood, elementary, middle level, or secondary education. Effective July 1, 2008, all applicants in special education majors or endorsements must meet or exceed the ~~praxis II~~ test cut scores as set by the education standards and practices board.

- C. The professional education component includes a minimum of twenty-two semester hours of pedagogical study of teaching and learning in addition to the program-specific major. This coursework must be from the areas of educational foundations, educational psychology, child development, teaching and learning theory, educational diagnosis and assessment, inclusive education, educational technology, classroom and behavioral management, and human relations specific to teaching. The professional education component must also include classroom professional experience prior to student teaching and a minimum of ten weeks of full-time successful participation in student teaching at appropriate grade levels. The professional education component, including student teaching, must be completed under the supervision of a teacher training institution approved by the education standards and practices board in North Dakota or the appropriate state,



provincial, or similar jurisdictional authority for out-of-state institutions.

- d. Student teaching exception - Internship. An applicant who graduated from a state-approved teacher education program prior to January 1, 1988, which did not include a minimum of ten weeks of full-time student teaching may qualify under one of the two options under this subdivision. These options are available only if the applicant has met all other requirements for licensure of the education standards and practices board and North Dakota Century Code sections 15.1-18-02 and 15.1-18-03, except the requirement of ten weeks of student teaching.
  - (1) The applicant must document a minimum of eight full weeks of student teaching at the appropriate level in the major field of study under the supervision of a state-approved teacher education program and document five years of successful teaching within the last ten years; or
  - (2) An applicant who can document a minimum of eight weeks of successful student teaching but cannot document a minimum of five years of successful teaching experience must either complete the additional student teaching hours or may choose to complete an internship under the supervision of a state-approved college of teacher education to fulfill the additional hours.
    - (a) The internship contact hours in the classroom must consist of classroom time blocks not less than one-half day and when added to the applicant's existing student teaching hours total a minimum of ten weeks of full-time equivalent student teaching and supervised internship experience.
    - (b) The internship must occur in a regular kindergarten through grade twelve classroom setting and allow the intern to experience the full range of curriculum and classroom operations.
    - (c) The internship must be approved by the education standards and practices board and transcribed through a state-approved teacher education institution.
- e. Teaching minors. A teaching minor may only be earned or added to a teaching major. An individual may not be licensed or change grade levels of licensure with only a teaching minor.

A teaching minor is defined as a minimum of sixteen semester or twenty-four quarter credit hours in a single designated academic

area and the methods of teaching the content area. These sixteen semester or twenty-four quarter credit hours must be in courses for which the institution gives credit toward graduation in the major and be included in the teacher education program approval process.

2. Grade point average.
  - a. An applicant must have a minimum overall grade point average of 2.50. The education standards and practices board will use the college-figured grade point average if all previous college coursework is on the transcript. If the student has transferred from another institution, and the grade point average calculated by the institution granting the degree is only for those credits at that institution, the education standards and practices board will refigure the grade point average using all previous college coursework.
  - b. An applicant must have a minimum grade point average (GPA) of 2.50 for all coursework required for the applicant's degree. Coursework not needed for a degree in teacher education need not be included in GPA calculations. Coursework used in any way for licensure or endorsements must be included in GPA calculations. If the student has coursework from more than one institution, the education standards and practices board will review the grade point average using the program of studies approved by the approved North Dakota teacher education institution.
3. Verification of eligibility for home state licensure may be requested.
4. Acceptable translations for preparations received in foreign institutions will be requested at the applicant's expense.
5. Application form.
  - a. An application fee of thirty dollars must accompany a request for an initial application form.
  - b. The original completed application form, including the original signature of the applicant and recommendation by the state-approved teacher education program will be considered for licensure by the education standards and practices board.
  - c. A fee of seventy dollars must accompany the application for initial licensure for in-state and out-of-state graduates. An additional fee of one hundred seventy-five dollars for transcript review from out-of-state graduates must also accompany the licensure application.

- d. The application will be kept on file at the education standards and practices board office for six months. Upon expiration of the six-month period, applicable fees will be refunded to the applicant if the license has not been issued.
6. All initial licenses are valid for at least two consecutive years and will expire on the applicant's birthday.
7. Fingerprinting. In addition to completing the licensure application process outlined in this section, an applicant applying for licensure in North Dakota for the first time after August 1, 1997, must submit to a fingerprint screening for criminal records in accordance with North Dakota Century Code section 15.1-13-14.
  - a. An applicant graduating from a North Dakota teacher preparation program may obtain the fingerprinting materials from college officials. Previous graduates and out-of-state graduates must contact the education standards and practices board directly for the fingerprinting materials. Fingerprint screening reports from other agencies are not available to the education standards and practices board. Applicants must complete the process with cards and release forms designating the education standards and practices board as the agency to receive the report.
  - b. The applicant must have the fingerprinting done by an authorized law enforcement agency such as a sheriff's office, police department, or campus police. Both cards are to be completed with a ten-finger check. The criminal record inquiry authorization form must also be completed, including an original signature. The fingerprint cards and authorization form must be returned directly to the education standards and practices board office.
  - c. Unofficial, incomplete, altered, or damaged cards and forms will not be accepted.
  - d. The applicant is responsible for all local, state, and federal law enforcement agency fees related to the fingerprint background check.
  - e. The applicant is advised to allow a minimum of eight weeks for the fingerprint screening process. An applicant must hold a valid North Dakota license to be employed or permitted to teach in North Dakota. Individuals who have completed all requirements for the professional educator's license except final completion of the fingerprint background check may obtain a provisional license under section 67.1-02-04-04.

- f. Fingerprint screening reports must be recent and may only be used for licensure for eighteen months from the date the report is received by the education standards and practices board.
8. Reeducation for initial licensure. Applicants who hold nonteaching degrees in content areas taught in public schools may receive initial licensure by completing the professional education requirements at a state-approved program authorized through program approval to recommend applicants for licensure in the approved program area. This reeducation may be completed at the undergraduate or graduate level. The institution with the approved program must document that the applicant's specialty area degree is equivalent to its approved program's specialty area requirements in subdivisions b and c of subsection 1, and recommend the applicant for licensure. Applicants applying under this section must file a completed application form as other initial applicants, comply with the fingerprint background check in subsection 9, complete all tests, and pay all applicable fees.
  9. Preprofessional skills test. On July 1, 2002, all initial applicants for licensure will be required to submit their test scores ~~for the PPST~~ in reading, writing, and mathematics. Beginning July 1, 2003, all applicants for initial licensure will need to submit their test scores ~~for the PPST~~ in reading, writing, and mathematics which meet or exceed the state cut score or composite score. Documentation of the ~~ETS PPST~~ scores must be submitted with the application form.

**History:** Effective July 1, 1995; amended effective October 1, 1998; October 16, 1998; April 14, 1999; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2010; April 1, 2012; July 1, 2012; October 1, 2014.

**General Authority:** NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10, 15.1-13-11, 15.1-13-12, 15.1-13-14

#### **67.1-02-02-04. Two-year and five-year renewals.**

1. **Two-year renewal license.**
  - a. A two-year renewal license will be issued to applicants with less than eighteen months of successful contracted teaching in North Dakota who have completed all of the requirements on the application form; and pay the required fee of fifty dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of two years after the applicant's ~~birthday~~ birth date.
  - b. A two-year reentry license will be issued to an applicant reentering the profession after an absence of five years who has completed all of the requirements on the application form. Prior to applying for the

reentry license, the applicant must submit to a fingerprint screening for criminal records in accordance with North Dakota Century Code section 15.1-13-14. An applicant reentering the profession must complete eight semester hours of reeducation credit during the applicant's first two years of contracted employment as stated in this section and in section 67.1-02-02-09. The fee for the reentry license is seventy dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of two years on the applicant's ~~birthday~~ birth date.

- c. A two-year reentry license will be issued to an applicant from out of state who has had an absence from the profession of more than five years, or to an applicant who cannot submit six semester hours of credit taken during each of the past two five-year periods if employed in education out of state. Such an applicant must meet the requirements of North Dakota initial licensure as stated in section 67.1-02-02-02 and must also complete the requirements for reentry education as stated in this section and in section 67.1-02-02-09. The fee for the reentry license is seventy dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of two years on the applicant's ~~birthday~~ birth date.
- d. A two-year renewal license will be issued for substitute teaching to those applicants who have completed all of the requirements on the application form. A substitute teacher must maintain a valid teaching license using the two-year renewal cycle, but is not required to submit reeducation hours unless the person signs a contract. The fee for this two-year renewal is fifty dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of two years on the applicant's ~~birthday~~ birth date.
- e. In extraordinary circumstances, the board may waive or extend the time for completion of the reeducation credits.
- f. For the school year 2005-06 and beyond, all elementary teachers new to the profession, but previously licensed, will need to complete the ~~praxis-II~~ elementary test ~~40044~~ and ~~praxis-II~~ principles of learning and teaching test 30522 pedagogical test during the school year meeting North Dakota cut scores. Contracted classroom teaching experience will be accepted from all other states toward the requirements of this subdivision. A new to the profession teacher is defined as one who has never been contracted as a kindergarten through grade 12 teacher.

## 2. **Five-year renewal license.**

- a. The initial five-year renewal will be issued to those applicants who have successfully taught eighteen months in the state on a valid North Dakota license and who have completed all of the requirements on the application form. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of five years on the applicant's ~~birthday~~ birth date.
- (1) All five-year license applications must be accompanied by a fee of one hundred twenty-five dollars.
  - (2) Succeeding five-year renewals require evidence of thirty teaching days of contracted service and completion of a minimum of four semester hours of reeducation credit to avoid reverting to entry status. As licenses are renewed, after July 1, 2011, six semester hours of reeducation credit will be required for the new five-year period. All reeducation credit must be documented by college transcripts.
  - (3) For the school year 2005-06 and beyond, all elementary teachers new to the profession, but previously licensed, will need to complete the ~~praxis-II~~ elementary test and ~~praxis-II principles of learning and teaching~~ pedagogical test during the school year meeting North Dakota cut scores. Contracted classroom teaching experience will be accepted from all other states toward the requirements of this paragraph. A new to the profession teacher is defined as one who has never been contracted as a kindergarten through grade 12 teacher.
- b. A renewal applicant who has completed the six semester hours of credit but has not been contracted for at least thirty days under the five-year license will revert to the two-year renewal cycle.
- c. Probationary license. An applicant who has failed to complete the six semester hours of reeducation credit, whether the application has been contracted or not, will either not be renewed, or may agree to be placed on a two-year probationary license. Eight semester hours of reeducation semester credit must be supplied as a condition of the two-year probationary license. A second probationary license will not be issued.
- d. In extraordinary circumstances, the board may waive or extend the time for completion of the reeducation credits.
- e. Once the requirements have been met for the probationary license, a two-year renewal license will be issued.

**History:** Effective July 1, 1995; amended effective October 1, 1998; October 16, 1998; April 14, 1999; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004;

April 1, 2006; July 1, 2008; July 1, 2010; April 1, 2012; July 1, 2012; October 1, 2014.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-09, 15.1-13-10, 15.1-13-11

**67.1-02-02-05. Professional development for license renewal.**

All professional development relicensure credit must meet the professional development requirements approved by the education standards and practices board.

1. **Licensure renewal course credits.** The following minimum requirements must be approved by the education standards and practices board or through the institutional program review process.
  - a. Instructor of record. The instructor of record must hold an advanced degree (master's or above) and provide a vita/resume that includes name; current title; current address; telephone, facsimile, and electronic mail, as appropriate; highest degree earned and field of study; related professional or work experience; topics to be addressed; and any other relevant information.
  - b. Instructor's role. The instructor of record's role is to ensure submission of the proposal form to include all identified components as described in the proposal form subdivision below; a copy of the assessment tool and an identified process for keeping attendance using the criteria identified in the evaluation plan criteria subdivision below; and issue final grades.
  - c. Multispeaker event. The instructor of record is responsible for upholding quality for a multispeaker event by ensuring that at least seventy-five percent of the total instructional time must be provided by individuals with a master's degree or higher. The instructor of record is responsible for completing a matrix of presenters for these events.
  - d. About presenters. The presenters are expected to provide quality graduate education experiences for participants. Presenters are encouraged to possess a master's degree or higher. A multispeaker event must have seventy-five percent of instructional time provided by individuals with a master's degree or higher. However, a bachelor's degree may be accepted based on level of experience, accomplishments, and subject matter expertise. Each presenter is required to complete a short biography or resume to provide the presenter's educational credentials and experience or training in relation to the presenter's presentation topic.
  - e. Proposal form. The proposal form must include conference or course description; objectives and learner outcomes; conference or course topical outline; semester hours to be offered; all

requirements and expectations (e.g., participation, attendance, assignments) for earning the credit; textbooks or other resources to be used; and evaluation plan of learner outcomes. In addition, for multispeaker events an electronic copy of the program is required; a document that includes session descriptions; and completion of the matrix of presenters specifying their educational credentials, topics to be addressed, and the length in hours and minutes of each presenter's presentations.

f. Credit requirements. The following requirements must be communicated to the participants prior to the start of the event.

(1) Participants must hold a minimum of a bachelor's degree to be eligible to receive graduate credit.

(2) Participants must attend a minimum of fifteen hours of graduate level activity per credit hour.

(3) Participants must complete all credit requirements of the event.

(4) Participants must complete a product or an application of learning.

g. Evaluation plan criteria. One copy of the evaluation plan for determining the participant's grade must be submitted with this proposal. The evaluation plan may be formatted a number of ways but must, at a minimum, include participant verification of attendance, documenting the required fifteen clock-hours per credit (e.g., session sign-in sheet, session summary) and an assignment designed to elicit from the participants their ability to apply concepts and knowledge learned at the conference in their own teaching and work situations (e.g., lesson plan, summary paper, group project/paper). An assessment rubric is required for letter grading but not for satisfactory or unsatisfactory grading.

2. **Five-year licensure renewal.** As licenses are renewed, after July 1, 2011, six semester hours of reeducation credit will be required for the new five-year period, as documented by college transcripts, earned within the dates of the license, and contracted teaching of a minimum of thirty days. Applicants not meeting these requirements will be processed as indicated under that section.

a. Professional development coursework submitted for renewal may be either undergraduate or graduate credit and must be either in professional education or applicable to the applicant's licensed major, minor, or endorsement areas as indicated above.



- b. Applicants who are working toward an added degree or endorsement may use coursework applicable to that expanded area of study for renewal. In extraordinary circumstances, the board may waive or extend the time for completion of the reeducation credits.

**History:** Effective July 1, 1995; amended effective October 1, 1998; March 1, 2000; July 1, 2004; April 1, 2006; July 1, 2010; July 1, 2012; October 1, 2014.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-09, 15.1-13-10

## CHAPTER 67.1-02-03

**67.1-02-03-01. Elementary endorsement.** Reeducation of a licensed teacher for elementary schoolteaching may be accomplished by completing a state-approved elementary teacher education program of thirty-two semester hours, including a regular classroom student teaching experience of six quarter hours or a minimum of five consecutive weeks between kindergarten through grade six, or the clinical practice option described in section 67.1-02-04-07. The coursework must include special methods of teaching elementary content areas with a minimum of twelve semester hours specific to teaching elementary school reading, language arts, mathematics, science, and social studies along with additional appropriate elementary education coursework.

Prior to July 1, 2006, reeducation for the elementary endorsement must be completed prior to assignment to teach at the elementary level. Effective July 1, 2006, all elementary endorsement applicants grades one through six will need to meet or exceed the cut scores for the ~~praxis-II~~ elementary test and the ~~praxis-II~~ principles of learning and teaching test as set by the education standards and practices board.

A verified successful college-supervised internship with credit may be substituted for student teaching under this section. The internship option within the elementary endorsement is available only:

1. To an individual who has graduated from a state-approved teacher education program that has as part of its approved preparation a year of college-supervised internship at the elementary level; or
2. To an individual licensed by the North Dakota education standards and practices board to teach kindergarten through grade twelve in accordance with North Dakota Century Code sections 15.1-18-03 and 15.1-18-02 who has already successfully completed a minimum of five weeks of full-time student teaching at the elementary level in the individual's specialty area. The total internship contact hours in the classroom must be equivalent to a minimum of five weeks of full-time student teaching and consist of classroom time blocks not less than one-half of one day.

~~The internship must occur in a regular kindergarten through grade six classroom setting and allow the intern to experience the full range of curriculum and classroom operations. Individuals performing elementary endorsement internships work under the supervision of licensed teachers and must not be assigned in lieu of regularly employed teachers. Individuals completing the internship option who are doing so to meet the requirements for elementary principalship must not intern with classroom teachers they would be supervising or evaluating in their role as principal. The internship must be approved by the education standards and practices board and transcribed through a state-approved teacher education institution.~~

3. The internship must occur in a regular kindergarten through grade six classroom setting and allow the intern to experience the full range of curriculum and classroom operations. Individuals performing elementary endorsement internships work under the supervision of licensed teachers and must not be assigned in lieu of regularly employed teachers. Individuals completing the internship option who are doing so to meet the requirements for elementary principalship must not intern with classroom teachers they would be supervising or evaluating in their role as principal. The internship must be approved by the education standards and practices board and transcribed through a state-approved teacher education institution.

Praxis endorsement - elementary. Reeducation of a licensed teacher for elementary schoolteaching may also be accomplished by holding a North Dakota regular educator's professional license for two years and the successful completion of the pedagogical test grades one through six, and elementary content test meeting or exceeding the minimum scores determined by the education standards and practices board in the content area to be taught. Reeducation for the elementary endorsement must be completed prior to assignment to teach in the elementary content area.

The applicant must ~~request the endorsement form from the education standards and practices board or from [www.state.nd.us/espb/form](http://www.state.nd.us/espb/form), complete it, and return to the board office with the [apply online at www.nd.gov/espb](http://www.nd.gov/espb) using the online application ND Teach, submit official transcripts, and the review fee of seventy-five dollars.~~

Specialty area endorsement in art, foreign language, or music for elementary teachers grades one through six. Elementary teachers with a major or major equivalency defined in section 67.1-02-03-01 in elementary education will be considered highly qualified to teach art, foreign language, or music grades one through six. Elementary teachers with a major, minor, or minor equivalency endorsement in art, foreign language, or music will be considered highly qualified in art, foreign language, or music grades one through six.

**History:** Effective July 1, 1995; amended effective June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2012; October 1, 2014.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-18-02

~~**67.1-02-03-02. Kindergarten endorsement.** Reeducation of elementary teachers for kindergarten schoolteaching may be accomplished by presenting a minimum of twelve semester hours of kindergarten coursework in foundations of early childhood, kindergarten methods and materials, early language and literacy, observation, and assessment for the kindergarten child. The applicant must have a minimum of one year full-time equivalent successful teaching experience in kindergarten or grade one or student teaching of four semester hours or six quarter hours or a minimum of five consecutive weeks applicable to the endorsed~~

~~area. Reeducation for the kindergarten endorsement must be completed prior to or within two years of assignment to teach at the kindergarten level.~~

1. Reeducation of elementary teachers for kindergarten schoolteaching may be accomplished by presenting a minimum of twelve semester hours of kindergarten coursework in foundations of early childhood, kindergarten methods and materials, early language and literacy, observation, and assessment for the kindergarten child. The applicant must have a minimum of one year full-time equivalent successful teaching experience in kindergarten or grade one or student teaching of four semester hours or six quarter hours or a minimum of five consecutive weeks applicable to the endorsed area. Reeducation for the kindergarten endorsement must be completed prior to or within two years of assignment to teach at the kindergarten level; or
2. Praxis endorsement - kindergarten. Reeducation of a licensed teacher for kindergarten schoolteaching may also be accomplished by holding a North Dakota regular educator's professional license for two years and successful completion of the pedagogical test birth through grade three and early childhood content test meeting or exceeding the minimum scores determined by the education standards and practices board in the content area to be taught. Reeducation for the kindergarten endorsement must be completed prior to assignment to teach in the kindergarten content area.

~~The applicant must request the endorsement form from the education standards and practices board or from [www.state.nd.us/espb/form](http://www.state.nd.us/espb/form), complete it, and return to the board office with the apply online at [www.nd.gov/espb](http://www.nd.gov/espb) using the online application ND Teach, submit official transcripts, and the review fee of seventy-five dollars.~~

**History:** Effective July 1, 1995; amended effective June 1, 1999; March 1, 2000; July 1, 2004; April 1, 2006; October 1, 2014.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-18-02

**67.1-02-03-03. Secondary endorsement.** Reeducation for secondary schoolteaching may be accomplished in one of the following ways:

1. By completing the minimum requirements for a degree in secondary education, including student teaching in grades seven through twelve or the clinical practice option as described in section 67.1-02-04-07, and a North Dakota-recognized content area major.
2. An individual who already has a North Dakota-recognized content area major meeting the state-approved teacher education standards may complete the secondary endorsement by presenting a minimum of twenty-two semester hours of secondary education professional courses for the endorsement in addition to the major or minor field.

The applicant must have a minimum of one year successful teaching experience in grades seven through twelve or have five weeks supervised student teaching as part of the above program or the clinical practice option as described in section 67.1-02-04-07.

3. An individual who has a bachelor's degree in elementary education with a transcribed recognized content minor may complete the coursework necessary for the major in the core academic areas, secondary methods coursework, and a minimum of five weeks of student teaching in grades seven through twelve or the interim licensure clinical practice option under section 67.1-02-04-07.
4. An individual who has a bachelor's degree in elementary education with a transcribed recognized core content minor may complete the praxis II test and a minimum of five weeks of student teaching in grades seven through twelve or the interim licensure clinical practice under section 67.1-02-04-07.

~~Reeducation for the secondary endorsement must be completed prior to assignment to teach in the secondary content area. An official transcript documenting the major must be attached to the endorsement form. Effective July 1, 2009, all applicants for a secondary endorsement must complete the praxis II test in the core academic areas meeting or exceeding the cut scores set by the education standards and practices board.~~

5. Praxis endorsement - secondary. Reeducation of a licensed teacher for secondary schoolteaching may also be accomplished by holding a North Dakota regular educator's professional license for two years and the successful completion of the pedagogical test grades seven through twelve, and secondary or specialty content test meeting or exceeding the minimum scores determined by the education standards and practices board in the content area to be taught. Reeducation for the secondary endorsement must be completed prior to assignment to teach in the secondary content area. An official transcript and test scores documenting the major must be attached to the endorsement form.

~~The applicant must request the endorsement form from the education standards and practices board or from [www.state.nd.us/espb/form](http://www.state.nd.us/espb/form), complete it, and return to the board office with the apply online at [www.nd.gov/espb](http://www.nd.gov/espb) using the online application ND Teach, submit official transcripts, and the review fee of seventy-five dollars.~~

**History:** Effective July 1, 1995; amended effective October 1, 1998; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2008; October 1, 2014.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-18-03

**67.1-02-03-04. Middle school pedagogical endorsement for grades five through eight.** The middle school pedagogical endorsement (50517) is mandatory for teachers licensed for grades seven through twelve to qualify for work with grades five and six in the subject fields of their licensure and voluntary for work with students in grades seven and eight. Elementary teachers licensed to teach grades one through six must complete the middle school pedagogical endorsement (50017) to teach in grades seven and eight. Endorsement for teaching in middle school is available on a voluntary basis to teachers licensed to teach elementary grades one through eight or to specialty areas licensed to teach grades one through twelve under paragraph 1, 3, or 4 of subdivision b of subsection 1 of section 67.1-02-02-02. A review of past coursework will be conducted and a program of study needed for completion will be established. The middle school pedagogical endorsement requires a minimum of ten semester hours, including all of the following:

1. Development of young adolescents.
2. Philosophy and curriculum (foundations) of middle school education.
3. Teaching reading and other study or learning skills in the content areas.
4. Methods or strategies of teaching in the middle grades, two semester hours minimum.
5. Reeducation for the middle level endorsement must include a twenty clock-hour field experience in grades five through eight in a school setting where middle level philosophy has been implemented, or successful teaching in grades five through eight in a school setting where middle level philosophy has been implemented.

Reeducation for the middle school endorsement must be completed prior to or within two years of assignment to teach at the middle level, grades five through eight.

Praxis endorsement - middle level. Reeducation of a licensed teacher for middle level schoolteaching may also be accomplished by holding a North Dakota regular educator's professional license for two years and successful completion of the pedagogical test grades five through eight and middle level content test meeting or exceeding the minimum scores determined by the education standards and practices board in the content area to be taught. Reeducation for the middle endorsement must be completed prior to assignment to teach in the middle content area.

~~The applicant must request the endorsement form from the education standards and practices board or from [www.state.nd.us/espb/form](http://www.state.nd.us/espb/form), complete it, and return to the board office with the~~ apply online at [www.nd.gov/espb](http://www.nd.gov/espb) using

the online application ND Teach, submit official transcripts, and the review fee of seventy-five dollars.

**History:** Effective July 1, 1995; amended effective June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2012; October 1, 2014.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-18-02

#### **67.1-02-03-06. Minor equivalency endorsement.**

1. Nothing in this section may be interpreted to affect the validity of minor equivalencies issued by the department of public instruction prior to September 1, 1998.
2. The applicant wishing to apply under the minor equivalency endorsement option must be licensed by the education standards and practices board to teach under North Dakota Century Code section 15.1-18-02 or 15.1-18-03. The minor equivalency endorsement will be issued for the same grade levels as the individual's primary licensure, the same as for minors transcribed by colleges of teacher education. Those whose primary licensure is secondary may use the endorsement to teach the new content area in grades seven through twelve. Those whose primary licensure is elementary (grades one through six or one through eight) or middle school (grades five through eight) may use the endorsement for additional content expertise at those levels but may not use it to teach at the high school level without a complete secondary endorsement. The minor equivalency endorsement in core academic areas will no longer be available at the secondary level (grades nine through twelve) effective July 1, 2006.
3. The applicant must request a minor equivalency endorsement form from the education standards and practices board, complete it, and return it to the education standards and practices board with official transcripts and the review fee of seventy-five dollars.
4. Once the transcripts have been reviewed, if all requirements have been met, the minor equivalency endorsement will be added to the teaching license. A new teaching license will be issued.
5. If the requirements have not been met, the education standards and practices board will return the minor equivalency endorsement form listing the additional requirements to be completed. No additional fee will be charged when the requirements have been met and the minor equivalency endorsement is added to the teaching license.
6. ~~Two~~ Three levels of content area endorsements are available to be added to the existing North Dakota professional educator's license. A listing of all the minor equivalency endorsement content areas

available and specific areas of study required within each equivalency can be obtained by contacting the office of the education standards and practices board.

- a. The ME16 requires a minimum of sixteen semester hours of content-specific coursework, including the areas of study approved and required by the education standards and practices board. The ME16 will be reviewed when the applicant applies for renewal licensure. The coursework for the ME24 must be completed within five years of the application date for the ME16. If the ME24 coursework is not completed within five years, the ME16 will be removed from the license.
  - b. The ME24 requires a minimum of twenty-four semester hours of content-specific coursework, including the areas of study approved and required by the education standards and practices board. The ME24 also must include the special methods of teaching in the content area. The ME24 is considered equivalent to a full teaching minor.
  - c. Praxis minor equivalency. Prior to contracted teaching, the successful completion of the praxis content test meeting or exceeding the minimum scores determined by the education standards and practices board in the content area to be taught.
7. All coursework for the minor equivalency endorsement must be beyond the introductory level general studies courses as defined in section 67.1-02-02-02 and be transcribed by an approved teacher education program.
  8. All coursework must be transcribed by a state-approved college of teacher education program.
  9. The minor equivalency endorsement must be completed prior to contracted teaching in the content area.
  10. Effective July 1, 2006, minor equivalencies will continue to be available in the noncore academic areas. If a teacher chooses to complete a minor equivalency in the core academic areas, the teacher will need to complete the praxis II content-based test in addition to the minor equivalency to be eligible to teach in grades nine through twelve.
  11. The following coursework and requirements must be completed for the specific minor equivalency:
    - a. Agriculture (01005) - A total of sixteen semester hours, including three semester hours each in agriculture economics, agriculture management, animal science, plant science, and elective; six semester hours in agriculture leadership, community development,



or philosophy of career and technical education; and special methods of teaching agriculture education.

- b. Art (02005) - A total of sixteen semester hours, including art history, design, drawing, painting, ceramics, and special methods of teaching art.
- c. Biology (13010) - A total of sixteen semester hours, including biology I and II, botany, zoology, genetics, general chemistry I and II, and special methods of teaching biology or science.
- d. Business (03020) - A total of sixteen semester hours, including three semester hours in keyboarding, six semester hours in accounting, three semester hours in computer technology, general business, business communication, and special methods of teaching business.
- e. Chemistry (13020) - A total of sixteen semester hours, including general chemistry I and II with labs, organic chemistry I and II with labs, analytic chemistry, and special methods of teaching chemistry or science.
- f. Composite science (13047) - A total of twenty-four semester hours with eight semester hours with labs in biology, chemistry, physics, and earth science, and special methods of teaching science.
- g. Computer science (23000) - A total of sixteen semester hours, including six semester hours a year-long sequence of structured language, two semester hours in advanced assembler language, eight semester hours in computer-related coursework, microcomputing, data structures and algorithms, operating systems, and special methods of teaching computer science.
- h. CTE health careers (07000) - Criteria to meet this endorsement is available through the department of career and technical education.
- i. CTE trade, industry, and technical (17000) - Criteria to meet this endorsement is available through the department of career and technical education.
- j. CTE diversified occupations (25000) - Coordinating techniques. Criteria to meet this endorsement is available through the department of career and technical education.
- k. CTE resource educator (26000) - Philosophy and practices of career and technical education, vocational assessment, career development, competency-based career and technical education, cooperative education, special needs teaching

methods, introduction to exceptional children, mental retardation, learning disabilities, or emotional disturbance, working with at-risk students, behavior problems, classroom strategies, and other courses or workshops as approved by the career and technical education supervisor.

- l. CTE information technology (27000) - Criteria to meet this endorsement is available through the department of career and technical education.
- m. CTE basic skills educator (28000) - Philosophy and practices of career and technical education, vocational assessment, career development, competency-based career and technical education, cooperative education, special needs teaching methods, introduction to exceptional children, mental retardation, learning disabilities, or emotional disturbance, working with at-risk students, behavior problems, remedial mathematics, remedial reading, and other courses or workshops as approved by the career and technical education supervisor.
- n. CTE teacher student mentor (29000) - Criteria to meet this endorsement is available through the department of career and technical education.
- o. CTE career clusters (37000) - Criteria to meet this endorsement is available through the department of career and technical education.
- p. Drama or theater (05015) - Sixteen semester hours of drama or theater coursework.
- q. Driver education (21005) - Effective August 1, 2008, requirement: valid operator's license not suspended or revoked. Provide by January first of each year a complete abstract of the applicant's driving record for the past thirty-six months from a state driver's licensing office evidencing a satisfactory driving record free from any conviction that would constitute the basis for suspension or revocation on the instructor's operator's license, and not more than three moving traffic violations. Ten semester hours consisting of at least one course each in classroom driver and traffic education, in-car instruction, beginning driver problems, and organization and administration of safety education. Fourteen semester hours with no more than three semester hours in any one area: first aid; substance abuse education; equipment training, which may include simulator use and educational technology; classroom management; developmental psychology covering adolescent psychology; stress management; curriculum, planning, and assessment; teaching diverse learners; and educational psychology. Field experience required for elementary or middle

school teachers provided by a driver's education mentor with a minimum of three years' experience in driver's education must include three clock-hours of in-car observation and three clock-hours of in-car instruction. This field experience must be documented with a letter from the school principal and driver education mentor. The renewal of the driver's education endorsement requires two semester hours every five years of driver and traffic safety coursework. It is the responsibility of the instructor to notify the education standards and practices board of any driving offense, suspension, revocation, or cancellation of the driving license.

- r. Earth science (13035) - A total of sixteen semester hours, including general chemistry I and II with labs, physical geology, historical geology, astronomy, meteorology, and special methods of teaching science.
- s. Economics (15010) - A total of sixteen semester hours, including principles of macroeconomics I and II, money and banking, computer applications in economics, and methods of teaching economics or social science.
- t. English (05020) - A total of sixteen semester hours, including three semester hours of grammar and usage, six semester hours of composition, three semester hours of speech, three semester hours of developmental reading, literary analysis and criticism, nine semester hours of American and English literature, media, and special methods of teaching English.
- u. Family and consumer science (09040) - A total of sixteen semester hours, including child development and family science, consumer education and resource management, food and nutrition, health and wellness, apparel and textiles, housing issues and interior design, and the special methods of teaching family and consumer science.
- v. Foreign languages (French 06010, German 06015, Greek 06020, Latin 06025, Spanish 06035, Chinese 06260) - Sixteen semester hours specific to the foreign language, including composition and conversational structure of the language, culture, customs, and civilization relative to the language, introduction to literature in the language, and the special methods of teaching foreign language.
- w. Geography (15015) - A total of sixteen semester hours, including physical geography, cultural geography, world geography, North American geography, and the special methods of teaching geography or social science.

- x. Government and political science (15007) - A total of sixteen semester hours, including American government, political thought, international or global politics, and the special methods of teaching social science.
- y. Health (18015) - Twenty-four semester hours in first aid, cardiopulmonary resuscitation, and safety, nutrition, exercise physiology or fitness, personal and community health, current issues in health education, and the special methods and curriculum in school health education.
- z. History (15020) - A total of sixteen semester hours, including United States history I and II, western civilization I and II or world history I and II, and the special methods of teaching.
- aa. Library science (50065) - Twenty-four semester hours in introduction to the role of the librarian in the school library, reference, selection of materials and collection development, classification and cataloging of library materials, library administration, conducting research following state and national library standards, current issues in school librarianship, a study of children's literature, young adult literature, and reading methods.
- bb. Marketing (04006) - A total of sixteen semester hours, including marketing, sales promotion, management, student organizations, methods of teaching marketing or business education, philosophy of career and technical education, coordinating techniques, and nine credits in any of the following: accounting, advertising, business, technology, economics, finance, promotion, and selling.
- cc. Mathematics (11010) - A total of sixteen semester hours, including calculus, abstract algebra, geometry (axiomatic), calculus I and II, linear algebra, abstract algebra, probability and statistics, and methods of teaching mathematics.
- dd. Music composite (12010) - Twenty-four semester hours in music theory (six semester hours), music history or literature, ear training or sight singing, conducting, keyboard proficiency, and methods of elementary and secondary music teaching.
- ee. Instrumental music (12005) - A total of sixteen semester hours, including music theory, ear training or sight singing, conducting, and eight semester hours of coursework in instrumental music, keyboard proficiency, and methods of elementary and secondary music teaching.
- ff. Choral or vocal music (12015) - A total of sixteen semester hours, including music theory, ear training or sight singing, conducting,

and eight semester hours of coursework in vocal music, keyboard proficiency, and methods of elementary and secondary music teaching.

- gg. Physics (13050) - A total of sixteen semester hours, including general physics I and II, modern physics, electronics, mechanics, and methods of teaching science.
- hh. Physical education (08025) - A total of sixteen semester hours, including organization and administration of physical education and health, first aid and cardiopulmonary resuscitation, prevention and care of athletic injuries, health issues, physiology of exercise, foundations or curriculum of physical education, human physiology or anatomy, physical education for exceptional children, band, and methods of teaching sports activities, games, and dance.
- ii. Physical science (13045) - A total of sixteen semester hours, including eight semester hours each in general chemistry I and II with labs, general physics I and II, and methods of teaching science.
- jj. Psychology (15030) - A total of sixteen semester hours, including introduction to psychology, development psychology, abnormal psychology, personality theory, social psychology, and methods of teaching psychology or social science.
- kk. Social studies composite (15035) - Twenty-four semester hours in United States history, world civilization, world history, American government, world geography, physical geography, introduction to sociology, economics, psychology, and methods of teaching social science.
- ll. Sociology (15040) - A total of sixteen semester hours, including introduction to sociology, introduction to anthropology, social psychology, and methods of teaching social science.
- mm. Speech (05045) - Sixteen semester hours of speech or communication coursework.
- nn. Technology education (10007) - Coursework must include sixteen semester hours from the following list: principles or foundations of technology, technology and society, impacts of technology, history of technology, engineering design, design process, troubleshooting, invention and innovation, research and development, technology systems, modeling, i.e., three-dimensional modeling and prototyping, technology resources, and intelligent machines or robotics or automated systems. Coursework must include six semester hours from the following list: medical technology, agriculture and related

biotechnologies, energy and power technologies, information and communication technologies, transportation technology, manufacturing technology, and construction technology. A minimum of three semester hours in study of methods of teaching technology education that must include curriculum and methods in standards-based instruction.

- oo. Native language endorsement (15046) - Coursework must include thirty semester hours in classroom management; theories of second language acquisition; methods of second language acquisition; introduction to the specific native language linguistic analysis I and II; native American studies I; the specific native language I, II, III, and IV; and native language history and culture.
- pp. STEM education (10300) - Coursework must include twelve semester hours in STEM (transdisciplinary coursework in science, technology, engineering, and mathematics) philosophy, STEM curriculum, STEM methods, STEM strategies, and a two-day field experience in a STEM business or industry or school-based setting.
- qq. High school of business I (04007) - Coursework must include two semester hours of transcribed coursework specific to high school of business I training.
- rr. High school of business II (04008) - Coursework must include two semester hours of transcribed coursework specific to high school of business II training.
- ss. Theology (50040) - Requirements needed for the theology endorsement include a letter from the nonpublic school administration and the documentation on official transcripts of the baccalaureate degree.

**History:** Effective March 1, 2000; amended effective August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2010; July 1, 2012; October 1, 2014.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10, 15.1-13-11, 15.1-18-03

#### **67.1-02-03-07. Major equivalency endorsements.**

1. **High, objective, uniform state standard of evaluation.** College transcribed majors, the major equivalency licensure options described in this section, and alternative licenses issued in compliance with chapter 67.1-02-04 will be aligned with the North Dakota standards for program approval in section 67.1-02-01-05 as the state of North Dakota criterion-based measure of assurance that all teachers are highly qualified.

2. **Core academic areas.** For purposes of this section, English, reading and language arts, mathematics, science, foreign languages, music, visual arts, history, civics and government, geography, and economics are considered core academic areas. All other areas are considered noncore academic areas.
3. **Major equivalency endorsement.** A major equivalency endorsement is a licensure option in which an individual already licensed to teach in North Dakota may add qualifications to the license by demonstrating the individual has competency equivalent to the North Dakota program approval standards and other licensure requirements in section 67.1-02-02-02 for the new area.
  - a. The minimum number of semester hours or equivalent competency documentation for a major equivalency is thirty-two semester hours, with the exception of composite majors, which require forty-two semester hours. Competency equivalent to a major in early childhood education, elementary education, middle level education, or secondary education academic majors must include evidence of appropriate:
    - (1) Content area preparation;
    - (2) Teaching methods and strategies; and
    - (3) Applied experience at the appropriate grade levels, i.e., field experience, clinical practice, or student teaching.

Endorsements issued by the education standards and practices board may be used toward demonstration of competency.

- b. North Dakota-licensed individuals who wish to add a major equivalency to an existing professional educators' license may demonstrate the new content area competency through the following options approved by the education standards and practices board:
  - (1) Undergraduate or graduate, or both, coursework equivalent to a major and aligned with the North Dakota program approval standards;
  - (2) An advanced degree in the major area which by itself, or in combination with other coursework, meets or exceeds the requirements for preparation in the major at the undergraduate level;
  - (3) Until July 1, 2006, a minor or minor equivalency in the area with successful completion of a portfolio which may include,

but not consist entirely of, evidence of successful teaching experience in the area and a one hundred dollar review fee;

- (4) A minor or minor equivalency in the area to be taught with successful completion of a content test meeting or exceeding the minimum scores determined by the education standards and practices board;
- (5) Until July 1, 2006, existing North Dakota licensure in the area with a minimum of three years of successful teaching experience in the area, and successful completion of a portfolio documenting competency;
- (6) Existing North Dakota licensure in the area with ~~a minimum of one year of~~ successful teaching experience ~~in the area,~~ and successful completion of ~~a~~ content-based competency ~~test~~ assessments approved by the education standards and practices board; ~~or~~
- (7) National board for professional teaching standards certification in the major area; or
- (8) Praxis endorsement. Hold a valid regular North Dakota educator's professional license for two years and successfully complete the basic skills test in reading, writing, and mathematics and pass one of the following options:
  - (a) The pedagogical test birth through grade three and the early childhood test;
  - (b) The pedagogical test grades one through six and the elementary content test;
  - (c) The pedagogical test grades five through eight and the middle level content test; or
  - (d) The pedagogical test grades seven through twelve and the content specific test meeting or exceeding the minimum scores determined by the education standards and practices board in the content area to be taught.

4. **Major equivalency endorsement - requirements.** To be considered for a major equivalency, individuals teaching in the areas of early childhood education, elementary education, middle level education, and secondary education academic areas must be licensed in accordance with the laws and administrative rules of the education standards and practices board and must meet the provisions in North Dakota Century Code chapter 15.1-18, which include holding a major



or major equivalency in the core content areas in which they are teaching, and a major, major equivalency, minor, or minor equivalency in noncore areas in which they are teaching.

- a. Major equivalency endorsement for elementary teachers grades one through six. Beginning July 1, 2006, all elementary teachers new to the profession and all early childhood education teachers whose licensure will include grades one through three must pass a content-based test and teaching skills test in elementary education or early childhood education, approved by the education standards and practices board. Elementary teachers already licensed in North Dakota prior to July 1, 2006, are considered highly qualified on the basis of holding a major or endorsement in elementary education or a major in early childhood education which qualifies to teach grades one through three.
- b. Major equivalency endorsement for middle level teachers grades five through eight. Individuals teaching in a middle school must meet the education standards and practices board grade level requirements in section 67.1-02-03-04, and hold a minimum equivalent of sixteen semester hours of content area preparation and methods in the subject area specializations in which they are teaching. New middle school teachers must, beginning July 1, 2006, hold a minimum equivalent of twenty-four semester hours of content area preparation and methods in the subject area specializations in which they are teaching or may demonstrate major equivalency in subject areas through options allowed in subdivision b of subsection 3.

The twenty-four semester hours of content area preparation and methods of this subdivision for the subject area specialization must include the following specific semester hour preparation as listed in the following subject areas:

- (1) Middle school English and language arts (50117).
  - (a) Three semester hours in speech or debate;
  - (b) Six semester hours in reading;
  - (c) Three semester hours in grammar;
  - (d) Three semester hours in writing and composition;
  - (e) Six semester hours in literature; and
  - (f) Three semester hours in methods of teaching language and communication.

- (2) Middle school mathematics (50317). Required content must be beyond the college algebra level.
  - (a) Coursework in college algebra or precalculus;
  - (b) Three semester hours in calculus;
  - (c) Geometry;
  - (d) Probability and statistics;
  - (e) Computer and instruction technology;
  - (f) Mathematics electives; and
  - (g) Methods of teaching mathematics.
- (3) Middle school science (50417).
  - (a) Six semester hours in life science or biology;
  - (b) Six semester hours in earth science or geology;
  - (c) Four semester hours in physics;
  - (d) Three semester hours in chemistry; and
  - (e) Three semester hours in methods of teaching science.
- (4) Middle school social studies (50217).
  - (a) Nine semester hours in North Dakota geography, North American geography, world regional geography;
  - (b) Twelve semester hours in world history, North Dakota studies or history, United States history to 1877; and
  - (c) Three semester hours in teaching social science methods.
- c. Major equivalency endorsement for secondary teachers grades seven through twelve. To be considered highly qualified, secondary teachers must hold a major or major equivalency in the core content areas in which they are teaching, and a major, major equivalency, minor, or minor equivalency in noncore areas in which they are teaching.
- d. Major equivalency endorsement for teachers in science grades seven through twelve. Secondary teachers with majors in biology,

chemistry, earth science, or physics (minimum of thirty-two semester hours) or physical science and other composite science degrees (minimum of forty-two semester hours) will be licensed to teach in each specific science discipline in which the individual has the minimum preparation for that specific science discipline aligned with the North Dakota standards for the areas (twelve semester hours).

- e. Major equivalency endorsement for teachers in social studies grades seven through twelve. Secondary teachers with majors in history (thirty-two semester hours), geography (thirty-two semester hours), civics and government (thirty-two semester hours), economics (thirty-two semester hours), or composite social studies (forty-two semester hours) will be licensed to teach in each specific social studies discipline in which the individual has a minimum number of semester hours aligned with the North Dakota standards for the area: history (eighteen semester hours), geography (twelve semester hours), civics and government (twelve semester hours), and economics (twelve semester hours), or a minimum of six semester hours aligned with the North Dakota standards for any other specific social studies disciplines.
  - f. Major equivalency endorsement for English and language arts teachers grades seven through twelve. Secondary teachers with majors in English and language arts (thirty-two semester hours) will be licensed to teach in additional areas of speech, journalism, or drama and theater arts if the individual has a minimum preparation of six semester hours aligned with the North Dakota standards for that specialization. Individuals who hold majors, major equivalencies, minors, or minor equivalencies in speech, journalism, or drama and theater arts will also be licensed to teach those specializations.
  - g. Major equivalency endorsement for music teachers grades seven through twelve. Teachers with majors in the field of music (minimum of thirty-two semester hours) will be licensed to teach at grade levels consistent with their preparation as stated in the rules for initial licensure in section 67.1-02-02-02 and in specializations of instrumental or choral music in which they have a minimum of eight semester hours aligned with the North Dakota program approval standards for that specialization. The eight semester hours may not include hours in private or group lessons or participation in music ensembles.
5. **Special education licensure.** To be considered highly qualified in special education, the teacher will need to hold an early childhood, elementary, middle level, or secondary license at the specific level the teacher is teaching, hold a bachelor's degree, demonstrate knowledge in the subject the teacher is teaching, and hold the special education

endorsement, major, or master's degree pursuant to the special education category the teacher is serving. Special education teachers not holding regular licensure at the level they are teaching will only be able to provide consultative services to students in grades kindergarten through grade twelve.

Reeducation of a licensed teacher for special education schoolteaching may also be accomplished by holding a North Dakota professional educator's regular license for two years and the successful completion of a basic skills test in reading, writing, and mathematics, pedagogical test grades seven through twelve, and special education disability content test meeting or exceeding the minimum scores determined by the education standards and practices board in the disability area to be taught.

6. **Elementary restricted special education (50915) licensure.** To be considered highly qualified in an elementary special education classroom grades one through six, the teacher will need to hold a restricted special education license and complete the praxis II tests 30522 and 10011. This license would not allow the teacher to qualify for a regular elementary classroom.
7. **Early childhood restricted special education (50937) licensure.** To be considered highly qualified in an early childhood special education classroom birth through grade three, the teacher will need to hold a restricted special education license and complete the praxis II tests 0621 and 10022. This license would not allow the teacher to qualify for a regular early childhood classroom.

~~The applicant must request the endorsement form from the education standards and practices board or from [www.state.nd.us/espbfom](http://www.state.nd.us/espbfom), complete it, and return to the board office with the apply online at [www.nd.gov/espbfom](http://www.nd.gov/espbfom) using the online application ND Teach, submit official transcripts, and the review fee of seventy-five dollars.~~

**History:** Effective July 1, 2004; amended effective April 1, 2006; July 1, 2008; July 1, 2012; October 1, 2014.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14

**67.1-02-03-09. Early childhood education endorsement (50037).** The birth to grade three early childhood education endorsement may be completed by an applicant with a nonteaching degree in a related field or holding a valid North Dakota educator's professional license. The applicant must complete all requirements for initial licensure in section 67.1-02-02-02, submit a program of study from a state-approved teacher education program including thirty-two semester hours in early childhood education, twenty-two semester hours of professional education, and field experience or student teaching of ten weeks in grades kindergarten through grade three. If the applicant has completed a previous

student teaching experience of ten weeks, the reeducation early childhood student teaching experience may be five weeks.

The early childhood education coursework must include six semester hours in child development and learning; three semester hours in building family and community relations; three semester hours in observation and assessment; eighteen semester hours in methods of mathematics, science, social studies, reading, language arts, early language literacy, and play; three semester hours in administration and leadership; twenty-two semester hours in education foundations, educational psychology, teaching and learning theory, educational diagnosis and assessment, inclusive education, educational technology, classroom and behavioral management, and multicultural or native American studies specific to teaching; and field experience must include three supervised field experiences and two student teaching experiences for a minimum of ten weeks (five weeks student teaching for applicants with an existing teaching license). One student teaching experience must be in an accredited prekindergarten or kindergarten setting and the other in grade one, two, or three, and include the opportunity to work with children with special needs.

Effective July 1, 2006, all early childhood endorsement applicants will need to meet or exceed the cut scores as determined by the education standards and practices board for the ~~praxis-II~~ early childhood education test and the ~~praxis-II principles of learning and teaching test~~ pedagogical assessment.

Reeducation of a licensed teacher for early childhood schoolteaching may also be accomplished by holding a North Dakota professional educator's regular license and the successful completion of the basic skills test in reading, writing, and mathematics, pedagogical test birth through grade three, and early childhood content test meeting or exceeding the minimum scores determined by the education standards and practices board in the content area to be taught.

The applicant must ~~request the endorsement form from the education standards and practices board or from [www.state.nd.us/espb/form](http://www.state.nd.us/espb/form), complete it, and return it to the board office with the~~ apply online at [www.nd.gov/espb](http://www.nd.gov/espb) using the online application ND Teach, submit official transcripts, and the review fee of seventy-five dollars.

**History:** Effective April 1, 2006; amended effective July 1, 2008; July 1, 2012; October 1, 2014.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14

**67.1-02-03-12. Special education endorsements.** The applicant must request the appropriate endorsement form from the education standards and practices board or from [www.state.nd.us/espb/form](http://www.state.nd.us/espb/form), complete it, and return to the board office with the official transcripts and the review fee of seventy-five dollars.

Reeducation of a licensed teacher for special education schoolteaching may also be accomplished by holding a North Dakota professional educator's regular

license and the successful completion of the basic skills test in reading, writing, and mathematics, pedagogical test grades seven through twelve, and special education disability content test meeting or exceeding the minimum scores determined by the education standards and practices board in the disability area to be taught.

1. **Early childhood special education endorsement (19037).** The applicant wishing to apply for the early childhood special education endorsement must:
  - a. Hold a valid North Dakota educator's professional regular license in special education, early childhood education, or elementary education.
  - b. Complete a minimum of twenty-two semester hours primarily at the graduate level in the following core coursework: children with exceptional learning needs, assessment of students with disabilities or special needs or assessment of young children, behavior management of students with disabilities, legal aspects of special education, and consultation and collaboration. Early childhood special education coursework, including characteristics and introduction of young children, methods and materials of young children with disabilities, assessment of young children, development of young children, including the domains of social, emotional cognition, language and literacy, and physical and adaptive must also be completed. A two semester hour early childhood special education practicum or internship must be completed.
  - c. The early childhood special education endorsement enables the applicant to teach early childhood special education birth through grade three.
  - d. A plan on file (formerly tutor in training) for the early childhood special education endorsement may be requested and must be completed within three years of assignment to teach early childhood special education. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the early childhood special education regardless of how many hours already transcribed in special education. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the education standards and practices board upon becoming employed as an early childhood special education teacher, outlining how the endorsement will be completed within the three-year period.

2. **Emotional disturbance special education endorsement.** The applicant wishing to apply for the emotional disturbance special education endorsement must:
- a. Hold a valid North Dakota educator's professional regular license in special education or early childhood, elementary, middle, or secondary education;
  - b. Complete a minimum of twenty-four semester hours primarily at the graduate level in the following core coursework: exceptional children and youth, assessment of students with disabilities, behavior management of students with disabilities, legal aspects of special education, and consultation and collaboration. Coursework specific to emotional disturbance must also be completed, including characteristics and introduction of emotional disturbance, methods and materials of emotional disturbance, transition, inclusive settings, and assistive technology. A two semester hour practicum or internship in emotional disturbance must also be completed. Secondary prepared teachers must also complete methods in elementary reading and elementary mathematics.
  - c. Have completed coursework in reading methods and mathematics methods, if prepared as a secondary teacher.
  - d. A plan on file (formerly tutor in training) for the emotional disturbance special education endorsement may be requested by the administrator and must be completed within three years of assignment to teach emotional disturbance special education. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the emotional disturbance regardless of how many hours already transcribed in special education. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the education standards and practices board upon becoming employed as an emotional disturbance special education teacher, outlining how the endorsement will be completed within the three-year period.
  - e. As an elementary licensed grades one through eight or grades one through six teacher with a special education endorsement in emotional disturbance, the teacher would be qualified to:
    - (1) Teach in an elementary classroom;

- (2) Teach or provide direct instruction to all elementary students with emotional disturbance;
  - (3) Teach or provide direct instruction to middle or high school students with emotional disturbance who are alternately assessed; or
  - (4) Consult kindergarten through grade twelve students with emotional disturbance.
- f. As a middle level licensed grades five through eight teacher in English, science, mathematics, or social studies with a special education endorsement in emotional disturbance, the teacher would be qualified to:
- (1) Teach in a middle level classroom in the specific area of licensure;
  - (2) Teach or provide direct instruction to middle level students with emotional disturbance in the specific area of licensure;
  - (3) Teach or provide direct instruction to elementary, middle, or high school students with emotional disturbance who are alternately assessed; or
  - (4) Consult kindergarten through grade twelve students with emotional disturbance.
9. As a secondary licensed grades seven through twelve or grades nine through twelve teacher in one of the No Child Left Behind Act of 2001 core subjects of English and language arts, mathematics, science, or social studies with a special education endorsement in emotional disturbance, the teacher would be qualified to:
- (1) Teach in a secondary level classroom in the specific area of licensure;
  - (2) Teach or provide direct instruction to secondary level students with emotional disturbance in the specific area of licensure;
  - (3) Teach or provide direct instruction in the specific area of licensure to middle or high school students with emotional disturbance who are alternately assessed; or
  - (4) Consult kindergarten through grade twelve students with emotional disturbance.



3. **Intellectually disabled special education endorsement.** The applicant wishing to apply for the intellectually disabled special education endorsement must:
- a. Hold a valid North Dakota educator's professional regular license in special education or early childhood, elementary, middle, or secondary education.
  - b. Complete a minimum of twenty semester hours at the undergraduate or graduate level in the following core coursework: exceptional children and youth, assessment of students with disabilities, behavior management of students with disabilities, legal aspects of special education, and consultation and collaboration. Coursework specific to intellectual disabilities must also be completed, including characteristics and introduction of intellectual disabilities, methods and materials of intellectual disabilities, transition, mental hygiene or psychology of adjustment or personality theory or abnormal psychology, and corrective reading. A two semester hour practicum or internship in intellectual disabilities must also be completed. Secondary prepared teachers must also complete methods in elementary reading and elementary mathematics.
  - c. A plan on file (formerly tutor in training) for the intellectual disabilities special education endorsement may be requested by the administrator and must be completed within three years of assignment to teach intellectual disabilities special education. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the intellectual disabilities regardless of how many hours already transcribed in special education. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the education standards and practices board upon becoming employed as an intellectual disabilities special education teacher, outlining how the endorsement will be completed within the three-year period.
  - d. Elementary licensed grades one through eight or grades one through six teacher with a special education endorsement in intellectual disabilities, the teacher would be qualified to:
    - (1) Teach in an elementary classroom.
    - (2) Teach or provide direct instruction to all elementary students with intellectual disabilities.

- (3) Teach or provide direct instruction to middle or high school students with intellectual disabilities who are alternately assessed.
    - (4) Consult kindergarten through grade twelve students with intellectual disabilities.
  - e. Middle level licensed grades five through eight in English, science, mathematics, or social studies with a special education endorsement in intellectual disabilities, the teacher would be qualified to:
    - (1) Teach in a middle level classroom in the specific area of licensure.
    - (2) Teach or provide direct instruction to middle level students with intellectual disabilities in the specific area of licensure.
    - (3) Teach or provide direct instruction to middle school or high school students with intellectual disabilities who are alternately assessed.
    - (4) Consult kindergarten through grade twelve students with intellectual disabilities.
  - f. Secondary licensed grades seven through twelve or grades nine through twelve in one of the No Child Left Behind Act of 2001 core subjects of English or language arts, mathematics, science, or social studies with a special education endorsement in intellectual disabilities, the teacher would be qualified to:
    - (1) Teach in a secondary level classroom in the specific area of licensure.
    - (2) Teach or provide direct instruction to secondary level students with intellectual disabilities in the specific area of licensure.
    - (3) Teach or provide direct instruction in the specific area of licensure to middle school or high school students with intellectual disabilities who are alternately assessed.
    - (4) Consult kindergarten through grade twelve students with intellectual disabilities.
4. **Specific learning disabilities special education endorsement.** The applicant wishing to apply for the learning disabilities special education endorsement must:

- a. Hold a valid North Dakota educator's professional regular license in special education or early childhood, elementary, middle, or secondary education.
- b. Complete a minimum of twenty-four semester hours primarily at the graduate level in the following core coursework: exceptional children and youth, assessment of students with disabilities, behavior management of students with disabilities, legal aspects of special education, and consultation and collaboration. Coursework specific to specific learning disabilities must also be completed, including characteristics and introduction of specific learning disabilities, methods and materials of specific learning disabilities, transition, inclusive settings, corrective reading methods, and assistive technology. A two semester hour practicum or internship in specific learning disabilities must also be completed. Secondary prepared teachers must also complete methods in elementary reading and elementary mathematics.
- c. Have completed coursework in reading methods and mathematics methods, if prepared as a secondary teacher.
- d. A plan on file (formerly tutor in training) for the specific learning disabilities special education endorsement may be requested by a letter from the administrator and must be completed within three years of assignment to teach specific learning disabilities special education. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the specific learning disabilities regardless of how many hours already transcribed in special education. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the education standards and practices board upon becoming employed as a specific learning disabilities special education teacher, outlining how the endorsement will be completed within the three-year period.
- e. Elementary licensed grades one through eight or grades one through six teacher with a special education endorsement in specific learning disabilities, the teacher would be qualified to:
  - (1) Teach in an elementary classroom.
  - (2) Teach or provide direct instruction to all elementary students with specific learning disabilities.

- (3) Teach or provide direct instruction to middle or high school students with specific learning disabilities who are alternately assessed.
    - (4) Consult kindergarten through grade twelve students with specific learning disabilities.
  - f. Middle level licensed grades five through eight teacher in English, science, mathematics, or social studies with a special education endorsement in specific learning disabilities, the teacher would be qualified to:
    - (1) Teach in a middle level classroom in the specific area of licensure.
    - (2) Teach or provide direct instruction to middle level students with specific learning disabilities in the specific area of licensure.
    - (3) Teach or provide direct instruction to elementary, middle, or high school students with specific learning disabilities who are alternately assessed.
    - (4) Consult kindergarten through grade twelve students with specific learning disabilities.
  - g. Secondary licensed grades seven through twelve or grades nine through twelve teacher in one of the No Child Left Behind Act of 2001 core subjects of English or language arts, mathematics, science, or social studies with a special education endorsement in specific learning disabilities:
    - (1) Teach in a secondary level classroom in the specific area of licensure.
    - (2) Teach or provide direct instruction to secondary level students with specific learning disabilities in the specific area of licensure.
    - (3) Teach or provide direct instruction in the specific area of licensure to middle or high school students with specific learning disabilities who are alternately assessed.
    - (4) Consult kindergarten through grade twelve students with specific learning disabilities.
5. **Special education strategist endorsement.** The applicant wishing to apply for the special education strategist endorsement must:

- a. Hold a valid North Dakota educator's professional regular license in special education or early childhood, elementary, middle, or secondary education.
- b. Complete a minimum of thirty semester hours primarily at the graduate level in the following core coursework: exceptional children and youth, assessment of students with disabilities, behavior management of students with disabilities, legal aspects of special education, and consultation and collaboration. Coursework specific to special education strategist must also be completed, including characteristics and introduction of specific learning disabilities, intellectual disabilities, and emotional disturbance; methods and materials of intellectual disabilities, specific learning disabilities, and emotional disturbance; transition, inclusive settings, corrective reading methods, and assistive technology. Separate practicum or internship in each of specific learning disabilities, intellectual disabilities, and emotional disturbance must also be completed. Secondary prepared teachers must also complete methods in elementary reading and elementary mathematics.
- c. Have completed coursework in reading methods and mathematics methods, if prepared as a secondary teacher.
- d. A plan on file (formerly tutor in training) for the special education strategist endorsement may be requested by the administrator and must be completed within three years of assignment to teach. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the education strategist regardless of how many hours already transcribed in special education. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the education standards and practices board upon becoming employed as a special education strategist teacher, outlining how the endorsement will be completed within the three-year period.
- e. Elementary licensed grades one through eight or grades one through six teacher with a special education strategist endorsement in intellectual disabilities, specific learning disabilities, and emotional disturbance:
  - (1) Teach in an elementary classroom.

- (2) Teach or provide direct instruction to all elementary students with intellectual disabilities, emotional disturbance, or specific learning disabilities.
  - (3) Teach or provide direct instruction to middle or high school students with intellectual disabilities, emotional disturbance, or specific learning disabilities who are alternately assessed.
  - (4) Consult kindergarten through grade twelve students with intellectual disabilities, emotional disturbance, or specific learning disabilities.
- f. Middle level licensed grades five through eight teacher with a special education strategist endorsement in intellectual disabilities, specific learning disabilities, and emotional disturbance:
- (1) Teach in an elementary or a middle level classroom.
  - (2) Teach or provide direct instruction to all elementary or middle level students with intellectual disabilities, emotional disturbance, or specific learning disabilities.
  - (3) Teach or provide direct instruction to elementary, middle, or high school students with intellectual disabilities, emotional disturbance, or specific learning disabilities who are alternately assessed.
  - (4) Consult kindergarten through grade twelve students with intellectual disabilities, emotional disturbance, or specific learning disabilities.
9. Secondary licensed grades seven through twelve or grades nine through twelve teacher in one of the No Child Left Behind Act of 2001 core subjects of English or language arts, mathematics, science, or social studies with a special education strategist endorsement in intellectual disabilities, specific learning disabilities, and emotional disturbance:
- (1) Teach in a secondary level classroom in the specific area of licensure.
  - (2) Teach or provide direct instruction to all elementary students with intellectual disabilities, emotional disturbance, or specific learning disabilities.
  - (3) Teach or provide direct instruction in the specific area of licensure to middle or high school students with intellectual disabilities, emotional disturbance, or specific learning disabilities who are alternately assessed.

- (4) Consult kindergarten through grade twelve students with intellectual disabilities, emotional disturbance, or specific learning disabilities.

**6. Gifted and talented endorsement.**

- a. The applicant wishing to apply for the gifted and talented endorsement must:

- (1) Hold a valid North Dakota educator's professional regular license in special education or early childhood, elementary, middle, or secondary education.
- (2) Document one year of successful teaching in general education with a letter from the employing board.
- (3) Complete a minimum of seventeen semester hours at the graduate level in the following coursework: children with exceptional learning needs, assessment, consultation and collaboration, characteristics and introduction of education of gifted students, methods and materials of gifted education, and two semester hours in gifted education practicum or internship.
- (4) A plan on file (formerly tutor in training) for the gifted and talented endorsement may be requested by the administrator and must be completed within three years of assignment to teach. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the gifted and talented endorsement regardless of how many hours already transcribed in special education. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the education standards and practices board upon becoming employed as a special education gifted and talented teacher, outlining how the endorsement will be completed within the three-year period.

- b. Elementary, middle, or secondary prepared teacher with an endorsement in gifted and talented education:

- (1) Teach in the specific area of licensure.

- (2) Consult in gifted and talented programs kindergarten through grade twelve.

**7. Physical disabilities special education endorsement.**

- a. The applicant wishing to apply for the physical disabilities special education endorsement must:
  - (1) Hold a valid, North Dakota educator's professional regular special education or physical education license.
  - (2) Complete a minimum of fifteen semester hours at the undergraduate or graduate level in the following coursework: exceptional children and youth, introduction to physical disabilities or orthopedics for teachers, methods and materials in teaching students with physical disabilities, at least one full course in another area of exceptionality, and student teaching in the area of physical disabilities.
- b. Elementary, middle, or secondary prepared teacher with a special education endorsement in physically handicapped:
  - (1) Teach in the specific area of licensure.
  - (2) Consult in physically handicapped kindergarten through grade twelve programs.

**8. Visually impaired special education endorsement.**

- a. The applicant wishing to apply for the visually impaired special education endorsement must:
  - (1) Hold a valid North Dakota educator's professional regular license in special education or early childhood, elementary, middle, or secondary education.
  - (2) Complete a minimum of twenty-two semester hours at the undergraduate or graduate level in the following core coursework: exceptional children and youth, assessment of students with disabilities, behavior management of students with disabilities, legal aspects of special education, and consultation and collaboration. Coursework specific to visual impairment disabilities must also be completed, including characteristics and introduction of visual impairment disabilities, methods and materials of visual impairment disabilities, assessment of students with visual impairment, orientation and mobility, communication and media with students with visual impairment, and Braille instruction. A



two semester hour practicum or internship must also be completed.

(3) A plan on file (formerly tutor in training) for the visually impaired endorsement may be requested by the administrator and must be completed within three years of assignment to teach. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the visual impairment endorsement regardless of how many hours already transcribed in special education. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the education standards and practices board upon becoming employed as a special education teacher, outlining how the endorsement will be completed within the three-year period.

b. Elementary licensed with a double major in elementary education and visually impaired or elementary licensed grades one through eight or grades one through six teacher with a special education endorsement in visually impaired:

(1) Teach in an elementary classroom.

(2) Teach or provide direct instruction to all elementary students with visual impairment.

(3) Teach or provide direct instruction to middle or high school students with visual impairment who are alternately assessed.

(4) Consult kindergarten through grade twelve students with visual impairment.

c. Middle level licensed grades five through eight in English, science, mathematics, or social studies teacher with a special education endorsement in visually impaired:

(1) Teach in a middle level classroom in the specific area of licensure.

(2) Teach or provide direct instruction to middle level students with visual impairment in the specific area of licensure.

- (3) Teach or provide direct instruction to elementary, middle, or high school students with visual impairment who are alternately assessed.
  - (4) Consult kindergarten through grade twelve students with visual impairment.
- d. Secondary licensed grades seven through twelve or grades nine through twelve in one of the No Child Left Behind Act of 2001 core subjects of English or language arts, mathematics, science, or social studies with a special education endorsement in visually impaired:
- (1) Teach in a secondary level classroom in the specific area of licensure.
  - (2) Teach or provide direct instruction to secondary level students with visual impairment in the specific area of licensure.
  - (3) Teach or provide direct instruction in the specific area of licensure to middle or high school students with visual impairment who are alternately assessed.
  - (4) Consult kindergarten through grade twelve students with visual impairment.

**9. Hearing-impaired (including deafness) special education endorsement.**

- a. The applicant wishing to apply for the hearing-impaired (including deafness) special education endorsement must:
- (1) Hold a valid North Dakota educator's professional regular license in special education or early childhood, elementary, middle, or secondary education.
  - (2) Complete a minimum of twenty-eight semester hours at the undergraduate or graduate level in the following core coursework: exceptional children and youth, assessment of students with disabilities, behavior management of students with disabilities, legal aspects of special education, and consultation and collaboration. Coursework specific to deaf or hard of hearing must also be completed, including assessment of students with deaf and hard of hearing, transition, methods of teaching speech to deaf and hard of hearing children, methods of teaching language to deaf and hard of hearing children, methods of teaching reading and academic subject to deaf and hard of hearing children, characteristics of students with deaf and hard of hearing,

audiology and oral rehabilitation, sign language. A two semester hour practicum or internship with children from birth to twenty-one must be completed.

- (3) The hearing-impaired (including deafness) special education endorsement may be attached to a regular education license.
  - (4) A plan on file (formerly tutor in training) for the deaf or hard of hearing endorsement may be requested by the administrator and must be completed within three years of assignment to teach. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the deaf and hard of hearing endorsement regardless of how many hours already transcribed in special education. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the education standards and practices board upon becoming employed as a special education deaf or hard of hearing teacher, outlining how the endorsement will be completed within the three-year period.
- b. Elementary licensed with a double major in elementary education and hearing-impaired or elementary licensed grades one through eight or grades one through six teacher with a special education endorsement in hearing-impaired:
- (1) Teach in an elementary classroom.
  - (2) Teach or provide direct instruction to all elementary students with hearing impairment.
  - (3) Teach or provide direct instruction to middle or high school students with hearing impairment who are alternately assessed.
  - (4) Consult kindergarten through grade twelve students with hearing impairment.
- c. Middle level licensed grades five through eight in English, science, mathematics, or social studies teacher with a special education endorsement in hearing-impaired:
- (1) Teach in a middle level classroom in the specific area of licensure.

- (2) Teach or provide direct instruction to middle level students with hearing impairment in the specific area of licensure.
  - (3) Teach or provide direct instruction to elementary, middle, or high school students with hearing impairment who are alternately assessed.
  - (4) Consult kindergarten through grade twelve students with hearing impairment.
- d. Secondary licensed grades seven through twelve or grades nine through twelve in one of the No Child Left Behind Act of 2001 core subjects of English or language arts, mathematics, science, or social studies teacher with a special education endorsement in hearing-impaired:
- (1) Teach in a secondary level classroom in the specific area of licensure.
  - (2) Teach or provide direct instruction to secondary level students with hearing impairment in the specific area of licensure.
  - (3) Teach or provide direct instruction in the specific area of licensure to middle or high school students with hearing impairment who are alternately assessed.
  - (4) Consult kindergarten through grade twelve students with hearing impairment.

**10. Resource room endorsement plan on file.**

- a. The applicant wishing to apply for the resource room special education endorsement must:
- (1) Hold a valid North Dakota educator's professional regular license in special education or elementary, middle, or secondary education.
  - (2) Hold a special education endorsement in either specific learning disabilities or intellectual disabilities.
  - (3) Submit a letter from the administrator requesting the resource room endorsement plan on file.
  - (4) Submit a plan to complete the following required coursework within three years of assignment in the resource room:
    - (a) A teacher with the intellectual disabilities endorsement would need to complete three additional courses in

education of children with specific learning disabilities: assessment for special education and methods and materials for specific learning disabilities.

(b) A teacher with the specific learning disabilities endorsement would need to complete two additional courses in introduction to intellectual disabilities and methods and materials for intellectual disabilities.

b. The resource room teacher should not have more than six students in the special classroom at any one time and must have time for consultation with general education teachers. If a greater number of students from one area of exceptionality than the other are enrolled, the teacher should hold the endorsement in the largest area of exceptionality.

11. **Restricted emotional disturbance or restricted specific learning disabilities special education endorsement one-year plan on file.**

a. The applicant wishing to apply for the restricted emotional disturbance or restricted specific learning disabilities special education endorsement must:

(1) Hold a valid restricted North Dakota educator's professional regular license in either specific learning disabilities or emotional disturbance.

(2) Submit a request for the restricted emotional disturbance or restricted specific learning disabilities from the local administrator.

(3) Document a plan to complete within one year the two additional graduate level courses in either emotional disturbance or specific learning disabilities, whichever is applicable to the applicant's transcribed undergraduate major. Courses must be a minimum of two graduate semester hours each in one seminar course and one practicum course in the appropriate area of special education (emotional disturbance or specific learning disabilities).

(4) The restricted emotional disturbance or restricted specific learning disabilities will only be issued once.

b. Reeducation for the special education endorsement must be completed prior to assignment to teach in the special education area. An official transcript documenting the coursework must be attached to the endorsement form. Effective July 1, 2009, all applicants for a special education endorsement must complete the

praxis II test in the special education areas meeting or exceeding the cut scores set by the education standards and practices board.

**History:** Effective July 1, 2008; amended effective July 1, 2010; July 1, 2012; October 1, 2014.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14

## CHAPTER 67.1-02-06

**67.1-02-06-03. Other state educator license (OSEL).** North Dakota other state educator licensure will be issued to those applicants who hold a regular teaching license or certificate in early childhood, elementary, middle, or secondary education from another state and requires the submission of a completed application pursuant to section 67.1-02-02-02 for the North Dakota professional educator's license, the submission to a fingerprint screening for criminal records in accordance with North Dakota Century Code section 15.1-13-14, the completion and documentation of a four-year bachelor's degree from a state-approved teacher education program in a North Dakota-recognized program area major, including the professional education sequence and a student teaching experience, submission of all fees for initial licensure pursuant to section 67.1-02-02-02, and documentation of a valid regular professional educator's license from the issuing state.

A license granted under this section is valid for two years if the applicant has not been licensed in another state for at least eighteen months. If the applicant received a teaching license or certificate from another state on or after January 1, 2002, and if the issuing state did not require that the individual pass a state test as a condition of licensure or certification, the board shall require that the individual, within two years from the date of the license, pass all state licensure tests normally required of applicants from this state.

In all other cases, a license granted under this section is valid for five years and is renewable if the licenseholder meets the reeducation requirements established for all five-year license renewals.

A license granted under this section must include all of the applicant's endorsements issued or recognized by the applicant's other state of licensure.

**History:** Effective July 1, 2012; amended effective October 1, 2014.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10, 15.1-13-11, 15.1-13-14, 15.1-13-25, 15.1-13-26





**TITLE 69**  
**PUBLIC SERVICE COMMISSION**



## OCTOBER 2014

### CHAPTER 69-05.2-12

**69-05.2-12-04. Performance bond - Collateral bond.** The guarantor of a collateral bond may be the permit applicant or a qualified third party.

1. Collateral bonds are subject to the following conditions:
  - a. All collateral must be kept in the commission's custody until authorized for release or replacement.
  - b. Collateral must be valued at market value.
  - c. Certificates of deposit must be assigned to the state, in writing, and upon the books of the issuer.
  - d. Except for certificates issued by the Bank of North Dakota, the commission will not accept an individual certificate in excess of one hundred thousand dollars, or the maximum amount insured by the federal deposit insurance corporation and the federal savings and loan insurance corporation, whichever is greater.
  - e. An issuer shall waive all rights of setoff or lien against the certificate.
  - f. The commission will accept only automatically renewable certificates of deposit.
  - g. The permit applicant shall deposit sufficient collateral to assure the commission will be able to liquidate the certificates prior to maturity, upon forfeiture, for the amount of the bond.
2. A collateral bond pledging a letter of credit may be approved by the commission subject to the following conditions:
  - a. The permit applicant has obtained prior commission approval for the bank issuing the letter of credit.

- b. The commission may accept a letter of credit which is irrevocable for a term of at least one year if:
  - (1) The letter of credit is automatically renewable for additional terms unless the bank gives at least ninety days prior written notice to the commission and the permittee of its intent to terminate the letter of credit at the end of the current term.
  - (2) The commission has the right to draw upon the letter of credit before the end of its term and convert it into a cash collateral bond if the permittee fails to replace the letter of credit with other acceptable bond within thirty days of the bank's notice to terminate the credit.
- c. The letter of credit must be payable to the commission in part or in full upon demand and receipt from the commission of a notice of forfeiture issued in accordance with sections 69-05.2-12-16 and 69-05.2-12-18 or demand for payment under paragraph 2 of subdivision b.
- d. The commission will not accept letters of credit from a bank for a permittee, on permits held by that permittee, in excess of ten percent of the bank's total equity (stock, surplus capital, and retained earnings) as shown on a balance sheet certified by a certified public accountant. Alternatively, the bank may provide an excerpt from its most recent report of condition and income as prescribed by the federal financial institutions examination council that is filed with its primary federal regulator. At a minimum, the excerpt must include copies of the attestation page and the balance sheet schedule from the report and a written certification by a bank officer that the copies are true and correct and identify the federal bank regulatory agency and date that the report was filed. A copy of the bank's most recent balance sheet or the excerpt from the report of condition and income must be provided with the letter of credit ~~and~~. In addition, updated balance sheets that are certified by a bank officer as being true and correct must be submitted annually to the commission within ninety days after the close of the bank's fiscal year.
- e. A letter of credit is governed by:
  - (1) The laws of the state of North Dakota.
  - (2) The current version of the uniform customs and practices for documentary credits, published by the international chamber of commerce.
- f. Letters of credit shall provide that the bank, to the extent allowed by state and federal banking laws and regulations, will give prompt

notice to the permittee and the commission of notices received or actions filed alleging the insolvency or bankruptcy of the bank or alleging violations of regulatory requirements that could result in suspension or revocation of the bank's charter or license to do business. In the event of actions which could result in suspension or revocation of the bank's charter or license, the commission has the right to draw upon the letter of credit before the end of its term and convert it into a cash collateral bond if the permittee fails to replace the letter of credit with a substitute bond within thirty days after receipt of such a notice from the commission. If a substitute bond is not filed and the commission is unable to draw on the letter of credit, the commission will suspend the permit and the operator shall cease surface coal mining activities and comply with section 69-05.2-13-11.

3. For a collateral bond the guarantor shall execute an indemnity agreement according to subsections 9 and 10 of section 69-05.2-12-01.
4. Persons with an interest in collateral posted as a bond, who desire notice of actions relating to the bond, shall request the notice in writing to the commission when collateral is offered.

**History:** Effective August 1, 1980; amended effective June 1, 1983; May 1, 1988; May 1, 1990; March 1, 2004; October 1, 2014.

**General Authority:** NDCC 38-14.1-03

**Law Implemented:** NDCC 38-14.1-16



**TITLE 75**  
**DEPARTMENT OF HUMAN SERVICES**





OCTOBER 2014

CHAPTER 75-03-23  
PROVISION OF HOME AND COMMUNITY-BASED SERVICES UNDER THE  
SERVICE PAYMENTS FOR ELDERLY AND DISABLED PROGRAM AND THE  
MEDICAID WAIVER FOR THE AGED AND DISABLED PROGRAM

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<u>75-03-23-17</u>	<u>Functional Assessment</u>

**75-03-23-01. Definitions.** The terms used in this chapter have the same meaning as in North Dakota Century Code chapter 50-06.2. In addition, as used in this chapter:

1. "Activities of daily living" means the daily self-care personal activities that include bathing, dressing or undressing, eating or feeding, toileting,

continence, transferring in and out of bed or chair or on and off the toilet, and mobility inside the home.

2. "Adaptive assessment" means an evaluation to identify adaptive devices, equipment, or modifications that enhance the independence and functional capabilities of an individual who may otherwise be unable to remain in the individual's home.
3. "Aged" means sixty-five years of age or older.
4. "Client" means an individual who meets the eligibility requirements and is receiving services reimbursed under North Dakota Century Code chapter 50-06.2 or this chapter.
5. "Congenital disability" means a disability that exists at birth or shortly thereafter, and is not attributable to a diagnosis of either mental retardation or a closely related condition of mental retardation.
6. "Department" means the North Dakota department of human services.
7. "Disability due to trauma" means a disability that results from an injury or assault to the body by an external force.
8. "Disability that is acquired" means a disability that results from an assault that occurs internally within the body.
9. "Disabled" means under age sixty-five with a congenital disability, a disability due to trauma, or a disability that is acquired.
- ~~10. "Disqualifying transfer" as defined in North Dakota Century Code chapter 50-06.2 means a transfer made at any time before or after an individual makes application for SPED benefits by which the individual or the individual's spouse has made any assignment or transfer of any asset for the purpose of making that individual eligible for benefits. Assignment or transfer includes any action or failure to act that effects a transfer, renunciation, or disclaimer of any asset or interest in an asset that the individual otherwise might assert or have asserted, or which serves to reduce the amount that an individual might otherwise claim from a decedent's estate, a trust or similar device, or another individual obligated by law to furnish support.~~
11. 10. "Functional assessment" means an evaluation process based on an individual's ability to perform self-care activities and other skills necessary for independent living. instrument used to record basic demographic and medical information about an individual, including age, date of birth, spoken language, marital status, individuals residing with, emergency contacts, medical resources, health care coverage, and source and reason for referral; and to secure measurable information regarding:

- a. Physical health:
- b. Cognitive and emotional functioning:
- c. Activities of daily living:
- d. Instrumental activities of daily living:
- e. Informal supports:
- f. Need for twenty-four-hour supervision:
- g. Social participation:
- h. Physical environment:
- i. Financial resources:
- j. Adaptive equipment:
- k. Environmental modification; and
- l. Other information about the individual's condition not recorded elsewhere.

~~42.~~ 11. "Functional impairment" means the inability to perform, either by oneself or with adaptive aids or with human help, specific activities of daily living or instrumental activities of daily living.

~~43.~~ 12. "Home and community-based services" means the array of services under the SPED program and medicaid waiver defined in the comprehensive human service plan and the other services the department determines to be essential and appropriate to sustain individuals in their homes and in their communities, and to delay or prevent institutional care.

~~44.~~ 13. "Instrumental activities of daily living" means activities requiring cognitive ability or physical ability, or both. Instrumental activities of daily living include preparing meals, shopping, managing money, housework, laundry, taking medicine, transportation, using the telephone, and mobility outside the home.

~~45.~~ 14. "Medicaid waiver program" means the federal medicaid waiver for the aged and disabled program, as defined in subpart G of 42 CFR 441, under which the department is authorized to provide specific home and community-based services to aged and disabled persons who are at risk of being institutionalized.

- ~~46-~~ 15. "Service fee" means the amount a SPED client is required to pay toward the cost of the client's SPED services.
- ~~47-~~ 16. "Service payment" means the payment issued by the department to a qualified service provider for the provision of authorized home and community-based services to eligible aged and disabled persons.
- ~~48-~~ 17. "SPED program" means the service payments for elderly and disabled program, a state program which authorizes the department to reimburse qualified service providers for the provision of covered home and community-based services to eligible aged and disabled individuals.
- ~~49-~~ 18. "SPED program pool" means the list maintained by the department which contains the names of clients for whom SPED program funding is available when the clients' names are transferred from the SPED program pool to SPED program active status.

**History:** Effective June 1, 1995; amended effective January 1, 2009; October 1, 2014.

**General Authority:** NDCC 50-06.2-03(6)

**Law Implemented:** NDCC 50-06.2-01(3), 50-06.2-03(5)

#### **75-03-23-02. Eligibility criteria.**

1. An applicant must be entered in the SPED program pool before service payments may be authorized. The department shall allow entry into the SPED program pool to occur:
  - a. When the department's designee submits a form in the manner prescribed by the department; or
  - b. When the applicant meets the special circumstances provided in subsection 4, 5, or 6 of section 75-03-23-03.
2. An applicant's resources may not exceed fifty thousand dollars for the applicant to be eligible for services under the SPED program. For purposes of this section, resources are cash or similar assets that can be readily converted to cash and include residences owned by the applicant other than the applicant's primary residence.
3. An applicant eighteen years of age or older is eligible for the SPED program pool if:
  - a. The applicant has a functional impairment as specified by the department in policies and procedures to indicate applicant eligibility;

- b. The applicant's functional impairment has lasted, or can be expected to last, three months or longer;
  - c. The applicant's functional impairment is not the result of a mental illness or a condition of mental retardation, or a closely related condition;
  - d. The applicant is living in North Dakota in a housing arrangement commonly considered a private family dwelling and not in an institution;
  - e. The applicant is not eligible for services under the medicaid waiver program or the medicaid state plan option of personal care services;
  - f. The applicant would receive one or more of the covered services under department policies and procedures for the specific service;
  - g. The applicant agrees to the plan of care developed for the provision of home and community-based services;
  - h. The applicant is not responsible for one hundred percent of the cost of the covered service provided, under the SPED program sliding fee scales based on family size and income; and
  - i. The applicant has not made a disqualifying transfer of assets.
4. An applicant under eighteen years of age is eligible for the SPED program pool if the applicant is determined to need nursing facility level of care as provided for in section 75-02-02-09 and the applicant's care need is not the result of a mental illness or the condition of mental retardation, or a closely related condition.
5. An applicant under eighteen years of age ~~must meet the eligibility requirements of subsections 3 and 4. An applicant is not eligible for service payments unless:~~
- ~~a. Care provided to the applicant by the applicant's parent or the applicant's spouse is provided under family home care.~~
  - ~~b. The applicant is unable to regularly attend school or is severely limited in the amount of time the applicant is able to attend school.~~
- a. Must meet the eligibility requirements of subsections 3 and 4.
  - b. Is not eligible to receive personal care services under this chapter.
  - c. Is not eligible for service payments unless:

- (1) Care provided to the applicant by the applicant's parent or the applicant's spouse is provided under family home care.
  - (2) The applicant is unable to regularly attend school or is severely limited in the amount of time the applicant is able to attend school.
6. An applicant must be capable of directing self-care or must have a legally responsible party to act on the applicant's behalf.
  7. An applicant is not eligible for service payments if the care provided is court-ordered.

**History:** Effective June 1, 1995; amended effective January 1, 2009; October 1, 2014.

**General Authority:** NDCC 50-06.2-03(6)

**Law Implemented:** NDCC 50-06.2-01(3), 50-06.2-03(5), 50-06.2-04(3)

**75-03-23-05. Services covered under the SPED program - Programmatic criteria.** Room and board costs may not be paid in the SPED service payment. The following categories of services are covered under the SPED program and may be provided to a client:

1. The department may provide adult day care services to a client:
  - a. Who requires assistance in activities of daily living or instrumental activities of daily living;
  - b. Who is able to participate in group activities; and
  - c. Who, if the client does not live alone, has a primary caregiver who will benefit from the temporary relief of care giving.
2. The department may provide adult family foster care using a licensed adult family foster care provider to a client eighteen years of age or older:
  - a. Who resides in a licensed adult family foster care home;
  - b. Who requires care or supervision;
  - c. Who would benefit from a family environment; and
  - d. Whose required care does not exceed the capability of the foster care provider.
3. The department may provide chore services to a client for one-time, intermittent, or occasional activities which would enable the client to remain in the home. Activities such as heavy housework and periodic

cleaning, professional extermination, snow removal, and emergency response systems may be provided. Clients receiving emergency response services must be cognitively and physically capable of activating the emergency response system. The activity must be the responsibility of the client and not the responsibility of the landlord.

4. The department may provide environmental modification to a client:
  - a. Who owns the home to be modified;
  - b. When the modification will enable the client to complete the client's own personal care or to receive care and allow the client to safely stay in the home;
  - c. When no alternative community resource is available; and
  - d. Limited to labor and materials for installing safety rails.
- ~~5. The department may provide family home care services to a client:~~
  - ~~a. Who lives in the same residence as the care provider on a twenty-four-hour basis;~~
  - ~~b. Who agrees to the provision of services by the care provider; and~~
  - ~~c. Who is the spouse of the care provider or the current or former spouse of one of the following relatives of the client: parent, grandparent, adult child, adult sibling, adult grandchild, adult niece, or adult nephew.~~
5. a. The department may provide extended personal care services to a client who:
  - (1) Requires skilled or nursing care that requires training by a nurse licensed under North Dakota Century Code chapter 43-12.1; and
  - (2) Has a cognitive or physical impairment that prevents the client from completing the required activity.
5. b. Extended personal care services do not include assistance with activities of daily living or instrumental activities of daily living.
6. The department may provide family home care services to a client who:
  - a. Lives in the same residence as the care provider on a twenty-four-hour basis;

- b. Agrees to the provision of services by the care provider; and
  - c. Is the spouse of the care provider or the current or former spouse of one of the following relatives of the client: parent, grandparent, adult child, adult sibling, adult grandchild, adult niece, or adult nephew.
- 6- 7. The department may provide home and community-based services case management services to a client who needs a ~~comprehensive~~ functional assessment and the coordination of cost-effective delivery issues. The case management services must be provided by a social worker licensed under North Dakota Century Code section 43-41-04.
8. The department may provide home-delivered meals to a client who lives alone and is unable to prepare an adequate meal for himself or herself, or who lives with an individual who is unable or not available to prepare an adequate meal for the client.
- 7- 9. The department may provide homemaker services to a client who needs assistance with environmental maintenance activities including light housekeeping, laundry, meal planning and preparation, and shopping on an intermittent or occasional basis and who lives alone or with an adult who is unable or is not obligated to perform homemaking activities. The department may not pay a provider for laundry, shopping, housekeeping, meal preparation, money management, or communication, if the provider lives with the client and is a relative identified within the definition of "family home care" under subsection 4 of North Dakota Century Code section 50-06.2-02, or is a former spouse of the client; except the department may provide essential homemaking activities such as meal preparation if the adult not receiving care who resides in the home is unavailable due to employment. The department may provide shopping assistance only if at least one other activity is performed and no other shopping assistance is available through informal networks or other community providers. The homemaker services funding cap applies to a household and may not be exceeded regardless of the number of clients residing in that household.
- 8- 10. Nonmedical transportation services may be provided to clients who are unable to provide their own transportation and need transportation to access essential community services such as grocery stores or pharmacies. "Nonmedical transportation services" are transportation services not related to the receipt of medical care.
- 9- 11. The department may provide personal care services to a client who needs help or supervision with personal care activities if:
- a. The client is at least eighteen years of age;



- b. The client lives alone or is alone due to the employment of the primary caregiver or the incapacity of other adult household members; and
  - c. The services are provided in the client's home or in a provider's home if the provider meets the definition of a relative as defined in subdivision c of subsection 5 of section 75-03-23-05.
40. ~~The department may provide respite care services to a client in the client's home, in the provider's home, in a nursing home, in a swing-bed facility, in a basic care facility, or in a hospital, if:~~
- ~~a. The client has a full-time primary caregiver;~~
  - ~~b. The client needs a qualified caregiver or it would be inappropriate to use an unqualified caregiver in the absence of the primary caregiver;~~
  - ~~c. The primary caregiver's need for the relief is intermittent or occasional; and~~
  - ~~d. The primary caregiver's need for relief is not due to the primary caregiver's employment or attendance at school as a part-time or full-time student.~~
12. a. The department may provide respite care services to a client in the client's home, in the provider's home, in a nursing home, in a swing-bed facility, in a basic care facility, or in a hospital, if:
- (1) The client has a full-time primary caregiver;
  - (2) The client needs a qualified caregiver or it would be inappropriate to use an unqualified caregiver in the absence of the primary caregiver;
  - (3) The primary caregiver's need for the relief is intermittent or occasional; and
  - (4) The primary caregiver's need for relief is not due to the primary caregiver's employment or attendance at school as a part-time or full-time student.
- b. A client who is a resident of an adult family foster care may choose a respite provider and is not required to use a relative of the adult family foster care provider as the client's respite provider.

~~44.~~ 13. The department may provide other services as the department determines appropriate.

**History:** Effective June 1, 1995; amended effective January 1, 2009; October 1, 2014.

**General Authority:** NDCC 50-06.2-03(6)

**Law Implemented:** NDCC 50-06.2-01(3), 50-06.2-03(5)

**75-03-23-06. Services covered under the medicaid waiver program - Programmatic criteria.** Room and board costs may not be included in the medicaid waiver service payment. The following services are covered under the medicaid waiver program and may be provided to a client:

1. The department may provide adult day care services to a client:
  - a. Who requires assistance in activities of daily living or instrumental activities of daily living;
  - b. Who is able to participate in group activities; and
  - c. If the client does not live alone, the client's primary caregiver will benefit from the temporary relief of care giving.
2. The department may provide adult family foster care, using a licensed adult family foster care provider, to a client who resides in a licensed adult family foster care home who:
  - a. Is eighteen years of age or older;
  - b. Requires care or supervision;
  - c. Would benefit from a family environment; and
  - d. Requires care that does not exceed the capability of the foster care provider.
3. The department may provide residential care to a client who:
  - a. Has chronic moderate to severe memory loss; or
  - b. Has a significant emotional, behavioral, or cognitive impairment.
4. The department may provide attendant care to a client who:
  - a. Is ventilator-dependent a minimum of twenty hours per day;
  - b. Is medically stable as documented at least annually by the client's primary care physician;

- c. Has identified an informal caregiver support system for contingency planning; and
  - d. Is competent to participate in the development and monitoring of the care plan as documented at least annually by the client's primary care physician.
- 5. The department may provide chore services to a client for one-time, intermittent, or occasional activities that would enable the client to remain in the home, such as heavy housework and periodic cleaning, professional extermination, and snow removal. The activity must be the responsibility of the client and not the responsibility of the landlord.
- 6. The department may provide an emergency response system to a client who lives alone or with an incapacitated adult, or who lives with an individual whose routine absences from the home present a safety risk for the client, and the client is cognitively and physically capable of activating the emergency response system.
- 7. When no alternative community resource is available, the department may provide environmental modification to a client, if the client owns the home to be modified and when the modification will enable the client to complete the client's own personal care or to receive care and will allow the client to safely stay in the home for a period of time that is long enough to offset the cost of the modification.
- 8.
  - a. The department may provide family personal care to a client who:
    - (1) Lives in the same residence as the care provider on a twenty-four-hour basis;
    - (2) Agrees to the provision of services by the care provider; and
    - (3) Is the legal spouse of the care provider.
  - b. Family personal care payments may not be made for assistance with the activities of communication, community integration, housework, laundry, meal preparation, money management, shopping, social appropriateness, or transportation.
- 9. The department may provide home and community-based services case management services to a client who needs a comprehensive assessment and the coordination of cost-effective delivery of services. Case management services provided under this subsection must be provided by a social worker licensed under North Dakota Century Code section 43-41-04.
- 10. The department may provide home-delivered meals to a client who lives alone and is unable to prepare an adequate meal for himself or herself

or who lives with an individual who is unable or not available to prepare an adequate meal.

11. The department may provide homemaker services to a client who needs assistance with environmental maintenance activities, including light housekeeping, laundry, meal planning and preparation, and shopping on an intermittent or occasional basis when the client lives alone or with an adult who is unable or is not obligated to complete homemaking activities. ~~Essential~~ The department may not pay a provider for laundry, shopping, housekeeping, meal preparation, money management, or communication, if the provider lives with the client and is a relative identified within the definition of "family home care" under subsection 4 of North Dakota Century Code section 50-06.2-02, or is a former spouse of the client; except the department may provide essential homemaking activities such as meal preparation ~~may be provided~~ if the responsible adult not receiving care who resides in the home is unavailable due to employment. Shopping assistance may be provided only if at least one other activity is performed and no other shopping assistance is available through informal networks or other community providers. The homemaker service funding cap applies to a household and may not be exceeded regardless of the number of clients residing in that household.
12. a. The department may provide extended personal care services to a client who:
  - (1) Requires skilled or nursing care that requires training by a nurse licensed under North Dakota Century Code chapter 43-12.1; and
  - (2) Has a cognitive or physical impairment that prevents the client from completing the required activity.
- b. Extended personal care services do not include assistance with activities of daily living and instrumental activities of daily living.
13. The department may provide nonmedical transportation services to a client who is unable to provide his or her own transportation and who needs transportation to access essential community services such as grocery stores or pharmacies. "Nonmedical transportation services" are transportation services not related to the receipt of medical care.
14. The department may provide ~~respite care services to a client in the client's home, in the provider's home, in a nursing home, in a swing-bed facility, in a basic care facility, or in a hospital, if:~~ up to twenty-four hours per day of supervision to a client who has a cognitive or physical impairment that results in the client needing monitoring to assure the client's continued health and safety, if the client lives alone or with an individual who is not a relative identified within the definition of "family

home care" under subsection 4 of North Dakota Century Code section 50-06.2-02.

- ~~a. The client has a full-time primary caregiver;~~
- ~~b. The client needs a qualified caregiver or it would be inappropriate to use an unqualified caregiver in the absence of the primary caregiver;~~
- ~~c. The primary caregiver's need for the relief is intermittent or occasional; and~~
- ~~d. The primary caregiver's need for relief is not due to the primary caregiver's employment or attendance at school as a part-time or full-time student.~~

15. a. The department may provide respite care services to a client in the client's home, in the provider's home, in a nursing home, in a swing-bed facility, in a basic care facility, or in a hospital, if:

- (1) The client has a full-time primary caregiver;
- (2) The client needs a qualified caregiver or it would be inappropriate to use an unqualified caregiver in the absence of the primary caregiver;
- (3) The primary caregiver's need for the relief is intermittent or occasional; and
- (4) The primary caregiver's need for relief is not due to the primary caregiver's employment or attendance at school as a part-time or full-time student.

b. A client who is a resident of an adult family foster care home may choose a respite provider and is not required to use a relative of the adult family foster care provider as the client's respite provider.

~~45.~~ 16. The department may provide specialized equipment and supplies to a client, if:

- a. The client's need for the items is based on an adaptive assessment;
- b. The items directly benefit the client's ability to perform personal care or household activities;
- c. The items will reduce the intensity or frequency of human assistance required to meet the client care needs;
- d. The items are necessary to prevent the client's institutionalization;

- e. The items are not available under the medicaid state plan; and
- f. The client is motivated to use the item.

~~46.~~ 17. The department may provide supported employment to a client who is unlikely to obtain competitive employment at or above the minimum wage; who, because of the client's disabilities, needs intensive ongoing support to perform in a work setting; and who has successfully completed the supported employment program available through the North Dakota vocational rehabilitation program.

~~47.~~ 18. The department may provide transitional living services to a client who needs supervision, training, or assistance with self-care, communication skills, socialization, sensory and motor development, reduction or elimination of maladaptive behavior, community living, and mobility. The department may provide these services until the client's independent living skills development has been met or until an interdisciplinary team determines the service is no longer appropriate for the client.

~~48.~~ 19. The department may provide other services as permitted by an approved waiver.

**History:** Effective June 1, 1995; amended effective January 1, 2009; October 1, 2014.

**General Authority:** NDCC 50-06.2-03(6)

**Law Implemented:** NDCC 50-06.2-01(3), 50-06.2-03(5)

#### **75-03-23-07. Qualified service provider standards and agreements.**

1. An individual or agency seeking designation as a qualified service provider shall complete and return the applicable forms supplied by the department in the form and manner prescribed. The qualified service provider, including any employees of an agency designated as a qualified service provider, shall meet all licensure, certification, or competency requirements applicable under state or federal law and departmental standards necessary to provide care to clients whose care is paid by public funds. An application is not complete until the individual or agency submits all required information and required provider verifications to the department.
2. A provider or an individual seeking designation as a qualified service provider:
  - a. Must have the basic ability to read, write, and verbally communicate;
  - b. Must not be an individual who has been found guilty of, pled guilty to, or pled no contest to:

- (1) An offense described in North Dakota Century Code chapter 12.1-16, homicide; 12.1-17, assaults - threats - coercion - harassment; or 12.1-18, kidnapping; North Dakota Century Code section 12.1-20-03, gross sexual imposition; 12.1-20-03.1, continuous sexual abuse of a child; 12.1-20-04, sexual imposition; 12.1-20-05, corruption or solicitation of minors; 12.1-20-06, sexual abuse of wards; 12.1-20-06.1, sexual exploitation by therapist; 12.1-20-07, sexual assault; 12.1-22-01, robbery; or 12.1-22-02, burglary, if a class B felony under subdivision b of subsection 2 of that section; North Dakota Century Code chapter 12.1-27.2, sexual performances by children; or North Dakota Century Code section 12.1-29-01, promoting prostitution; 12.1-29-02, facilitating prostitution; 12.1-31-05, child procurement; 12.1-31-07, endangering a vulnerable adult; ~~or~~ 12.1-31-07.1, exploitation of a vulnerable adult; subsection 1 of section 19-03.1-23, manufacture, deliver, or possess with intent to deliver a controlled substance, or to deliver, distribute, or dispense a controlled substance by means of the internet; or subsection 1 of section 26.1-02.1-02.1, fraudulent insurance acts; or an offense under the laws of another jurisdiction which requires proof of substantially similar elements as required for conviction under any of the enumerated North Dakota statutes; except that a person found guilty of misdemeanor simple assault described in North Dakota Century Code section 12.1-17-01, or equivalent conduct in another jurisdiction which requires proof of substantially similar elements as required for conviction may be considered rehabilitated if the requirements of subparagraph a or b of paragraph 2 of subdivision b of subsection 2 are met; or
- (2) An offense, other than a direct-bearing offense identified in paragraph 1 of subdivision b of subsection 2, if the department determines that the individual has not been sufficiently rehabilitated.
  - (a) The department may not consider a claim that the individual has been sufficiently rehabilitated until any term of probation, parole, or other form of community corrections or imprisonment without subsequent charge or conviction has elapsed, or sufficient evidence is provided of completion of any relevant rehabilitation program.
  - (b) An individual's completion of a period of three years after final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent

charge or conviction, is prima facie evidence of sufficient rehabilitation;

- c. Must not have an infectious or contagious disease, according to the centers for disease control and prevention's personnel health guidelines, and shall demonstrate any related infection control skills;
  - d. Shall maintain confidentiality;
  - e. Shall submit a request to be a qualified service provider every twenty-four months using applicable forms and shall provide documentation as required by the department;
  - f. Must be physically capable of performing the service for which they were hired; and
  - g. Must be at least eighteen years of age.
3. The offenses enumerated in paragraph 1 of subdivision b of subsection 2 have a direct bearing on an individual's ability to be enrolled as a qualified service provider.
- a. An individual enrolled as a qualified service provider prior to January 1, 2009, who has been found guilty of, pled guilty to, or pled no contest to, an offense considered to have a direct bearing on the individual's ability to provide care may be considered rehabilitated and may continue to provide services if the individual has had no other offenses and provides sufficient evidence of rehabilitation to the department.
  - b. ~~A decision to~~ The department may not approve or deny or renew an application for an individual or employee of an agency who applies is applying to enroll or re-enroll as a qualified service provider and who has been charged with an offense considered to have a direct bearing on the individual's ability to provide care ~~will not be made~~ or an offense in which the alleged victim was under the applicant's care, until final disposition of the criminal case against the individual.
4. Evidence of competency for adult family foster care providers serving clients eligible for the developmental disability waiver must be provided in accordance with subdivision b of subsection 2 of section 75-03-21-08.
5. A provider of services for adult day care, adult family foster care, attendant care, extended personal care, family personal care, personal care, residential care, respite care, and transitional living care shall provide evidence of competency in generally accepted procedures for:



- a. Infection control and proper handwashing methods;
  - b. Handling and disposing of body fluids;
  - c. Tub, shower, and bed bathing techniques;
  - d. Hair care techniques, sink shampoo, and shaving;
  - e. Oral hygiene techniques of brushing teeth and cleaning dentures;
  - f. Caring for an incontinent client;
  - g. Feeding or assisting a client with eating;
  - h. Basic meal planning and preparation;
  - i. Assisting a client with the self-administration of medications;
  - j. Maintaining a kitchen, bathroom, and other rooms used by a client in a clean and safe condition, including dusting, vacuuming, floor care, garbage removal, changing linens, and other similar tasks;
  - k. Laundry techniques, including mending, washing, drying, folding, putting away, ironing, and related work;
  - l. Assisting a client with bill paying and balancing a check book;
  - m. Dressing and undressing a client;
  - n. Assisting with toileting;
  - o. Routine eye care;
  - p. Proper care of fingernails;
  - q. Caring for skin, including giving a back rub;
  - r. Turning and positioning a client in bed;
  - s. Transfer using a belt, standard sit, or bed to wheelchair;
  - t. Assisting a client with ambulation; and
  - u. Making wrinkle-free beds.
6. An applicant for qualified service provider status for attendant care, adult family foster care, extended personal care, family personal care,

personal care, residential care, transitional living care, respite care, or adult day care must secure written verification that the applicant is competent to perform procedures specified in subsection 5 from a physician, chiropractor, registered nurse, licensed practical nurse, occupational therapist, physical therapist, or an individual with a professional degree in specialized areas of health care. Written verification of competency is not required if the individual holds one of the following licenses or certifications in good standing: physician, chiropractor, registered nurse, licensed practical nurse, registered physical therapist, registered occupational therapist, or certified nurse assistant. A certificate or another form of acknowledgment of completion of a program with a curriculum that includes the competencies in subsection 5 may be considered evidence of competence.

7. The department may approve global and client-specific endorsements to provide particular procedures for a provider based on written verification of competence to perform the procedure from a physician, chiropractor, registered nurse, occupational therapist, physical therapist, or other individual with a professional degree in a specialized area of health care or approved within the scope of the individual's health care license or certification.
8. Competence may be demonstrated in the following ways:
  - a. A demonstration of the procedure being performed;
  - b. A detailed verbal explanation of the procedure; or
  - c. A detailed written explanation of the procedure.
9. The department shall notify the individual or the agency of its decision on designation as a qualified service provider.
10. The department shall maintain a list of qualified service providers. Once the client's need for services has been determined, the client selects a provider from the list and the department's designee issues an authorization to provide services to the selected qualified service provider.
11. A service payment may be issued only to a qualified service provider who bills the department after the delivery of authorized services.

**History:** Effective June 1, 1995; amended effective March 1, 1997; January 1, 2009; October 1, 2014.

**General Authority:** NDCC 50-06.2-03(6)

**Law Implemented:** NDCC 50-06.2-03(5)

**75-03-23-08. Termination of qualified service provider status and denial of application to become a qualified service provider.**

1. The department may terminate a qualified service provider if:
  - a. The qualified service provider voluntarily withdraws from participation as a qualified service provider;
  - b. The qualified service provider is not in compliance with applicable state laws, state regulations, or program issuances governing providers;
  - c. The qualified service provider is not in compliance with the terms set forth in the application or provider agreement;
  - d. The qualified service provider is not in compliance with the provider certification terms on the claims submitted for payment;
  - e. The qualified service provider has assigned or otherwise transferred the right to payment of a program claim, except as provided in 42 U.S.C. 1396a(a)(32);
  - f. The qualified service provider has demonstrated a pattern of submitting inaccurate billings or cost reports;
  - g. The qualified service provider has demonstrated a pattern of submitting billings for services not covered under department programs;
  - h. The qualified service provider has been debarred or the provider's license or certificate to practice in the provider's profession or to conduct business has been suspended or terminated;
  - i. The qualified service provider has delivered goods, supplies, or services that are of an inferior quality or are harmful to individuals;
  - j. The qualified service provider has been convicted of an offense determined by the department to have a direct bearing upon the provider's ability to be enrolled as a qualified service provider, or the department determines, following conviction of any other offense, the provider is not sufficiently rehabilitated; ~~or~~
  - k. The qualified service provider is currently excluded from participation in medicare, medicaid, or any other federal health care program; or
  - ~~k.~~ l. For other good cause.

2. The department may deny an application to become a qualified service provider if:
  - a. The applicant voluntarily withdraws the application;
  - b. The applicant is not in compliance with applicable state laws, state regulations, or program issuances governing providers;
  - c. The applicant, if previously enrolled as a qualified service provider, was not in compliance with the terms set forth in the application or provider agreement;
  - d. The applicant, if previously enrolled as a qualified service provider, was not in compliance with the provider certification terms on the claims submitted for payment;
  - e. The applicant, if previously enrolled as a qualified service provider, had assigned or otherwise transferred the right to payment of a program claim, except as provided in 42 U.S.C. 1396a(a)(32);
  - f. The applicant, if previously enrolled as a qualified service provider, had demonstrated a pattern of submitting inaccurate billings or cost reports;
  - g. The applicant, if previously enrolled as a qualified service provider, had demonstrated a pattern of submitting billings for services not covered under department programs;
  - h. The applicant has been debarred or the applicant's license or certificate to practice in the applicant's profession or to conduct business has been suspended or terminated;
  - i. The applicant has delivered goods, supplies, or services that are of an inferior quality or are harmful to individuals;
  - j. The applicant has been convicted of an offense determined by the department to have a direct bearing upon the applicant's ability to be enrolled as a qualified service provider, or the department determines, following conviction of any other offense, the applicant is not sufficiently rehabilitated; ~~or~~
  - k. The applicant, if previously enrolled as a qualified service provider, owes the department money for payments incorrectly made to the provider;
  - l. The qualified service provider is currently excluded from participation in medicare, medicaid, or any other federal health care program; or

~~k~~. m. For other good cause.

**History:** Effective June 1, 1995; amended effective January 1, 2009; October 1, 2014.

**General Authority:** NDCC 50-06.2-03(6)

**Law Implemented:** NDCC 50-06.2-03(5)

**75-03-23-15. Application - Applicant required to provide proof of eligibility.**

1. An individual wishing to apply for benefits under this chapter must have the opportunity to do so, without delay.
2. An application is a request made to the department or its designee by an individual seeking services under this chapter, or by an individual properly seeking services on behalf of another individual. "An individual properly seeking services" means an individual of sufficient maturity and understanding to act responsibly on behalf of the individual for whom services are sought.
3. An application must include a functional assessment.
4. The individual seeking services under this chapter, or an individual properly seeking services on behalf of that individual, shall sign the application.
5. The department or its designee shall provide information concerning eligibility requirements, available services, and the rights and responsibilities of individuals seeking services under this chapter and of recipients to all who require it.
6. The date of application is the date the department or the department's designee receives the properly signed application.
7. The individual seeking services under this chapter shall provide information sufficient to establish eligibility for benefits, including a social security number and proof of age, identity, residence, blindness, disability, functional limitation, financial eligibility, and other information required under this chapter.

**History:** Effective October 1, 2014.

**General Authority:** NDCC 50-06.2-03

**Law Implemented:** NDCC 50-06.2-03

**75-03-23-16. Reapplication after denial or termination.** A provider or applicant whose qualified service provider status has been terminated or denied may not reapply if:

1. The provider's or applicant's status as a qualified service provider has been denied or revoked within the twelve months prior to the date of the current application; or
2. The provider's or applicant's status as a qualified service provider has been denied or revoked three or more times and the most recent revocation or denial occurred within the three years immediately preceding the application date.

**History:** Effective October 1, 2014.

**General Authority:** NDCC 50-06.2-03

**Law Implemented:** NDCC 50-06.2-03

**75-03-23-17. Functional assessment.**

1. An initial functional assessment, using the form required by the department, must be completed as a part of the application for benefits under this chapter. A functional assessment must be completed at least semiannually in conjunction with the eligibility redetermination.
2. The functional assessment must include an interview with the individual in the home where the individual resides.

**History:** Effective October 1, 2014.

**General Authority:** NDCC 50-06.2-03

**Law Implemented:** NDCC 50-06.2-03

## CHAPTER 75-03-24

**75-03-24-07. Services covered under the ex-SPED program - Programmatic criteria.** Room and board costs may not be paid in the ex-SPED service payment. The following categories of services are covered under the ex-SPED program and may be provided to a client:

1. The department may provide adult day care services to a client:
  - a. Who requires assistance in activities of daily living or instrumental activities of daily living;
  - b. Who is able to participate in group activities; and
  - c. Who, if the client does not live alone, has a primary caregiver who will benefit from the temporary relief of caregiving.
2. The department may provide adult family foster care, using a licensed adult family foster care provider, to a client eighteen years of age or older:
  - a. Who resides in a licensed adult family foster care home;
  - b. Who requires care or supervision;
  - c. Who would benefit from a family environment; and
  - d. Whose required care does not exceed the capability of the foster care provider.
3. The department may provide chore services to a client for one-time, intermittent, or occasional activities which would enable the client to remain in the home. Activities such as heavy housework and periodic cleaning, professional extermination, snow removal, and emergency response systems may be provided. Clients receiving emergency response services must be cognitively and physically capable of activating the emergency response system. The activity must be the responsibility of the client and not the responsibility of the landlord.
4. The department may provide environmental modification to a client:
  - a. Who owns the home to be modified;
  - b. When the modification will enable the client to complete the client's own personal care or to receive care and allow the client to safely stay in the home;
  - c. When no alternative community resource is available; and

- d. Limited to labor and materials for installing safety rails.
5. The department may provide family home care services to a client:
- a. Who lives in the same residence as the care provider on a twenty-four-hour basis;
  - b. Who agrees to the provision of services by the care provider; and
  - c. Whose care provider ~~meets the definition of a family member in~~ is a relative identified within the definition of "family home care" under subsection 2 of North Dakota Century Code section 50-06.2-02 and is enrolled as a qualified service provider.
- ~~6.~~ 6. The department may provide home-delivered meals to a client who lives alone and is unable to prepare an adequate meal for himself or herself, or who lives with an individual who is unable or not available to prepare an adequate meal for the client.
- ~~6.~~ 7. The department may provide homemaker services to a client who needs assistance with environmental maintenance activities including light housekeeping, laundry, meal planning and preparation, and shopping on an intermittent or occasional basis and who lives alone or with an adult who is unable or is not obligated to perform homemaking activities. The department may provide essential homemaking activities such as meal preparation if the adult not receiving care who resides in the home is unavailable due to employment. The department may provide shopping assistance only if at least one other activity is performed and no other shopping assistance is available through informal networks or other community providers.
- ~~7.~~ 8. Nonmedical transportation services may be provided to clients who are unable to provide their own transportation and need transportation to access essential community services such as grocery stores or pharmacies. "Nonmedical transportation services" are transportation services not related to the receipt of medical care.
- ~~8.~~ 9. The department may provide respite care services to a client in the client's home, in the provider's home, in a nursing home, in a swing-bed facility, in a basic care facility, or in a hospital, if:
- a. The client has a full-time primary caregiver;
  - b. The client needs a qualified caregiver or it would be inappropriate to use an unqualified caregiver in the absence of the primary caregiver;
  - c. The primary caregiver's need for the relief is intermittent or occasional; and



d. The primary caregiver's need for relief is not due to the primary caregiver's employment or attendance at school as a part-time or full-time student.

~~9.~~ 10. The department may provide other services as the department determines appropriate.

**History:** Effective April 1, 2012; amended effective October 1, 2014.

**General Authority:** NDCC 50-24.7-02

**Law Implemented:** NDCC 50-24.7