

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

Section

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96-02-10-01. Exempt tests and methods.

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

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

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

History: Effective January 1, 2006; amended effective January 1, 2008; April 1, 2012; April 1, 2013; July 1, 2017.

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

Law Implemented: NDCC 43-48-03

96-02-10-01.1. Exempt test and method.

An individual, supervised by an individual licensed by the board, performing total protein tests by Reichert digital refractometer, is exempt from the provisions of North Dakota Century Code chapter 43-48.

History: Effective January 1, 2010.

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

Law Implemented: NDCC 43-48-03

96-02-10-02. Supervision.

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

1. The supervisor shall identify the individuals being supervised on a form provided by the board and shall promptly notify the board of any changes to the information provided.
2. The supervisor shall ensure the individuals being supervised are appropriately trained in all tests and methods performed by the supervised individuals.
3. The supervisor shall:
 - a. Perform annual competency assessments of the individuals supervised using generally accepted clinical laboratory standards.
 - b. Not allow an individual supervised to start or continue performing tests until the individual has been properly trained and demonstrated competency.

- c. Document training and competency assessments, retain the documentation for three years, and submit the documentation to the board upon request.
4. The supervisor shall regularly monitor and be available to consult with the individuals being supervised.

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

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

General Authority: NDCC 43-48-04

Law Implemented: NDCC 43-48-03