

SENATE BILL NO. 2336

Introduced by

Senators Lee, Anderson, K. Roers

Representatives Keiser, Rohr, Weisz

1 A BILL ~~for an Act to amend and reenact section 43-51-07 of the North Dakota Century Code,~~
2 ~~relating to the powers of occupational boards under occupational compacts; to repeal chapters~~
3 ~~43-12.4, 43-12.5, 43-17.4, and 43-26.2 of the North Dakota Century Code, relating to the nurse~~
4 ~~licensure compact, advanced practice registered nurse licensure compact, interstate medical~~
5 ~~licensure compact, and physical therapy licensure compact; and to provide a contingent~~
6 ~~effective date for an Act to provide for a legislative management study of occupational boards~~
7 ~~that address mental health and behavioral health.~~

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

9 ~~— **SECTION 1. AMENDMENT.** Section 43-51-07 of the North Dakota Century Code is~~
10 ~~amended and reenacted as follows:~~

11 ~~— **43-51-07. License compacts.**~~

12 ~~— 1. A board may establish, by administrative rule, conditions and procedures for foreign~~
13 ~~practitioners to practice in this state pursuant to written compacts or agreements~~
14 ~~between the board and one or more other states or jurisdictions or pursuant to any~~
15 ~~other method of license recognition that ensures the health, safety, and welfare of the~~
16 ~~public. Any compact or agreement by a board does not become binding on this state~~
17 ~~until implemented by administrative rules under this section.~~

18 ~~— 2. If a board or the legislative assembly enters a compact affecting the qualifications of a~~
19 ~~foreign practitioner:~~

20 ~~— a. The relevant board shall monitor the rules adopted under the compact to ensure~~
21 ~~the rules are consistent with the compact and sufficiently protect the health and~~
22 ~~safety of the residents of this state, including whether the licensure of foreign~~
23 ~~practitioners adequately considers factors such as education, experience, and~~
24 ~~disciplinary status.~~

1 ~~_____ b. The relevant board shall adopt administrative rules that reflect the compact rules~~
2 ~~unless the board determines the compact rules are clearly inconsistent with the~~
3 ~~compact or do not sufficiently protect the health and safety of the residents of this~~
4 ~~state.~~

5 ~~_____ 3. For purposes of this section, the term board includes the state board of accountancy,~~
6 ~~state electrical board, North Dakota real estate appraiser qualifications and ethics~~
7 ~~board, state real estate commission, secretary of state with respect to contractor~~
8 ~~licensing, North Dakota board of medicine, and state board of dental examiners.~~

9 ~~_____ SECTION 2. REPEAL. Chapter 43-12.4 of the North Dakota Century Code is repealed.~~

10 ~~_____ SECTION 3. REPEAL. Chapter 43-12.5 of the North Dakota Century Code is repealed.~~

11 ~~_____ SECTION 4. REPEAL. Chapter 43-17.4 of the North Dakota Century Code is repealed.~~

12 ~~_____ SECTION 5. REPEAL. Chapter 43-26.2 of the North Dakota Century Code is repealed.~~

13 ~~_____ SECTION 6. CONTINGENT EFFECTIVE DATE. Section 2 of this Act becomes effective on~~
14 ~~the date the executive director of the North Dakota board of nursing certifies to legislative~~
15 ~~council that the board has determined the rules adopted under the nurse licensure compact are~~
16 ~~clearly inconsistent with the compact or do not sufficiently protect the health and safety of the~~
17 ~~residents of this state.~~

18 ~~_____ SECTION 7. CONTINGENT EFFECTIVE DATE. Section 3 of this Act becomes effective on~~
19 ~~the date the executive director of the North Dakota board of nursing certifies to legislative~~
20 ~~council that the board has determined the rules adopted under the advanced practice registered~~
21 ~~nurse licensure compact are clearly inconsistent with the compact or do not sufficiently protect~~
22 ~~the health and safety of the residents of this state.~~

23 ~~_____ SECTION 8. CONTINGENT EFFECTIVE DATE. Section 4 of this Act becomes effective on~~
24 ~~the date the executive director of the North Dakota board of medicine certifies to legislative~~
25 ~~council that the board has determined the rules adopted under the interstate medical licensure~~
26 ~~compact are clearly inconsistent with the compact or do not sufficiently protect the health and~~
27 ~~safety of the residents of this state.~~

28 ~~_____ SECTION 9. CONTINGENT EFFECTIVE DATE. Section 5 of this Act becomes effective on~~
29 ~~the date the executive officer of the North Dakota board of physical therapy certifies to~~
30 ~~legislative council that the board has determined the rules adopted under the physical therapy~~

1 ~~licensure compact rules are clearly inconsistent with the compact or do not sufficiently protect~~
2 ~~the health and safety of the residents of this state.~~

3 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - OCCUPATIONAL BOARDS**

4 **RELATING TO MENTAL HEALTH AND BEHAVIORAL HEALTH.** During the 2021-22 interim,
5 the legislative management shall consider studying the occupational boards that address
6 mental health and behavioral health issues which may include the state board of psychologist
7 examiners, board of addiction counseling examiners, board of counselor examiners, education
8 standards and practices board, North Dakota board of social work examiners, and North Dakota
9 marriage and family therapy licensure board. The study must include a review of the rules
10 adopted by the boards and consideration of the frequency with which the rules are reviewed,
11 whether there are barriers to practice and barriers to admission of foreign practitioners, and
12 whether there is adequate training for board members and executive directors of these boards.
13 The legislative management shall report its findings and recommendations, together with any
14 legislation required to implement the recommendations, to the sixty-eighth legislative assembly.