

SENATE BILL NO. 2164

Introduced by

Senators Lee, Hogan, K. Roers

Representatives Pyle, Schauer

1 A BILL for an Act to create and enact section 43-51-10.1 of the North Dakota Century Code,
2 relating to occupational rules in cases of emergencies; and to amend and reenact sections
3 43-51-04 and 43-51-12 of the North Dakota Century Code, relating to occupational licensure in
4 cases of emergencies.

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

6 **SECTION 1. AMENDMENT.** Section 43-51-04 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **43-51-04. Emergency practice without a license.**

9 Upon prior written notice to the appropriate board, a foreign practitioner may provide
10 services in this state which fall within the scope of practice designated by the foreign
11 practitioner's license and by this title without obtaining a license from the board, if the services
12 are provided for a period of time not to exceed sixty consecutive days in a calendar year and
13 are provided in response to a disaster or emergency declared by the appropriate authority in
14 this state. The notice provided by a foreign practitioner under this section must include verified
15 documentation from the appropriate licensing authority which identifies the requirements for
16 licensure in that jurisdiction and which confirms that the practitioner is licensed and in good
17 standing in that jurisdiction and any other information requested by the board. A notice provided
18 under this section, if accompanied by sufficient documentation, is deemed to be accepted
19 unless denied by the board. If a notice under this section is denied, the foreign practitioner
20 immediately shall cease providing services under this section and may not resume providing
21 services until after a successful appeal of the board's decision under chapter 28-32 or after an
22 application for privileges under this section is reviewed and approved by the board.

23 **SECTION 2.** Section 43-51-10.1 of the North Dakota Century Code is created and enacted
24 as follows:

1 **43-51-10.1. Emergency rules - Emergencies or disasters.**

2 If a disaster or emergency is declared in this state, a board may adopt emergency rules
3 under chapter 28-32 which are contrary to title 43 if the rules are necessary to abate an
4 imminent peril that threatens the health, safety, or welfare of the public. Rules adopted under
5 this section are valid through July thirty-first of the next occurring odd-numbered year, or if that
6 date occurs in fewer than one hundred eighty days, are valid though July thirty-first of the
7 odd-numbered year occurring after the expiration of the one hundred eighty days. Emergency
8 rules adopted under this section may not remain in effect for more than thirty months.

9 **SECTION 3. AMENDMENT.** Section 43-51-12 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **43-51-12. Foreign practitioners - Emergency practice exemption.**

12 Notwithstanding contrary provisions of law, a foreign practitioner may practice in a disaster
13 or an emergency declared in this state, practice as a member of an organ harvesting team, or
14 practice on board an ambulance as part of the ambulance treatment team.