

Section
54-01-03-01 Definitions

54-01-03-01. Definitions.

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

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

medication. Assisting with the administration of medication may be a delegated intervention.

12. "Authority" means legal authority to provide nursing care granted through licensure as a registered nurse, licensure as a practical nurse, or through delegation of nursing interventions from the licensed nurse.

13. "Certification" means a process of voluntary recognition by a national nursing organization or other entity of the person's specialty knowledge, skills, and abilities in a defined area of nursing practice. The certification process measures the theoretical and clinical content denoted in the specialty areas or scope of practice and is developed in accordance with generally accepted standards of validity and reliability.

14. "Client" means the recipient of nursing care, which may include an individual, family, group, or a community.

15. "Clinical learning experiences" means the planned, faculty-guided learning experiences that involve direct or indirect contact with clients.

16. "Competence" means the application and integration of knowledge, skills, ability, and judgment necessary to meet standards.

1717. "Compliance" means the act of adhering to or conforming to the terms, conditions, or restrictions specified in a consent agreement by the alternative to discipline program or disciplinary order by the board.

1718. "Comprehensive nursing assessment" means analysis and synthesis of data collected by a registered nurse, which is used to establish a health status baseline, establish a plan of care, and address changes in a client's condition.

1819. "Consultative nurse" means a licensed nurse who provides guidance and information related to nursing procedures and interventions to the facility or agency but is not individually responsible to direct the plan of care for the client.

1920. "Continuing education" means planned, organized learning experiences designed to augment the knowledge, skills, and abilities for the delivery of safe and effective nursing care for the citizens of North Dakota which meets the criteria and reporting requirements established by the board.

2021. "Controlled substance" means a drug, substance, or immediate precursor in schedules I

through V as set forth in North Dakota Century Code chapter 19-03.1 and any other drugs required by law to be monitored by the prescription drug monitoring program.

~~2122~~. "Criminal history record information" shall have the same meaning as ~~the phrase is~~ defined in North Dakota Century Code section 12-60-16.1.

~~2223~~. "Delegation" means the authorization for the performance of selected nursing interventions from a licensed nurse to an unlicensed assistive person.

~~2324~~. "Denial" means the board's refusal to issue or renew a current license or registration.

~~2425~~. "Direction" means the provision of written or verbal guidance, or both, and supervision by a licensed nurse who is responsible to manage the provision of nursing interventions by another person.

~~2526~~. "Distance nursing education program" means a program that is approved by the board of nursing of the jurisdiction in which the program is headquartered, and is equivalent to an "instate nursing program".

~~2627~~. "Diversion" means illegal use, distribution, or abuse of controlled substances or use of prescription drugs for purposes not intended by the prescriber.

~~2728~~. "Emergency suspension" means action by the board when there are reasonable grounds to believe the licensee, registrant, applicant, or any individual with authority to practice nursing under any privilege has violated a statute or rule the board is empowered to enforce and continued practice would constitute a continuing and imminent threat to the public welfare.

~~2829~~. "Encumber" means to place on probation.

~~2930~~. "Evidence-based practice" means integration of research findings with clinical expertise and client values for optimum care.

~~3031~~. "Focused nursing assessment" means the collection and recording of baseline assessment data by a licensed practical nurse, which is used to observe, monitor, and report signs, symptoms, and changes in client condition in an ongoing manner. The licensed practical nurse reports to the supervising registered nurse or licensed practitioner.

~~3132~~. "Impaired" means the ability to practice nursing safely has been affected by the use or abuse of alcohol or other drugs, psychiatric or physical disorders, or practice deficiencies.

~~3233~~. "Inactive license or registration" means a license or registration which is not renewed.

~~3334~~. "Incompetence" means conduct that deviates from either standards of nursing practice approved by the board or the definition of competence in this section.

~~3435~~. "Instate nursing program", "nursing program", or "nursing education program" means a nurse program with faculty or facilities located in North Dakota and approved by the board.

~~3536~~. "Interdisciplinary team" means a group of health care professionals currently licensed under North Dakota Century Code title 43.

~~3637~~. "Internationally educated" means educated outside the United States.

~~3738~~. "Jurisdiction" means a ~~province,~~ state, ~~or~~ territory, or country that administers the national council licensure examination for the purpose of licensure.

~~3839~~. "Licensed nurse" means a person licensed pursuant to North Dakota Century Code chapter 43-12.1 and North Dakota Administrative Code title 54.

~~3940~~. "Licensed practitioner" means a person lawfully authorized to prescribe medications or treatments under North Dakota Century Code title 43.

~~4041~~. "Licensee" means a person who has met all the requirements to practice as a licensed nurse pursuant to North Dakota Century Code chapter 43-12.1 and has been issued a license to practice nursing.

~~4142~~. "Licensure" means the process by which the board grants legal authority privilege to an individual to engage in the practice of nursing as a licensed practical nurse, registered nurse, advanced practice registered nurse, or specialty practice registered nurse upon finding that the individual has attained the essential degree of education and competence necessary to ensure that the public health, safety, and welfare will be protected.

~~4243~~. "Limit" means to restrict, qualify, or otherwise modify the license or registration.

~~4344~~. "Major incident" means an act or omission in violation of North Dakota Century Code chapter 43-12.1 or this title which indicates an applicant licensee's or registrant's continuing to practice poses a high risk of harm to the client or another person.

~~4445~~. "Medication administration" means the delivery of medication by a licensed nurse or an individual delegated to and supervised by a licensed nurse, to a client whose use of that medication must be monitored and evaluated applying specialized knowledge, skills, and

abilities possessed by a licensed nurse.

4546. "Medication assistant III" means an individual who has a current registration as an unlicensed assistive person, has had additional training in administration of medication, and possesses a current registration from the board.

4647. "Medical assistant student" means an individual who is currently enrolled in an approved medical assistant program.

4748. "Minor incident" means an act or omission in violation of North Dakota Century Code chapter 43-12.1 or this title which indicates an applicant licensee's or registrant's continuing to practice poses a low risk of harm to the client or another person.

4849. "Misappropriation of property" means the patterned or knowing, willful, or intentional misplacement, exploitation, taking, or wrongful, temporary, or permanent use of a client's, employer's, or any other person's or entity's belongings, money, assets, or property without consent.

4950. "NCLEX-PN®" means the national council licensure examination for practical nurses.

5051. "NCLEX-RN®" means the national council licensure examination for registered nurses.

5152. "Neglect" means a disregard for and departure from the standards of care which has or could have resulted in harm to the client.

53. "Non-compliance" means the failure to adhere to the terms, conditions, or restrictions specified in an alternative to discipline consent agreement or disciplinary order by the board.

5254. "Nurse administrator" means a person responsible for organized nursing services and who manages from the perspective of the organization as a whole.

55. "Nurse Assistance Program" is the name of the board's alternative to discipline program.

5356. "Nurse faculty" means individuals employed by an academic institution who are responsible for developing, implementing, teaching, evaluating, and updating nursing program curricula.

5457. "Nursing intervention" means the initiation and completion of client-focused actions necessary to accomplish the goals defined in the plan of care which may include activities of daily living.

58. "Participant" means a nurse who has voluntarily agreed to enter an agreement with the alternative to discipline program or a licensee or registrant who is encumbered through a disciplinary order by the board.

5559. "Practice deficiency" means a practice activity that does not meet the standards of nursing

practice.

~~5660~~. "Practice site" means a facility that signs a written agreement with the nursing education program to provide practice experiences for students.

~~5761~~. "Preceptor" means an individual at or above the level of licensure that an assigned student is seeking who may serve as a teacher, mentor, role model, or supervisor for the assigned student in a clinical setting.

~~5862~~. "Prelicensure program" means a board-approved program of study that meets the requirements for nursing licensure.

~~5963~~. "Probation" means restrictions, requirements, or limitations placed against a licensee or registrant through monitoring for a prescribed period of time.

~~6064~~. "Professional-boundary crossing" means a deviation from an appropriate boundary for a specific therapeutic purpose with a return to establish limits of the professional relationship.

~~6165~~. "Professional-boundary violation" means a failure of a licensee or registrant to maintain appropriate boundaries with a client, client family member, or other health care provider.

~~6266~~. "Professional boundaries" means the provision of nursing services within the limits of the nurse and client relationship which promote the client's dignity, independence, and best interests and refrain from inappropriate involvement in the client's or client's family personal relationships.

~~6367~~. "Professional misconduct" means any practice or behavior that violates the applicable standards governing the individual's practice necessary for the protection of the public health, safety, and welfare.

~~6468~~. "Reactivation" means issuance of a previously active license or registration in the absence of disciplinary action.

~~6569~~. "Registrant" means an unlicensed assistive person as defined in North Dakota Century Code section 43-12.1-02.

~~6670~~. "Reinstatement" means activation of a board-sanctioned license or registration from a surrendered, suspended, or revoked status.

~~6771~~. "Reissuance" means issuance of a license from probationary status to full licensure status.

~~68~~72. "Relicensure" means renewal, reinstatement, ~~reactivation~~reactivation, or reissuance of a license or registration.

~~69~~73. "Reprimand" means action of the board stating the board's concerns regarding the professional conduct of the licensee or registrant.

~~70~~74. "Revocation" means the withdrawal by the board of the license or registration of the right to practice nursing or assist in the practice of nursing for a specified length of time of no less than one year. If no specified length of time is identified by the board, revocation is permanent.

~~71~~75. "Scope of practice" means the delineation of the nature and extent of practice.

~~72~~76. "Sponsor institution" means the governing organization that provides necessary administrative and fiscal resources for a nursing program.

~~73~~77. "Stable" means a situation in which the client's clinical and behavioral status and nursing care needs are determined by the registered nurse or licensed practitioner to be predictable, nonfluctuating, and consistent or in which the fluctuations are expected and the interventions are planned.

~~74~~78. "Stay" means the action of the board that does not immediately take place and may not take place if other conditions, such as probation terms, are met. Violations of the terms and conditions may result in lifting of the stay and imposition of the sanction.

~~75~~79. "Supervision" means maintaining accountability to determine whether or not nursing care is adequate and delivered appropriately. Supervision includes the assessment and evaluation of the client's condition and responses to the nursing plan of care and evaluation of the competence of the person providing nursing care.

a. "Condition of supervision" means the method of supervision as direct or indirect, the identification of the persons to be supervised as well as the nursing interventions being provided, and the stability or predictability, or both, of the client's condition.

b. "Direct supervision" means that the responsible licensed nurse or licensed practitioner is physically present in the client care area and is available to assess, evaluate, and respond immediately. Direct supervision does not mean that the responsible licensed nurse or licensed practitioner must be in the same room or "looking over the shoulder" of

the persons providing nursing care.

c. "Indirect supervision" means that the responsible licensed nurse or licensed practitioner is available through periodic inspection and evaluation or by telecommunication, or both, for direction, consultation, and collaboration.

~~7680~~. "Surrender" means an agreement by a licensee or registrant, approved by the board, to relinquish the license or registration to the board.

~~7781~~. "Survey" means an onsite visit or a paper review of a program approved by the board of nursing.

~~7882~~. "Suspension" means withholding by the board of the license or registration of the right to practice nursing or assist in the practice of nursing for a specified or indefinite period of time.

~~7983~~. "Technician" means an unlicensed assistive person who may perform limited nursing functions within the ordinary, customary, and usual roles in the person's field. Examples may include surgical and dialysis technicians and medical assistants.

~~8084~~. "Temporary permit" means the authority to practice nursing for a limited time period.

~~8185~~. "Unlicensed assistive person registry" means a listing of all persons who are authorized by the board or included on another state registry, which has been recognized by the board to perform nursing interventions delegated and supervised by a licensed nurse.

~~8286~~. "Work authorization" means the issuance of an authorization to practice nursing between the dates of graduation and notification of the results of the licensure examination.

History: Effective June 1, 2002; amended effective April 1, 2004; August 1, 2005; July 1, 2008; April 1, 2011; October 1, 2011; April 1, 2014; October 1, 2016.

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

Law Implemented: NDCC 43-12.1-08

**ARTICLE 54-02
NURSE LICENSURE**

Chapter	
54-02-01	Licensure by Examination
54-02-02	Reexamination
54-02-03	Proctored Examinations [Repealed]
54-02-04	Roster of Inactive Nurses [Repealed]
54-02-05	Relicensure
54-02-06	License by Endorsement
54-02-07	Disciplinary Action
54-02-08	Temporary License [Repealed]
54-02-08.1	Transitional License [Repealed]
54-02-09	Limited License
54-02-10	RN and LPN Nurse Licensure Compact [Repealed]
54-02-11	Short-Term Clinical Education
54-02-12	Criminal History Record Checks for Licensure

**CHAPTER 54-02-01
LICENSURE BY EXAMINATION**

Section	
54-02-01-01	Official Licensing Examination
54-02-01-02	Passing Score [Repealed]
54-02-01-03	Testing Dates [Repealed]
54-02-01-04	Examination Material [Repealed]
54-02-01-04.1	Board Authorization to Write Examination
54-02-01-05	Examination Results
54-02-01-06	Examination Fees
54-02-01-07	Transcript
54-02-01-08	Employment Verification [Repealed]
54-02-01-09	Internationally Educated Applicants [Repealed]
54-02-01-10	Employment of Unsuccessful Candidates
54-02-01-11	Qualifications for Admission to the Licensing Examination [Repealed]
54-02-01-12	Early Admission to the Licensing Examination [Repealed]
54-02-01-13	Authorization to Practice Nursing
54-02-01-14	Recognition of Programs From Other Jurisdictions

54-02-01-01. Official licensing examination.

Each year the board of nursing shall contract to use the following examinations as the official North Dakota licensing examinations for nurses:

National council licensure examination for registered nurses.

National council licensure examination for practical nurses.

History: Amended effective June 1, 1982.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-09(2)

54-02-01-02. Passing score.

Repealed effective October 1, 1987.

54-02-01-03. Testing dates.

Repealed effective April 1, 2004.

54-02-01-04. Examination material.

Repealed effective January 1, 1994.

54-02-01-04.1. Board authorization to write examination.

Candidates must complete application to the board for licensure by examination. Eligibility for testing will be submitted to the test center by the board when notification is received that all academic requirements have been met. In addition, the applicant's registration with the testing vendor has been reported to the board office.

History: Effective January 1, 1994; amended effective April 1, 2014.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-09(2)

54-02-01-05. Examination results.

Examination results will be reported to individual candidates and recorded in the candidate's permanent record in the board office. The examination results for the successful candidate will include the number of the permanent license that shall be issued to the candidate.

History: Amended effective November 1, 1979; October 1, 1989; December 1, 1991; January 1, 1994; May 1, 1996; February 1, 1998; April 1, 2014.

General Authority: NDCC 43-12.1-08(1)

Law Implemented: NDCC 43-12.1-09(2)

54-02-01-06. Examination fees.

The board shall set the fee for licensure by examination. The fee for licensure by examination shall be one hundred twenty-five dollars. The application is valid for a period of time not to exceed twelve months from the determination of eligibility and the fee is nonrefundable. The candidate shall be responsible for any payment of fees charged by the national council of state boards of nursing for use of the national council licensure examination.

History: Amended effective November 1, 1979; March 1, 1986; March 1, 1992; January 1, 1994; September 1, 1994; June 1, 2001; June 1, 2002; July 1, 2020.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(2)(d)

54-02-01-07. Transcript.

1. A graduate from another state or territory or an English-speaking Canadian nursing education program must provide an official completed transcript. The transcript must be sent directly from the nursing education program to the board office, as proof of satisfactory completion of the appropriate nursing education program.
2. Internationally educated applicants must have their official nursing education program transcript evaluated by a board-approved credentials evaluation service.
 - a. The transcript must be sent directly from the nursing program to the credentials evaluation service.
 - b. The evaluation must be translated to English and verify the nursing education program was approved in the home country and must include a course-by-course evaluation to assure it the nursing education program meets those requirements outlined in article 54-03.2.
 - c. The nursing education program must include clinical education equivalent in amount and time to board-approved programs.
 - d. The approved credentials evaluation service must complete and send directly to the board the full credentials evaluation and official transcript that was evaluated. This is not required of graduates of Canadian English-speaking nursing education programs.
 - e. The credentials evaluation must state specifically that the language of instruction was English with English textbooks. If the nursing education program was not taught in English, evidence of English language proficiency must be provided to the board.
 - f. This is not required of graduates of Canadian English-speaking nursing education programs.

~~2. Internationally educated applicants from an international nursing education program, except for English-speaking Canadian programs, may be requested to provide an English translated evaluation of the full official nursing education program academic record transcript from a board-recognized approved national credential's evaluation service agency.~~

History: Amended effective June 1, 1982; January 1, 1994; February 1, 1998; April 1, 2004; April 1, 2014.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-09(2)

54-02-01-08. Employment verification.

Repealed effective May 1, 1996.

54-02-01-09. Internationally educated applicants.

~~—A credential evaluation of the official nursing education program transcript certificate issued completed and submitted by a credentials evaluation service agency approved by the board shall be required of any international graduate, except for graduates of English-speaking Canadian programs, for admission to the national council licensure examination. Eligible international graduates will be issued an authorization to practice nursing when declared eligible for licensure by examination and upon written verification of nursing employment in a North Dakota health care facility.~~

Repealed effective _____

History: Effective November 1, 1979; amended effective June 1, 1982; February 1, 1998; April 1, 2004; July 1, 2008; April 1, 2014.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-09(2)

54-02-01-10. Employment of unsuccessful candidates.

A candidate who fails the licensing examination may not be employed in a position with functions that are usually assigned to licensed nurses.

History: Effective November 1, 1979; amended effective June 1, 1982.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-03

54-02-01-11. Qualifications for admission to the licensing examination.

Repealed effective October 1, 1989.

54-02-01-12. Early admission to the licensing examination.

Repealed effective January 1, 1994.

54-02-01-13. Authorization to practice nursing.

Authorization to practice nursing between the dates of program completion and notification of results of the licensing examination will be issued to individuals accepted as candidates for the first licensing examination after program completion for which the candidate is eligible. Eligibility will be determined by the following criteria:

1. The applicant has submitted a completed application, the appropriate fee, and official transcript verifying program completion to the board office.
2. The applicant's registration with the testing vendor has been confirmed.
 - a. The applicant may use the appropriate title of graduate nurse or graduate practical nurse or the appropriate abbreviation of "G.N." or "G.P.N."
 - b. The applicant must practice under the supervision of a registered nurse while the authorization to practice is valid. The work authorization to practice will expire in ninety days or upon notification of the testing results, whichever occurs first. The work authorization is nonrenewable and available only to graduates who complete an application for licensure within sixty days of graduation.

History: Effective October 1, 1989; amended effective December 1, 1991; January 1, 1994; May 1, 1996; July 1, 2008; April 1, 2014.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-09(2)

54-02-01-14. Recognition of programs from other jurisdictions.

For the purpose of licensure by examination to practice as a registered nurse or licensed practical

nurse, the board will recognize programs that are approved by another jurisdiction; and

1. Meet or exceed the education requirements set out in article 54-03.2 and have clinical education equivalent in amount and time to the board-approved programs; or
2. As otherwise approved by the board.

History: Effective April 1, 2004; amended effective July 1, 2008.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-09(2)

**CHAPTER 54-02-06
LICENSE BY ENDORSEMENT**

Section

- 54-02-06-01 Application and Fee
- 54-02-06-01.1 Temporary Permit
- 54-02-06-02 Fee Nonrefundable
- 54-02-06-03 Exceptions [Repealed]
- 54-02-06-03.1 Military Spouses - Licensure
- 54-02-06-03.2 Military Spouses - Temporary Permit

54-02-06-01. Application and fee.

Applicants licensed as a nurse by examination in another jurisdiction may apply for license by endorsement and must meet board requirements, including submission of:

1. A completed application;
2. A criminal history record check according to chapter 54-02-12;
3. The nonrefundable endorsement fee of one hundred fifty dollars;
4. Evidence of completion of a nursing education program approved in a jurisdiction which meets or exceeds those requirements outlined in article 54-03.2; and
 - ~~a. Internationally educated nurses must have their official nursing education program transcript evaluated by a board approved credentials evaluation service. The transcript must be sent directly from the nursing program to the credentials evaluation service. The evaluation must verify that the nursing education program was approved in the home country and must include a course-by-course evaluation to assure it meets those requirements outlined in article 54-03.2. The nursing education program must include clinical education equivalent in amount and time to Board approved programs.~~
 - ~~b. The approved credentials evaluation service must complete and send directly to the board the full credentials evaluation and official transcript that was evaluated. This is not required of graduates of Canadian English-speaking nursing education programs.~~
5. Evidence of nursing practice to demonstrate continued competency which meets or exceeds four hundred hours within the preceding four years or as otherwise approved by the board.

Internationally educated nurses must have their official nursing education program transcript evaluated by a board approved evaluation service.

- a. The transcript must be sent directly from the nursing program to the credentials evaluation service.
- b. The evaluation must verify that the nursing education program was approved in the home country and must include a course-by-course evaluation to assure it the nursing education program meets those requirements outlined in article 54-03.2. The nursing education program must include clinical education equivalent in amount and time to Board-approved programs.
- c. The approved credentials evaluation service must complete and send directly to the board the full credentials evaluation and official transcript that was evaluated.
- d. This is not required of graduates of Canadian English-speaking nursing education programs.

A licensee from another jurisdiction who has an insufficient number of practice hours must meet one of the alternative requirements of section 54-02-05-05.

History: Amended effective November 1, 1979; March 1, 1986; March 1, 1992; May 1, 1996; February 1, 1998; June 1, 2001; June 1, 2002; April 1, 2004; July 1, 2008; April 1, 2011; October 1, 2012; April 1, 2014; July 1, 2020.

General Authority: NDCC 12-60-24(2)(o), 43-12.1-09(2)(b)

Law Implemented: NDCC 43-12.1-09(2)(b)

54-02-06-01.1. Temporary permit.

Upon receipt of the application for license by endorsement, payment of the fee as set by the board, and evidence that an applicant will meet all the requirements for licensure in North Dakota, the board may issue a temporary permit to practice as a registered nurse or licensed practical nurse in this state until the license is issued. The temporary permit expires at the end of ninety days and may be extended only for reasons satisfactory to the board.

History: Effective May 1, 1996; amended effective April 1, 2014.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-09

54-02-06-02. Fee nonrefundable.

The endorsement fee is nonrefundable.

History: Amended effective June 1, 2002.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-10

54-02-06-03. Exceptions.

Repealed effective April 1, 2004.

54-02-06-03.1. Military spouses - Licensure.

Military spouse applicants will be granted a license to practice nursing upon meeting board requirements and submission of:

1. A completed application;
2. A criminal history record check according to chapter 54-02-12;
3. ~~Payment of the nonrefundable endorsement fee~~ Verification by attestation that they are a military spouse; and
4. Evidence that demonstrates continued competency which must include experience in nursing for at least two of the four years preceding the date of application or otherwise approved by the board and meet the requirements in section 54-02-06-01.

The military spouse who does not meet the practice requirements outlined above may apply for section 54-02-06-01.

History: Effective April 1, 2014.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-51-11.1

54-02-06-03.2. Military spouses - Temporary permit.

Refer to section 54-02-06-01.1.

History: Effective April 1, 2014.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-51-11.1

Chapter 54-10

Alternative to Discipline Program

Section 54-10-1 Organization

Section 54-10-2 Eligibility and Participation

Section 54-10-3 Non-Compliance

54-10-1 Organization

1. The board shall employ a program coordinator to organize and administer the alternative to discipline program.
2. The program coordinator shall:
 - a. Review, evaluate, and determine eligibility of nurses who request participation in or are recommended for the alternative to discipline program;
 - b. Review and designate treatment facilities and services to which nurses in the alternative to discipline program may be referred;
 - c. Receive and review information relating to the participation of nurses in the alternative to discipline program;
 - d. Prepare reports for the board; and
 - e. Other duties as deemed necessary by the board.

54-10-2 Eligibility and Participation

1. Referrals can be made for participation in the program by:
 - a. The licensed nurse themselves;
 - b. A friend or family member;
 - c. The employer;
 - d. The board of nursing; or
 - e. An alternative to discipline program or board of nursing from another state
2. Participation in the program may be confidential if the nurse remains in compliance with their contract. To ensure public safety, and facilitate monitoring, the program contract authorizes the program to communicate directly with:
 - a. Current and prospective employers;
 - b. Health, mental health, and treatment providers;
 - c. Probation departments;
 - d. Drug court agencies;
 - e. Disciplinary, non-disciplinary, and regulatory agencies;
 - f. Recovery community programs and support individuals;
 - g. Drug test collection sites; and
 - h. Third-party monitoring and drug testing services.
3. Participants are required to meet the following criteria:

- a. Actively licensed as a nurse in North Dakota or a nurse currently enrolled in an alternative to discipline program who is requesting endorsement from another state;
 - b. Have a physical, mental or chemical dependency condition that is affecting, or may affect their nursing practice;
 - c. Voluntarily agree to enter the program and provide consent for appropriate medical, chemical dependency, and/or mental health evaluations;
 - d. Follow all recommendations of the evaluator(s); and
 - e. Agree to the terms set forth in the agreement.
3. Participants acknowledge that North Dakota is their home state for purposes of the Nurse Licensure Compact and that, during the term of the agreement, their multistate licensure privilege to practice in all other party states will be deactivated until the contract is complete.
4. Participants cannot practice nursing in any other state without prior written authorization from the North Dakota alternative to discipline program and the board of nursing and alternative to discipline program in the state in which the participant intends to practice.

54-10-3 Non-Compliance

1. Failure to comply with the program conditions may result in termination of participation and report to the North Dakota Board of Nursing for investigation and consideration of disciplinary action.
2. Participants who voluntarily terminate the program or who were required to terminate due to noncompliance, who request to re-enter the program must submit evidence of a minimum period of continuous sobriety as defined by the program.