

**North Dakota Board of Nursing
Meeting Minutes – October 27, 2022**

Call to Order: October 27, 2022 at 9:00 a.m. – NDBON Board Conference Room – Video Conference and 919 S 7th Street, Suite 504, Bismarck, ND
Roll Call: **Quorum declared with 8 members present.**

Kevin Buettner, APRN Member, President	Julie Dragseth, LPN Member
Wendi Johnston, LPN Member, Vice President	Dana Pazdernik, RN Member
Jamie Hammer, RN Member, Treasurer	Maggie Seamands, RN Member
Michael Hammer, RN Member	
Melodi Krank, RN Member	

Absent: Cheryl Froelich, Public Member

Staff Present:

Stacey Pfenning, APRN, Executive Director	Melissa Hanson, RN, Associate Director for Compliance
Tammy Buchholz, RN, Associate Director for Education	Michael Frovarp, Accounting/Licensure Specialist
Maureen Bentz, RN, Associate Director for Practice	Corrie Lund, RN, Compliance Investigator
Kyle Martin, Director for Operations	

SAAG: *Nicholas Simonson available for select agenda items.*

Other individuals were present for all or portions of the meeting via webinar.

Agenda Item	Discussion	Motion	Roll Call Vote
1.1 Consent Agenda	Reviewed the consent agenda.	Krank motioned; Pazdernik seconded: Adopt the consent agenda as presented.	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried
1.2 Agenda	Reviewed agenda.	Krank motioned; J. Hammer seconded: Approve the agenda with addition of 4.3 2021 Draft Annual Report; and 7.1.1.3 Repeal of Duties of the Board: Short-Term Clinical Education	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried
1.3 Public Forum 9:15am-9:30am	Sunill A. Mutgi, MD provided resource handouts and testimony related to his request for review of the NDBON practice guidance "Role of the Nurse in Sedation/Analgesia" due to changes in the practice environment occurring related to the pandemic such as staff shortages and drug shortages.		

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1.4 Ethics Committee Education (9:30 am appointment)	Rebecca Binstock, Executive Director of the ND Ethics Committee presented updates on law and rules pertaining to public officials, conflict of interest, accepting gifts, and forms related to recusing.		
2.1 Meeting Minutes- July 28, 2022	Reviewed draft July 28, 2022 meeting minutes. No corrections identified.	J. Hammer motioned; Johnston seconded: Approve the minutes of the July 28, 2022, regular meeting as distributed.	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried
4.1 Financial statements	Treasurer, J. Hammer provided overview of income and expenses through July 2022, including end of year finances, reserve fund balances, and charts for End of Year and close of September.		
4.1.1 Outsourcing select accounting	Discussed outsourcing components of accounting. Reviewed three proposals obtained from Brady Martz, Fronteer, and Haga Kommer. Discussed benefits of transitioning from Sage Business Works to Quickbooks.	J. Hammer motioned; Johnston seconded: Accept outsourcing of select accounting components as purposed by Brady Martz effective January 2023; and approve staff request to move from Sage Business Works to Quickbooks (with file synchronization with selected vendor) to coordinate with outsourcing services; and to adjust the budget for review and approval at the January 2023 regular board meeting.	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried
4.1.2 IRS and Audit updates	SAAG Simonson and Frovarp provided an update on the IRS penalty appeal. Eide Bailly onsite in October for annual financial audit; report to be presented at the January 2023 regular meeting.		
4.2 Strategic plan progress report	Discussed January-June 2022 strategic plan progress report.	J. Hammer motioned; Johnston seconded: Accept the January 2022-June 2022 Strategic Plan Progress report as distributed.	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried
4.3 Annual report FY 2021	Reviewed the FY 2022 annual report which is submitted to the Governor's office annually and	Johnston motioned; Krank seconded:	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes;

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	reflects core operations; strategic plan; and accomplishments related to duties of the board.	Approve the FY 2022 Annual Report as distributed.	Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried
5.2.1 ND State College of Science, ASN & ADN Programs: NCLEX Pass Rate Progress Report	<p>NDSCS ADN Program nurse administrator submitted a progress report in October, as required by the Board and NDAC for monitoring progress toward compliance with NCLEX-RN pass rates that were below minimum standard of 80% for two consecutive years FY 2019-2021.</p> <p>The report described continued consistent efforts by the nurse administrator to connect with faculty and program coordinators and provide mentoring and NCLEX prep resources woven throughout curriculum. NCLEX-RN first time tester pass rates for the program for FY 2021-2022 were 81.48%, above the minimum standard.</p> <p>The Board motioned to have the nurse administrator provide progress reports for each of the current FY meetings. Staff recommended continuing with that plan of monitoring to provide support as needed.</p> <p>Ms. Deb Smith, nurse administrator for the program was in attendance virtually and available for questions.</p>	<p>Krank motioned; Pazdernik seconded:</p> <p>Approve the progress report submitted by the Nurse Administrator for the ND State College of Science, Associate Degree Registered Nurse Education Program addressing the deficiency of non-compliance with NDAC 54-03.2-07-01. Performance of Graduates on Licensing Exam meets the NDBON reporting requirements; and require the Program Nurse Administrator to submit quarterly progress reports to the Board addressing the deficiency of non-compliance in January, April, and July 2023.</p>	<p>hBuettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 Absent. Motion carried</p>
5.4.1 CE Broker-renewal update	Staff provided updates about the current renewal cycle, CE audit, and collaborations with CE Broker. The planned 'soft-stop' built into the renewal process is being worked on by staff and Albertsons. The hope is implementation before the renewal cycle ends in December. This involves licensees being asked during renewal if they have completed their required CE and uploaded to CE Broker, but it does not stop them from renewing.		
5.5.1 Recognized Distance Nursing Education Program Minnesota State University Moorhead, Minnesota Alliance for Nursing Education	The Minnesota State University Moorhead, MN, MANE, BSN Program Nurse Administrator is requesting approval to use a BSN-prepared nurse enrolled in a graduate program as clinical instructor for Spring 2023.	<p>Seamands motioned; J. Hammer seconded:</p> <p>Approve the request from the Minnesota State University Moorhead, Minnesota Alliance for Nursing Education (MANE) BSN Program</p>	<p>Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 Absent. Motion carried</p>

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<p>(MANE) BSN Program request to utilize BSN prepared RNs enrolled in graduate program as clinical faculty for Spring 2023, January 9, to May 10, 2023</p>	<p>The BSN program was started in Fall 2020, and due to the pandemic and faculty shortages challenges continue to secure sufficient academically qualified faculty for clinical instruction. The program's clinical sites are primarily located in the Fargo ND community, requiring the program to meet NDBON Recognition requirements that clinical faculty be prepared at the master's level. The program provides nursing education for many ND residents due to the institution's proximity to the ND border. The program's Spring semester is from January 9 to May 10, 2023.</p> <p>Dr. Carol Roth, MSUM, Nursing Department Chair was in attendance virtually and available for questions during the discussion.</p>	<p>allowing the use of a BSN-prepared RN enrolled and making progress in a graduate program for clinical practice instruction Spring 2023 Semester as the program holds NDBON Annual Recognition, complies with NDCC 43-12.1-17. Nursing Education Programs, Section 1. and the request aligns with NDAC 54-03.2-04-08 Employment of Academically Unqualified Faculty, Subsection 3. Other Circumstances as Approved by the Board.</p>	
<p>5.5.2 NCSBN & NDBON FY 2021-2022 Annual Nursing Education Report Survey updates</p>	<p>Staff provided an update about progress with the collaboration of the NDBON and NCSBN for collection of NDBON Nursing Education Annual Report data this fall and dissemination of state statistics for use nationally and by the NDBON.</p> <p>All nineteen undergraduate programs and four graduate programs completed the annual education report survey. The aggregate data is being compiled by NCSBN. The final report and raw data excel spreadsheet will be provided in the next three weeks.</p>		
<p>6.1 Emergency limited license-review</p>	<p>Discussed the Emergency Limited License re-instated at the October 2021 NDBON meeting. Statistics provided on utilization of the policy and procedure during the nursing workforce shortage. Board staff report no potential violation reports or employer complaints related to any individuals who received this.</p>	<p>J. Hammer motioned; Dragseth seconded:</p> <p>Approve the continuation of the Emergency Limited License until April 2023; and accept the 120 hours of supervised clinical practice, verified by employer, as meeting 54-02-05-05 (3,g) "other evidence the licensee wished to submit which would provide proof of nursing competence" allowing the nonpracticing nurse to apply for reactivation.</p>	<p>Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried</p>
<p>6.2 Work prior to temporary permit during emergent</p>	<p>Discussed allowing facility general orientation and work in other non-nursing roles as originally approved October 2021 by the NDBON.</p>	<p>Seamands motioned; J. Hammer seconded:</p>	<p>Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes;</p>

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<p>nursing workforce crisis-facility general orientation & practicing in other non-nursing roles-review</p>		<p>Approve the continued allowance of facility general orientation (not nursing orientation) and work in other non-nursing roles prior to completing temporary permit requirements and issuance until April 2023.</p>	<p>Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried</p>
<p>6.3 Optimal Regulatory Board System (ORBS)-Licensing/discipline/education system</p>	<p>The North Dakota Board of Nursing has utilized Albertson Consulting for its licensure database needs for several years. While the system served us well in its infancy, as licensure grows in complexity, the NDBON requires a system that can handle the intricacy of licensure with efficiency.</p> <p>The NDBON explored ORBS several years ago, which is a comprehensive licensing and enforcement management system developed and administered by NCSBN. With the current vendor contract terming out in 2023, ORBS is again an option for updating the database technology and would supply 30 plus software engineers who have expertise in nurse licensure management and is utilized by 19 of the 39 NLC states. There is cost to the current vendor for data migration; however, ORBS is offered at no cost to state nursing boards through NCSBN. SAAG Simonson reviewed current vendor contract and ORBS and will assist with legal counsel through transition if approved.</p>	<p>J. Hammer motioned; Krank seconded:</p> <p>Direct staff to collaborate with National Council of State Boards of Nursing to explore feasibility; develop proposed timelines; and initiate checklist required to move to the Optimal Regulatory Board System. Staff to provide an update to the Board at the January 2023 regular meeting.</p>	<p>Buettner, yes; Dragseth, yes; Froelich, yes; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 9 Yes, 0 No. Motion carried</p>
<p>6.4 Credentials evaluations for internationally educated nurses</p>	<p>Staff provided an update regarding increased numbers of internationally educated nurse applicants and the challenges the licensing team and directors encounter trying to validate authenticity of transcripts and verify alignment of course work and practice experiences with NDAC requirements. NDCC does not specifically address requirements for internationally educated applicants. NDAC related to license by exam requires a credentials evaluation certificate for internationally educated applicants; however, NDAC related to license by endorsement does not include specific language.</p> <p>Noting the increased number of organizations that provide credentials evaluation services since the last amendments to NDAC in 2014, and the wording in</p>	<p>J. Hammer motioned; Krank seconded:</p> <p>Approve the requirement of a transcript credential evaluation report for all internationally educated nurse applicants to ensure alignment with NPA 43-12.1-09 (2)(a&b)(2).</p>	<p>Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, absent; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 7 Yes, 0 No, 2 Absent. Motion carried</p>

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	the NDAC license by exam section, legal counsel was asked to complete a review and provide opinion about implementation of policy to require a full transcript credentials evaluation for all internationally educated nurses. SAAG Simonson noted no concerns following his review of NDAC and the proposed policy.		
7.1 Legislative/Rules	Discussed preparations for upcoming 2023 legislative session starting January 3.	Johnston motioned; J. Hammer seconded: Direct staff and SAAG to collaborate with stakeholders during the legislative session to provide input and education related to the Nurse Practices Act and ND Administrative Code as needed; and to call special meetings at the discretion of the Executive Director and SAAG.	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried
7.1.1.1 Addition to Duties of the Board: Alternative to Discipline	Discussed proposed additions to the NDCC to add an Alternative to Discipline (ATD) program to the Duties of the Board including a definition of ATD; and pre-file as an Agency Bill with Legislative Council for the 2023 legislative session. Refer to appendix A for NPA revision proposal.	M. Seamands motioned; D.Pazdernik seconded: Approve the proposed addition of an Alternative to Discipline program to the Duties of the Board (43-12.1-08 (2)); and include the proposed definition of Alternative to Discipline (43-12.1-02 (2)); and direct staff and SAAG to pre-file with legislative council for the 2023 legislative session.	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried
7.1.1.2 Amend Duties of the Board: Nursing Education Loan	Discussed proposed amendment to the NDCC to adjust language related to the Nursing Education Loan in Duties of the Board to expand options related to providing student financial assistance and to prefile as an Agency Bill with Legislative Council for the 2023 legislative session. Refer to appendix A for NPA revision proposal.	Krank motioned; Seamands seconded: Approve the proposed amendments to the Duties of the Board 43-12.1-08 (2)(g) pertaining to the nursing student loan; and direct staff and SAAG to pre-file with legislative council for the 2023 legislative session.	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried

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7.1.1.3 Repeal Duties of the Board: Short-term clinical education	Discussed proposed repeal of short-term clinical education (2004) from the Duties of the Board as there have been no instances of use/reference since enactment of NDCC 43.12.1-04 Persons exempt from provisions of chapter, (10)(a) which allows for nurses currently licensed by another jurisdiction whose practice requires the nurse to attend continuing education activities in ND. Refer to appendix A for NPA revision proposal.	J. Hammer motioned; Johnston seconded: Approve the proposed repeal of Duties of the Board 43-12.1-08 (2)(k) related to short-term clinical education; and direct staff and SAAG to pre-file with legislative council for the 2023 legislative session.	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried
7.1.2 NDAC rules consideration: Independent credentials review for internationally/foreign educated applicants	Discussion under agenda item 6.4 was referenced. Staff noted the need to clarify and update wording in the NDAC license by exam and license by endorsement to align and require a full transcript credentials evaluation for all internationally educated nurses.	Seamands motioned; J. Hammer seconded: Direct staff and SAAG to explore rules to clarify requirements related to independent credential's review for application for license by endorsements (chapter 54-02-06) and license by examination (chapter 54-02-01); and provide draft to the Board for consideration at the January 2023 regular meeting.	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried
7.1.3 Legislative monitoring-SAAG Nicholas Simonson	Discussed addition of legislative monitoring to the current contract for SAAG Simonson, NDBON General Council. SAAG Simonson provided an outline of services related to monitoring, including spreadsheet of bills relevant to boards/commissions/nursing/ethics committee/licensure, etc. The spreadsheet with updates will be available to licensees and stakeholders at www.ndbon.org during the session.	Johnston motioned; J. Hammer seconded: Approve the addition of legislative monitoring to the duties of the current General Counsel of the Board, SAAG Nicholas Simonson effective January 2022-April 2023 at the proposed \$8,000 for the session.	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried
7.1.4 NDONL & NDLTC policy brief for state immigration office	Discussed the policy brief provided by the NDONL & NDLTC related to establishment of an Office of Immigration for internationally educated nurses. SAAG Simonson advised NDBON to consider as informational and remain neutral. SAAG Simonson reiterated that NDBON is not allowed to lobby; however, may provide education related to potential impact on NPA/NDAC when necessary.		

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7.2.1 Fluoroscopy update- DEQ	Discussed September correspondences with ND Department of Environmental Quality (DEQ); inclusion of DEQ in the review/approval process for APRNs seeking SOP to include performing and/or supervising fluoroscopy; and DEQs issuance of a letter for qualifying APRNs stating ND Radiological Health Rule requirements have been met. Staff to update documents to specifically include DEQ in the formal review process.		
7.2.2 Dialysis Technician Scope of Practice update	Discussed the 2020 request to expand dialysis technician SOP to include central line care, access, de-access. Support related to SOP included published research, SDs recent rules, and state by state data. NDDoH reported neutral position. Maria Regnier, RN, was present and provided an update regarding current trends and rationale for the request. A proposed revision to the current Dialysis Technician Guideline was reviewed with the Board.	Johnston motioned; J. Hammer seconded: Support the revised “Guidelines for the Role of the Dialysis Technician” to allow RN’s to delegate and directly supervise select duties pertaining to central catheters.	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried
10.1 Executive Session	Agenda item 10.1.1 includes personal health information which requires an executive session. The executive session began at 2:50 pm and was attended by Board Members as indicated on roll call attendance, Board staff (Pfenning, Hanson, Bentz, Lund, and Martin), and the licensee (individually for an assigned period during the respective agenda item discussion).	W. Johnston motioned; M. Seamands seconded: Hold an Executive Session to consider the following according to the NDCC 44-04-18.1: <ul style="list-style-type: none"> • 10.1.1 JODI RICHTER <u>To discuss closed, confidential, or exempt records.</u> 	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried
	Adjourned executive session at 3:09 pm and meeting opened to public onsite and videoconference.	M. Krank motioned; W. Johnston seconded: Adjourn the Executive Session and open the meeting to the public at 3:09 pm.	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried
10.1.1 Request for Reinstatement: Jodi Richter, RN R30600	Convened in open meeting to consider Jodi Richter’s request for reinstatement. NDBON then entered an Executive Session, according to NDCC Section 44-04-18.1, to discuss any closed, confidential, or exempt information. Ms. Richter presented in person. The Compliance Advisory Council recommendation of reinstatement to a three-year encumbrance was reviewed. NDBON reconvened in open meeting for discussion and voting.	J.Hammer motioned; M. Krank seconded: Grant reinstatement of Jodi Richter’s RN license to encumbered status for three (3) years with terms and conditions of the encumbrance as established by the Board and as set out in the Board Order as she has	Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried

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		fulfilled all requirements for reinstatement.	
<p>10.2.1 Request for Reissuance:</p> <p>Chelsy Helbling, RN & LPN (lapsed)</p> <p>R33208 L11674 (lapsed)</p>	<p>Chelsy Helbling is requesting reissuance of her RN license from encumbered status to full licensure status. NDBON reviewed the Order for Reinstatement of License dated October 24, 2019, Ms. Helbling's compliance with this order and the Compliance Advisory Council recommendation to reissue the RN license to unrestricted and full licensure status. Per report by staff, she has completed the terms and conditions of the Order for Reinstatement dated October 24, 2019.</p>	<p>W. Johnston motioned; J. Hammer seconded:</p> <p>Grant the Order for Reissuance of Chelsy Helbling's RN license to unrestricted practice and full licensure status, as she has complied with the terms and conditions of the Order for Reinstatement of License dated October 24, 2019.</p>	<p>Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried</p>
<p>10.7.1 Stipulation for Settlement</p> <p>Kristie Kuhn, RN</p> <p>R18650</p>	<p>PVR received on 07/01/2022 from the North Dakota Veteran's Home, Lisbon, ND. Allegations r/t a positive drug screen for marijuana. NDBON reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14(3) and NDAC 54-02-07-01.1(8)(19).</p>	<p>M. Krank motioned; J. Hammer seconded:</p> <p>Accept the terms of the proposed stipulation for settlement for Kristie Kuhn, RN, and enter its order to:</p> <ul style="list-style-type: none"> • Issue a Reprimand; • Assess \$700 penalty plus costs and disbursements; and • Other terms as set out in Board order. 	<p>Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried</p>
<p>10.7.2 Stipulation for Settlement</p> <p>Samantha English, LPN</p> <p>L14923</p>	<p>Self-report received on 05/13//2022 and PVR received on 07/25/2022 from Essentia Health, Fargo, ND. Allegations r/t violating patient privacy. NDBON reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14(3) and NDAC 54-02-07-01.1(8).</p>	<p>M. Krank motioned; W. Johnston seconded:</p> <p>Accept the terms of the proposed Stipulation for Settlement for Samantha English, LPN and enter its order to:</p> <ul style="list-style-type: none"> • Issue a Reprimand; • Assess \$600 penalty plus costs and disbursements; and • Other terms as set out in Board order. 	<p>Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried</p>

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<p>10.7.3 Stipulation for Settlement</p> <p>Sarah Wood, LPN</p> <p>L16995</p>	<p>PVR received on 06/29/2022 from Ascendo Resources, Fort Lauderdale, FL regarding contracted employment at Bethany Homes, Fargo, ND. Allegations r/t resident abandonment NDBON reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14(3) and NDAC 54-02-07-01.1(5)(8)(10).</p>	<p>J. Hammer motioned; M. Krank seconded:</p> <p>Accept the terms of the proposed Stipulation for Settlement for Sarah Wood, LPN and enter its order to:</p> <ul style="list-style-type: none"> • Issue a Reprimand; • Assess \$600 penalty plus costs and disbursements; and • Other terms as set out in Board order. 	<p>Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, yes; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 8 Yes, 0 No, 1 absent Motion carried</p>
<p>10.7.4 Stipulation for Settlement:</p> <p>Maribeth Madrid, RN</p> <p>R51582</p>	<p>PVR received on 05/20/2022 from Benedictine Living Community- Prince of Peace, Ellendale, ND. Allegations r/t pattern of nursing practice and scope of practice concerns. NDBON reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14(3)(5) and NDAC 54-02-07-01.1(5)(6)(7)(8).</p>	<p>J. Hammer motioned; J. Dragseth seconded:</p> <p>Accept the terms of the proposed Stipulation for Settlement for Maribeth Madrid, RN and enter its order to:</p> <ul style="list-style-type: none"> • Issue a Stayed Encumbrance with Suspension; • Assess \$1,400 penalty plus costs and disbursements; and • Other terms as set out in Board order. 	<p>Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, absent; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 7 Yes, 0 No, 2 absent Motion carried</p>
<p>10.7.5 Stipulation for Settlement:</p> <p>Larissa Harrington, RN</p> <p>R39108</p>	<p>Self-report received on 09/01/2022 and PVR received on 09/06/2022 from Sanford Health, Bismarck, ND. Allegations r/t working while impaired. NDBON reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5) and NDAC 54-02-07-01.1(5)(8)(12).</p>	<p>J. Hammer motioned; W. Johnston seconded:</p> <p>Accept the terms of the proposed Stipulation for Settlement for Larissa Harrington, RN and enter its order to:</p> <ul style="list-style-type: none"> • Suspend the License for an indefinite period; • Assess \$2,000 penalty plus costs and disbursements; and • Other terms as set out in Board order. 	<p>Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, absent; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 7 Yes, 0 No, 2 absent Motion carried</p>
<p>10.7.6 Stipulation for Settlement:</p> <p>Olufemi Ekisola, RN</p> <p>R51158</p>	<p>PVR received 04/20/2022 from The Meadows on University, Fargo, ND. Allegations r/t concerns with medication administration and mistreatment of a resident. NDBON reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14(3) and NDAC 54-02-07-01.1(5).</p>	<p>M. Krank motioned; W. Johnston seconded:</p> <p>Accept the terms of the proposed Stipulation for Settlement for Olufemi Ekisola, RN and enter its order to:</p> <ul style="list-style-type: none"> • Encumber the license for 1 year; 	<p>Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, absent; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 7 Yes, 0 No, 2 absent Motion carried</p>

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		<ul style="list-style-type: none"> • Assess a \$1,400 penalty plus costs and disbursements; and • Other terms as set out in Board order. 	
<p>10.7.7 Stipulation for Settlement:</p> <p>Nicole Elkin, RN & LPN (lapsed)</p> <p>R30132 TL255 (lapsed)</p>	<p>PVR received 08/11/2022 from Bethany Retirement Living, Fargo, ND. Allegations r/t nursing practice concerns and working while impaired. NDBON reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14(3) and NDAC 54-02-07-01.1(5)(8).</p>	<p>M. Seamands motioned; W.Johnston seconded:</p> <p>Accept the terms of the proposed Stipulation for Settlement for Nicole Elkin, RN and enter its order to:</p> <ul style="list-style-type: none"> • Suspend the license for an indefinite period; • Assess \$1,000 penalty plus costs and disbursements; and • Other terms as set out in Board order. 	<p>Buettner, yes; Dragseth, yes; Froelich, absent; J. Hammer, yes; M. Hammer, absent; Johnston, yes; Krank, yes; Pazdernik, yes; Seamands, yes. 7 Yes, 0 No, 2 absent Motion carried</p>
<p>10.9.1 Emergency Actions- No Board Action required:</p> <p>Dorothy Cummings, LPN L17248</p>	<p><u>Order of Emergency Suspension:</u> Respondent's license is SUSPENDED for 5 years or until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board.</p>		
<p>10.9.2 Emergency Actions- No Board Action required:</p> <p>Josephine Korvah, RN R46610</p>	<p><u>Order of Emergency Suspension:</u> Respondent's license is SUSPENDED for 5 years or until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board.</p>		
<p>10.9.3 Emergency Actions- No Board Action required:</p> <p>Josephine Korvah, RN R46610</p>	<p><u>Retraction of Order of Emergency Suspension:</u> Based upon provision of credible evident by Respondent, and that obtained by the Board in its own ongoing investigation which does not substantiate the information provided by the various federal investigatory agencies supplying the NCSBN with the information in its notice to the Board, the Executive Director of the Board believes that the Emergency Suspension against Respondent is no longer necessary. The Executive Director of the Board therefore retracts the Emergency Suspension issued against Respondent on September 6, 2022, and fully reinstates Respondent's license to practice nursing in the state of North Dakota as a Registered Nurse, waiving all penalties, costs, fees, and other expenses associated therewith and all other applicable requirements and remedies as set forth in the Emergency Suspension.</p>		
<p>10.9.4 Emergency Actions- No Board Action required:</p>	<p><u>Order of Emergency Suspension:</u> Respondent's license is SUSPENDED for 5 years or until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board.</p>		

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Sara Hughes, RN & LPN (lapsed) R30970 L9832 (lapsed)			
10.9.5 Emergency Actions- No Board Action required: Starlet Carbins, LPN L16897	CEASE AND DESIST ORDER: Respondent is ordered to CEASE AND DESIST from the practice of nursing in the state of North Dakota under any authority or privilege Respondent may currently or later have to practice nursing in the state of North Dakota, including pursuant to any multi-state nursing licensure compact with the Board, until such time as (i) Respondent has completed all of the continuing education requirements for licensure, has submitted verification of her successful completion of the required continuing education, has paid all applicable fees, and has submitted to the Board a written request for reinstatement of her Licensed Practical Nurse license, and (ii) the reinstatement is approved by the Board in a subsequent order.		
10.9.6 Emergency Actions- No Board Action required: Samantha Caulfield, RN & LPN (lapsed) R31943 L11236 (lapsed)	Order of Emergency Suspension: Respondent's license is SUSPENDED for 5 years or until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board.		
10.9.7 Emergency Actions- No Board Action required: Heather Briss, LPN L17382	Order of Emergency Suspension: Respondent's license is SUSPENDED for 5 years or until retracted, modified or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board.		
Adjournment	Adjournment at 4:13 p.m.	M. Seamands motioned; J. Hammer seconded: Adjourn the meeting.	
3.0 Consent Agenda (Ratifications and acknowledgements of requests and notifications to the NDBON)			
<ul style="list-style-type: none"> 3.1 Meetings, conferences, committees-Board representation <ul style="list-style-type: none"> 3.1.1 NLC Commission & Executive Committee and Rules Committee-Pfenning (Vice Chair) 3.1.2 NLC Compliance Committee-Hanson; NLC Research Committee-Buchholz (Chair); NLC Policy Committee-Bentz 3.1.3 NCSBN Leadership Succession Committee – Buchholz elected second two-year term; Chair FY 2023 3.1.4 AG Seminar October 5-staff and Board members attended 3.1.5 Recovery Reinvented-November 3 3.2 Notifications to the Board <ul style="list-style-type: none"> 3.2.1 Malpractice reports 3.2.2 AANP letter to NCSBN: APRN Compact 			

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- 3.3 Legislative Update
- 3.4 Unlicensed Assistive Person /Medication Assistant
- 3.5 Licensure
 - 3.5.1 NCLEX RN Annual Statistics FY 2021-2022 update
 - 3.5.2 NCLEX PN Annual Statistics FY 2021-2022 update
- 3.6 Discipline
 - 3.6.1 Discipline statistics/case activity report
 - 3.6.2 NLC case log
- 3.7 Academic and Continuing Nursing Education
 - 3.7.1 Ratification of approval for continuing education for contact hours-July-September 2022
 - 3.7.2 Recognized Distance Nursing Education Programs student placements Fall 2022 and Annual Statistics FY 2021-2022
 - 3.7.3 Faculty Developmental Program updates October 1, 2022
 - 3.7.4 Education Program Survey Schedule FY 2022-2023 updates
 - 3.7.5 Minot State University, BSN Program, Change in Program Nurse Administrator, Effective September 2022
 - 3.7.6 Rasmussen University, BSN Program, Change in Program Nurse Administrator, Effective August 8, 2022
 - 3.7.7 Rasmussen University, BSN Program, Follow-up Response Regarding Background Check Policy
 - 3.7.8 DNPC, Williston State College, Associate Degree Program, Notification of NLN CNEA Granting Initial Accreditation through April 30, 2028.
 - 3.7.9 DNPC, Dakota College at Bottineau, Associate Degree Program, Notification of NLN CNEA Granting Initial Accreditation through March 31, 2028.
- 3.8 Practice (ratification of revisions)
 - 3.8.1 Policy & Procedure for Nursing Practice Inquiries & Interpretive/Practice Guidance
 - 3.8.2 Medication Procedures for Residents going on pass for Long Term Care
 - 3.8.3 Exemption Review Guidelines for Employment Verification
- 3.9 Board Committees/meetings/staff presentations/DNC/Staff updates
 - 3.9.1 NDBON report to NDNA Annual Business Meeting September 19
 - 3.9.2 NDBON report to NDNA Pharmacology Conference October 7
 - 3.9.3 Pfenning completed George Washington University Graduate Certification Program: Health Policy and Media Engagement

Breaks and lunch provided.

Adjourned at 4:13 PM CST motioned by Seamands and second by J. Hammer on 10/27/2022.

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Appendix A

Proposed Amendments to the Nurse Practices Act:

**CHAPTER 43-12.1
NURSE PRACTICES ACT**

43-12.1-01. Scope.

The practice of nursing is continually evolving and responding to changes within health care patterns and systems. There are overlapping functions within the practice of nursing and other providers of health care.

43-12.1-02. Definitions.

In this chapter, unless the context otherwise requires:

1. "Advanced practice registered nurse" means an individual who holds a current license to practice in this state as an advanced practice registered nurse within one of the roles of certified nurse practitioner, certified registered nurse anesthetist, certified nurse midwife, or certified clinical nurse specialist, and who functions in one of the population foci as approved by the board.
- 1-2. "Alternative to discipline" means a voluntary alternative to traditional discipline program designed for nurses with substance use disorders, behavioral health conditions, or medical health conditions. Participation is not published unless disclosure is necessary to protect the health, safety, and welfare of the public or as ordered by a court of competent jurisdiction.
- 2-3. "Board" means the North Dakota board of nursing.
- 3-4. "Licensed practical nurse" means an individual who holds a current license to practice in this state as a licensed practical nurse and who practices dependently under the supervision of a registered nurse, specialty practice registered nurse, advanced practice registered nurse, or licensed practitioner.
- 4-5. "Nurse" means an individual who is currently licensed as an advanced practice registered nurse, specialty practice registered nurse, registered nurse, or licensed practical nurse.
- 5-6. "Nursing" means the performance of acts utilizing specialized knowledge, skills, and abilities for people in a variety of settings. The term includes the following acts, which may not be deemed to include acts of medical diagnosis or treatment or the practice of medicine as defined in chapter 43-17:
 - a. The maintenance of health and prevention of illness.
 - b. Assessing and diagnosing human responses to actual or potential health problems.
 - c. Providing supportive and restorative care and nursing treatment, medication administration, health counseling and teaching, case finding and referral of individuals who are ill, injured, or experiencing changes in the normal health processes.
 - d. Administration, teaching, supervision, delegation, and evaluation of health and nursing practices.
 - e. Collaboration with other health care professionals in the implementation of the total health care regimen and execution of the health care regimen prescribed by a health care practitioner licensed under the laws of this state.
- 6-7. "Prescriptive practices" means assessing the need for drugs, immunizing agents, or devices and writing a prescription to be filled by a licensed pharmacist.
- 7-8. "Registered nurse" means an individual who holds a current license to practice in this state as a registered nurse and who practices nursing

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independently and interdependently through the application of the nursing process.

~~8-9.~~ "Specialty practice registered nurse" means an individual who holds a current license to practice in this state as a specialty practice registered nurse and who has current certification from a national certifying body in a specific area of nursing practice.

~~9-10.~~ "Unlicensed assistive person" means an assistant to the nurse, who regardless of title is authorized to perform nursing interventions delegated and supervised by a nurse.

43-12.1-03. License or registration required - Title - Abbreviation.

Any person who provides nursing care to a resident of this state must hold a current license or registration issued by the board. It is unlawful for a person to practice nursing, offer to practice nursing, assist in the practice of nursing, or use any title, abbreviation, or designation to indicate that the person is practicing nursing or assisting in the practice of nursing in this state

unless that person is currently licensed or registered under this chapter. An advanced practice registered nurse shall use the abbreviation "APRN" and may use the applicable role designation of certified nurse practitioner, certified registered nurse anesthetist, certified nurse midwife, or certified clinical nurse specialist inclusive of population foci. A currently licensed specialty practice registered nurse shall use the abbreviation "SPRN"; a currently licensed registered nurse shall use the abbreviation "R.N."; a currently licensed practical nurse shall use the abbreviation "L.P.N."; and an unlicensed assistive person with current registration may use the title identified by the employer. A person may not use the title "nurse" or be referred to as a "nurse" unless the person is currently licensed by the board or exempt under section 43-12.1-04.

43-12.1-04. Persons exempt from provisions of chapter.

This chapter does not apply to a person that is not licensed or registered under this chapter and is:

1. A person that performs nursing interventions in cases of emergency or disaster.
2. A student practicing nursing as a part of an in-state board-approved nursing education program.
3. A licensed nurse of another state who is in good standing and who is employed in this state by the United States government or any of its bureaus, divisions, or agencies.
4. A nurse licensed by another state or Canada, whose employment requires the nurse to accompany and care for a patient in transit for health care.
5. A nurse licensed by another state whose employment by a resident of that state requires the nurse to accompany and care for the resident in North Dakota.
6. An individual who performs nursing tasks for a family member.
7. A person that renders assistance pursuant to chapter 23-27.
8. A person licensed or registered under another chapter of this title and carrying out the therapy or practice for which the person is licensed or registered.
9. A person that provides medications, other than by the parenteral route:
 - a. Within a correctional facility, in compliance with section 12-44.1-29;
 - b. Within a psychiatric residential treatment facility for children licensed under chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;
 - c. Within a treatment or care center for individuals with developmental disabilities licensed under chapter 25-16;
 - d. Within a group home, a qualified residential treatment program, or an adult foster care facility licensed under section 50-11-01;
 - e. Within the life skills and transition center, to the extent the individual who provides medications is a direct training technician or a vocational training technician as approved by the department of health and human services;
 - f. Within a human service center licensed under chapter 50-06; or
 - g. Within a primary or secondary school under a program established under section 15.1-19-23 if the individual has received education and training in medication administration and has received written consent of the student's parent or guardian; or
 - h. Who is an employee of a qualified service provider agency who meets the criteria set forth in subsection 2 of section 50-24.1-18.
10. A nurse currently licensed to practice nursing by another jurisdiction:
 - a. Whose practice in another state requires that nurse to attend orientation, meetings, or continuing education in North Dakota;
 - b. Who serves as a guest lecturer or short-term consultant; or
 - c. Who provides evaluation undertaken on behalf of an accrediting organization.
11. An individual, including a feeding assistant, performing nonhands-on tasks while employed in a Medicare-funded organization.
12. A student practicing nursing as part of an out-of-state board-recognized nursing education program, upon written notification to the board and contingent upon clinical site availability.

13. An individual who is registered on the department of health and human services nurse aide registry, including a certified nurse aide, home health aide, nurse aide, and medication assistant.

43-12.1-05. Board of nursing - Composition - Term of office.

There is a state board of nursing whose members must be appointed by the governor which must consist of five registered nurses, one advanced practice registered nurse, two licensed practical nurses, and one public member. Each board member must be appointed for a term of four years. No appointee may be appointed for more than two consecutive terms. An appointment for an unexpired term of more than eighteen months will constitute a full term. Terms of nurse board members must be evenly distributed to allow two licensed nurse board members to be appointed or reappointed each year.

43-12.1-06. Qualifications of board members.

1. Each registered nurse must be an eligible voting resident of this state, possess an unencumbered registered nurse license under this chapter, and be currently engaged in practice as a registered nurse. A majority of the members under this subsection must be actively engaged in practice in a nurse-patient setting.
2. Each licensed practical nurse must be an eligible voting resident of this state, possess an unencumbered practical nurse license under this chapter, and be currently engaged in practice as a licensed practical nurse. A majority of the members under this subsection must be actively engaged in practice in a nurse-patient setting.
3. Each advanced practice registered nurse must be an eligible voting resident of this state, possess an unencumbered advanced practice registered nurse license under this chapter, and be currently engaged in practice as an advanced practice registered nurse.
4. Each public member must be an eligible voting resident of this state and have no employment, professional license, or financial interest with any health care entity.
5. Each member appointed to the board shall maintain the qualifications for appointment for the duration of the appointment. The governor may remove any member of the board for cause upon recommendation of two-thirds of the members of the board.

43-12.1-07. Compensation of board members.

A member of the board is entitled to receive compensation in an amount fixed by the board for each day or portion of a day the member is actually engaged in the performance of official duties and such mileage reimbursement as is provided for in section 54-06-09. In addition, the member is entitled to reimbursement for actual and necessary expenses in the amounts provided by law for state officers in section 44-08-04. All funds collected or received by the board must be deposited and disbursed in accordance with section 54-44-12.

43-12.1-08. Duties of the board.

1. The board shall regulate the practice of nursing as provided in this chapter.
2. The board shall:
 - a. Enforce this chapter.
 - b. Adopt and enforce administrative rules necessary to administer this chapter after collaborating and consulting with North Dakota nursing organizations and other affected parties.
 - c. Appoint and employ a registered nurse to serve as executive director and approve any additional staff positions necessary to administer this chapter.
 - d. Establish fees and receive all moneys collected under this chapter and authorize all expenditures necessary to conduct the business of the board. Any balance of fees after payment of expenditures must be used to administer this chapter.
 - e. Collect and analyze data regarding nursing education, nursing practice, and nursing resources.

- f. Issue and renew limited licenses or registrations to individuals requiring accommodation to practice nursing or assist in the practice of nursing.
- ~~g. Establish a nursing student loan program funded by license fees to encourage individuals to enter and advance in the nursing profession. Conduct and support projects pertaining to funding assistance for nurse/student participation in nursing education.~~
- h. Establish a registry of individuals licensed or registered by the board.
- i. Report annually to the governor and nursing profession regarding the regulation of nursing in the state.
- j. Conduct and support projects pertaining to nursing education and practice.
- ~~k. Adopt and enforce administrative rules to allow nurses licensed by another state to receive short-term clinical education in North Dakota health care facilities.~~
- l. License qualified applicants for nurse licensure.
- m. Register qualified applicants for the unlicensed assistive person registry.
- n. Adopt and enforce rules for continuing competence of licensees and registrants.
- o. Adopt and enforce rules for nursing practices.
- p. Issue practice statements regarding the interpretation and application of this chapter.
- ~~q. Adopt and enforce rules to establish an alternative to discipline program.~~

43-12.1-08.1. Prescriptive practices for registered nurses with advanced licenses.

Repealed by S.L. 1995, ch. 403, § 17.

43-12.1-08.2. Nursing needs study.

Expired under S.L. 2001, ch. 373, § 2.

43-12.1-09. Initial licensure and registration.

1. The board shall license nurses and register unlicensed assistive person applicants. The board shall adopt and enforce administrative rules establishing qualifications for initial nursing licensure and unlicensed assistive person registration and for issuing limited licenses and registrations pursuant to subsection 3.
2. Each applicant who successfully meets the requirements of this section is entitled to initial licensure or registration as follows:
 - a. An applicant for licensure by examination to practice as a registered nurse or licensed practical nurse shall:
 - (1) Submit a completed application and appropriate fee as established by the board.
 - (2) Submit an official transcript that verifies completion of a board-approved in-state nursing education program that prepares the graduate for the level of licensure sought; or submit an official transcript that verifies completion of an out-of-state nursing education program that is approved by the state board of nursing of the jurisdiction in which the program is headquartered and that prepares the graduate for the level of licensure sought. The board shall adopt rules establishing standards for the approval of out-of-state nursing education programs.
 - (3) Pass an examination approved by the board.
 - b. An applicant for licensure by endorsement to practice as a registered nurse or licensed practical nurse shall:
 - (1) Submit a completed application and appropriate fee as established by the board.
 - (2) Submit an official transcript that verifies completion of a nursing education program approved by the state board of nursing of the jurisdiction in which the program is headquartered and preparing the graduate for the level of licensure sought.
 - (3) Submit proof of initial licensure by examination with the examination meeting North Dakota requirements for licensure examinations in effect at the time the applicant qualified for initial licensure.

- (4) Submit evidence of current unencumbered licensure in another state or jurisdiction or meet continued competency requirements as established by the board.
 - (5) Notwithstanding the foregoing requirements of this subdivision, an applicant for licensure as a licensed practical nurse is not required to meet any additional academic educational requirements for licensure as a licensed practical nurse if the applicant has been licensed in another state as a licensed practical nurse based upon completion of a registered nurse education program and if the applicant has had at least twenty-four months of unencumbered practice as a licensed practical nurse in another state within the four-year period immediately preceding the application.
- c. An applicant for licensure as an advanced practice registered nurse shall:
- (1) Submit a completed application and appropriate fee as established by the board.
 - (2) Submit evidence of appropriate education and current certification in an advanced nursing role by a national nursing organization meeting criteria as established by the board. An advanced practice registered nurse applicant must have a graduate degree with a nursing focus or must have completed the educational requirements in effect when the applicant was initially licensed.
 - (3) Possess or show evidence of application for a current unencumbered registered nurse license.
- d. An applicant for licensure as an advanced practice registered nurse who completed an advanced nursing education program and was licensed or certified in advanced practice before December 31, 2015, may apply for and receive an advanced practice license if that applicant meets the requirements that were in effect at the time the applicant qualified for initial advanced practice licensure.
- e. An applicant for unlicensed assistive person registration shall:
- (1) Submit a completed application and the appropriate fee as established by the board.
 - (2) Provide verification of appropriate training or evidence of certification or evaluation in the performance of basic nursing interventions.
- f. An applicant for licensure as a specialty practice registered nurse shall:
- (1) Submit a completed application and appropriate fee as established by the board.
 - (2) Submit evidence of appropriate education and current certification in a specialty nursing role by a national nursing organization meeting criteria as established by the board. A specialty practice registered nurse applicant must have the educational preparation and national certification within a defined area of nursing practice.
 - (3) Possess or show evidence of application for a current unencumbered registered nurse license.
3. For good cause shown, the board may issue a limited license or registration to an applicant.

43-12.1-09.1. Nursing licensure or registration - Criminal history record checks.

The board shall require each applicant for initial licensure and registration, including applicants for a multistate license under chapter 43-12.4, to submit to a statewide and nationwide criminal history record check. The board may require any licensee or registrant who is renewing a license or registration, including renewal of a multistate license under chapter 43-12.4, and any licensee or registrant who is the subject of a disciplinary investigation or proceeding to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24. All costs associated with obtaining a background check are the responsibility of the applicant, licensee, or registrant. The board may grant a nonrenewable temporary permit to an applicant for initial or renewed license or registration who submits to a criminal history record

check as required by this chapter if the applicant has met all other licensure or registration requirements in accordance with subsection 2 of section 43-12.1-09. The board may not share with, or disclose to, the interstate commission of nurse licensure compact administrators any contents of a nationwide criminal history record check.

43-12.1-10. Renewal of license or registration - Reactivation.

1. The board shall renew a current license to practice as an advanced practice registered nurse, specialty practice registered nurse, registered nurse, or licensed practical nurse if the licensee submits a renewal application, submits the appropriate fee established by the board, and meets all requirements for licensure. If a licensee does not renew a license before the license expires, the board shall reactivate that license if that licensee meets the reactivation requirements set by the board.
2. The board shall renew the registration of an unlicensed assistive person if the registrant submits a renewal application, the appropriate fee established by the board, and documentation of competency by the employer or evidence of certification or evaluation. A lapsed unlicensed assistive person registration may be reactivated upon submission of the application, payment of the appropriate fee established by the board, and documentation of competency or evidence of certification or evaluation.
3. For good cause shown, the board may issue a limited license or registration to a licensee or registrant. The board shall adopt rules establishing qualifications for issuing limited licenses and registrations pursuant to this subsection.

43-12.1-11. Duties of licensees and registrants.

Each individual licensed or registered by the board shall provide information requested by the board at the time of renewal or reactivation. Each individual licensed or registered by the board shall report to the board any knowledge of the performance of those acts or omissions that are violations of this chapter or grounds for disciplinary action as set forth in section 43-12.1-14. Each licensee or registrant shall report to the board any judgment or settlement in a professional or occupational malpractice action to which the licensee or registrant is a party. Any person, other than a licensee or registrant alleged to have violated this chapter, participating in good faith in making a report, assisting in an investigation, or furnishing information to an investigator, is immune from any civil or criminal liability that otherwise may result from reporting required by this section. For the purpose of any civil or criminal proceeding the good faith of any person required to report under this section is presumed.

43-12.1-12. Emergency treatment by nurses.

A nurse licensed under this chapter, who, in good faith, provides nursing care at the scene of an emergency, may provide only that nursing care as in the nurse's judgment is at the time indicated. In the event of a disaster, a licensed nurse may initiate any therapeutic measure that is indicated according to that nurse's judgment.

43-12.1-13. Disciplinary proceedings.

Disciplinary proceedings under this chapter must be conducted in accordance with chapter 28-32. Fees for each separate violation or the assessment of costs and disbursements, or both, may be imposed against a respondent in addition to any licensure or registration sanctions the board may impose. An appeal from the final decision of the board may be taken to the district court of Burleigh County under chapter 28-32. The board shall furnish to the required state and federal databanks a list of individuals who have been disciplined by the board.

43-12.1-13.1. Emergency treatment by nurses.

Repealed by S.L. 1995, ch. 403, § 17.

43-12.1-13.2. Emergency treatment by licensed nurses during disaster.

Repealed by S.L. 1995, ch. 403, § 17.

43-12.1-14. Grounds for discipline - Penalties.

The board may deny, limit, revoke, encumber, or suspend any license or registration to practice nursing issued by the board or applied for in accordance with this chapter; reprimand, place on probation, or otherwise discipline a licensee, registrant, or applicant; deny admission to licensure or registration examination; require evidence of evaluation and treatment; or issue a nondisciplinary letter of concern to a licensee, registrant, or applicant, upon proof that the person:

1. Has been arrested, charged, or convicted by a court, or has entered a plea of nolo contendere to a crime in any jurisdiction that relates adversely to the practice of nursing and the licensee or registrant has not demonstrated sufficient rehabilitation under section 12.1-33-02.1;
2. Has been disciplined by a board of nursing in another jurisdiction, or has had a license or registration to practice nursing or to assist in the practice of nursing or to practice in another health care occupation or profession denied, revoked, suspended, or otherwise sanctioned;
3. Has engaged in any practice inconsistent with the standards of nursing practice;
4. Has obtained or attempted to obtain by fraud or deceit a license or registration to practice nursing, or has submitted to the board any information that is fraudulent, deceitful, or false;
5. Has engaged in a pattern of practice or other behavior that demonstrates professional misconduct;
6. Has diverted or attempted to divert supplies, equipment, drugs, or controlled substances for personal use or unauthorized use;
7. Has practiced nursing or assisted in the practice of nursing in this state without a current license or registration or as otherwise prohibited by this chapter;
8. Has failed to report any violation of this chapter or rules adopted under this chapter; or
9. Has failed to observe and follow the duly adopted standards, policies, directives, and orders of the board, or has violated any other provision of this chapter.

43-12.1-14.1. Grounds for discipline - Assistant to the nurse.

Repealed by S.L. 1995, ch. 403, § 17.

43-12.1-14.2. Unlicensed assistive person - Practice without a registration.

If the board determines an unlicensed assistive person, whose registration has expired, violated subsection 7 of section 43-12.1-14 by practicing without a current registration for a period of up to four months from the initial date of employment, the action of the board in the case of a first violation is limited to the issuance of a letter of concern.

43-12.1-14.3. Limitations on disciplinary actions.

The board may not take disciplinary action against an advanced practice registered nurse based solely on the advanced practice registered nurse prescribing or dispensing ivermectin for the off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2. This section does not limit the board from taking a disciplinary action on another basis, such as unlicensed practice, inappropriate documentation, or substandard care, or any basis that would in the board's determination harm the patient.

43-12.1-15. Violation - Penalties.

It is a class B misdemeanor for a person to willfully:

1. Buy or sell, fraudulently obtain, or furnish any questions and answers used in the licensing examination for nurses, or assist others in the performance of these acts.
2. Buy or sell, fraudulently obtain, or furnish any record that might enable an individual to obtain a license in this state or assist others in the performance of these acts.
3. Practice as an advanced practice registered nurse, a specialty practice registered nurse, a registered nurse, a licensed practical nurse, or an unlicensed assistive person

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through use of a transcript from a school of nursing, diploma, certificate of registration, license, or record that was fraudulently created or obtained.

4. Practice as an advanced practice registered nurse, a specialty practice registered nurse, a registered nurse, a licensed practical nurse, or an unlicensed assistive person as defined by this chapter unless licensed to do so.
5. Conduct any education program preparing an individual for nursing licensure or registration unless the program has been approved by the board.
6. Employ a person to practice nursing or perform nursing interventions unless the person is licensed or registered by the board.

43-12.1-16. Delegation of medication administration.

A licensed nurse may delegate medication administration to a person exempt under subsections 9 and 13 of section 43-12.1-04.

43-12.1-16.1. Supervision and delegation of nursing interventions.

A nurse may supervise and delegate nursing interventions to an individual exempt under subsection 13 of section 43-12.1-04.

43-12.1-17. Nursing education programs.

1. The board shall adopt and enforce administrative rules establishing standards for nursing education programs leading to initial or advanced licensure. In-state programs must be approved by the board. Out-of-state programs must be approved by the state board of nursing of the jurisdiction in which the program is headquartered. The board shall approve, review, and reapprove nursing education programs in this state. The board may not require a statement of intent as part of the approval process under this section.
2. The standards established under this section for a program leading to licensure as a licensed practical nurse:
 - a. Must allow for a program that offers two or more academic years of course study or the equivalent;
 - b. Must allow for a program that offers less than two academic years of course study or the equivalent; and
 - c. May not allow for a program that offers less than one academic year of course study or the equivalent.
3. The standards established under this section for a program leading to licensure as a registered nurse:
 - a. Must allow for a program that offers four or more academic years of course study or the equivalent;
 - b. Must allow for a program that offers less than four academic years of course study or the equivalent; and
 - c. May not allow for a program that offers less than two academic years of course study or the equivalent.

43-12.1-18. Nursing practice standards.

Repealed by S.L. 2013, ch. 321, § 12.

43-12.1-19. Transition from transitional nurse licenses.

Expired under S.L. 2003, ch. 361, § 10.

43-12.1-20. Continuing education requirements.

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Repealed by S.L. 2013, ch. 321, § 12.