

Introduced by

Senators Burckhard, Mathern

Representatives Louser, Rohr

1 A BILL for an Act to create and enact a new section to chapter 23-01 and a new section to  
2 chapter 23-16 of the North Dakota Century Code, relating to phlebotomists and notification  
3 protocol in the case of exposure to an infectious organism; to amend and reenact sections  
4 23-09.3-04 and 23-17.3-05 of the North Dakota Century Code, relating to notification protocol in  
5 the case of exposure to an infectious organism; and to provide an effective date.

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

7 **SECTION 1.** A new section to chapter 23-01 of the North Dakota Century Code is created  
8 and enacted as follows:

9 **Phlebotomy - Registration.**

- 10 1. The state department of health shall establish and administer a phlebotomist registry.  
11 To qualify for registration, an applicant must:  
12 a. Be at least eighteen years of age;  
13 b. Establish proof of completion of the health safety education requirements  
14 established by the health council by rule;  
15 c. Satisfy registration criteria established by the health council by rule; and  
16 d. Pay the registration fee established by the health council by rule.  
17 2. An individual may not draw blood from another human being for a fee or as an  
18 occupation unless that individual is registered under this section. A person may not  
19 employ or contract for services of an individual to draw blood from a human being  
20 unless that employee or contractor is registered under this section.  
21 3. The health council shall adopt rules to implement this section. The rules must address:  
22 a. Persons exempt from this section;  
23 b. The amount of the registration and registration renewal fees; and  
24 c. Health safety education requirements for initial registration and renewal.

- 1       4. Registration under this section is valid for one year.
- 2       5. The state department of health shall collect registration and registration renewal fees
- 3       not to exceed twenty-five dollars per individual registered under this section. The
- 4       department may collect the fee from the registrant or the registrant's employer. The
- 5       department shall deposit fees collected under this section in the department's
- 6       operating account.

7       **SECTION 2. AMENDMENT.** Section 23-09.3-04 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9       **23-09.3-04. Department to establish standards - Licensing - Inspection - Survey -**  
10 **Prosecute violations.**

- 11       1. The department shall establish standards for basic care facilities. The department
- 12       shall inspect all places and grant annual licenses to basic care facilities as conform to
- 13       the standards established and comply with the rules prescribed, as provided in this
- 14       chapter.
- 15       2. The department shall implement a survey process for basic care facilities which for
- 16       purposes of the life safety portions of the survey, all surveys must be announced;
- 17       which for purposes of the health portions of the survey, half of the surveys must be
- 18       announced; and which for purposes of complaints related to health and life safety, all
- 19       surveys must be unannounced. As part of the survey process, the department shall
- 20       develop, in consultation with basic care facilities, and shall implement a two-tiered
- 21       system of identifying areas of noncompliance with the health portions of the survey.
- 22       3. The standards established by the department under this section must require a basic
- 23       care facility to file with the department a department-approved public notification plan.
- 24       a. The public notification plan must provide the facility's protocol for notifying
- 25       individuals of potential exposure to infectious organisms due to an unsafe
- 26       practice or infection control breach. The plan must include notification of potential
- 27       exposure of a resident, an employee, or a member of the public.
- 28       b. If an event occurs requiring notification under a facility's plan, the facility shall
- 29       report this to the department. Upon receipt of a report under this subsection, the
- 30       department shall investigate the event and ensure the plan is implemented and
- 31       notifications have occurred.

1       4. The department shall prosecute all violations of this chapter.

2       **SECTION 3.** A new section to chapter 23-16 of the North Dakota Century Code is created  
3 and enacted as follows:

4       **Public notification plan.**

5       1. As a condition for licensure under this chapter, a hospital shall file with the state  
6 department of health a department-approved public notification plan.

7       2. The public notification plan must provide the hospital's protocol for notifying individuals  
8 of potential exposure to infectious organisms due to an unsafe practice or infection  
9 control breach. The plan must include notification of potential exposure of a patient, an  
10 employee, a contractor, or a member of the public.

11       3. If an event occurs requiring notification under a hospital's plan, the hospital shall report  
12 this to the state department of health. Upon receipt of a report under this subsection,  
13 the department shall investigate the event and ensure the plan is implemented and  
14 notifications have occurred.

15       **SECTION 4. AMENDMENT.** Section 23-17.3-05 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17       **23-17.3-05. Standards of licensure.**

18       1. Minimum standards ~~which~~ a home health agency must meet for licensure are:

19       a. The agency shall provide skilled nursing and at least one other therapeutic  
20 service, such as physical therapy, occupational therapy, speech therapy, medical  
21 social services, or home health aide services, on a regular basis.

22       b. The agency shall maintain personnel folders on all agency employees; which  
23 indicate ~~that~~ qualified personnel are available to render designated services.  
24 ~~When~~If hospital or long-term care personnel are utilized by the hospital or  
25 long-term care facility to treat agency patients during the normal working hours,  
26 the hospital's or facility's personnel folder meets this requirement for that facility's  
27 employees. Home health agencies that contract for staff to provide services shall  
28 maintain a current written agreement with personnel serving under that contract  
29 in the personnel folders maintained under this subsection.

30       c. The agency shall maintain plans of treatment, clinical notes, and other means to  
31 verify ~~that~~ services are actually provided and not merely listed as being offered.

- 1           d. The agency shall maintain full information in its files relating to ownership of the  
2           agency. If the agency is incorporated for profit, the files must contain names and  
3           addresses of the corporate officers and of each person having ten percent or  
4           greater interest in the ownership of the agency.
- 5           e. The agency shall have a supervising physician or a supervising registered  
6           professional nurse who is responsible for the direction, coordination, and general  
7           supervision of the therapeutic services provided by the agency and who is  
8           employed on a full-time basis. There must be supervision from a physician or  
9           registered professional nurse during all hours of operation.
- 10          f. If services are to be provided by arrangement with other agencies or  
11          organizations, the home health agency shall ensure that the other agencies or  
12          organizations furnish qualified and trained personnel.
- 13          g. If services are provided under written contracts between a home health agency  
14          and other agencies or other organizations, the home health agency shall have  
15          documentation ~~which~~that verifies that communications between the contractor  
16          and the staff of the agency are frequent, and that the home health agency has all  
17          information necessary to assure that the administrative responsibility for the care  
18          of patients rests with the home health agency.
- 19          h. The agency shall maintain clinical records on all patients to serve as  
20          documentation of the medical, nursing, and therapeutic care rendered to the  
21          patient and for communication between the physician and the agency.
- 22          i. The agency shall ensure ~~that~~ home health aides are properly trained and function  
23          under adequate supervision.
- 24          2. As a condition of licensure and licensure renewal, the agency shall file with the  
25          department a department-approved public notification plan.
- 26          a. The public notification plan must provide the agency's protocol for notifying  
27          individuals of potential exposure to infectious organisms due to an unsafe  
28          practice or infection control breach. The plan must include notification of potential  
29          exposure of a client, an employee, a contractor, or a member of the public.
- 30          b. If an event occurs requiring notification under an agency's plan, the agency shall  
31          report this to the department. Upon receipt of a report under this subdivision, the

- 1                    department shall investigate the event and ensure the plan is implemented and  
2                    notifications have occurred.
- 3        3. All phases of an agency's operation must be without discrimination against individuals  
4                    or groups of individuals on the basis of race, creed, color, national origin, sex, or age.
- 5        **SECTION 5. EFFECTIVE DATE.** This Act becomes effective January 1, 2018.