

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2315

Introduced by

Senators J. Lee, Krebsbach, Robinson

Representatives Delmore, Klemin, Maragos

1 A BILL for an Act to create and enact a new section to chapter 43-12.1 of the North Dakota
2 Century Code, relating to creation of a lay and traditional midwife registry; to amend and
3 reenact sections 43-12.1-02, 43-12.1-09, and 43-12.1-09.1 of the North Dakota Century Code,
4 relating to the registry of lay and traditional midwives; to provide for a legislative management
5 study; and to provide an expiration date.

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

7 **SECTION 1. AMENDMENT.** Section 43-12.1-02 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-12.1-02. Definitions.**

10 In this chapter, unless the context otherwise requires:

- 11 1. "Advanced practice registered nurse" means an individual who holds a current license
12 to practice in this state as an advanced practice registered nurse.
- 13 2. "Board" means the North Dakota board of nursing.
- 14 3. "Lay or traditional midwife" means an individual who is currently registered as a lay or
15 traditional midwife under this chapter.
- 16 4. "Licensed practical nurse" means an individual who holds a current license to practice
17 in this state as a licensed practical nurse.
- 18 ~~4.5.~~ "Nurse" means an individual who is currently licensed as an advanced practice
19 registered nurse, registered nurse, or licensed practical nurse.
- 20 ~~5.6.~~ "Nursing" means the performance of acts utilizing specialized knowledge, skills, and
21 abilities for people in a variety of settings. The term includes the following acts, which
22 may not be deemed to include acts of medical diagnosis or treatment or the practice of
23 medicine as defined in chapter 43-17:
- 24 a. The maintenance of health and prevention of illness.

- 1 b. Diagnosing human responses to actual or potential health problems.
- 2 c. Providing supportive and restorative care and nursing treatment, medication
- 3 administration, health counseling and teaching, case finding and referral of
- 4 individuals who are ill, injured, or experiencing changes in the normal health
- 5 processes.
- 6 d. Administration, teaching, supervision, delegation, and evaluation of health and
- 7 nursing practices.
- 8 e. Collaboration with other health care professionals in the implementation of the
- 9 total health care regimen and execution of the health care regimen prescribed by
- 10 a health care practitioner licensed under the laws of this state.
- 11 ~~6-7.~~ "Prescriptive practices" means assessing the need for drugs, immunizing agents, or
- 12 devices and writing a prescription to be filled by a licensed pharmacist.
- 13 ~~7-8.~~ "Registered nurse" means an individual who holds a current license to practice in this
- 14 state as a registered nurse.
- 15 ~~8-9.~~ "Specialty practice registered nurse" means an individual who holds a current license
- 16 to practice in this state as a specialty practice registered nurse.
- 17 ~~9-10.~~ "Unlicensed assistive person" means an assistant to the nurse who regardless of title
- 18 is authorized by the board to perform nursing interventions delegated and supervised
- 19 by a nurse.

20 **SECTION 2. AMENDMENT.** Section 43-12.1-09 of the North Dakota Century Code is

21 amended and reenacted as follows:

22 **43-12.1-09. Initial licensure and registration.**

- 23 1. The board shall license and register nursing, lay or traditional midwife, and unlicensed
- 24 assistive person applicants. The board shall adopt rules establishing qualifications for
- 25 initial nursing licensure and unlicensed assistive person registration and for issuing
- 26 limited licenses and registrations pursuant to subsection 3.
- 27 2. Each applicant who successfully meets the requirements of this section is entitled to
- 28 initial licensure or registration as follows:
- 29 a. An applicant for licensure by examination to practice as a registered nurse or
- 30 licensed practical nurse shall:

- 1 (1) Submit a completed application and appropriate fee as established by the
2 board.
- 3 (2) Submit an official transcript showing completion of an in-state nursing
4 education program or a board-approved out-of-state nursing education
5 program preparing for the level of licensure sought. The board shall adopt
6 rules establishing standards for the approval of out-of-state nursing
7 education programs. These standards for out-of-state programs must
8 include consideration of whether the program is accredited by the national
9 league for nursing accrediting commission, incorporated, or the commission
10 on collegiate nursing education and whether the program meets the
11 requirements of the state in which the program is provided.
- 12 (3) Pass an examination approved by the board.
- 13 b. An applicant for licensure by endorsement to practice as a registered nurse or
14 licensed practical nurse shall:
 - 15 (1) Submit a completed application and appropriate fee as established by the
16 board.
 - 17 (2) Submit an official transcript showing completion of a nursing education
18 program preparing for the level of licensure sought.
 - 19 (3) Submit proof of initial licensure by examination with the examination
20 meeting North Dakota requirements for licensure examinations in effect at
21 the time the applicant qualified for initial licensure.
 - 22 (4) Submit evidence of current unencumbered licensure in another state or
23 meet continued competency requirements as established by the board.
 - 24 (5) Notwithstanding the foregoing requirements of this subdivision, if an
25 applicant for licensure as a licensed practical nurse has been licensed in
26 another state as a licensed practical nurse based upon completion of a
27 registered nurse education program and has had at least twenty-four
28 months of unencumbered practice as a licensed practical nurse in another
29 state within the five-year period preceding the application, then the applicant
30 is not required to meet any additional educational requirements for licensure
31 as a licensed practical nurse.

- 1 c. An applicant for licensure as an advanced practice registered nurse shall:
- 2 (1) Submit a completed application and appropriate fee as established by the
- 3 board.
- 4 (2) Submit evidence of appropriate education and current certification in an
- 5 advanced nursing role by a national nursing organization meeting criteria as
- 6 established by the board. An advanced practice registered nurse applicant
- 7 must have a graduate degree with a nursing focus or must have completed
- 8 the educational requirements in effect when the applicant was initially
- 9 licensed.
- 10 (3) Possess or show evidence of application for a current unencumbered
- 11 registered nurse license.
- 12 d. An applicant for licensure as an advanced practice registered nurse who
- 13 completed an advanced nursing education program and was licensed or certified
- 14 in advanced practice by another state before January 1, 2001, or who completed
- 15 an advanced nursing education program and was licensed or certified as a
- 16 women's health care nurse practitioner by another state before January 1, 2007,
- 17 may apply for and receive an advanced practice license if that applicant meets
- 18 the requirements that were in place in this state at the time the applicant qualified
- 19 for initial advanced practice licensure in that state.
- 20 e. An applicant for unlicensed assistive person registration shall:
- 21 (1) Submit a completed application and the appropriate fee as established by
- 22 the board.
- 23 (2) Provide verification of appropriate training or evidence of certification or
- 24 evaluation in the performance of basic nursing interventions.
- 25 f. An applicant for licensure as a specialty practice registered nurse shall:
- 26 (1) Submit a completed application and appropriate fee as established by the
- 27 board.
- 28 (2) Submit evidence of appropriate education and current certification in a
- 29 specialty nursing role by a national nursing organization meeting criteria as
- 30 established by the board. A specialty practice registered nurse applicant

1 must have the educational preparation and national certification within a
2 defined area of nursing practice.

3 (3) Possess or show evidence of application for a current unencumbered
4 registered nurse license.

5 g. An applicant for registration as a lay or traditional midwife shall:

6 (1) Submit a completed application and the appropriate fee as established by
7 the board. A qualified applicant may not be licensed as a physician or nurse.

8 (2) Submit evidence of education related to the practice as a lay midwife;
9 experience, including preceptorship, in the practice of a lay midwife; and
10 effective January 1, 2013, certification by a national organization.

11 3. For good cause shown, the board may issue a limited license or registration to an
12 applicant.

13 **SECTION 3. AMENDMENT.** Section 43-12.1-09.1 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **43-12.1-09.1. Nursing licensureLicensure or registration - Criminal history record**
16 **checks.**

17 The board may require each applicant for initial or renewed nursing licensure or registration
18 and any licensee or registrant who is the subject of a disciplinary investigation or proceeding to
19 submit to a statewide and nationwide criminal history record check. The nationwide criminal
20 history record check must be conducted in the manner provided by section 12-60-24. All costs
21 associated with obtaining a background check are the responsibility of the applicant, licensee,
22 or registrant. The board may grant a nonrenewable temporary permit to an applicant for initial or
23 renewed license or registration who submits to a criminal history record check as required by
24 this chapter if the applicant has met all other licensure or registration requirements in
25 accordance with subsection 2 of section 43-12.1-09.

26 **SECTION 4.** A new section to chapter 43-12.1 of the North Dakota Century Code is created
27 and enacted as follows:

28 **Lay or traditional midwife registry.**

29 The board shall administer a voluntary registry for an individual who provides services to
30 women and their newborn children outside of a hospital or clinical setting which is consistent
31 with the individual's training, education, and certification. In order to register as a lay or

1 traditional midwife, an applicant shall submit to a statewide and nationwide criminal history
2 record check under section 43-12.1-09.1.

3 **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - REGULATION OF LAY OR**

4 **TRADITIONAL MIDWIVES.** During the 2011-12 interim, the legislative management shall study
5 the feasibility and desirability of developing a mechanism for mandatory regulation of lay or
6 traditional midwives. The state department of health shall convene a task force of interested
7 parties to study the feasibility and desirability of developing a method and source of funding for
8 the regulation of lay or traditional midwives, including the gathering of current and relevant data,
9 and shall report any recommendations to the legislative management. The legislative
10 management shall report its findings and recommendations, together with any legislation
11 required to implement the recommendations, to the sixty-third legislative assembly.

12 **SECTION 6. EXPIRATION DATE.** This Act is effective through July 31, 2013, and after that
13 date is ineffective.