Nurse Practice Act

Kari Bernhardt

University of Mary

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Linda Liebert-Hall

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Every state has a governing body that implements rules and regulations to define the scope of nursing practice. Specific laws and clarifying regulations related to nursing practice can be found under each states Nurse Practice Act. The Nurse Practice Act is reviewed by a regulatory board and once put into place have the full effect of the law. It is the practicing nurse’s duty to be familiar with this act and stay up to date with ongoing changes, including but not limited to, grounds for discipline and licensure requirements (North Dakota Board of Nursing, 2020). The grounds for discipline for a North Dakota nurse as well as the license requirements for an RN and APRN can be found under the Nurse Practice Act on the North Dakota Board of Nursing website.

The Nurse Practice Act under the North Dakota century code (N.D.C.C.) 43-12.1-14 states, “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:,” followed by nine areas for discipline. These nine areas for discipline are as follows:

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; 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; has engaged in any practice inconsistent with the standards of nursing practice; 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; has engaged in a pattern of practice or other behavior that demonstrates professional misconduct; has diverted or attempted to divert supplies equipment, drugs, or controlled substances for personal use or unauthorized use; 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; has failed to report any violation of this chapter or rules adopted under this chapter; or 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 (N.D.C.C. 43-12.1-14).

To further explain these grounds for punishment, any nurse arrested or convicted of a crime that negatively reflects the nursing practice such as working while intoxicated or intentional neglect of a patient, to name a few examples, would result in discipline. Additionally, the nurse would be disciplined regardless to plea if he or she accepted the punishment. However, a nurse may avoid discipline from prior offenses if he or she has completed sufficient rehabilitation pertaining to the violation and professional performance is not hindered. If a nurse’s license or registration has been denied, revoked, or suspended in another state according to the states Nurse Practice Act, this is also grounds for discipline. Nurses are expected to practice in accordance with the current standards of nursing practice; such as, appropriately assessing, intervening, and evaluating patients while following guidelines and protocols specific to patient populations. Administering an inappropriate dose of a high-alert medication and failing to re-evaluate the patient consequentially harming the patient is an example of an action with grounds for discipline. When submitting relevant information to the board of nursing with the purpose of licensure or registration, if any or all information is deceitful or fraudulent the nurse will be punished. Moreover, failure to disclose prior violations in an state is also forbidden. He or she must exhibit professional behaviors; inappropriate sexual activity in the workless is professional misconduct that could result in discipline. Most commonly, nurses are disciplined for abusing substances or diverting supplies/drugs. In North Dakota, a pre-employment drug screen detecting illegal substances would be an example of this. A nurse must never practice without an up-to-date license or registration. Finally, violating any policies, standards, and directives under the Nurse Practice Act set forth by the board will result in disciplinary action (Nurse Practices Act, 2020).

The licensure requirements for a registered nurse (RN) and an advanced practice registered nurse (APRN) are very similar in North Dakota. As stated by the North Dakota Board of Nursing:

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 (N.D.C.C. 43-12.1-09).

Both need to complete an application on the board of nursing website and pay the specified fee. An RN and an APRN must pass a board certification exam specific to their profession. A state and national criminal history check at the expense of the professional seeking licensure is required. Proof of completion of an accredited program is required and an official transcript must be submitted to the board of nursing by the program to which the professional attended. Although programs of study differ between an RN and APRN, both professionals must receive certification by a national nursing certifying body that is appropriate to his or hers professional, educational preparation. While a nurse seeking RN licensure must have a United States social security number and have completed an RN program, an APRN must hold an unencumbered RN license in North Dakota or a state part of the North Dakota compact. Additionally, an APRN must apply for prescriptive authority; whereas, an RN does not (Nurse Practices Act, 2020).

As a health care professional, it is extremely important to become familiar with the board of nursing website as well as the Nurse Practice Act within the state the professional is practicing. The North Dakota Board of nursing provides professionals with information necessary for practice including licensure requirements and grounds for discipline. Having knowledge of rules and regulations, allows for safer practice and can decrease provider anxiety.

References

North Dakota Board of Nursing. (2020). Nurse Practices Act. <https://www.ndbon.org/RegulationsPractice/NursePracticesAct.asp>

Nurse Practices Act, ND Century Code for the Board of Nursing, Chapter 43-12.1 43-12.1-14 (2020).