

CHAPTER 23-44 NURSE AIDE REGISTRY

23-44-01. Definitions. (Effective through August 31, 2022)

As used in this chapter, unless the context otherwise requires, the following definitions apply:

1. "Certified nurse aide" means an individual who is registered on the nurse aide registry and who has either successfully completed the requirements for the department-approved training and competency evaluation program or has successfully completed the requirements of the department-approved competency evaluation program.
2. "Department" means the state department of health.
3. "Home health aide" means an individual who is registered on the nurse aide registry and who renders personal related service under the supervision of a registered professional nurse.
4. "Medication assistant" means an individual who is registered on the nurse aide registry and who has successfully completed the requirements of a department-approved medication assistant program for a specific employment setting. A medication assistant may be designated a medication assistant I or a medication assistant II.
5. "Nurse aide" means an individual who is registered on the nurse aide registry and who has successfully completed the competency requirements identified by the department to provide nursing or nursing-related services to an individual in a health care facility or other setting.
6. "Nurse aide registry" means a listing of individuals who the department has determined have successfully completed the requirements established by the department to be designated as certified nurse aide, home health aide, nurse aide, or medication assistant.

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23-44-02. Nurse aide registry - Rules. (Effective through August 31, 2022)

1. The department shall establish and administer a nurse aide registry. The registry must include disciplinary findings, including findings of abuse, neglect, or misappropriation of property, and must include the eligibility of the individual to be employed.

2. The health council shall adopt rules to regulate and register an individual who receives compensation for engaging in the provision of nursing or nursing-related services to an individual in a health care facility or other setting. The rules do not apply to a licensed health care professional practicing within the scope of that profession, an unlicensed assistive person under chapter 43-12.1, or a volunteer in the course of providing services without pay. In developing the rules, the health council shall consult with the state board of nursing and other key stakeholders.
3. The rules required under subsection 2 must include the regulation of certified nurse aides, home health aides, medication assistants, and nurse aides. For each category of regulated individuals, the rules must address:
 - a. Nurse aide registry requirements;
 - b. Training and competency requirements;
 - c. Approval of training programs;
 - d. Initial registration and renewal of registration of individuals who have met training and competency requirements;
 - e. Reporting and investigation of complaints regarding individuals on the registry; and
 - f. A disciplinary process for a validated finding of abuse, neglect, or misappropriation of resident or client property and for other misconduct that has the potential to be harmful to a resident or client by an individual on the nurse aide registry.
4. The department shall collect registration fees of twenty-five dollars per individual under this chapter from the individual or the individual's employer.
5. Registration fees collected by the department must be deposited in the department's operating account.

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23-44-03. Exemption.

Medication administration by an individual within a primary or secondary school under a program established under section 15.1-19-23 is exempt from the requirements of this chapter, if the individual has received education and training in medication administration and has received written consent of the student's parents or guardian.