



HOUSE OF REPRESENTATIVES
FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIRST REGULAR SESSION, 2004

PUBLIC LAW NO. 14-62
H. B. No. 14-7, SD1

AN ACT

To address the nursing discipline in the nursing licensure process by repealing 1 CMC § 2643 and 3 CMC §§ 2301 through 2372 in their entirety and by amending Division 2 of Title 3 of the Commonwealth Code to add a new chapter 3 setting forth the Nurse Practice Act of 2003; and for other purposes.

**BE IT ENACTED BY THE FOURTEENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE:**

Section 1. Repealer. 1 CMC § 2643 and 3 CMC §§ 2301 through 2372 are hereby repealed in their entirety.

Section 2. Amendment. Division 2 of Title 3 of the Commonwealth Code is hereby amended by adding the following new chapter 3:

“Chapter 3. Nurse Practice Act.

Section 2301. Short Title. This Act may be cited as the “Nurse Practice Act of 2003”.

Section 2302. Purpose. To provide for the regulation of the practice of nursing affecting the health, safety, and welfare of the people of the Commonwealth of the Northern Mariana Islands by regulating the practice of nursing through the establishment of a Board of Nurse Examiners and defining its powers and duties, including licensure of practitioners of nursing, establishing standards for educational programs preparing students for nursing practice, and prescribing penalties for violations of the provisions of this Act.

Section 2303. Findings. The Legislature finds that the practice of nursing by competent persons is necessary for the protection of the public health, safety and welfare; and further finds that six levels of practice within the profession of nursing

should be regulated and controlled in the public interest. Therefore, it is the legislative purpose of this chapter to promote, preserve and protect the public health, safety and welfare by and through effective control and regulation of nursing education and practice, and to ensure that any person practicing or offering to practice nursing, as defined in this chapter, or using the title of Registered Nurse, Licensed Practical/Vocational Nurse, Graduate Nurse, Certified Technician, Certified Nursing Assistant, Advanced Practice Registered Nurse in the categories of Certified Registered Nurse Anesthetist, Certified Nurse Midwife, Nurse Practitioner or Certified Nurse Specialist after the effective date of this Chapter within the Commonwealth of the Northern Mariana Islands shall, before entering upon such practice or using such title, be licensed as hereinafter provided. The Commonwealth Board of Nurse Examiners shall adopt regulations to identify those essential elements of practice necessary to protect the public.

Section 2304. Definitions and Scope. In this chapter, unless otherwise provided or the context requires a different construction or application, the following definitions shall apply:

(a) “Advanced Practice Registered Nurse” means a nurse in the practice of Advanced Practice Registered Nursing by Certified Nurse Practitioners, Certified Registered Nurse Anesthetists, Certified Nurse Midwives, and Clinical Nurse Specialists, which shall be based on knowledge and skills acquired in basic nursing education, licensure as a Registered Nurse and a certification training and/or a graduate degree with a major in Nursing or graduate degree with a concentration in the Advanced Nursing Practice category, which includes both didactic and clinical components, advanced knowledge in nursing theory, physical and psycho-social assessment, appropriate interventions, and management of health care. The Advanced Practice Registered Nurse shall only provide health care services within the scope of practice for which he/she is educationally prepared and for which competency has been established and maintained as defined by the Board as defined in this section. Advanced Practice Nursing category shall be within

the context of collaborative management with a supervising physician. The supervising physician shall be licensed to practice medicine in the Commonwealth of the Northern Mariana Islands, and shall have the training and experience in the area of specialty in which the Advanced Practice Nurse is licensed to practice as determined by the Board. The term “Advanced Practice Registered Nursing” shall include, but not limited to:

(1) Assessing clients, synthesizing and analyzing data, and understanding and applying nursing principles at an advanced level;

(2) Providing expert guidance and teaching;

(3) Working effectively with clients, families, and other members of the health care team;

(4) Managing clients’ physical and psycho-social health-illness statuses;

(5) Utilizing research skills;

(6) Analyzing multiple sources of data, identifying alternative possibilities as to the nature of a health care problem, and selecting appropriate treatment;

(7) Making independent and/or collaborative decisions in solving client care problems within their Advanced Practice Category.

(8) Performing acts of diagnosing prescribing within area of specialty written protocols and as defined by the Board, administering and dispensing therapeutic measures appropriate to the Advanced Practice Registered Nurse’s area of specialty as defined by the Board; and

(9) Recognizing limits of knowledge and experience, planning for situations beyond expertise, and consulting with or referring clients to other health care providers as appropriate.

(b) “Board” means the Commonwealth Board of Nurse Examiners.

(c) “Certified Nursing Assistant” means a nursing assistant, at least sixteen (16) years of age – certified under this chapter, to whom licensed

Registered Nurses, licensed Practical/Vocational Nurses, or Advance Practice Registered Nurse delegate nursing or nursing related activities to meet the needs of the patient or client.

(d) “Certified Technician” means a person who received training to provide patient care or certain nursing practices as set forth in regulations established by the Board, and the carrying out of medical orders under the direction of a Registered Professional Nurse, an Advanced Practice Nurse, a licensed Physician, or a licensed Dentist, where such activities do not require the substantial specialized skill, judgment, and knowledge required in professional nursing.

(e) “Continuing Education” means an organized, systematic and evaluative educational program designed to promote the enrichment of knowledge, the improvement of skills, and the development of attitudes for enhancement of nursing practice.

(f) “Graduate Nurse” means a person who has graduated from a nursing program approved by the Board, holds an interim permit that would expire one year from date of graduation, and works under the supervision of a Registered Nurse who is at the site where care is provided.

(g) “License” means a current document permitting the practice of nursing as a Registered Nurse, Licensed Practical/Vocational Nurse, Graduate Nurse, Certified Technician, Certified Nursing Assistant, or Advanced Practice Registered Nurse.

(h) “Licensed Practical/Vocational Nurse” means a person in the practice of nursing as a Licensed Practical/Vocational Nurse with a directed scope of nursing practice that shall include, but not limited to:

- (1) Contributing to the health status of individuals and groups;
- (2) Participating in the development and modification of strategy of care;

- (3) Implementing the appropriate aspects of strategy of care as defined by the Board;
- (4) Maintaining safe and effective nursing care rendered directly or indirectly;
- (5) Participating in the evaluation of responses to interventions; and
- (6) Delegating nursing interventions to qualified others as provided in this chapter.

The Licensed Practical/ Vocational Nurse practices under the direction of the Licensed Registered Nurse, Licensed Advanced Practiced Registered Nurse, Licensed Physician, or Licensed Dentist in the performance of activities delegated by that health care professional.

(i) “Other board” means the comparable regulatory agency in any U.S. state, commonwealth, or territory as well as any comparable foreign regulatory agency recognized by the Commonwealth Board of Nurse Examiners.

(j) The “Practice of Nursing” means assisting individuals or groups to maintain or attain optimal health, implementing a strategy of care to accomplish defined goals, and evaluating responses to care and treatment. This practice shall include, but not be limited to, initiating and maintaining comfort measures, promoting and supporting human functions and response, establishing an environment conducive to well-being, providing health counseling and teaching, and collaborating on certain aspects of the health regimen. This practice is based on understanding the human condition across the lifespan and the relationship of the individual within the environment.

(k) “Prescriptive/Dispensing Authority” means an Advanced Practice Registered Nurse authorized to prescribe and dispense drugs and therapeutic measures described within scope of practice, defined by the board, and described in the Written Agreement entered into with the supervising physician. The authorization to prescribe and dispense drugs and therapeutic

measures is for administration to and use by other persons (patients or clients) within the scope of practice of the Advanced Practice Registered Nurse.

(l) “Professional Nurse” includes both Registered Nurses and Advanced Practice Registered Nurses.

(m) The practice of nursing as a “Registered Nurse” means the practice of the full scope of nursing that includes but is not limited to:

- (1) Assessing the health status of individuals and groups;
- (2) Establishing a nursing diagnosis;
- (3) Establishing goals to meet identified health care needs;
- (4) Planning a strategy of care;
- (5) Prescribing nursing interventions to implement the strategy of care;
- (6) Implementing the strategy of care;
- (7) Delegating nursing interventions to qualified others as provided in this chapter.
- (8) Providing for the maintenance of safe and effective nursing care rendered directly or indirectly;
- (9) Evaluating responses to interventions;
- (10) Teaching the theory and practice of nursing;
- (11) Managing and supervising the practice of nursing; and collaborating with other health care professionals in the management of health cares.

Section 2305. Membership; Appointment; Term of Office; Removal; Vacancies; Qualifications; Immunity.

(a) There is hereby established, within the Department of Public Health, a Commonwealth Board of Nurse Examiners. The Board shall be composed of seven members, of whom four shall be Registered Nurses and/or Advance Practice Registered Nurses; one shall be a Licensed Practical/Vocational Nurse; one shall be a Certified Technician or a Certified Nursing Assistant; and one shall be a representative of the public or

community; of the seven board members, one shall be from the island of Tinian, one from the island of Rota, and five from the island of Saipan. The provision of 1 CMC § 2901 shall not apply to the composition of the Board.

(b) The Governor shall appoint members to serve on the Board. Any appointment to fill a position shall be made prior to expiration of the term of the current member. A person appointed shall become a member of the Board on the first day following the appointment expiration date. Appointees to unexpired portions of full terms shall become members of the Board on the day following such appointment. Each term of office shall expire at midnight on the last day of the term of the appointment or at midnight on the date on which any vacancy occurs. Members may be removed pursuant to section 21 of article 3 of the N.M.I. Constitution.

(c) The term of office for members of the Board shall be four years; provided, that of the members first appointed after the effective date of this chapter, the Governor shall designate two members to serve for a four-year term, two members to serve for three years, one member to serve for two years, and two members to serve for one year. After the expiration of the initial terms, all of the members subsequently appointed or reappointed shall serve the full four-year term.

(d) Any vacancy in the membership of the Board caused by death, resignation, removal, or otherwise, shall be filled for the period of the unexpired term. Vacancies created by reason other than the expiration of a term shall be filled within thirty (30) days after such vacancy occurs.

(e) Each Registered Nurse and/or Advance Practice Registered Nurse appointed to the Board shall be a U.S. citizen or national of the United States who is eligible to vote, a resident of the Commonwealth for at least five years, and licensed in good standing under the provisions of this chapter, currently engaged in the practice of nursing as a Registered Nurse and/or Advance Practice Registered Nurse, and shall have no less than five years of experience

as a Registered Nurse and/or Advanced Practice Registered Nurse, at least three years of which immediately preceded the appointment.

(f) Each Licensed Practical/Vocational Nurse and Certified Technician and/or Certified Nursing Assistant appointed to the Board shall be a U.S. citizen or national of the United States who is eligible to vote, resident of the Commonwealth for at least five years, and licensed in good standing under the provision of this chapter, currently engaged in the practice of nursing, and shall have no less than five years of experience as a Licensed Practical/Vocational Nurse, at least three of which immediately preceded appointment.

(g) The representative of the public shall be a U.S. citizen or national of the United States who is eligible to vote, and a resident of the Commonwealth for at least five years, who is knowledgeable in consumer health concerns, and shall neither be, nor ever have been, associated with the provision of health care or be enrolled in any health-related education program.

(h) The Governor may remove any member from the Board pursuant to section 21 of article 3 of the N.M.I. Constitution.

(i) Notwithstanding any law to the contrary, all members of the Board shall have immunity from individual civil liability while acting within the scope of their duties as Board members.

(j) In the event that the entire Board is, or individual members or staff/employees of the Board are sued, the Attorney General shall appoint an Attorney to represent the involved party/parties, pursuant to the Public Employee Legal Defense and Indemnification Act, 7 CMC §§ 2301 through 2307.

(k) Board meetings and hearings shall be open to the public. In accordance with 1 CMC §§ 9912, the Board may in its discretion conduct part of the meeting in executive session closed to the public.

Section 2306. Commonwealth Board of Nurse Examiners: Powers and Duties. The Board Shall:

(a) Be responsible for enforcing the provisions of this chapter. The Board shall have all of the duties, powers and authority specifically granted by and necessary to the enforcement of this chapter, including subpoena power, as well as such other duties, powers and authority as it may be granted by appropriate status;

(b) Be authorized to make, adopt, amend, repeal and enforce such administrative rules consistent with law as it deems necessary for the proper administration and enforcement of this chapter and to protect the public health, safety and welfare;

(c) Be authorized to make, adopt, amend, repeal and enforce such administrative rules consistent with law, as it deems necessary for regulation of advanced nursing practice;

(d) To meet annually in the month of January and elect from its members a chairman and a vice-chairman/secretary, and hold other meetings as necessary to transact its business; provided, that four members of the board shall constitute a quorum at any meeting.

(e) Further be authorized to do the following without limiting the foregoing:

(1) Develop and enforce qualifications for licensure;

(2) Develop and enforce standards for nursing practice and nursing education;

(3) License qualified applicants by examination or endorsement, and renew and reinstate licenses;

(4) Develop standards for maintaining the competence of licensees continuing in or returning to practice;

(5) Collect and analyze data regarding nursing education, nursing practice, and nursing resources;

(6) Discipline licensees as needed;

(7) Regulate the manner in which nurses announce their practice to the public;

(8) Issue a special license to practice nursing to an individual to practice within a modified scope of practice or with accommodations or both, as specified by the Board.

(9) Inform licensees on an established basis about changes in law and rules regarding nursing practice;

(10) Maintain records of all proceedings;

(11) Provide consultation, conduct conferences, forums, studies and research on nursing education and practice;

(12) Employ a qualified Registered Nurse to serve as Executive Director and approve such additional staff positions as may be necessary, in the opinion of the Board, to administer and enforce the provisions of this chapter;

(13) Maintain membership in national organizations that develop and regulate the national nursing licensure examinations and exclusively promote the improvement of the legal standards of the practice of nursing for the protection of the public health, safety and welfare;

(14) Determine and collect reasonable fees;

(15) Receive and expend funds in addition to appropriations from the Legislature, provided that such funds are received and expended for the pursuit of the authorized objectives of the Board of Nursing; such funds are maintained in a separate account; and periodic reports of the receipt and expenditures of such funds are submitted to the Governor and Legislature subject to audit every two years by the public auditor; and

(16) Adopt a seal which shall be in the care of the Executive Director and which shall be affixed only in such a manner as prescribed by the Board.

This chapter shall not be construed to require the Board to report violations of the provisions of the chapter whenever, in the Board's opinion, the public interest would be served adequately by a suitable written notice of warning.

Section 2307. Executive Director - Duties and Responsibilities. The Executive Director shall be responsible for the following:

- (a) The performance of administrative responsibilities of the Board;
- (b) The employment of personnel needed to carry out the functions of the Board; and
- (c) The performance of any other duties as the Board may direct.

Section 2308. Compensation – Board of Nurse Examiners. The Board of Nurse Examiners shall be compensated pursuant to 1 CMC § 8247. The Secretary of Public Health shall provide administrative support services to the Board of Nurse Examiners.

Section 2309. Administrative Procedure Act – Application. The Administrative Procedure Act, 1 CMC §§ 9101 through 9115, is hereby expressly adopted and incorporated herein as if all the provisions of such Act were included in this chapter.

Article 2. Licensing of Nurses.

Section 2310. Licensure Requirements. Each applicant who successfully meets the requirements of this section shall be entitled to licensure as a Registered Nurse, Licensed Practical/Vocational Nurse, Graduate Nurse, Certified Technician, Certified Nursing Assistant and Advanced Practice Registered Nurse, whichever is applicable as follows:

- (a) Licensure by Examination. An applicant for licensure by examination to practice as a Registered Nurse or Licensed Practical/Vocational Nurse shall:

- (1) Submit a completed written application and appropriate fees as established by the Board;

(2) Be a graduate of an approved nursing education program which meets criteria similar to and not less stringent than those established by this Board and which prepares for the level of licensure being sought;

(3) Pass an NCLEX-RN or NCLEX-LPN; and

(4) Have committed no acts or omissions that are grounds for disciplinary action as set forth in section 2314(b) of this chapter, or if the Board has found after investigation that sufficient restitution has been made.

(b) Licensure by Endorsement. The Board shall issue a license by endorsement to practice professional nursing as a Registered Nurse or Licensed Practical/Vocational Nurse to an applicant who has been duly licensed under the laws of another jurisdiction if the Board finds that the applicant meets the qualifications required of Registered Nurses or Licensed Practical/Vocational Nurses required in the Commonwealth at the time of application. An applicant for licensure by endorsement shall:

(1) Submit a completed written application and appropriate fees as established by the Board;

(2) Have committed no acts or omissions which are grounds for disciplinary action in another jurisdiction or, if such acts have been committed and would be grounds for disciplinary action as set forth in section 2314(b) of this chapter, the Board has found after investigation that sufficient restitution has been made;

(3) Be a graduate of an approved nursing education program that meets criteria similar to and not less stringent than those established by this Board and that prepares for the level of licensure being sought;

(4) Submit verification of licensure status directly from the jurisdiction of licensure by examination;

(5) Meet continued competency requirements as provided in section 2310(h) of this chapter; and

(6) Meet other criteria established by the Board and must pass the NCLEX examinations.

(c) Initial licensure for Certified Technician or Certified Nursing Assistant. The Board shall issue an initial license for Certified Technician or Certified Nursing Assistant provided that the applicant shall:

(1) Submit a completed written application and appropriate fees as established by the Board;

(2) Provide evidence of successful completion of a Certified Technician or Certified Nursing Assistant training program as established by the Board;

(3) Have committed no acts or omissions which are grounds for disciplinary action in another jurisdiction or, if such acts have been committed and would be grounds for disciplinary action as set forth in section 2314(b) of this chapter, the Board has found after investigation that sufficient restitution has been made.

(4) Meet other criteria established by the Board.

(d) Initial licensure for the Advanced Practice Registered Nurse. An applicant for initial licensure as an Advanced Practice Registered Nurse shall:

(1) Be currently licensed as a Registered Nurse in the Commonwealth of the Northern Mariana Islands;

(2) Submit a completed written application and appropriate fees as established by the Board;

(3) Provide evidence of successful completion of a graduate degree and/or certification of training with a concentration in the advanced practice nurse category;

(4) Completion of other requirements set forth in rules established by the Board; and

(5) Have committed no acts or omissions which are grounds for disciplinary action in another jurisdiction or, if such acts have been committed and would be grounds for disciplinary action as set forth in section 2314(b) of this chapter, the Board has found after investigation that sufficient restitution has been made.

(e) The Board may issue a license by endorsement to practice as an Advanced Practice Registered Nurse under the laws of another state in the United States, and in the opinion of the Board, the applicant meets the qualifications for licensure in the Commonwealth of the Northern Mariana Islands.

(f) Temporary License. After review of the application of any person for licensing as a Registered Nurse, Licensed Practical/Vocational Nurse, Certified Technician, Certified Nursing Assistant, Advanced Practice Registered Nurse, the Board may issue a temporary license to that person, pending final action on the application. Only one temporary license, valid for not more than 90 days, may be issued pursuant to this section. The applicant at the minimum must show prove of prior passage of the NCLEX examination.

(g) Interim Permit for Graduate Nurses (GN) and Advanced Practice Registered Nurse (APRN) from a recognized nursing program for nurses. An interim permit not to exceed one year from date of graduation will be issued to nurses who graduated from a recognized nursing or advanced practice-nursing programs provided that the applicant shall:

(1) Submit a completed written application and appropriate fees as established by the Board;

(2) Be a graduate of an approved nursing education program which meets criteria similar to and not less stringent than those established by this Board and which prepares for the level of licensure being sought; and

(3) Have committed no acts or omissions that are grounds for disciplinary action as set forth in section 2314(b) of this chapter, or if the Board has found after investigation that sufficient restitution has been made.

(h) **Renewal of Licenses.** Licenses issued under this chapter shall be renewed every two years or bi-annually according to a schedule established by the Board. A renewal license shall be issued to a Registered Nurse, Licensed Practical/Vocational Nurse, Certified Nurse Technician, Certified Nursing Assistant and Advanced Practice Registered Nurse who remits the required fee and satisfactorily completes any other requirements established by the Board. Failure to renew the license shall result in forfeiture of the right to practice nursing in the Commonwealth of the Northern Mariana Islands.

(i) **Reinstatement of Lapsed Licenses.** A licensee whose license has lapsed by failure to renew may apply for reinstatement according to the rules established by the Board. Upon satisfaction of the requirements for reinstatement, the Board shall issue a renewal of license.

(j) **Special License.** The Board may issue a special license to an individual who is unable to practice the full scope of nursing safely, but who is able to practice safely within a modified scope of practice or with accommodations or both as specified by the Board.

(k) **Duties of Licensee.** Each licensee shall:

(1) In response to Board inquiries, provide personal, professional or demographic information requested by the Board to perform its duties in regulating and controlling nursing practice in order to protect the public health, safety and welfare. Failure to provide the requested information may result in non-renewal of the license to practice nursing.

(2) Submit to a physical or mental examination by a designated authority when directed in writing by the Board for cause. If requested by the licensee, the licensee may also designate an approved licensed

medical authority for an independent medical examination. Refusal or failure of a licensee to complete such examination shall constitute an admission of any allegations relating to such condition. All objections shall be waived as to admissibility of the examining medical authority testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a Registered Nurse, Licensed Practical/Vocational Nurse, Certified Technician, Certified Nursing Assistant, or Advanced Practice Registered Nurse in another proceeding and shall be confidential. At reasonable intervals, a Registered Nurse, Licensed Practical/Vocational Nurse, Certified Technician, Certified Nursing Assistant, or Advanced Practice Registered Nurse shall be afforded an opportunity to demonstrate competence to resume the practice of nursing with reasonable skill and safety to patients.

(3) Report to the Board those acts or omissions that are violations of this chapter or grounds for disciplinary actions as set forth in sections 2313 and 2314 of this chapter.

Section 2311. Titles and Abbreviations. Only those persons who hold a license to practice nursing or who have been approved as applicants for licensure by endorsement or have been granted a temporary permit shall have the right to use the following titles and abbreviations:

- (a) Title: "Registered Nurse" and the abbreviation "RN".
- (b) Title: "Licensed Practical/Vocational Nurse" and the abbreviation "LPN" or "LVN".
- (c) Title: "Certified Technician" and the abbreviation "CT".
- (d) Title: "Certified Nursing Assistant" and the abbreviation "CNA".
- (e) Title: "Advanced Practice Registered Nurse" and the abbreviation "APRN".

Section 2312. Approval of Nursing Education Programs.

(a) Approval Standards. The Board shall, by administrative rules, set standards for the establishment and conduct of nursing education programs, including all clinical facilities used for learning experiences, and shall survey and approve such programs that meet the requirements of this chapter and the Board administrative rules.

(b) Approval Required. An educational institution within this Commonwealth of the Northern Mariana Islands desiring to conduct a nursing education program shall apply to the Board and submit evidence that its nursing program is able to meet the standards established by the Board. If, upon investigation, the Board finds that the program meets the established standards for nursing education programs, it shall approve the applicant program.

(c) Periodic Evaluation of Nursing Programs. The Board shall periodically reevaluate approved nursing education programs and shall publish a list of approved programs.

(d) Denial or Withdrawal of Approval. The Board may deny or withdraw approval or take such action as deemed necessary when nursing education programs fail to meet the standards established by the Board, provided that all such actions shall be in accordance with the Administrative Procedure Act and/or the administrative rules of the Board. A process of appeal and reinstatement shall be delineated by regulation.

(e) Reinstatement of Approval. The Board shall reinstate approval of a nursing education program upon submission of satisfactory evidence that its program meets the standards established by the Board.

(f) Provisional Approval. Provisional approval of new programs may be granted pending the licensure results of the first graduating class.

Section 2313. Violations and Penalties.

(a) Violations. No person shall:

(1) Engage in the practice of nursing as defined in this chapter without a valid, current license, except as otherwise permitted under this chapter;

(2) Practice nursing under cover of any diploma, license or record illegally or fraudulently obtained, signed or issued unlawfully or under fraudulent representation;

(3) Practice nursing during the time a license is suspended, revoked surrendered, inactive or lapsed;

(4) Use any words, abbreviations, figures, letter, title, sign, card or device tending to imply that he or she is a Registered Nurse, Licensed Practical/Vocational Nurse, Certified Technician, Certified Nursing Assistant, Advanced Practice Registered Nurse unless such person is duly licensed so to practice under the provision of this chapter;

(5) Fraudulently obtain or furnish a license by or for money or any other thing of value;

(6) Knowingly employ unlicensed persons in the practice of nursing;

(7) Fail to report information relating to violations of this chapter;

(8) Conduct a nursing education program for preparation for licensure under this chapter unless the program has been approved by the Board; or

(9) Otherwise violate, or aid or abet another person to violate, any provision of this chapter.

(b) Penalties. A willful and knowing violation of this section shall be punishable by a fine of not more than \$300 for the first offense. Each subsequent offense shall be punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or both. A license to practice nursing such as a Registered Nurse, Licensed Practical/Vocational Nurse,

Certified Technician, Certified Nursing Assistant, and Advanced Practice Registered Nurse shall be suspended after a first offense. After a second offense, the license shall be permanently revoked.

(c) Criminal Prosecution. Nothing in this chapter shall be construed as a bar to criminal prosecution for violation of the provisions of this chapter.

Section 2314. Discipline and Proceedings.

(a) Authority. The Board shall have the power to refuse to issue or renew a license; to limit; suspend or revoke a license; or place on probation or reprimand or otherwise discipline a licensee for any one or a combination of the grounds set forth in subsection (b) of this section.

(b) Grounds. The Board may discipline a licensee or applicant for any or a combination of the following grounds:

(1) Has failed to demonstrate the qualifications or satisfy the requirements for licensure contained in section 2310 of this chapter. In the case of a person applying for a license, the burden of proof is upon the applicant to demonstrate the qualifications or satisfaction of the requirements;

(2) Has been 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 or to the ability to practice nursing including, but not limited to: child abuse, child neglect, sexual abuse of a child, man-amko physical abuse or man-amko mental cruelty as they are defined by the jurisdiction;

(3) Has employed fraud or deceit in procuring or attempting to procure a license to practice nursing in filing any reports or completing patient records, signing any report or records in the nurse's capacity as a Registered Nurse, Licensed Practical/Vocational Nurse, Certified Technician, Certified Nursing Assistant, or as an Advanced Practice Registered Nurse or in submitting any information or record to the Board;

(4) Has had a license to practice nursing or to practice in another health care discipline denied, revoked, suspended or otherwise restricted in the Commonwealth of the Northern Mariana Islands or any other state or territory;

(5) Has failed to or is unable to perform professional or practical nursing, as defined in section 2304 of this chapter, with reasonable skill and safety, including failure of the professional nurse to supervise or the Licensed Practical/Vocational Nurse to monitor the performance of acts by any individual working at the nurse's direction or the failure of a professional nurse in a chief administrative nurse role to provide supervision of the nursing organization of a health care delivery system;

(6) Has failed to practice within the modified scope of practice or with the required accommodations, as specified by the Board in granting a special license;

(7) Has engaged in unprofessional conduct including, but not limited to, a departure from or failure to conform to Board standards of professional or practical nursing, or any nursing practice that may create unnecessary danger to a patient's life, health or safety. Actual injury to a patient need not be established;

(8) Has demonstrated actual or potential inability to practice nursing with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemical, or any other material, or as a result of any mental or physical condition;

(9) Has engaged in unethical conduct, including but not limited to, conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient. Actual injury need not be established;

(10) Has engaged in sexual conduct with a patient, or conduct that may be reasonable to be interpreted by the patient as sexual, or in

any verbal behavior that is seductive or sexually demeaning to a patient;

(11) Has diverted or attempted to divert drugs or controlled substances;

(12) Has knowingly aided, assisted, advised, or allowed an unlicensed person to engage in the unlawful practice of professional or practical nursing; or

(13) Has violated a rule adopted by the Board, an order of the Board, or a Commonwealth or Federal law relating to the practice of professional or practical nursing, or a Commonwealth or Federal narcotics or controlled substance law.

(c) Additional Ground. The Board may take disciplinary action against an Advanced Practice Registered Nurse who has practiced beyond the scope of the advanced practice registered nurse category.

(d) Procedure. The Board shall establish a disciplinary process in accordance with 1 CMC §§ 9101 through 9115, the Administrative Procedure Act.

(e) Immunity. Any member of the Board or staff and any person reporting to the Board under oath and in good faith information relating to alleged incidents of negligence or malpractice or the qualification, fitness or character of a person licensed or applying for a license to practice nursing shall not be subject to a civil action for damages as a result of reporting such information. The immunity provided by this section shall extend to the members of any professional review committee and witnesses appearing before the committee authorized by the Board to act pursuant to this section.

Section 2315. Emergency Relief.

(a) Temporary Suspension. The Board is authorized to temporarily suspend the license of a nurse without a hearing if:

(1) The Board finds that there is probable cause to believe that the nurse has violated a statute or rule that the Board is empowered to enforce; and

(2) Continued practice by the nurse would create imminent and serious risk of harm to others.

The suspension shall remain in effect until the Board issues a temporary stay of suspension or a final order in the matter after a hearing or upon agreement between the Board and licensee.

The Board shall schedule a disciplinary hearing to be held under the Administrative Procedure Act, to begin no later than 30 judicial days after the issuance of the temporary suspension order. The licensee shall receive at least 15 judicial days notice of hearing.

(b) Injunctive Relief. The Board is authorized to petition in its own name to a proper court of competent jurisdiction for an injunction to enjoin:

(1) Any person who is practicing nursing within the meaning of this chapter from practicing without a valid license, unless exempted under section 2317 of this chapter;

(2) Any person, firm, corporation, institution, or association from employing any person who is not licensed to practice nursing under this chapter or exempted under section 2317 of this chapter; or

(3) Any person, firm, corporation, institution, or association from operating a school of nursing without approval.

Upon filing of a verified petition in such court, the court, or any judge thereof, if satisfied that a violation described in section 2315(b) of this chapter has occurred, may issue an injunction without notice or bond, enjoining the defendant from further violating this provision. A copy of the complaint shall be served on the defendant and the proceedings thereafter shall be conducted as in other civil cases. In case of violation of an injunction issued under this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court.

(c) Preservation of Other Remedies. The emergency proceedings herein described shall be in addition to, not in lieu of, all penalties and other remedies provided by law.

Section 2316. Reporting Requirement.

(a) Affected Parties.

(1) Hospitals, nursing homes and other employers of Registered Nurses, Licensed Practical/Vocational Nurses, Certified Technicians, Certified Nursing Assistants and Advanced Practice Registered Nurses shall report to the Board the names of those licensees whose employment has been terminated voluntarily or involuntarily for any reasons stipulated in section 2314(a) of this chapter.

(2) Nursing associations shall report to the Board the names of Registered Nurses, Licensed Practical/Vocational Nurses, Certified Technicians, Certified Nursing Assistants, Advanced Practice Registered Nurses who have been investigated and found to be a threat to the public health, safety and welfare for any of the reasons stipulated in section 2314(b) of this chapter.

(b) Court Order. The Board may seek an order from the proper court of competent jurisdiction for a report from any of the parties stipulated in section 2316(a) of this chapter if one is not forthcoming voluntarily.

(c) Penalty. The Board may seek a citation for civil contempt if a court order for a report is not obeyed by any of the parties stipulated in section 2316(a) of this chapter.

(d) Immunity. Any organization or person reporting, in good faith, information to the Board under this chapter shall be immune from civil action as provided in section 2314(e) of this chapter.

Section 2317. Exemptions. No provision in this chapter shall be construed to prohibit the following:

(a) The practice of nursing that is an integral part of a program by students enrolled in board-approved nursing education programs;

(b) The rendering of assistance by anyone in the case of an emergency or disaster;

(c) The practice of any currently licensed Registered Nurse, Licensed Practical/Vocational Nurse, Certified Technician, Certified Nursing Assistant, Advanced Practice Registered Nurse of another state in the provision of nursing care in the case of an emergency or disaster;

(d) The incidental care of the sick by members of the family, friends, domestic servants or persons primarily employed as housekeepers, provided that such care does not constitute the practice of nursing within the meaning of this chapter;

(e) Caring of the sick in accordance with tenets or practices of any church or religious denomination which teaches reliance upon spiritual means for healing;

(f) The practice of any currently licensed Registered Nurse, Licensed Practical/Vocational Nurse, Certified Technician, Certified Nursing Assistant, or Advanced Practice Registered Nurse of another State who is employed by the United States government, or any bureau, division or agency thereof, while in the discharge of official duties;

(g) The practice of any currently licensed Registered Nurse, Licensed Practical/Vocational Nurse, Certified Technician, Certified Nursing Assistant or Advanced Practice Registered Nurse of another state who is employed by an individual, agency or corporation located in another state and whose employment responsibilities include transporting patients into, out of, or through the Commonwealth of the Northern Mariana Islands;

(h) The practice of any currently licensed Registered Nurse, Licensed Practical/Vocational Nurse, Certified Technician, Certified Nursing Assistant or Advanced Practice Registered Nurse of another state who provides or attends educational programs or provides consultative services within the Commonwealth of the Northern Mariana Islands for a period not to exceed 90 days. Neither the education nor consultation may include the provision of

patient care, the direction of patient care, or the affecting of patient care policies;

(i) The establishment of an independent practice by one or more licensed nurses for the purpose of rendering to patients nursing services within the scope of their educational preparation and the scope of the license to practice nursing;

(j) The practice of any other occupation or profession licensed under the laws of the Commonwealth of the Northern Mariana Islands, provided that such care does not constitute the practice of nursing within the meaning of this chapter;

(k) The practice of nursing as a Registered Nurse or Advanced Practice Registered Nurse of a person currently licensed in another state or territory who is visiting the Commonwealth as a non-resident, in order to provide specific, non-clinical, short term, time limited services including, but not limited to, consultation, accreditation site visits, and participation in continuing education programs; or

(l) The practice of nursing by a Registered Nurse, Licensed Practical/Vocational Nurse, Certified Technician, Certified Nursing Assistant, Advanced Practice Registered Nurse currently licensed in another jurisdiction whose employment by a resident of the Northern Mariana Islands requires the nurse to accompany and care for that resident while in the Commonwealth of the Northern Mariana Islands for a period not to exceed 45 days.

Section 2318. License Fees.

(a) The Board is authorized to establish appropriate fees for licensure by examination, reexamination, endorsement and such other fees and fines as the Board determines necessary. Each application for a license by examination, endorsement, or waiver, or any temporary license, to practice, as a Registered Nurse, Licensed Practical/Vocational Nurse, Certified Technician, Certified Nursing Assistant, Advanced Practice Registered Nurse shall be accompanied by a fee as determined by the board.

(b) The Secretary of Finance shall establish a separate account to be known as the “Board of Nurse Examiners Licensing Fee and Fines Account” for the deposit of fees and fines collected by the Board of Nurse Examiners in accordance with their rules and regulations. The funds collected and deposited into the “Board of Nurse Examiners Licensing Fees and Fines Account” shall be expended continuously without appropriation and specifically for carrying out the purpose of this chapter.

(c) The expenditure authority for funds from the “Board of Nurse Examiners Licensing Fee and Fines Account” shall be the Secretary of Public Health in consultation with the Chairperson of the Board of Nurse Examiners.

Section 2319. Implementation.

(a) Any person holding a license to practice nursing as a Registered Nurse in the Commonwealth of the Northern Mariana Islands that is valid on the effective date of this chapter shall be deemed to be licensed as a Registered Nurse under the provisions of this chapter and shall be eligible for renewal of such license under the conditions and standards prescribed in this chapter.

(b) Any person holding a license to practice nursing as a Licensed Practical/Vocational Nurse in the Commonwealth of the Northern Mariana Islands that is valid on the effective date of this chapter shall be deemed to be licensed as a Licensed Practical/Vocational Nurse under the provisions of this chapter and shall be eligible for renewal of such license under the conditions and standards prescribed in this chapter.

(c) Any person eligible for reinstatement of a license to practice nursing as a Registered Nurse or as a Licensed Practical/Vocational Nurse in the Commonwealth of the Northern Mariana Islands on the effective date of this chapter shall be deemed to be eligible to be licensed as a Registered Nurse or as a Licensed Practical/Vocational Nurse, respectively, under the conditions and standards prescribed in this chapter.

(d) Any person holding a lapsed license to practice nursing as a Registered Nurse or Licensed Practical/Vocational Nurse in the

Commonwealth of the Northern Mariana Islands on the effective date of this chapter, because of failure to renew, may become licensed as a Registered Nurse or as a Licensed Practical/Vocational Nurse, respectively, under the provisions of this chapter by applying for reinstatement according to rules established by the Board of Nursing. Applications for such reinstatement must be made within three months of the effective date of this chapter.

(e) New applicants for Advanced Practice Registered Nurse as of the effective date of this chapter shall meet requirements set forth in administrative rules. Any individual authorized to practice in an advanced role prior to the effective date of this chapter may apply for licensure on the basis of the individual's prior education and practice as set forth in the Board's administrative rules and regulations.

(f) New applicants for Certified Technician or Certified Nursing Assistant as of the effective date of this chapter shall meet the requirements set forth in administrative rules.

(g) Those so licensed under the provisions of this section, specifically subsections (a) through (e) above, shall be eligible for renewal of such license under the conditions and standards prescribed in this chapter.”

Section 3. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 5. Effective Date. This Act shall take effect 90 days after its approval by the Governor or 90 days after becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

/s/

BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

/s/

EVELYN C. FLEMING
HOUSE CLERK

APPROVED on this 31st day of MARCH, 2005

/s/

JUAN N. BABAUTA
GOVERNOR

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS