

**96-02-10-01.1. Exempt test and method.** An individual, supervised by an individual licensed by the board, performing total protein tests by Reichert digital refractometer, is exempt from the provisions of North Dakota Century Code chapter 43-48.

**History:** Effective \_\_\_\_\_.

**General Authority:** NDCC 43-48-03, 43-48-04

**Law Implemented:** NDCC 43-48-03

**96-02-10-02. Supervision.** As used in subsection 9 of North Dakota Century Code section 43-48-03 and ~~section~~ sections 96-02-10-01 and 96-02-10-01.1, "supervised" means the following:

1. The supervisor shall identify the individuals being supervised on a form provided by the board and shall promptly notify the board of any changes to the information provided.
2. The supervisor shall ensure the individuals being supervised are appropriately trained in all tests and methods performed by the supervised individuals.
3. The supervisor shall:
  - a. Perform annual competency assessments of the individuals supervised using generally accepted clinical laboratory standards.
  - b. Not allow an individual supervised to start or continue performing tests until the individual has been properly trained and demonstrated competency.
  - c. Document training and competency assessments, retain the documentation for three years, and submit the documentation to the board upon request.
4. The supervisor shall regularly monitor and be available to consult with the individuals being supervised.

Failure by the licensee to supervise is unprofessional conduct and may be subject to disciplinary action by the board.

**History:** Effective January 1, 2006; amended effective \_\_\_\_\_.

**General Authority:** NDCC 43-48-04

**Law Implemented:** NDCC 43-48-03

**96-02-09-02. Unprofessional Conduct.** Unprofessional conduct includes:

1. Scientific and professional misconduct including falsification, fabrication, plagiarism, concealment, inappropriate omission of information, and making false or deceptive statements.
2. Dishonest or illegal compensation for services rendered.
3. Failure to comply with all laws regarding confidentiality and security of patient information and test results.
4. Failure to protect the safety and welfare of patients, employees, co-workers, the public, and the environment as it relates to clinical laboratory practice.
5. Failure to report a violation of clinical laboratory practice law or rules to the board.
6. Suspension or revocation of, or disciplinary action against, an individual's license in another jurisdiction.
7. Failure to meet minimum standards of clinical laboratory practice.
8. Practice beyond the scope of practice allowed by an individual's current license.
9. Personal problems, legal problems, substance abuse, or mental health difficulties that have interfered with a licensee's professional judgment or practice.

**History:** Effective.

**General Authority:** NDCC

**Law Implemented:** NDCC