

TITLE 3: HUMAN RESOURCES
DIVISION 2: HEALTH

§ 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,

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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.

Source: PL 14-62, § 2 (2314).