NORTH Dakota | Governor Doug Burgum

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EXECUTIVE ORDER 2020-20

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of national emergency due to the growing COVID-19 crisis in the United States; and,

WHEREAS, a state of emergency was declared by Governor Doug Burgum on March 13, 2020, in response to the public health crisis resulting from COVID-19; Executive Order 2020-03 activated the State Emergency Operations Plan (SEOP), implementing appropriate response and recovery actions and future mitigation measures; and,

WHEREAS, with the guidance and assistance of the State Health Officer and the Director of Emergency Services, the State is actively responding to the crisis and working to gather, coordinate, and deploy goods, services, professionals and volunteers of all types and kinds; and,

WHEREAS, during this declared public health emergency, additional numbers of health care and behavioral health providers, including licensed respiratory care therapists and respiratory care practitioners, will be needed to provide support for existing providers and care and treatment to citizens infected with the COVID-19 virus; and,

WHEREAS, strict compliance with certain provisions of North Dakota law which would otherwise limit health care and behavioral health providers, including respiratory care therapists and respiratory care practitioners, with inactive or lapsed professional licenses, from returning to the workforce at this critical time could hinder or impede an effective State response to the COVID-19 pandemic; and,

WHEREAS, to ensure North Dakota is utilizing all available health care and behavioral health personnel and resources to address the COVID-19 public health emergency and to accelerate our active response, recovery and mitigation efforts, a temporary suspension of certain state statutes and administrative rules may be necessary.

NOW THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority under Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code (NDCC) Chapter 37-17.1, and in consultation with the State Health Officer and the Director of Emergency Services, hereby temporarily suspends certain licensure requirements under the health care and behavioral health licensing statutes set forth in Executive Order 2020-05.1[i], to allow competent professionals with inactive or lapsed licenses to return to the workforce and provide much needed resources for the State's response to the COVID-19 epidemic, as follows:

1. The nationwide criminal history record check requirements under North Dakota healthcare or behavioral health licensing statutes set forth in Executive Order 2020-05.1 and authorized under NDCC § 12-60-24, are temporarily suspended during this declared state of emergency, until such time as law enforcement agencies in North Dakota have the ability to safely conduct fingerprinting, a requirement for nationwide record checks. Any license issued pursuant to this Order, without a required nationwide criminal history check, will be considered a temporary provisional license, effective only during the pendency of the declared emergency or until this Order is rescinded. Nothing in this Order relieves healthcare or behavioral health licensing boards of the obligation to conduct statewide criminal history record checks before issuing a license.

2. To encourage social distancing and other preventative measures recommended to prevent community contact transmission of COVID-19, all in-person continuing education requirements for licensing renewals for health care or behavioral health licensing statutes and regulations are suspended during the pendency of this declared emergency.

3. The licensure requirements for respiratory care therapists and respiratory care practitioners under NDCC Chapter 43-42, which would otherwise prohibit the practice of respiratory care by a licensee whose license is inactive or has lapsed, are temporarily suspended.

   The State Board of Respiratory Care ("the Board"), may grant a temporary provisional license to any respiratory care therapist or respiratory care practitioner with an inactive or lapsed license:
   a. who was licensed by the Board and in good standing within the five (5) years preceding the date of this Order; and,
   b. who materially meets the requirements for temporary provisional licensure, under terms and conditions established by the Board.

   The Board will process applications from respiratory care therapists or respiratory care practitioners seeking a temporary provisional license under this Order, within seven (7) days. Notice of any temporary provisional licenses issued by the Board under this Order will be provided to the State Health Officer and the Director of Emergency Services.

This Order is based upon the following authority and issued for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1, of the North Dakota Constitution.

2. The Governor is vested with statutory authority to issue executive orders, to minimize or avert the effects of a disaster or emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code.

3. A coordinated and effective effort of appropriate government departments is required to minimize the impact of emergencies and disasters in this state.

This Order will become effective immediately and shall remain in effect for the duration of the declared state of emergency or until rescinded.

Executed at Bismarck, North Dakota, this 3rd day of April, 2020.

Doug Burgum, Governor

ATTEST:

Secretary of State

[i] North Dakota Century Code Chapters 43-12.1 (Nurse Practices Act); Chapter 43-15 (Pharmacists); Chapter 43-17 (Physicians and Surgeons); Chapter 43-32 (Psychologists); Chapter 43-30 (Occupational Therapists); Chapter 43-41 (Social Workers); Chapter 43-42 (Respiratory Care Practitioners); Chapter 43-44 (Dietitians and Nutritionists); Chapter 43-45 (Addiction Counselors); Chapter 43-47 (Counselors); Chapter 43-48 (Clinical Laboratory Personnel); Chapter 43-53 (Marriage and Family Therapy Practice); Chapter 43-57 (Integrative Health Care); Chapter 43-58 (Naturopaths); Chapter 43-62 (Medical Imaging and Radiation Therapy) and Chapter 23-27 (Emergency Medical Services), and any additional licensure requirements set forth in related sections of the North Dakota Administrative Code.