

September 2002

Introduced by

1 A BILL for an Act to amend and reenact subsection 6 of section 14-02.1-02, subsection 1 of
2 section 19-03.1-01.1, subsection 8 of section 23-02.1-01, subsection 5 of section 23-06.4-02,
3 subsection 9 of section 23-17.3-01, subsection 3 of section 26.1-14-02, sections 43-17-01,
4 43-17-02, 43-17-03, 43-17-07.1, 43-17-18, 43-17-24, 43-17-26.1, 43-17-27.1, 43-17-30.1,
5 43-17-31, 43-17-31.1, 43-17-32.1, and 43-17-41, and subsection 1 of section 43-46-01 of the
6 North Dakota Century Code, relating to the definition of physician and the state board of
7 medical examiners' duty to license podiatrists and physicians; to repeal chapter 43-05 of the
8 North Dakota Century Code, relating to licensure of podiatrists; to provide for a penalty; and to
9 provide for transition.

10 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

11 **SECTION 1. AMENDMENT.** Subsection 6 of section 14-02.1-02 of the North Dakota
12 Century Code is amended and reenacted as follows:

- 13 6. "Licensed physician" means ~~a person who is an individual licensed to practice~~
14 ~~medicine or osteopathy as a physician~~ as a physician under chapter 43-17 or a physician
15 practicing in the armed services of the United States or in the employ of the United
16 States.

17 **SECTION 2. AMENDMENT.** Subsection 1 of section 19-03.1-01.1 of the North Dakota
18 Century Code is amended and reenacted as follows:

- 19 1. In carrying out its duties under this chapter, the board shall consult with
20 representatives of each of the following interests: board of medical examiners,
21 board of dental examiners, ~~board of registry in podiatry,~~ board of veterinary
22 medical examiners, board of nursing, the college of pharmacy, and the school of
23 medicine.

1 **SECTION 3. AMENDMENT.** Subsection 8 of section 23-02.1-01 of the North Dakota
2 Century Code is amended and reenacted as follows:

- 3 8. "Physician" means ~~a person authorized or~~ an individual licensed to practice
4 ~~medicine or osteopathy pursuant to~~ as a physician under chapter 43-17.

5 **SECTION 4. AMENDMENT.** Subsection 5 of section 23-06.4-02 of the North Dakota
6 Century Code is amended and reenacted as follows:

- 7 5. "Physician" means an individual licensed ~~to practice medicine in this state pursuant~~
8 ~~to~~ as a physician under chapter 43-17.

9 **SECTION 5. AMENDMENT.** Subsection 9 of section 23-17.3-01 of the North Dakota
10 Century Code is amended and reenacted as follows:

- 11 9. "Physician" means any ~~person currently~~ individual licensed ~~pursuant to~~ as a
12 physician under chapter 43-17.

13 **SECTION 6. AMENDMENT.** Subsection 3 of section 26.1-14-02 of the North Dakota
14 Century Code is amended and reenacted as follows:

- 15 3. "Practice of medicine" means the practice of medicine, surgery, podiatric medicine,
16 and obstetrics and has the same meaning specified in subsection 2 of section
17 43-17-01.

18 **SECTION 7. AMENDMENT.** Section 43-17-01 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **43-17-01. Definitions.**

- 21 1. "Board" means the state board of medical examiners.
22 2. "Physician" includes physician and surgeon (M.D.) and osteopathic physician and
23 surgeon (D.O.).
24 3. "Podiatric medicine" means the profession of the practice of medicine concerned
25 with the diagnosis and treatment of conditions affecting the human foot and ankle,
26 including local manifestations of systemic conditions by all appropriate systems.
27 The term includes the prescribing or administering of drugs or medications
28 necessary or helpful to that profession.
29 4. "Podiatrist" means an individual who is qualified to practice podiatric medicine in
30 this state.

5. "Practice of medicine" includes ~~the practice of medicine, surgery, podiatric~~
medicine and obstetrics. The following persons ~~must be regarded as~~ are
practicing medicine:

- a. One who holds out to the public as being engaged within this state in the
diagnosis or treatment of diseases or injuries of ~~human beings~~ individuals.
- b. One who suggests, recommends, or prescribes any form of treatment for the
intended relief or cure of any physical or mental ailment of any ~~person~~
individual, with the intention of receiving, directly or indirectly, any fee, gift, or
compensation.
- c. One who maintains an office for the examination or treatment of ~~persons~~
individuals afflicted with disease or injury of the body or mind.
- d. One who attaches the title M.D., surgeon, doctor, D.O., osteopathic physician
and surgeon, D.P.M., or any other similar word or words or abbreviation to the
~~person's~~ individual's name, indicating that the ~~person~~ individual is engaged in
the treatment or diagnosis of the diseases or injuries of ~~human beings~~ must
~~be held to be engaged in the practice of medicine~~ individuals.

SECTION 8. AMENDMENT. Section 43-17-02 of the North Dakota Century Code is
amended and reenacted as follows:

43-17-02. ~~Persons~~ Individuals exempt from the provisions of chapter. ~~The~~
~~provisions of this~~ This chapter ~~do~~ does not apply to the following:

1. Students of medicine or osteopathy who are continuing their training and
performing the duties of a resident in any hospital or institution maintained and
operated by the state, an agency of the federal government, or in any residency
program accredited by the accreditation council on graduate medical education,
provided that the state board of medical examiners may adopt rules relating to the
licensure, fees, qualifications, activities, scope of practice, and discipline of such
persons.
2. The domestic administration of family remedies.
3. Dentists practicing their profession when properly licensed.
4. Optometrists practicing their profession when properly licensed.

1 5. The practice of Christian Science or other religious tenets or religious rules or
2 ceremonies as a form of religious worship, devotion, or healing, if the ~~person~~
3 individual administering, making use of, assisting in, or prescribing, ~~such the~~
4 religious worship, devotion, or healing does not prescribe or administer drugs or
5 medicines and does not perform surgical or physical operations, and if the ~~person~~
6 individual does not hold out to be a podiatrist, physician, or surgeon.

7 6. Commissioned medical officers of the armed forces of the United States, the
8 United States public health service, and medical officers of the veterans
9 administration of the United States, in the discharge of their official duties, and
10 licensed physicians from other states or territories if called in consultation with a
11 ~~person~~ an individual licensed to practice medicine in this state.

12 7. Doctors of chiropractic ~~only~~ licensed to practice in this state ~~pursuant to~~ under the
13 statutes regulating ~~such the~~ profession.

14 8. ~~Podiatrists practicing their profession when properly licensed.~~

15 9. Any ~~person~~ individual rendering services as a physician assistant, if ~~such the~~
16 service is rendered under the supervision, control, and responsibility of a licensed
17 physician. However, sections 43-17-02.1 and 43-17-02.2 do apply to physician
18 assistants. The state board of medical examiners shall prescribe rules governing
19 the conduct, licensure, fees, qualifications, discipline, activities, and supervision of
20 physician assistants. Physician assistants may not be authorized to perform any
21 services ~~which that~~ must be performed by ~~persons~~ individuals licensed ~~pursuant to~~
22 under chapters 43-12.1, 43-13, 43-15, and 43-28 or services otherwise regulated
23 by licensing laws, notwithstanding the fact that medical doctors need not be
24 licensed specifically to perform the services contemplated under such chapters or
25 licensing laws.

26 40- 9. A nurse practicing the nurse's profession when properly licensed by the North
27 Dakota board of nursing.

28 44- 10. ~~A person~~ An individual rendering fluoroscopy services as a radiologic technologist
29 if the service is rendered under the supervision, control, and responsibility of a
30 licensed physician and provided that the state board of medical examiners

prescribes rules governing the conduct, permits, fees, qualifications, activities,
discipline, and supervision of radiologic technologists who provide those services.

SECTION 9. AMENDMENT. Section 43-17-03 of the North Dakota Century Code is
amended and reenacted as follows:

43-17-03. State board of medical examiners - How appointed - Qualifications.

1. The governor shall appoint a state board of medical examiners consisting of ~~eleven~~
twelve members, eight of whom are doctors of medicine, one of whom is a doctor
of osteopathy, one of whom is a podiatrist, and two of whom are designated as
public members. If no osteopathic physician is qualified and willing to serve, any
qualified physician may be appointed in place of the osteopathic physician.
2. Each physician member and the podiatrist member must:
 - a. Be a ~~practicing physician~~ medical provider of integrity and ability.
 - b. Be a resident of and duly licensed to practice medicine in this state.
 - c. Be a graduate of a medical ~~or~~, osteopathic, or podiatric school of high
educational requirements and standing.
 - d. Have been engaged in the active practice of the ~~physician's~~ medical
profession within this state for a period of at least five years.
3. Each public member of the board must:
 - a. Be a resident of this state.
 - b. Be at least twenty-one years of age.
 - c. Not be affiliated with any group or profession that provides or regulates health
care in any form.
4. ~~A person~~ An individual appointed to the board shall qualify by taking the oath
required of civil officers.
5. The board participation of the podiatry board member is limited to matters directly
related to podiatry or licensure of a podiatrist.

SECTION 10. AMENDMENT. Section 43-17-07.1 of the North Dakota Century Code is
amended and reenacted as follows:

43-17-07.1. Powers of the board of medical examiners. In addition to any other
powers, the board may:

- 1 1. Employ or contract with one or more organizations or agencies known to provide
2 acceptable examinations for the preparation and scoring of required examinations
3 relating to physician or podiatrist licensure, and employ or contract with one or
4 more organizations or agencies known to provide acceptable examination services
5 for the administration of the required examination.
- 6 2. Prescribe the time, place, method, manner, scope, and subject of examination.
- 7 3. Impose sanctions, deny licensure, levy fines, or seek appropriate civil or criminal
8 penalties against anyone who violates or attempts to violate examination security,
9 anyone who obtains or attempts to obtain licensure by fraud or deception, and
10 anyone who knowingly assists in that type of activity.
- 11 4. Require information on an applicant's or licensee's fitness, qualifications, and
12 previous professional record and performance from recognized data sources,
13 including the federation of state medical boards action data bank, other data
14 repositories, licensing and disciplinary authorities of other jurisdictions, professional
15 education and training institutions, liability insurers, health care institutions, and law
16 enforcement agencies be reported to the board or to the commission on medical
17 competency.
- 18 5. Require the self-reporting by an applicant or a licensee of any information the
19 board determines may indicate possible deficiencies in practice, performance,
20 fitness, or qualifications.
- 21 6. Establish a mechanism for dealing with a licensee who abuses or is dependent
22 upon or addicted to alcohol or other addictive chemical substances, to enter an
23 agreement, at ~~its~~ the board's discretion, with a professional organization ~~whose~~
24 with which the relevant procedures and techniques ~~it~~ the board has evaluated and
25 approved for the organization's cooperation or participation.
- 26 7. Issue a cease and desist order, obtain a court order, or an injunction to halt
27 unlicensed practice, a violation of this chapter, or a violation of the rules of the
28 board.
- 29 8. Issue a conditional, restricted, or otherwise circumscribed license as ~~it~~ the board
30 determines necessary.

SECTION 11. AMENDMENT. Section 43-17-18 of the North Dakota Century Code is amended and reenacted as follows:

43-17-18. License requirements.

1. ~~General.~~ Every applicant for licensure shall file a written application, on forms provided by the board, showing to the board's satisfaction that the applicant is of good moral character and satisfies all of the requirements of this chapter including:
 - a. Successful completion of a medical licensure examination satisfactory to the board;
 - b. Physical, mental, and professional capability for the practice of medicine in a manner acceptable to the board; and
 - c. A history free of any finding by the board, any other state medical licensure board, or any court of competent jurisdiction, of the commission of any act that would constitute grounds for disciplinary action under this chapter; the board may modify this restriction for cause.
2. ~~Graduates of United States and Canadian schools.~~
 - a. An applicant who is a graduate of an approved medical or osteopathic school located in the United States, its possessions, territories, or Canada, shall present evidence, satisfactory to the board, that the applicant has been awarded a degree of doctor of medicine or doctor of osteopathy from a medical school located in the United States, its possessions, territories, or Canada, approved by the board or by an accrediting body approved by the board at the time the degree was conferred.
 - b. An applicant who is a graduate of an approved medical or osteopathic school located in the United States, its possessions, territories, or Canada, must present evidence, satisfactory to the board, that the applicant has successfully completed one year of postgraduate training in the United States or Canada in a program approved by the board or by an accrediting body approved by the board.
3. ~~Graduates of international schools.~~
 - a. An applicant who is a graduate of a medical school not located in the United States, its possessions, territories, or Canada, shall present evidence,

1 satisfactory to the board, that the applicant possesses the degree of doctor of
2 medicine or a board-approved equivalent based on satisfactory completion of
3 educational programs acceptable to the board. Graduates of osteopathic
4 schools located outside the United States are not eligible for licensure.

- 5 b. An applicant who has graduated from a medical school not located in the
6 United States, its possessions, territories, or Canada, must present evidence,
7 satisfactory to the board, that the applicant has successfully completed three
8 years of postgraduate training in a program located in the United States, its
9 possessions, territories, or Canada, and accredited by a national accrediting
10 organization approved by the board or other graduate training approved in
11 advance by the board as meeting standards similar to those of a national
12 accrediting organization. However, if such an applicant has not completed
13 three years of postgraduate training in a program approved by the board or by
14 an accrediting body approved by the board, but has met all other licensing
15 requirements and has successfully completed one year of postgraduate
16 training in the United States or Canada in a program approved by the board,
17 and if the board finds that the applicant has other professional experience and
18 training that is substantially equivalent to the second and third year of
19 postgraduate training, then the applicant may be deemed eligible for
20 licensure. The board is granted broad discretion in determining whether to
21 apply this exception to the normal licensing requirements. An applicant
22 seeking licensure under this exception must present evidence satisfactory to
23 the board that:

- 24 (1) The applicant is certified by a specialty board recognized by the
25 American board of medical specialties or by a specialty board
26 recognized by the royal college of physicians and surgeons of Canada;
27 or
28 (2) The applicant has passed the special purpose examination developed
29 by the federation of state medical boards of the United States.

- 30 c. The applicant shall present evidence satisfactory to the board that the
31 applicant has been awarded a certificate by the educational council for foreign

1 medical graduates. The board may adopt rules establishing specific
2 exceptions to this requirement.

3 d. The applicant has a working ability in the English language sufficient to
4 communicate with patients and physicians and to engage in the practice of
5 medicine.

6 4. ~~Special license.~~ The board may grant a special license to an applicant who is a
7 graduate of an international medical school if that applicant has met all
8 requirements for licensure except those pertaining to postgraduate training if the
9 applicant has successfully completed one year of approved postgraduate training
10 in the United States or Canada, and is enrolled in a residency program in this state.
11 This special license is valid only for the purpose of practicing medicine within the
12 scope of the residency training program.

13 5. The board shall adopt rules regarding licensure requirements for podiatrists.

14 **SECTION 12. AMENDMENT.** Section 43-17-24 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **43-17-24. ~~Physicians register~~ Registration with the board.** On or before the due
17 date established by the board, every ~~person legally~~ individual licensed to practice medicine
18 within this state shall file with the secretary-treasurer of the board a registration statement upon
19 blanks prepared and provided by the board and shall pay to the secretary-treasurer the
20 registration fee. ~~No~~ A person may not engage in the practice of medicine in this state without a
21 current registration certificate issued by the board.

22 **SECTION 13. AMENDMENT.** Section 43-17-26.1 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **43-17-26.1. License renewals - Late fees.** A physician or podiatrist seeking to renew
25 the annual registration who has failed to complete the annual registration process within the
26 time specified by the state board of medical examiners must be assessed a fee equal to three
27 times the normal annual registration fee, in addition to ~~such~~ any other penalties ~~as are~~
28 authorized by law, if that physician or podiatrist is found to have been practicing medicine in this
29 state after the physician's or podiatrist's license expired. A physician or podiatrist who is not
30 found to have been practicing medicine in this state may renew a license upon payment of the
31 arrearage and meeting the other requirements of the board. However, a physician or podiatrist

1 whose license lapsed more than three years before that physician or podiatrist petitioned the
2 board for reinstatement must submit a new application for licensure, regardless of whether ~~or~~
3 ~~not~~ that physician or podiatrist has practiced medicine in this state since the physician's or
4 podiatrist's license was last current.

5 **SECTION 14. AMENDMENT.** Section 43-17-27.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-17-27.1. Continuing education requirements.**

- 8 1. The board shall promote a high degree of competence in the practice of medicine
9 by establishing rules requiring every physician and podiatrist licensed in the state
10 to fulfill continuing education requirements. Compliance with these rules must be
11 documented at ~~such~~ the times and in ~~such~~ the manner ~~as is~~ required by the board.
- 12 2. Before a license may be renewed, the licensee shall submit evidence to the board
13 establishing that all continuing education requirements prescribed by the rules
14 adopted by the board have been met.
- 15 3. The board may exempt a physician or podiatrist from the requirements of this
16 section in accordance with rules adopted by the board.

17 **SECTION 15. AMENDMENT.** Section 43-17-30.1 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **43-17-30.1. Disciplinary action.** The board ~~is authorized to~~ may take disciplinary
20 action against a licensed physician or podiatrist by any one or more of the following means, as
21 ~~it may find~~ the board determines appropriate:

- 22 1. Revocation of license.
- 23 2. Suspension of license.
- 24 3. Probation.
- 25 4. Imposition of stipulations, limitations, or conditions relating to the practice of
26 medicine.
- 27 5. Letter of censure.
- 28 6. Require the licensee to provide free public or charitable service for a defined
29 period.

7. Impose fines, not to exceed five thousand dollars for any single disciplinary action.
Any fines collected by the state board of medical examiners must be deposited in
the state general fund.

SECTION 16. AMENDMENT. Section 43-17-31 of the North Dakota Century Code is amended and reenacted as follows:

43-17-31. Grounds for disciplinary action. The board shall keep a record of all the board's proceedings in the matter of suspending, revoking, or refusing licenses together with the evidence offered. Disciplinary action may be imposed against a physician or podiatrist upon any of the following grounds:

1. The use of any false, fraudulent, or forged statement or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice, in connection with any of the licensing requirements.
2. The making of false or misleading statements about the physician's or podiatrist's skill or the efficacy of any medicine, treatment, or remedy.
3. The conviction of any misdemeanor determined by the board to have a direct bearing upon ~~a person's~~ an individual's ability to serve the public as a practitioner of medicine or any felony. A license may not be withheld contrary to the provisions of chapter 12.1-33.
4. Habitual use of alcohol or drugs.
5. Physical or mental disability materially affecting the ability to perform the duties of a physician or podiatrist in a competent manner.
6. The performance of any dishonorable, unethical, or unprofessional conduct likely to deceive, defraud, or harm the public.
7. Obtaining any fee by fraud, deceit, or misrepresentation.
8. Aiding or abetting the practice of medicine by an unlicensed, incompetent, or impaired person.
9. The violation of any provision of a medical practice act or the rules ~~and regulations~~ of the board, or any action, stipulation, condition, or agreement imposed by the board or its investigative panels.
10. The practice of medicine under a false or assumed name.
11. The advertising for the practice of medicine in an untrue or deceptive manner.

12. The representation to a patient that a manifestly incurable condition, sickness, disease, or injury can be cured.
13. The willful or negligent violation of the confidentiality between physician or podiatrist and patient, except as required by law.
14. The failure of a doctor of osteopathy to designate that ~~person's~~ individual's school of practice in the professional use of that ~~person's~~ individual's name by such terms as "osteopathic physician and surgeon", "doctor of osteopathy", "D.O.", or similar terms.
15. Gross negligence in the practice of medicine.
16. Sexual abuse, misconduct, or exploitation related to the licensee's practice of medicine.
17. The prescription, sale, administration, distribution, or gift of any drug legally classified as a controlled substance or as an addictive or dangerous drug for other than medically accepted therapeutic purposes.
18. The payment or receipt, directly or indirectly, of any fee, commission, rebate, or other compensation for medical services not actually or personally rendered, or for patient referrals; this prohibition does not affect the lawful distributions of ~~professional partnerships, corporations, limited liability companies, or associations~~ an organization.
19. The failure to comply with the reporting requirements of section 43-17.1-05.1.
20. The failure to transfer medical records, except those relating to psychiatric treatment which must be governed by board rule, to another physician or podiatrist or to supply copies thereof to the patient or to the patient's representative when requested to do so by the patient or the patient's designated representative. A reasonable charge for record copies may be assessed.
21. A continued pattern of inappropriate care as a physician or podiatrist, including unnecessary surgery.
22. The use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine.

- 1 23. The prescribing, selling, administering, distributing, or giving to oneself or to one's
2 spouse or child any drug legally classified as a controlled substance or recognized
3 as an addictive or dangerous drug.
- 4 24. The violation of any state or federal statute or regulation relating to controlled
5 substances.
- 6 25. The imposition by another state or jurisdiction of disciplinary action against a
7 license or other authorization to practice medicine based upon acts or conduct by
8 the physician ~~that~~ or podiatrist which would constitute grounds for disciplinary
9 action as set forth in this section. A certified copy of the record of the action taken
10 by the other state or jurisdiction is conclusive evidence of that action.
- 11 26. The lack of appropriate documentation in medical records for diagnosis, testing,
12 and treatment of patients.
- 13 27. The failure to properly monitor a physician assistant, a fluoroscopy technologist, or
14 an emergency medical technician.
- 15 28. The failure to furnish the board or the investigative panel, ~~their~~ the board's or
16 investigative panel's investigators, or the board's or investigative panel's
17 representatives, information legally requested ~~by the board or the investigative~~
18 panel.
- 19 ~~The board shall keep a record of all of its proceedings in the matter of suspending, revoking, or~~
20 ~~refusing licenses together with the evidence offered.~~

21 **SECTION 17. AMENDMENT.** Section 43-17-31.1 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **43-17-31.1. Costs of prosecution - Disciplinary proceedings.** In any order or
24 decision issued by the board in resolution of a disciplinary proceeding in which disciplinary
25 action is imposed against a physician or podiatrist, the board may direct any physician or
26 podiatrist to pay the board a sum not to exceed the reasonable and actual costs, including
27 reasonable attorney's fees, incurred by the board and its investigative panels in the
28 investigation and prosecution of the case. When applicable, the physician's or podiatrist's
29 license may be suspended until the costs are paid to the board. A physician or podiatrist may
30 challenge the reasonableness of any cost item in a hearing under chapter 28-32 before an
31 administrative law judge. The administrative law judge may approve, deny, or modify any cost

item, and the determination of the judge is final. The hearing must occur before the physician's or podiatrist's license may be suspended for nonpayment.

SECTION 18. AMENDMENT. Section 43-17-32.1 of the North Dakota Century Code is amended and reenacted as follows:

43-17-32.1. Temporary suspension - Appeal.

1. When, based on verified evidence, the board determines by a clear and convincing standard that the evidence presented to the board indicates that the continued practice by the physician or podiatrist would create a significant risk of serious and ongoing harm to the public while a disciplinary proceeding is pending, and that immediate suspension of the physician's or podiatrist's license is required to reasonably protect the public from that risk of harm, the board may order a temporary suspension ex parte. For purposes of this section, "verified evidence" means testimony taken under oath and based on personal knowledge. The board shall give prompt written notice of the suspension to the physician or podiatrist, which must include a copy of the order and complaint, the date set for a full hearing, and a specific description of the nature of the evidence, including a list of all known witnesses and a description of any documents relied upon by the board in ordering the temporary suspension which, upon request, must be made available to the physician or podiatrist.
2. An ex parte temporary suspension remains in effect until a final order is issued after a full hearing or appeal under this section or until the suspension is otherwise terminated by the board.
3. The board shall conduct a hearing on the merits of the allegations to determine what disciplinary action, if any, shall be taken against the physician or podiatrist who is the subject of the ex parte suspension. That hearing must be held not later than thirty days from the issuance of the ex parte temporary suspension order. The physician or podiatrist is entitled to a continuance of the thirty-day period upon request for a period determined by the hearing officer.
4. The physician or podiatrist may appeal the ex parte temporary suspension order prior to the full hearing. For purposes of appeal, the district court shall decide

whether the board acted reasonably or arbitrarily. The court shall give priority to the appeal for prompt disposition thereof.

5. Any medical record of a patient, or other document containing personal information about a patient, which is obtained by the board is an exempt record as defined in section 44-04-17.1.

SECTION 19. AMENDMENT. Section 43-17-41 of the North Dakota Century Code is amended and reenacted as follows:

43-17-41. Duty of ~~physicians and others~~ to report injury - Penalty.

1. Any physician, podiatrist, physician assistant, or any individual licensed under chapter 43-12.1 who performs any diagnosis or treatment for any individual suffering from any wound, injury, or other physical trauma:
 - a. Inflicted by the individual's own act or by the act of another by means of a knife, gun, or pistol shall as soon as practicable report the wound, injury, or trauma to a law enforcement agency in the county in which the care was rendered; or
 - b. Which the individual performing diagnosis or treatment has reasonable cause to suspect was inflicted in violation of any criminal law of this state, shall as soon as practicable report the wound, injury, or trauma to a law enforcement agency in the county in which the care was rendered.
2. The report under subsection 1 must state the name of the injured individual and the character and extent of the individual's injuries.
3. When a report of domestic violence, as defined in section 14-07.1-01, or a report of physical injury resulting from a sexual offense, as defined in chapter 12.1-20, is made to a law enforcement agency as required by this section, the injured individual must be provided with information regarding a domestic violence sexual assault organization as defined in section 14-07.1-01 or other victims' assistance program by the physician, podiatrist, physician assistant, or any individual licensed under chapter 43-12.1, unless it is known that the information has previously been provided to the injured individual.
4. The reports mandated by this section must be made as soon as practicable and may be either oral or in writing. Oral reports must be followed by written reports

within forty-eight hours if so requested by the sheriff or state's attorney to whom the oral report is originally made.

5. Any individual required to report as provided by this section who willfully fails to do so is guilty of an infraction.

6. Any individual making or not making a report in good faith pursuant to this section is immune from liability for making or not making a report.

SECTION 20. AMENDMENT. Subsection 1 of section 43-46-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Board" means:

~~a. The board of registry in podiatry;~~

~~b.~~ The state board of chiropractic examiners;

~~c.~~ b. The state board of funeral service;

~~d.~~ c. The North Dakota board of nursing;

~~e.~~ d. The North Dakota state board of optometry;

~~f.~~ e. The state board of pharmacy;

~~g.~~ f. The state board of medical examiners;

~~h.~~ g. The North Dakota board of massage;

~~i.~~ h. The state examining committee for physical therapists;

~~j.~~ i. The state board of dental examiners;

~~k.~~ j. The state board of veterinary medical examiners;

~~l.~~ k. The North Dakota state board of psychologist examiners;

~~m.~~ l. The board for licensing hearing aid dealers and fitters;

~~n.~~ m. The North Dakota state board of examiners for nursing home administrators;

~~o.~~ n. The state board of examiners of audiology and speech pathology;

~~p.~~ o. The North Dakota board of athletic trainers;

~~q.~~ p. The board of occupational therapy practice;

~~r.~~ q. The North Dakota board of social work examiners;

~~s.~~ r. The North Dakota state board of respiratory care;

~~t.~~ s. The board of dietetic practice;

~~u.~~ t. The board of addiction counseling examiners; and

1 ~~v.~~ u. Any health care related board granted licensing authority by the legislative
2 assembly after July 1, 1989.

3 **SECTION 21. REPEAL.** Chapter 43-05 of the North Dakota Century Code is repealed.

4 **SECTION 22. TRANSITION.** Any outstanding receivables, obligations, and funds of
5 the state board of podiatric medicine are transferred to the state board of medical examiners as
6 of the effective date of this Act. In addition to any other costs as determined by the state board
7 of medical examiners, the license fees paid by podiatrists must be used to retire any of the
8 North Dakota board of podiatric medicine's outstanding balance of any obligation transferred to
9 the state board of medical examiners, over a timeframe determined by the state board of
10 medical examiners.