Sixty-fourth Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1098
(Industry, Business and Labor Committee)
(At the request of the North Dakota Board of Podiatric Medicine)

AN ACT to amend and reenact section 43-05-16.3 of the North Dakota Century Code, relating to the powers of the North Dakota board of podiatric medicine.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-05-16.3 of the North Dakota Century Code is amended and reenacted as follows:

43-05-16.3. Subpoena power Powers of the board - Podiatrist cooperation.

- 1. In investigating a podiatrist under this section, the board may subpoen the podiatrist and medical records relating to the practice of the podiatrist under investigation. The confidentiality of the subpoenaed records under any other law does not affect the validity of the board's subpoena nor the admissibility of the records in board proceedings; however, the proceedings and records of the board which are exempt from subpoena, discovery, or introduction into evidence under chapter 23-34 are not subject to this subsection. Records of the board which are medical records subpoenaed under this subsection are confidential.
- 2. A podiatrist or applicant for license under this chapter who is the subject of an investigation by the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by the board relating to the subject of the investigation and providing copies of patient medical records or other documentation to assist the board in its investigation. The board shall pay for the copies requested. Except in the case of subpoenaed records, if the board does not have written consent from a patient permitting access to the patient's records, the podiatrist or applicant for license shall delete any data in the record that identifies the patient before providing the record to the board.
- 3. The board may subpoena witnesses relating to the practice of any podiatrist under investigation.
- 4. The board may employ independent investigators when necessary.
- 5. The board may hold confidential conferences with any complainant or podiatrist with respect to any complaint.
- 6. If the board determines a violation of section 43-05-16 may have occurred, the board may issue a formal complaint against a licensed podiatrist.

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| | Speaker of the House | | | President of the Senate | |
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| | Chief C | lerk of the House | | Secretary of the Senate | |
| | | | | entatives of the Sixty- dy as House Bill No. ′ | |
| House Vote: | Yeas 72 | Nays 10 | Absent 12 | | |
| Senate Vote: | Yeas 42 | Nays 3 | Absent 2 | | |
| | | | | Chief Clerk of the H | ouse |
| Received by the Governor atM. on | | | | | , 2015. |
| Approved at | M. on | | | | , 2015. |
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| | | | | Governor | |
| Filed in this office thisday of | | | | | , 2015, |
| at o' | clock | M. | | | |
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| | | | | Secretary of State | |