

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1239

Introduced by

Representative Keiser

Senator W. Stenehjem

1 A BILL for an Act to amend and reenact subdivision o of subsection 1 of section 43-05-16,
2 subsection 4 of section 43-05-16.1, and subsection 1 of section 43-05-16.5 of the North Dakota
3 Century Code, relating to licensing and disciplining of podiatrists; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Subdivision o of subsection 1 of section 43-05-16 of the
6 North Dakota Century Code is amended and reenacted as follows:

7 o. Accepting, paying, or promising to pay a part of a fee in exchange for patient
8 referrals; obtaining any fee by fraud, deceit, or misrepresentation; or ~~the~~
9 ~~payment or receipt~~ paying or receiving, directly or indirectly, ~~of~~ any fee,
10 commission, rebate, or other compensation for services not actually or
11 personally rendered, except for the lawful distribution of compensation or fees
12 within a professional partnership, corporation, or association.

13 **SECTION 2. AMENDMENT.** Subsection 4 of section 43-05-16.1 of the North Dakota
14 Century Code is amended and reenacted as follows:

15 4. Impose a civil penalty not exceeding ten thousand dollars for each violation, the
16 amount of the civil penalty fixed so as to deprive the podiatrist of any economic
17 advantage gained by the violation or to reimburse the board for attorney's fees and
18 the cost of the investigation and proceeding.

19 **SECTION 3. AMENDMENT.** Subsection 1 of section 43-05-16.5 of the North Dakota
20 Century Code is amended and reenacted as follows:

21 1. A person who has knowledge of any conduct constituting grounds for discipline
22 under this chapter ~~may~~ shall report the violation to the board.

23 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.