

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1500

Introduced by

Representatives Monson, Keiser, M. Klein

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to amend and reenact sections 43-05-03, 43-05-10, 43-05-14, 43-05-15, and
2 43-05-16.8 of the North Dakota Century Code, relating to the membership of the board of
3 podiatric medicine and licensure fees; to provide an effective date; and to declare an
4 emergency.

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

6 **SECTION 1. AMENDMENT.** Section 43-05-03 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **43-05-03. Board of podiatric medicine - Appointment of members - Term of office**
9 **- Qualifications - Vacancies - Duties - Quorum - Records.** The board of podiatric medicine
10 consists of ~~six~~ five persons appointed by the governor for a term of four years each with the
11 terms of office so arranged that no more than two terms expire on the thirteenth day of June of
12 any year. A member of the board may not serve for more than two successive terms. A
13 member may not be reappointed to the board after serving two successive terms unless at
14 least two years have elapsed since the member last served on the board. ~~Four~~ Three
15 members of the board must hold doctor of podiatric medicine degrees and must have practiced
16 podiatric medicine in this state for at least two years before their appointment, one member
17 must be a doctor of medicine who holds a doctor of medicine degree and has practiced in this
18 state for at least two years before the appointment, and one member, who is designated as a
19 public member, must be a resident of this state, be at least twenty-one years of age, and may
20 not be affiliated with any group or profession that provides or regulates health care in any form.

21 A member of the board shall qualify by taking the oath of office required of civil officers
22 and shall hold office until a successor is appointed and qualified. The governor shall fill any
23 vacancy by appointment for the unexpired term. The board may employ and compensate

1 attorneys, investigative staff, clerical assistants, or others to assist in the performance of the
2 duties of the board.

3 A majority of the board constitutes a quorum to transact business, make any
4 determination, or take any action. The board shall keep a record of its proceedings and of
5 applications for licenses. Applications and records must be preserved for at least six years
6 beyond the disposition of the application or record or the last annual registration of the licensee,
7 whichever is longer.

8 **SECTION 2. AMENDMENT.** Section 43-05-10 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **43-05-10. Application - Examination fee.** To obtain a license to practice podiatric
11 medicine, a person shall submit an application and any other documentation required by the
12 board to the board in the manner prescribed by the board. The applicant shall submit evidence
13 that the applicant has the required qualifications and shall pay to the board a fee of not more
14 than ~~five hundred~~ one thousand dollars.

15 **SECTION 3. AMENDMENT.** Section 43-05-14 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **43-05-14. When license issued without examination.** The board may issue a
18 license without examination to a podiatrist of another state or Canadian province if:

- 19 1. The other state or Canadian province grants like privileges to podiatrists of this
20 state;
- 21 2. The other state or Canadian province maintains equal statutory requirements for
22 practicing podiatric medicine;
- 23 3. The applicant pays a fee of not more than ~~five hundred~~ one thousand dollars as
24 determined by the board;
- 25 4. The applicant has been engaged legally in the active practice of podiatric medicine
26 for at least two years immediately preceding the date of application;
- 27 5. The applicant presents satisfactory evidence to the board indicating the current
28 status of a license to practice podiatric medicine which has been issued by the
29 proper agency in another state or Canadian province;
- 30 6. The applicant has not had a license suspended or revoked, or has not engaged in
31 conduct warranting or which would have warranted disciplinary action against a

1 licensee if the conduct was committed in this state or elsewhere, or has not been
2 subjected to disciplinary action in another state or Canadian province. If an
3 applicant does not satisfy the requirements of this subsection, the board shall
4 refuse to issue a license unless the board determines that the public will be
5 protected through issuance of a license with conditions or limitations considered
6 appropriate by the board; and

- 7 7. The applicant submits with the application the following information for the
8 five-year period before the date of filing the application:
- 9 a. The name and address of the applicant's professional liability insurance
10 carrier in the other state or Canadian province; and
 - 11 b. The number, date, and disposition of any podiatric medical malpractice
12 settlement or award made to the plaintiff relating to the quality of podiatric
13 medical treatment.

14 **SECTION 4. AMENDMENT.** Section 43-05-15 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **43-05-15. Renewal of license - Fee - Established by board - Failure to pay -**
17 **Reinstatement.** Each licensed and practicing podiatrist shall pay the annual renewal license
18 fee established by the board. The license fee may be increased in accordance with the number
19 of years licensed and practicing in North Dakota, but may not exceed ~~five hundred~~ one
20 thousand dollars. The fee must be paid on or before the renewal date established by the
21 board. The person is entitled to an annual certificate or license upon payment of the fee. If the
22 renewal fee is not paid within six months after the date established by the board, the license of
23 the delinquent licensee must be revoked and may not be reissued except upon a new
24 application and the payment of the renewal fee established by the board plus twenty-five
25 dollars and the costs of any hearing held concerning revocation of a license for nonpayment.

26 **SECTION 5. AMENDMENT.** Section 43-05-16.8 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **43-05-16.8. Loan for litigation expenses.** Subject to approval by the emergency
29 commission, the board may borrow funds sufficient to pay for attorney's fees and costs incurred
30 in investigations, administrative proceedings, and litigation resulting from the board performing
31 its duties. ~~Notwithstanding section 43-05-15, the~~ The board may establish an annual renewal

1 license fee for each year following the issuance of a loan under this section, and the fee must
2 be maintained until the loan is fully repaid, including any accrued interest. ~~The amount of the~~
3 ~~annual renewal license fee assessed under this section may not exceed one thousand dollars.~~
4 Once the loan is paid in full, the annual renewal license fee must revert to the amount
5 established by the board before the issuance of the loan. The notice of a proposed rule to
6 assess the fee in this section or revert to the previous license fee may be sent by certified mail
7 to each individual licensed by the board in lieu of the publication requirements for the notice in
8 chapter 28-32.

9 **SECTION 6. EFFECTIVE DATE.** This Act becomes effective June 13, 2003, and
10 sections 2 through 5 of this Act apply to all applications and renewals beginning with the 2004
11 licensure year.

12 **SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure.