

SENATE BILL NO. 2333

Introduced by

Senator Brown

Representative Weisz

1 A BILL for an Act to amend and reenact section 43-17.1-05.1 of the North Dakota Century
2 Code, relating to reporting requirements for health care institutions.

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

4 **SECTION 1. AMENDMENT.** Section 43-17.1-05.1 of the North Dakota Century Code
5 is amended and reenacted as follows:

6 **43-17.1-05.1. Reporting requirements.** A physician, a physician assistant, or a
7 fluoroscopy technologist, ~~a health care institution in the state,~~ a state agency, or a law
8 enforcement agency in the state having actual knowledge that a licensed physician, a physician
9 assistant, or a fluoroscopy technologist may have committed any of the grounds for disciplinary
10 action provided by law or by rules adopted by the board shall promptly report that information in
11 writing to the investigative panel of the board. A medical licensee or any health care institution
12 from which the medical licensee voluntarily resigns or voluntarily limits the licensee's staff
13 privileges shall report that licensee's action to the investigative panel of the board if that action
14 occurs while the licensee is under formal or informal investigation by the health care institution
15 or a committee of the health care institution for any reason related to possible medical
16 incompetence, unprofessional conduct, or mental or physical impairment. Upon receiving a
17 report concerning a licensee an investigative panel shall, or on its own motion an investigative
18 panel may, investigate any evidence that appears to show a licensee is or may have committed
19 any of the grounds for disciplinary action provided by law or by rules adopted by the board. A
20 person required to report under this section who makes a report in good faith is not subject to
21 criminal prosecution or civil liability for making the report. For purposes of any civil proceeding,
22 the good faith of any person who makes a report pursuant to this section is presumed. A
23 physician who obtains information in the course of a physician-patient relationship in which the
24 patient is another physician is not required to report if the treating physician successfully

1 counsels the other physician to limit or withdraw from practice to the extent required by the
2 impairment. A physician who obtains information in the course of a professional peer review
3 pursuant to chapter 23-34 is not required to report pursuant to this section. A physician who
4 does not report information obtained in a professional peer review is not subject to criminal
5 prosecution or civil liability for not making a report. For purposes of this section, a person has
6 actual knowledge if that person acquired the information by personal observation or under
7 circumstances that cause that person to believe there exists a substantial likelihood that the
8 information is correct. An agency ~~or health care institution~~ that violates this section is guilty of a
9 class B misdemeanor. A physician, physician assistant, or fluoroscopy technologist who
10 violates this section is subject to administrative action by the North Dakota state board of
11 medical examiners as specified by law or by administrative rule.