

Introduced by

Legislative Council

(Budget Committee on Health Care)

1 A BILL for an Act to create and enact chapter 43-56 of the North Dakota Century Code, relating  
2 to creation of the allied health professions board; to provide an appropriation; and to provide a  
3 penalty.

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

5 **SECTION 1.** Chapter 43-56 of the North Dakota Century Code is created and enacted  
6 as follows:

7 **43-56-01. Definitions.** In this chapter, unless the context otherwise requires:

- 8 1. "Allied health professions" means those clinical health care professions distinct  
9 from the medical profession and nursing profession.  
10 2. "Board" means the allied health professions board.  
11 3. "Licensee" means an allied health professional licensed by the board.

12 **43-56-02. Allied health professions board - Membership.**

- 13 1. The allied health professions board consists of the members appointed by the  
14 governor. Except for the initial board members and the initial board members  
15 representing a newly board-regulated allied health profession, the regular term of  
16 office of each member of the board is three years, beginning on July first and  
17 ending on June thirtieth. The term of office of the initial board members and of the  
18 initial board members representing a newly board-regulated allied health  
19 profession may be for two, three, or four years in order to initiate a pattern of  
20 staggered terms. Upon the expiration of a member's regular term, the board  
21 member shall continue to serve until a successor is appointed and qualifies for  
22 office. The governor shall fill all vacancies by appointment within thirty days of the  
23 end of the regular term or within thirty days after receiving notification of the  
24 unscheduled vacancy. In the case of a vacancy before the expiration of a term, the

1           appointment must be for the remainder of the term. A board member may serve  
2           no more that two consecutive regular terms. The appointment of a board member  
3           automatically terminates when the member ceases to meet the qualifications of  
4           appointment. An individual appointed to board membership qualifies by taking the  
5           oath required of civil officers.

6           2. The governor may remove a board member for good cause after giving that  
7           member a written statement of the reason for removal and after that member has  
8           had an opportunity for a hearing.

9           3. A board member may not participate in any matter before the board in which that  
10           member has a pecuniary interest, personal bias, or other similar conflict of interest.

11           **43-56-03. Board membership - Appointment.**

12           1. The allied health professions board consists of members appointed by the  
13           governor. The governor shall appoint board members to represent the allied health  
14           professions as follows:

15           a. At least three and no more than five members who represent the general  
16           public and who do not have any direct affiliation with the practice of an allied  
17           health profession.

18           b. For each allied health profession regulated by the board, three members who  
19           are licensed members of that profession or in the case of a newly regulated  
20           profession without currently licensed members three members who will be  
21           licensed members of that profession.

22           2. Each member of the board must be a resident of this state.

23           **43-56-04. Board powers and duties.**

24           1. The allied health professions are allies in the health care team, working together to  
25           make the health care system function.

26           2. The board shall regulate the practice of each of the allied health professions the  
27           board has been directed to regulate, including the issuances of licenses and the  
28           regulation of licensees.

29           3. Annually, the board shall select a president, a vice president, and any other officers  
30           from among its members. The president shall preside at meetings of the board

- 1           and the vice president shall preside at meetings of the board in the president's  
2           absence.
- 3           4. The board shall meet at least once a year. Additional meetings may be held at the  
4           discretion of the president, upon written request of any of the members or upon the  
5           written request of the governor.
- 6           5. The board may appoint or employ individuals as appropriate to assist the board.
- 7           6. The board shall notify the governor of any unscheduled vacancy in the board  
8           membership.
- 9           7. The board shall deposit and disburse all fees and moneys collected by the board in  
10          accordance with section 54-44-12.
- 11          8. The board may adopt a seal.
- 12          9. The board may adopt rules to administer this chapter.
- 13          **43-56-05. Petition to the board - Inclusion as an allied health profession.**
- 14          1. An existing occupational or professional board of this state or agency of this state  
15          which regulates the practice of an allied health profession may submit to the allied  
16          health professionals board a petition requesting inclusion of that allied health  
17          profession as an allied health profession regulated by the allied health professions  
18          board. Upon receipt of a petition submitted under this subsection, the allied health  
19          professions board and the entity submitting the petition shall work together to  
20          prepare a bill draft to accomplish this requested inclusion. For the next legislative  
21          session following receipt of the petition, the allied health professions board shall  
22          request introduction of the bill draft.
- 23          2. Representatives of an allied health profession that is not regulated by an existing  
24          occupational or professional board of this state or by an agency of this state may  
25          submit to the allied health professions board a petition requesting inclusion as an  
26          allied health profession regulated by the allied health professions board. Upon  
27          receipt of a petition submitted under this subsection, the allied health professions  
28          board shall determine whether to prepare and request introduction of a bill draft to  
29          accomplish the requested inclusion.

1           **43-56-06. Board member - Expenses.** Each member of the board serves without  
2 compensation but is entitled to reimbursement for expenses as provided by law for state  
3 officers.

4           **43-56-07. Administrative services - Governor.** Until the board is directed to regulate  
5 the practice of an allied health profession and collects fees in conjunction with this regulation,  
6 the governor shall provide the board with appropriate administrative services as may be  
7 requested by the commission.

8           **43-56-08. Penalty.** Any person that violates this chapter is guilty of a class B  
9 misdemeanor.

10           **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the  
11 general fund in the state treasury, not otherwise appropriated, the sum of \$4,000, or so much of  
12 the sum as may be necessary, to the governor for the purpose of funding the expenses of the  
13 allied health professions board, for the biennium beginning July 1, 2007, and ending June 30,  
14 2009.