

Introduced by

Legislative Management  
(Joint Policy Committee)

1 A BILL for an Act to amend and reenact section 43-17-27.1 of the North Dakota Century Code,  
2 relating to physician continuing education requirements; to provide a statement of legislative  
3 intent; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 43-17-27.1 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **43-17-27.1. Physician continuing education requirements.**

8 1. The board shall promote a high degree of competence in the practice of medicine by  
9 establishing rules requiring every physician licensed in the state to fulfill continuing  
10 education requirements. Compliance with these rules must be documented at such  
11 times and in such manner as is required by the board. Physicians failing to comply  
12 with continuing education requirements in the time and manner specified by rule of the  
13 board will be assessed a fee up to three times the licensure fee, in addition to such  
14 other penalties as are authorized by law.

15 2. The board shall require physicians to complete a minimum of one hour of continuing  
education on nutrition and metabolic health each renewal cycle.

16 3. Before a license may be renewed, the physician shall submit evidence to the board  
17 establishing that all continuing education requirements prescribed by the rules  
18 adopted by the board have been met.

19 3.4. The board may accept current certification, maintenance of certification, or  
20 recertification by a member of the American board of medical specialties, the American  
21 osteopathic association, or the royal college of physician and surgeons of Canada in  
22 lieu of compliance with continuing education requirements.

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1       4.5. The board may exempt a physician from the requirements of this section in  
2                   accordance with rules adopted by the board.

3       5.6. Notwithstanding subsection 1, if an individual fails to file a timely response, the board  
4                   may determine whether the individual's failure to file a timely response to an audit  
5                   constitutes an admission of noncompliance with this section and whether the  
6                   individual's license should be subject to action by the board. If the board determines  
7                   that the individual's failure to file a timely response is an admission of noncompliance  
8                   and that the individual's license should be subject to action by the board, the board  
9                   shall hold a hearing in accordance with chapter 28-32 to take any appropriate action.

10      6.7. The board shall provide access on the board's website to an instructional course on  
11                   chapters 12.1-19.1, 14-02.1, and 14-02.6 as the chapters relate to the practice of  
12                   medicine. The instructional course must be developed by contract through the office of  
13                   management and budget, in consultation with and with final approval from the attorney  
14                   general. This section does not create a right of action against the board by a physician  
15                   acting upon reliance of the instructional course. The instructional course must be  
16                   updated periodically to accurately reflect state law.

17      **SECTION 2. LEGISLATIVE INTENT - HEALTH OCCUPATION BOARDS TO CONSIDER**  
18      **REQUIRING COMPLETION OF NUTRITION-RELATED CONTINUING EDUCATION.** It is the  
19                   intent of the sixty-ninth legislative assembly that health-related occupation boards under title 43  
20                   consider requiring licensees to complete nutrition-related continuing education for the  
21                   prevention and reduction of chronic disease.

22      **SECTION 3. EFFECTIVE DATE.** This Act becomes effective upon its filing with the  
23                   secretary of state.