

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2401

Introduced by

Legislative Management

(Joint Policy Committee)

A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks by the board of occupational therapy practice; to amend and reenact section 43-17-27.1 of the North Dakota Century Code, relating to physician continuing education requirements; to provide a statement of legislative intent; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code is created and enacted as follows:

The board of occupational therapy practice for applicants, licensees, or investigations under chapters 43-40 and 43-40.1.

SECTION 2. AMENDMENT. Section 43-17-27.1 of the North Dakota Century Code is amended and reenacted as follows:

43-17-27.1. Physician continuing education requirements.

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

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

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

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

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

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

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

**SECTION 3. LEGISLATIVE INTENT - HEALTH OCCUPATION BOARDS TO CONSIDER
REQUIRING COMPLETION OF NUTRITION-RELATED CONTINUING EDUCATION.** It is the intent of the sixty-ninth legislative assembly that health-related occupation boards under title 43 consider requiring licensees to complete nutrition-related continuing education for the prevention and reduction of chronic disease.

1 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective upon its filing with the
2 secretary of state.