

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

1436

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*La Costa Richardson*  
Operator's Signature

*10/16/03*  
Date

2003 HOUSE HUMAN SERVICES

HB 1436

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Yolanda Richardson  
Operator's Signature

10/16/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1436

House Human Services Committee

Conference Committee

Hearing Date January 28, 2003

Tape Number	Side A	Side B	Meter #
2	x		2.4 - 61.3
Committee Clerk Signature <i>Sharon Kenyon</i>			

Minutes:

Rep. Pollert appeared as prime sponsor stating this bill relates to foreign medical school graduates and their ability to obtain an unrestricted medical license within the completion of 2 yrs of graduate clinical medical training. The license will be conditional and require that the physicians remain in good standing in residency in ND.

Todd Grages, of Minot, ND appeared in support with changes (amendment), will get us his written testimony. The reason for the change will help us and still accomplish the intent of what we wanted but still provide some restrictions to physicians that we still think is important in the bill.

Rep. Devlin: what does the amendment do that the original bill does not? Answer: This would provide an opportunity for foreign medical graduates that have completed 2 yrs of residency in the US or Canada are enrolled in ND residency an opportunity to obtain a special license in their

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*Colista Rickford*  
Operator's Signature

*10/16/03*  
Date

Page 2  
House Human Services Committee  
Bill/Resolution Number HB 1436  
Hearing Date January 28, 2003

3rd yr. of residency and work in small facilities. And for an opportunity for them to work in other settings and other communities, when there off of their current residency program.

Rep. Weisz: You are intending to take away ? to corrections to approve the licensure of some that don't need specific requirements that they feel they qualify.

Answer: This would simply do is allow foreign medical graduates that have completed 2 yrs of residency in good standing in either the US or Canada that are actively enrolled in good standing in their 3rd yr. eligible for a medical license. Less stringent than current law.

Rolf Sletten, Attorney for the Board of Medical Examiners appeared in opposition of the original bill, however, recommends the amendment and feels neutral after the amendment.

Rep. Weisz: Are we adding a new subsection 4, subsection 3 stays the same? No & Yes

Rep. Potter: This bill reduces educational requirements from 3 to 2 years post graduate education. Answer: this will affect very few people.

Rep. Price: According to the amendment, they would be a graduate of a medical school from somewhere in the world? Yes They would have completed this 2 yr. post graduate from somewhere in the US or Canada. Yes They would currently be enrolled in post graduate training in ND, how long would that training be? 1 Yr. and at the end of that 3rd year they would be eligible for a regular permanent license.

Rep. Amerman: You mentioned this would affect only a small amount of people, can you give us some idea of what we're looking at?

Dr. Milton Smith of Minot, ND - 16 residents added to the roster of the 3 programs each year. Half are foreign medical trained residents as opposed to American trained residents. We want to be competitive of the neighboring states of the very best foreign medical graduates. ND needs

Page 3  
House Human Services Committee  
Bill/Resolution Number HB 1436  
Hearing Date January 28, 2003

recruits. The University of ND is putting out about 4 to 5 medical students that go into family practice this year, last year they put out 11. This shows that ND needs recruits from out-of-state.

Rep. Niemeier: At one time the foreign trained students had to complete one year of approved post graduate and you've increased that to 2 yrs whereby kind of increasing the requirements, what was the reason for that? Answer: that section was one that was in place before there was such a thing as a post graduate training license and that was a very special license that was issued to a few international graduates who needed a license to be in the program. That was restricted to practicing within the program.

Rep. Sandvig: the fiscal note shows charging \$200.00 for the temporary license and then postgraduate training license is \$25.00, is it the same for everyone? Yes, that is what the regular doctors pay is \$200.00

Rep. Kreidt: Will this level the playing field in ND? Yes to some extent.

Vern Harchenko, Director of Ultra Care in Minot, ND, supports the changes and explained why. To get the medical license, there are no more medical examinations after the 1st year of completion of medical residence program and that's I think this bill should reflect that. Change to 1 year so we can utilize these people in our clinics or hospitals, the way it is now, our hands are tied, they've taken all the exams, but presently can't use them because of ND law.

Rep. Amerman: Is there a down side to this as far as insurance? Answer: doesn't feel so.

Rep. Niemeier to Dr. Smith: are you comfortable with going to 2 yrs? Answer: Yes, standards are consistent.

No opposition.

Rep. Pollert: This would be a Hog House Bill, just for committee's information

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House Human Services Committee  
Bill/Resolution Number HB 1436  
Hearing Date January 28, 2003

Rep. Uglem: How many overseas schools are not good vs. the 2 good ones that were brought up?

Rep. Pollert made a motion for DO PASS as Amended, second by Rep. Potter.

VOTE: 12 - 0 - 1

Rep. Uglem will carry the bill.

La Costa Rickford  
Operator's Signature

10/6/03  
Date

**FISCAL NOTE**  
Requested by Legislative Council  
01/31/2003

Amendment to: HB 1430

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$1,500	\$0	\$1,500	\$0	\$1,500
Expenditures	\$0	\$1,500	\$0	\$1,500	\$0	\$1,500
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

The only fiscal significance to this bill, apart from some staff time in the Board of Medical Examiners Office, is that a very small number of individuals will obtain a special temporary license @ \$200. rather than a postgraduate training license @\$25. All in all it's probably a wash.

NOTE: The fiscal note for this bill is not affected by the amendment.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

see narrative #2

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

see narrative #2

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

There is no appropriation involved.

<b>Name:</b>	Rolf P. Sletten	<b>Agency:</b>	ND State Board of Medical Examiners
<b>Phone Number:</b>	328-6500	<b>Date Prepared:</b>	01/31/2003

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*Rolando Richardson*  
Operator's Signature

10/16/03  
Date

**FISCAL NOTE**  
Requested by Legislative Council  
01/21/2003

Bill/Resolution No.: HB 1436

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$1,500	\$0	\$1,500	\$0	\$1,500
Expenditures	\$0	\$1,500	\$0	\$1,500	\$0	\$1,500
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

The only fiscal significance to this bill, apart from some staff time in the Board of Medical Examiners Office, is that a very small number of individuals will obtain a special temporary license @ \$200, rather than a postgraduate training license @\$25. All in all it's probably a wash.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

see narrative #2

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

see narrative #2

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

There is no appropriation involved.

<b>Name:</b>	Rolf Sletten	<b>Agency:</b>	Bd. of Med. Examiners
<b>Phone Number:</b>	328-6500	<b>Date Prepared:</b>	01/27/2003

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*Jolanta Rickford*  
Operator's Signature

10/16/03  
Date



30652.0101  
Title.0200

Adopted by the Human Services Committee  
January 28, 2003

VR  
1/29/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1436 HUM. SER. 1-30-03

Page 1, line 1, replace "3" with "4"

Page 1, line 4, replace "3" with "4"

Page 1, replace lines 6 through 24 with:

- "4. Special license. The board may grant a temporary special license to an applicant who is a graduate of an international medical school that is not located in the United States or Canada if that applicant has met all requirements for licensure except those pertaining to postgraduate training ~~if the applicant~~; has successfully completed ~~one year~~ two years of approved postgraduate training in the United States or Canada; and is enrolled in ~~a residency~~ an approved postgraduate training program in this state. This special license is valid only ~~for the purpose of practicing medicine within the scope of the residency training program while the licensee continues to be enrolled in an approved postgraduate training program in this state.~~

HOUSE AMENDMENTS TO HB 1436

HUM. SER. 1-30-03

Page 2, remove lines 1 through 20

Renumber accordingly

Date: January 28, 2003  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1436

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number 30652.0101 - .0200

Action Taken DP as Amended

Motion Made By Pollert Seconded By Potter

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price - Chair	✓		Rep. Sally Sandvig	✓	
Rep. Bill Devlin, Vice-Chair	✓		Rep. Bill Amerman	✓	
Rep. Robin Weisz	✓		Rep. Carol Niemeier	✓	
Rep. Vonnie Pietsch	✓		Rep. Louise Potter	✓	
Rep. Gerald Uglem	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Gary Kreidt	✓				
Rep. Alon Wieland <u>A</u>					

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Uglem

If the vote is on an amendment, briefly indicate intent:

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Salvatore Riccardi 10/16/03  
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)  
January 30, 2003 9:30 a.m.

Module No: HR-18-1325  
Carrier: Uglem  
Insert LC: 30652.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1436: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1436 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "3" with "4"

Page 1, line 4, replace "3" with "4"

Page 1, replace lines 6 through 24 with:

"4. Special license. The board may grant a temporary special license to an applicant who is a graduate of ~~an international~~ a medical school that is not located in the United States or Canada if that applicant has met all requirements for licensure except those pertaining to postgraduate training ~~if the applicant~~; has successfully completed ~~one year~~ two years of approved postgraduate training in the United States or Canada; and is enrolled in ~~a residency~~ an approved postgraduate training program in this state. This special license is valid only ~~for the purpose of practicing medicine within the scope of the residency training program~~ while the licensee continues to be enrolled in an approved postgraduate training program in this state."

Page 2, remove lines 1 through 20

Renumber accordingly

2003 SENATE HUMAN SERVICES

HB 1436

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La Costa Rickford  
Operator's Signature

10/16/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1436

Senate Human Services Committee

Conference Committee

Hearing Date March 10, 2003

Tape Number	Side A	Side B	Meter #
1	X		0 - 1937
Committee Clerk Signature <i>Donna Kramer, Clerk</i>			

Minutes:

SENATOR JUDY LEE opened the public hearing for HB 1436 relating to licensure of physicians.

Roll call was held. All members present.

REPRESENTATIVE CHET POLLERT introduced HB 1436. (Meter # 71 - 129)

ROLF SLETTEN, Executive Secretary and Treasurer of Board of Medical Examiners, testified in support of the bill. (Written testimony) Questions and answers regarding additional residents in the program ... can accept a certain number and will raise quality of applicants ... requirements for language for internationals ... ND law ... licensure ... (Meter # 180 - 929)

ARNOLD THOMAS, President of ND Healthcare, testified in support. ... Bill does provide special provisions - allow us an opportunity to find residents ... and provide some relief to local tenants ... new balance today. This bill will be helpful. Questions and answers regarding resident doctors supervising ... regulatory bodies ... issues with borders or criteria ... certain

Page 2  
Senate Human Services Committee  
Bill/Resolution Number HB 1436  
Hearing Date March 10, 2003

specialties ... time is not much of a factor as it was 15 years ago ... different dynamics ... (Meter #1144 - 1548)

DAVID PESKE, representing ND Medical Association, testified in support and think it has been amended correctly.

SENATOR LEE closed the public hearing. (Meter #1620)

Committee discussion:

SENATOR POLOVITZ moved to DO PASS.

SENATOR FAIRFIELD seconded the motion.

Roll call was read. 6 yeas 0 nays.

SENATOR ERBELE to be the carrier. (Meter # 1740)

ROLF SLETTEN: All schools are the same. Almost every body gets 3 years of training. (Meter # 1937)

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Coloeta Rickford  
Operator's Signature

10/10/03  
Date

IF

Date: 03-10-03  
Roll Call Vote #: 1436 (1)

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1436

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Sen. Polovitz Seconded By Sen. Fairfield

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee - Chairman	✓				
Senator Richard Brown - V. Chair.	✓				
Senator Robert S. Erbele	✓				
Senator Tom Fischer	✓				
Senator April Fairfield	✓				
Senator Michael Polovitz	✓				

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment Sen. Erbele

If the vote is on an amendment, briefly indicate intent:

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Yolanda Rickford 10/16/03  
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)  
March 10, 2003 1:29 p.m.

Module No: SR-42-4336  
Carrier: Erbele  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
HB 1436, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)  
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1436 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-42-4336

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Salvatore Riccardi 10/6/03  
Operator's Signature Date



2003 TESTIMONY

HB 1436

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Salvatore Riccardi  
Operator's Signature

10/6/03  
Date

Prepared by Rolf Sketken & John Olson

**PROPOSED AMENDMENTS TO HOUSE BILL 1436**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 4 of section 43-17-18 of the North Dakota Century Code, relating to the licensure of physicians.

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

**SECTION 1. AMENDMENT.** Subsection 4 of section 43-17-18 of the North Dakota Century Code is amended and reenacted as follows:

4. Special license. The board may grant a temporary special license to an applicant who is a graduate of a an international medical school that is not located in the United states or Canada if that applicant has 1) met all requirements for licensure except those pertaining to postgraduate training if the applicant; 2) has successfully completed one year two years of approved postgraduate training in the United States or Canada; and 3) is enrolled in a residency an approved postgraduate training program in this state. This special license is valid only for the purpose of practicing medicine within the scope of the residency training program. while the licensee continues to be enrolled in an approved postgraduate training program in this state.

Renumber accordingly

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Ja Costa Richardson  
Operator's Signature

10/16/03  
Date



January 27, 2003

To Whom It May Concern:

I am writing in support of HB 1436. This bill addresses the physician licensing of graduates of medical schools not located in the United States.

I am the administrator of Mountrail County Medical Center in Stanley, North Dakota. We are a small, rural, eleven-bed hospital in the Northwest part of the state. My experience with recruiting and staffing a rural facility like ours leads me to support HB1436. Our hospital has historically had difficulties recruiting physicians and staffing our emergency room on a 24/7 basis. We only employ two physicians and a midlevel practitioner. It is difficult for two physicians and a midlevel practitioner to staff an emergency room 365 days per year without us hiring other physicians occasionally to help out. It is also very difficult when a physician leaves to replace them in less than a six to twelve month period. There are very few physicians and/or their families willing to locate in small communities.

Our facility in the past two years had to replace both of our physician positions. This was a very daunting task. We have had an ongoing relationship with the residency program in Minot that is part of the UND School of Medicine. One of the physicians that we recruited last year was from this program. I sincerely believe we were able to recruit this physician because he was working for us on a regular basis in our emergency room. This gave us a chance to see him work and him a chance to get to know our facility. I do not think we would have recruited this physician if it were not for him working here helping to cover our emergency room.

During the past five years that I have been involved in the hospital in Stanley, there have been at least three or four foreign graduates that we would have had work for us if they had been able to under the licensing regulations. I am aware of at least one in the Minot program currently that is not able to work here due to the licensing regulations. Not only are they not able to work here, but also we are denied the opportunity to develop a relationship with these physicians and use that relationship to help recruit them if the need arises.

I would support HB 1436's intent to allow the third year residency students to be licensed in North Dakota if the terms were met. I see it as a benefit to the physicians, facilities and communities that would profit from this change.

Sincerely,

Mitch Leupp  
Administrator  
Mountrail County Medical Center

**Mountrail Bethel Home**  
PO Box 700 • 615 6th St. SE  
Stanley, ND 58784  
Phone 701.628.2442 • Fax 701.628.3106  
mbhne@midstatetel.com

**Mountrail County Medical Center**  
PO Box 399 • 615 6th St. SE  
Stanley, ND 58784  
Phone 701.628.2424 • Fax 701.628.3106  
mcmc@midstatetel.com

**Mountrail County Rural Health Clinic**  
PO Box 399 • 615 6th St. SE  
Stanley, ND 58784  
Phone 701.628.2505 • Fax 701.628.3274  
mcmc@midstatetel.com

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10/16/03  
Date



Todd D. Grages, M.S.B.A.  
Vice President

January 27, 2003

Rolf P. Sletten  
Executive Secretary  
North Dakota Board of Medical Examiners  
418 E. Broadway Ave, Suite 12  
Bismarck, ND 58501

**RE: Change to amend and reenact subsection 3 of section 43-17-18 of the North Dakota Century Code, relating to licensure of physicians**

Dear Mr. Sletten:

I have proposed a change relating to the licensure of physicians. I hope this letter will explain why this change would be beneficial for the residents of North Dakota. This proposed change would relate to foreign medical school graduates and their ability to obtain an unrestricted medical license after the completion of two years of graduate, clinical medical training. The license would be conditional and would require the physician to remain in good standing in residency in North Dakota. It could also stipulate that before the license could be converted to an unrestricted and unconditional license, the physician would have to complete his/her third year of graduate, clinical medical training.

As you are well aware, medical licensing requirements vary from state to state. The states in this region require graduates of foreign medical schools to complete either two or three years of US/Canadian graduate, clinical medical training in order to be eligible to obtain an unrestricted and unconditional medical license. Our intentions are not to reduce these requirements by allowing physicians without three years of graduate medical training to come to North Dakota to obtain permanent or temporary jobs. Our intent is to provide an opportunity for graduates of foreign medical schools that have completed two years of US/Canadian graduate, clinical medical training and who are enrolled in good standing in an accredited residency program in North Dakota to obtain a medical license.

This change will result in creating the same opportunity that US medical school graduates have in working outside the residency programs to obtain additional compensation in the third year of residency. More importantly, these residents, during their third year of training, could work in North Dakota healthcare facilities on their time off from the residency program. This is important, as this would significantly enhance their rural experience and their overall experience in North Dakota. It would provide opportunities

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ONE BURDICK EXPRESSWAY WEST • PO BOX 5020 • MINOT, ND 58702-5020

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Tal Costa Richardson 10/16/03  
Operator's Signature Date

Rolf P. Sletten  
January 27, 2003  
Page Two

for the resident to build relationships with rural physicians, staff, and patients and to see communities that they would not normally see. This change would also provide a greater opportunity for North Dakota facilities to work with these residents prior to offering them permanent positions.

I am writing this letter to request that the North Dakota State Board of Medical Examiners work with us to ensure that the intent of this change is reflected accurately in the proposed bill. Thank you for your time.

Sincerely,

  
Todd D. Grages, FACMPE, FACHE  
Vice President

## North Dakota State Board of Medical Examiners

**ROLF P. SLETTEN**  
Executive Secretary and Treasurer

**LYNETTE McDONALD**  
Administrative Assistant

**TO:** SENATE HUMAN SERVICES COMMITTEE  
**FROM:** ROLF P. SLETTEN  
EXECUTIVE SECRETARY & TREASURER  
**RE:** HOUSE BILL NO. 1436  
**DATE:** MARCH 7, 2003

Historically the Board of Medical Examiners has been adamantly opposed to any bill that could be construed as relaxing the standards for obtaining a medical license in this state. The legislature has consistently supported the Board's position in this regard. The result is that high licensing standards have been maintained over a period of many years.

This bill is different than other proposals that have been made in the past. It affects only a very small group of physicians, only graduates of international medical schools who are enrolled in their third year of residency training in programs in North Dakota. The license granted under this section is a temporary license which is valid only so long as the licensee continues to maintain his/her enrollment in the program. All of the physicians who are eligible for this license have met all of the regular licensing requirements except that they have not completed the third year of residency training. They are enrolled in that third year of training in North Dakota by the time they become eligible for this license and they must maintain satisfactory progress in the program to keep the license. The Board feels that this very limited change in the licensing laws will not jeopardize the public.

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*Yolanda Richardson*  
Operator's Signature

*10/16/03*  
Date

During the hearing before the House Human Services Committee all kinds of reasons were advanced as justification for this bill, e.g., that the residents can use the money and that these residents will be able to lessen the load on other licensed physicians. Those are not valid reasons for making the change. Those are only matters of convenience.

The Board of Medical Examiners supports this change in the law because:

1. We believe that the group of physicians affected by this bill are well enough trained and well enough supervised to consistently provide high quality care to patients.
2. This bill is good for all of North Dakota in that it will help North Dakota residency programs attract good applicants.
3. This bill will enhance the quality of the experience available to residents during their third year of training in this state.

For these reasons, the Board urges you to support HB 1436.