

HOUSE BILL NO. 1153

Introduced by

Representatives Keiser, Rick C. Becker

Senator Kilzer

1 A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 12-60-24,
2 subsection 1 of section 19-03.1-01.1, subsection 1 of section 19-03.3-01, subdivision f of
3 subsection 2 of section 19-03.5-07, sections 23-23.1-01, 23-23.1-02, 23-34-03, 23-34-04, and
4 25-02-04, subsection 1 of section 26.1-14-04, subsection 1 of section 26.1-14-05, subsection 8
5 of section 26.1-26.4-04, subsection 1 of section 43-05-02, subsection 1 of section 43-13-13.3,
6 sections 43-15-25.3 and 43-15-31.4, subsection 1 of section 43-17-01, sections 43-17-02,
7 43-17-02.2, 43-17-02.3, 43-17-03, 43-17-05, 43-17-07.1, and 43-17-26.1, subsection 7 of
8 section 43-17-30.1, section 43-17.1-01, subsection 2 of section 43-17.1-05, section
9 43-17.1-05.1, subsection 7 of section 43-17.1-06, section 43-17.1-08, subsection 3 of section
10 43-17.2-01, subsection 3 of section 43-17.2-03, subsection 1 of section 43-17.3-01, subsection
11 7 of section 43-28-06, subsection 2 of section 43-39-10, subdivision g of subsection 1 of section
12 43-46-01, paragraph 6 of subdivision a of subsection 1 of section 43-51-01, subsection 2 of
13 section 43-51-11, subsection 3 of section 43-60-01, and section 65-02-21.1 of the North Dakota
14 Century Code, relating to changing the name of the board of medical examiners to the board of
15 medicine.

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

17 **SECTION 1. AMENDMENT.** Subdivision d of subsection 2 of section 12-60-24 of the North
18 Dakota Century Code is amended and reenacted as follows:

19 d. The ~~medical examiners~~North Dakota board of medicine for licenses or
20 disciplinary investigations under section 43-17-07.1, except that criminal history
21 record checks need not be made unless required by the board.

22 **SECTION 2. AMENDMENT.** Subsection 1 of section 19-03.1-01.1 of the North Dakota
23 Century Code is amended and reenacted as follows:

1 1. In carrying out its duties under this chapter, the board shall consult with
2 representatives of each of the following interests: North Dakota board of medical-
3 examinersmedicine, board of dental examiners, board of registry in podiatry, board of
4 veterinary medical examiners, board of nursing, the college of pharmacy, and the
5 school of medicine.

6 **SECTION 3. AMENDMENT.** Subsection 1 of section 19-03.3-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 1. "Board" means the ~~state board of medical examiners~~North Dakota board of medicine.

9 **SECTION 4. AMENDMENT.** Subdivision f of subsection 2 of section 19-03.5-07 of the North
10 Dakota Century Code is amended and reenacted as follows:

11 f. One prescriber selected by the North Dakota board of medical-
12 examinersmedicine;

13 **SECTION 5. AMENDMENT.** Section 23-23.1-01 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **23-23.1-01. Use of laetrile authorized.**

16 No hospital or health facility may interfere with the physician-patient relationship by
17 restricting or forbidding the use of amygdalin when prescribed or administered by a licensed
18 physician and requested by a patient unless the substance as prescribed or administered by the
19 physician is found to be harmful by the ~~state board of medical examiners~~North Dakota board of
20 medicine in a hearing conducted pursuant to chapter 28-32.

21 **SECTION 6. AMENDMENT.** Section 23-23.1-02 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **23-23.1-02. Disciplinary action for administering or prescribing laetrile subject to**
24 **finding of harmfulness.**

25 No physician may be subject to disciplinary action by the ~~state board of medical~~-
26 examinersNorth Dakota board of medicine for prescribing or administering amygdalin to a
27 patient under the physician's care who has requested the substance unless the board, in a
28 hearing conducted pursuant to chapter 28-32, has made a formal finding that the substance is
29 harmful.

30 **SECTION 7. AMENDMENT.** Section 23-34-03 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **23-34-03. Peer review records - Privileged - Exceptions.**

- 2 1. Peer review records are privileged and are not subject to subpoena or discovery or
3 introduction into evidence in any civil or administrative action, except:
- 4 a. Records gathered from an original source that is not a peer review organization;
5 b. Testimony from any person as to matters within that person's knowledge,
6 provided the information was not obtained by the person as a result of the
7 person's participation in a professional peer review; or
8 c. Peer review records subpoenaed in an investigation conducted by an
9 investigative panel of the North Dakota board of ~~medical examiners~~medicine
10 pursuant to chapter 43-17.1 or subpoenaed in a disciplinary action before the
11 North Dakota board of ~~medical examiners~~medicine pursuant to section
12 43-17-30.1.
- 13 2. Any peer review records provided to an investigative panel of the North Dakota board
14 of ~~medical examiners~~medicine or introduced as evidence in any disciplinary action
15 before the board are confidential and are not subject to subpoena, discovery, or
16 admissibility into evidence in any civil or administrative action, and are not public
17 records subject to section 44-04-18 and section 6 of article XI of the Constitution of
18 North Dakota.

19 **SECTION 8. AMENDMENT.** Section 23-34-04 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **23-34-04. Peer review organization - Mandatory reports - Penalty.**

- 22 1. A peer review organization shall report to an investigative panel of the North Dakota
23 board of ~~medical examiners~~medicine any information that indicates a probable
24 violation of subsection 4, 5, 16, or 17 of section 43-17-31.
- 25 2. A health care organization is guilty of a class B misdemeanor if its peer review
26 organization fails to make any report required by this section.

27 **SECTION 9. AMENDMENT.** Section 25-02-04 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **25-02-04. Superintendent to possess certain qualifications - Medical director -**
2 **Employees.**

3 The superintendent of the state hospital must be a skilled health care administrator with
4 professional training and experience relating to the management of facilities for mentally ill and
5 chemically dependent persons and relating to the needs of the mentally ill and chemically
6 dependent persons. The medical director, who must be a licensed physician and board-certified
7 psychiatrist, shall recommend appointment of all physicians and clinical staff, define their
8 qualifications and duties, and have final authority for the organization and delivery of all medical
9 and clinical services delivered to patients at the state hospital. The state hospital governing
10 body has final approval of all physician and clinical staff appointments to the state hospital. The
11 superintendent shall appoint the medical director in consultation with the supervising officer and
12 with the approval of the governing body. If the superintendent is not a licensed physician and
13 board-certified psychiatrist, the medical director, or a qualified designee of the medical director,
14 shall act as the superintendent's designee in all matters in which the superintendent's opinion
15 on medical or clinical treatment is required by law. Every physician on the professional staff
16 must have a license issued by the ~~state board of medical examiners~~North Dakota board of
17 medicine.

18 **SECTION 10. AMENDMENT.** Subsection 1 of section 26.1-14-04 of the North Dakota
19 Century Code is amended and reenacted as follows:

20 1. The company will be governed by a board of directors consisting of eleven members.
21 The commissioner shall appoint the initial board within thirty days of notification by the
22 ~~state board of medical examiners~~North Dakota board of medicine of its decision for
23 implementation of this chapter from fifteen nominees proposed by that board. The
24 initial board shall serve for an initial term of seven months. Thereafter, the directors
25 must be elected by the members of the company in accordance with the articles of
26 incorporation and bylaws.

27 **SECTION 11. AMENDMENT.** Subsection 1 of section 26.1-14-05 of the North Dakota
28 Century Code is amended and reenacted as follows:

29 1. If physicians practicing medicine within North Dakota find it difficult to obtain medical
30 malpractice insurance, the ~~state board of medical examiners~~North Dakota board of
31 medicine, by a majority vote of its membership, may elect to initiate and implement

1 this chapter. Before fifteen days from the date the election to implement this chapter is
2 made, the board shall certify to the state treasurer a list of all licensed physicians as
3 shown in the latest record of the board.

4 **SECTION 12. AMENDMENT.** Subsection 8 of section 26.1-26.4-04 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 8. Psychologists making utilization review determinations shall have current licenses
7 from the state board of psychologist examiners. Physicians making utilization review
8 determinations shall have current licenses from the ~~state board of medical-~~
9 ~~examiners~~North Dakota board of medicine.

10 **SECTION 13. AMENDMENT.** Subsection 1 of section 43-05-02 of the North Dakota
11 Century Code is amended and reenacted as follows:

12 1. Physicians and surgeons licensed by the ~~state board of medical examiners~~North
13 Dakota board of medicine.

14 **SECTION 14. AMENDMENT.** Subsection 1 of section 43-13-13.3 of the North Dakota
15 Century Code is amended and reenacted as follows:

16 1. An optometrist certified by the board in the use of pharmaceutical agents as provided
17 in this chapter must be held to the same standard of care in the use of such agents as
18 are physicians licensed by the ~~state board of medical examiners~~North Dakota board of
19 medicine.

20 **SECTION 15. AMENDMENT.** Section 43-15-25.3 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **43-15-25.3. Approved laboratory tests.**

23 Approved laboratory tests are the following waived screening tests: glucose monitoring
24 devices (FDA cleared/home use) 9221, cholesterol 1020, HDL cholesterol 2550, triglyceride
25 6118, and glycosylated hemoglobin (Hgb A1C) 2204. Additional tests may be added to this list
26 as jointly determined by the board and the North Dakota board of ~~medical examiners~~medicine.

27 **SECTION 16. AMENDMENT.** Section 43-15-31.4 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **43-15-31.4. Limited prescriptive practices.**

30 1. A licensed pharmacist in an institutional setting has limited prescriptive practices to
31 initiate or modify drug therapy following diagnosis and initial patient assessment by a

1 licensed physician, under the supervision of the same licensed physician, in
2 accordance with this section. An institutional setting, for the purpose of this section, is
3 a hospital, a physician clinic, a skilled nursing facility, or a swing-bed facility in which a
4 patient's medical records are readily available to the licensed physician and the
5 licensed pharmacist.

6 2. The licensed physician and the licensed pharmacist shall prepare a collaborative
7 agreement concerning the scope of the pharmacist's prescriptive practices and shall
8 update the agreement at least every two years or when they modify the scope of the
9 pharmacist's prescriptive practices. The collaborative agreement, or an amendment to
10 the agreement, is effective when approved by the North Dakota board of ~~medical-~~
11 ~~examiners~~medicine and the board of pharmacy.

12 3. The agreement must include a provision that requires the licensed pharmacist to
13 immediately notify the licensed physician when the licensed pharmacist initiates or
14 modifies a drug therapy.

15 4. The North Dakota board of ~~medical-examiners~~medicine and the board of pharmacy
16 shall jointly establish a prescriptive practices committee consisting of two physicians
17 appointed by the North Dakota board of ~~medical-examiners~~medicine, one physician
18 appointed by the North Dakota medical association, one pharmacist appointed by the
19 board of pharmacy, and one pharmacist appointed by the North Dakota
20 pharmaceutical association. The prescriptive practices committee shall develop and
21 submit proposed rules concerning the implementation of this section to the North
22 Dakota board of ~~medical-examiners~~medicine and the board of pharmacy. Any rules to
23 implement this section must be jointly adopted by the board of ~~medical-~~
24 ~~examiners~~medicine and the board of pharmacy.

25 **SECTION 17. AMENDMENT.** Subsection 1 of section 43-17-01 of the North Dakota
26 Century Code is amended and reenacted as follows:

27 1. "Board" means the ~~state board of medical-examiners~~North Dakota board of medicine.

28 **SECTION 18. AMENDMENT.** Section 43-17-02 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **43-17-02. Persons exempt from the provisions of chapter.**

31 The provisions of this chapter do not apply to the following:

- 1 1. Students of medicine or osteopathy who are continuing their training and performing
2 the duties of a resident in any hospital or institution maintained and operated by the
3 state, an agency of the federal government, or in any residency program accredited by
4 the accreditation council on graduate medical education, provided that the ~~state board~~
5 of medical examiners North Dakota board of medicine may adopt rules relating to the
6 licensure, fees, qualifications, activities, scope of practice, and discipline of such
7 persons.
- 8 2. The domestic administration of family remedies.
- 9 3. Dentists practicing their profession when properly licensed.
- 10 4. Optometrists practicing their profession when properly licensed.
- 11 5. The practice of christian science or other religious tenets or religious rules or
12 ceremonies as a form of religious worship, devotion, or healing, if the person
13 administering, making use of, assisting in, or prescribing, such religious worship,
14 devotion, or healing does not prescribe or administer drugs or medicines and does not
15 perform surgical or physical operations, and if the person does not hold out to be a
16 physician or surgeon.
- 17 6. Commissioned medical officers of the armed forces of the United States, the United
18 States public health service, and medical officers of the veterans administration of the
19 United States, in the discharge of their official duties, and licensed physicians from
20 other states or territories if called in consultation with a person licensed to practice
21 medicine in this state.
- 22 7. Doctors of chiropractic duly licensed to practice in this state pursuant to the statutes
23 regulating such profession.
- 24 8. Podiatrists practicing their profession when properly licensed.
- 25 9. Any person rendering services as a physician assistant, if such service is rendered
26 under the supervision, control, and responsibility of a licensed physician. However,
27 sections 43-17-02.1 and 43-17-02.2 do apply to physician assistants. The ~~state board~~
28 of medical examiners North Dakota board of medicine shall prescribe rules governing
29 the conduct, licensure, fees, qualifications, discipline, activities, and supervision of
30 physician assistants. Physician assistants may not be authorized to perform any
31 services which must be performed by persons licensed pursuant to chapters 43-12.1,

1 43-13, 43-15, and 43-28 or services otherwise regulated by licensing laws,
2 notwithstanding the fact that medical doctors need not be licensed specifically to
3 perform the services contemplated under such chapters or licensing laws.

4 10. A nurse practicing the nurse's profession when properly licensed by the North Dakota
5 board of nursing.

6 11. A person rendering fluoroscopy services as a radiologic technologist if the service is
7 rendered under the supervision, control, and responsibility of a licensed physician and
8 provided that the ~~state board of medical examiners~~North Dakota board of medicine
9 prescribes rules governing the conduct, permits, fees, qualifications, activities,
10 discipline, and supervision of radiologic technologists who provide those services.

11 12. A naturopath duly licensed to practice in this state pursuant to the statutes regulating
12 such profession.

13 **SECTION 19. AMENDMENT.** Section 43-17-02.2 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **43-17-02.2. Use of certain words or initials prohibited.**

16 The terms "physician assistant" and "certified physician assistant" and the initials "PA-C"
17 may only be used to identify a person who has been issued a certificate of qualification by the
18 North Dakota board of ~~medical examiners~~medicine. A person who uses those terms or initials
19 as identification without having received a certificate of qualification is engaging in the practice
20 of medicine without a license.

21 **SECTION 20. AMENDMENT.** Section 43-17-02.3 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **43-17-02.3. Practice of medicine or osteopathy by holder of permanent, unrestricted**
24 **license.**

25 Notwithstanding anything in this chapter to the contrary, any physician who is the holder of
26 a permanent, unrestricted license to practice medicine or osteopathy in any state or territory of
27 the United States, the District of Columbia, or a province of Canada may practice medicine or
28 osteopathy in this state without first obtaining a license from the ~~state board of medical~~
29 examinersNorth Dakota board of medicine under one or more of the following circumstances:

- 30 1. As a member of an organ harvest team;
31 2. On board an air ambulance and as a part of its treatment team;

- 1 3. To provide one-time consultation or teaching assistance for a period of not more than
- 2 twenty-four hours; or
- 3 4. To provide consultation or teaching assistance previously approved by the board for
- 4 charitable organizations.

5 **SECTION 21. AMENDMENT.** Section 43-17-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-17-03. ~~State board of medical examiners~~North Dakota board of medicine - How**
8 **appointed - Qualifications.**

- 9 1. The governor shall appoint a ~~state board of medical examiners~~North Dakota board of
10 medicine consisting of thirteen members, nine of whom are doctors of medicine, one
11 of whom is a doctor of osteopathy, one of whom is a physician assistant, and two of
12 whom are designated as public members. If no osteopathic physician is qualified and
13 willing to serve, any qualified physician may be appointed in place of the osteopathic
14 physician.
- 15 2. Each physician member must:
 - 16 a. Be a practicing physician of integrity and ability.
 - 17 b. Be a resident of and duly licensed to practice medicine in this state.
 - 18 c. Be a graduate of a medical or osteopathic school of high educational
19 requirements and standing.
 - 20 d. Have been engaged in the active practice of the physician's profession within this
21 state for a period of at least five years.
- 22 3. Each public member of the board must:
 - 23 a. Be a resident of this state.
 - 24 b. Be at least twenty-one years of age.
 - 25 c. Not be affiliated with any group or profession that provides or regulates health
26 care in any form.
- 27 4. The physician assistant member of the board must:
 - 28 a. Be a practicing physician assistant of integrity and ability.
 - 29 b. Be a resident of and be duly licensed to practice as a physician assistant in this
30 state.

1 c. Have been engaged in the active practice as a physician assistant within this
2 state for a period of at least five years.

3 5. An individual appointed to the board shall qualify by taking the oath required of civil
4 officers.

5 **SECTION 22. AMENDMENT.** Section 43-17-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-17-05. Removal of members of state board of medical examinersNorth Dakota**
8 **board of medicine - Reelection.**

9 The governor for good cause shown and upon the recommendation of three-fourths of the
10 members of the North Dakota board of medicine may remove any member of such board for
11 misconduct, incapacity, or neglect of duty.

12 **SECTION 23. AMENDMENT.** Section 43-17-07.1 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **43-17-07.1. Powers of the board of medical examinersmedicine.**

15 In addition to any other powers, the board may:

- 16 1. Employ or contract with one or more organizations or agencies known to provide
17 acceptable examinations for the preparation and scoring of required examinations
18 relating to physician licensure, and employ or contract with one or more organizations
19 or agencies known to provide acceptable examination services for the administration
20 of the required examination.
- 21 2. Prescribe the time, place, method, manner, scope, and subject of examination.
- 22 3. Impose sanctions, deny licensure, levy fines, or seek appropriate civil or criminal
23 penalties against anyone who violates or attempts to violate examination security,
24 anyone who obtains or attempts to obtain licensure by fraud or deception, and anyone
25 who knowingly assists in that type of activity.
- 26 4. Require information on an applicant's or licensee's fitness, qualifications, and previous
27 professional record and performance from recognized data sources, including the
28 federation of state medical boards action data bank, other data repositories, licensing
29 and disciplinary authorities of other jurisdictions, professional education and training
30 institutions, liability insurers, health care institutions, and law enforcement agencies be
31 reported to the board. The board or its investigative panels may require an applicant

1 for licensure or a licensee who is the subject of a disciplinary investigation to submit to
2 a statewide and nationwide criminal history record check. The nationwide criminal
3 history record check must be conducted in the manner provided by section 12-60-24.
4 All costs associated with the criminal history record check are the responsibility of the
5 licensee or applicant.

6 5. Require the self-reporting by an applicant or a licensee of any information the board
7 determines may indicate possible deficiencies in practice, performance, fitness, or
8 qualifications.

9 6. Establish a mechanism for dealing with a licensee who abuses or is dependent upon
10 or addicted to alcohol or other addictive chemical substances, to enter an agreement,
11 at its discretion, with a professional organization whose relevant procedures and
12 techniques it has evaluated and approved for the organization's cooperation or
13 participation.

14 7. Issue a cease and desist order, obtain a court order, or an injunction to halt unlicensed
15 practice, a violation of this chapter, or a violation of the rules of the board.

16 8. Issue a conditional, restricted, or otherwise circumscribed license as it determines
17 necessary.

18 **SECTION 24. AMENDMENT.** Section 43-17-26.1 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **43-17-26.1. License renewals - Late fees.**

21 A physician seeking to renew the annual registration who has failed to complete the annual
22 registration process within the time specified by the ~~state board of medical examiners~~North
23 Dakota board of medicine must be assessed a fee equal to three times the normal annual
24 registration fee, in addition to such other penalties as are authorized by law, if that physician is
25 found to have been practicing medicine in this state after the physician's license expired. A
26 physician who is not found to have been practicing medicine in this state may renew a license
27 upon payment of the arrearage and meeting the other requirements of the board. However, a
28 physician whose license lapsed more than three years before that physician petitioned the
29 board for reinstatement must submit a new application for licensure, whether or not that
30 physician has practiced medicine in this state since the physician's license was last current.

1 **SECTION 25. AMENDMENT.** Subsection 7 of section 43-17-30.1 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 7. Impose fines, not to exceed five thousand dollars for any single disciplinary action. Any
4 fines collected by the ~~state board of medical examiners~~North Dakota board of
5 medicine must be deposited in the state general fund.

6 **SECTION 26. AMENDMENT.** Section 43-17.1-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **43-17.1-01. Definitions.**

9 As used in this chapter, unless the context or subject matter otherwise requires:

- 10 1. "Board" means the ~~state board of medical examiners~~North Dakota board of medicine.
11 2. "Physician" means a person engaged in the practice of medicine in this state pursuant
12 to the provisions of chapter 43-17.

13 **SECTION 27. AMENDMENT.** Subsection 2 of section 43-17.1-05 of the North Dakota
14 Century Code is amended and reenacted as follows:

- 15 2. If the investigative panel determines that a formal hearing should be held to determine
16 whether any licensed physician, physician assistant, or fluoroscopy technologist has
17 committed any of the grounds for disciplinary action provided for by law, it shall inform
18 the respondent physician, physician assistant, or fluoroscopy technologist involved of
19 the specific charges to be considered by serving upon that person a copy of a formal
20 complaint filed with the ~~board of medical examiners~~ for disposition pursuant to the
21 provisions of chapter 28-32. The board members who have served on the investigative
22 panel may not participate in any proceeding before the board relating to said
23 complaint. The complaint must be prosecuted before the board by the attorney general
24 or one of the attorney general's assistants.

25 **SECTION 28. AMENDMENT.** Section 43-17.1-05.1 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **43-17.1-05.1. Reporting requirements.**

28 A physician, a physician assistant, or a fluoroscopy technologist, a health care institution in
29 the state, a state agency, or a law enforcement agency in the state having actual knowledge
30 that a licensed physician, a physician assistant, or a fluoroscopy technologist may have
31 committed any of the grounds for disciplinary action provided by law or by rules adopted by the

1 board shall promptly report that information in writing to the investigative panel of the board. A
2 medical licensee or any institution from which the medical licensee voluntarily resigns or
3 voluntarily limits the licensee's staff privileges shall report that licensee's action to the
4 investigative panel of the board if that action occurs while the licensee is under formal or
5 informal investigation by the institution or a committee of the institution for any reason related to
6 possible medical incompetence, unprofessional conduct, or mental or physical impairment.
7 Upon receiving a report concerning a licensee an investigative panel shall, or on its own motion
8 an investigative panel may, investigate any evidence that appears to show a licensee is or may
9 have committed any of the grounds for disciplinary action provided by law or by rules adopted
10 by the board. A person required to report under this section who makes a report in good faith is
11 not subject to criminal prosecution or civil liability for making the report. For purposes of any civil
12 proceeding, the good faith of any person who makes a report pursuant to this section is
13 presumed. A physician who obtains information in the course of a physician-patient relationship
14 in which the patient is another physician is not required to report if the treating physician
15 successfully counsels the other physician to limit or withdraw from practice to the extent
16 required by the impairment. A physician who obtains information in the course of a professional
17 peer review pursuant to chapter 23-34 is not required to report pursuant to this section. A
18 physician who does not report information obtained in a professional peer review is not subject
19 to criminal prosecution or civil liability for not making a report. For purposes of this section, a
20 person has actual knowledge if that person acquired the information by personal observation or
21 under circumstances that cause that person to believe there exists a substantial likelihood that
22 the information is correct. An agency or health care institution that violates this section is guilty
23 of a class B misdemeanor. A physician, physician assistant, or fluoroscopy technologist who
24 violates this section is subject to administrative action by the ~~North Dakota state board of~~
25 ~~medical examiners~~ as specified by law or by administrative rule.

26 **SECTION 29. AMENDMENT.** Subsection 7 of section 43-17.1-06 of the North Dakota
27 Century Code is amended and reenacted as follows:

28 7. File a formal complaint against any licensed physician, physician assistant, or
29 fluoroscopy technologist with the ~~state board of medical examiners~~.

30 **SECTION 30. AMENDMENT.** Section 43-17.1-08 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **43-17.1-08. Communication to investigative panel privileged.**

2 Communications to the investigative panels and their agents are privileged, and no member
3 of the investigative panels nor any of their agents may be compelled to testify with respect
4 thereto in any proceedings except in formal proceedings conducted before the board of medical
5 examiners. All records of the investigative panels, except their financial records, are
6 confidential. Notwithstanding the provisions of this section, if an investigative panel determines
7 that the records of the investigative panel disclose a possible violation of state or federal
8 criminal law, the investigative panel may provide the records to the appropriate law enforcement
9 agency.

10 **SECTION 31. AMENDMENT.** Subsection 3 of section 43-17.2-01 of the North Dakota
11 Century Code is amended and reenacted as follows:

12 3. Under the program, loan repayments may be made to a recipient for educational
13 expenses incurred while the recipient was attending an accredited four-year allopathic
14 or osteopathic medical school located in the United States, its possessions, territories,
15 or Canada and approved by the ~~state board of medical examiners~~North Dakota board
16 of medicine or by an accrediting body approved by the board.

17 **SECTION 32. AMENDMENT.** Subsection 3 of section 43-17.2-03 of the North Dakota
18 Century Code is amended and reenacted as follows:

19 3. A physician who receives loan repayment under this chapter:
20 a. Must be a graduate of an accredited four-year allopathic or osteopathic medical
21 school located in the United States, its possessions, territories, or Canada and
22 approved by the ~~state board of medical examiners~~North Dakota board of
23 medicine or by an accrediting body approved by the board;
24 b. Must have a full and unrestricted license to practice medicine in this state;
25 c. Shall submit an application to participate in the loan repayment program; and
26 d. Must have entered into an agreement with a selected community to provide
27 full-time medical services for a minimum of two years at the selected community
28 if the applicant receives a loan repayment program contract.

29 **SECTION 33. AMENDMENT.** Subsection 1 of section 43-17.3-01 of the North Dakota
30 Century Code is amended and reenacted as follows:

31 1. "Board" means the ~~state board of medical examiners~~North Dakota board of medicine.

1 **SECTION 34. AMENDMENT.** Subsection 7 of section 43-28-06 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 7. Enter an agreement with the same professional organization with which the ~~state-~~
4 ~~board of medical examiners~~North Dakota board of medicine has entered an
5 agreement under subsection 6 of section 43-17-07.1.

6 **SECTION 35. AMENDMENT.** Subsection 2 of section 43-39-10 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 2. Nothing in this chapter shall be construed to authorize the practice of medicine by any
9 person. The provisions of this chapter do not apply to physicians licensed by the North
10 Dakota ~~state board of medical examiners~~medicine; to dentists, duly qualified and
11 registered under the laws of this state who confine their practice strictly to dentistry; to
12 licensed optometrists who confine their practice strictly to optometry as defined by law;
13 to licensed chiropractors who confine their practice strictly to chiropractic as defined by
14 law; to occupational therapists who confine their practice to occupational therapy; to
15 nurses who practice nursing only; to duly licensed chiropodists or podiatrists who
16 confine their practice strictly to chiropody or podiatry as defined by law; to registered
17 physical therapists; to massage therapists in their particular sphere of labor; nor to
18 commissioned or contract physicians or physical therapists or physical therapists'
19 assistants in the United States army, navy, air force, marine corps, and public health
20 and marine health service.

21 **SECTION 36. AMENDMENT.** Subdivision g of subsection 1 of section 43-46-01 of the North
22 Dakota Century Code is amended and reenacted as follows:

23 g. The ~~state board of medical examiners~~North Dakota board of medicine;

24 **SECTION 37. AMENDMENT.** Paragraph 6 of subdivision a of subsection 1 of section
25 43-51-01 of the North Dakota Century Code is amended and reenacted as follows:

26 (6) ~~State board of medical examiners~~North Dakota board of medicine; and

27 **SECTION 38. AMENDMENT.** Subsection 2 of section 43-51-11 of the North Dakota Century
28 Code is amended and reenacted as follows:

29 2. For purposes of this section, the term board includes the state board of accountancy,
30 state electrical board, North Dakota real estate appraiser qualifications and ethics
31 board, state real estate commission, secretary of state with respect to contractor

1 licensing, ~~state board of medical examiners~~North Dakota board of medicine, and state
2 board of dental examiners.

3 **SECTION 39. AMENDMENT.** Subsection 3 of section 43-60-01 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 3. "Board" means the ~~state board of medical examiners~~North Dakota board of medicine.

6 **SECTION 40. AMENDMENT.** Section 65-02-21.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **65-02-21.1. Licensure required for psychologists and physicians performing**
9 **utilization review.**

10 Psychologists making utilization review determinations under sections 65-02-20 and
11 65-02-21 shall have current licenses from the state board of psychologist examiners. Physicians
12 making utilization review determinations under sections 65-02-20 and 65-02-21 shall have
13 current licenses from the ~~state board of medical examiners~~North Dakota board of medicine.
14 This requirement does not apply to psychologists or physicians conducting independent medical
15 examinations or independent medical reviews under section 65-05-28.