

HOUSE BILL NO. 1098

Introduced by

Industry, Business and Labor Committee

(At the request of the North Dakota Board of Podiatric Medicine)

1 A BILL for an Act to amend and reenact section 43-05-16.3 of the North Dakota Century Code,
2 relating to the powers of the North Dakota board of podiatric medicine.

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

4 **SECTION 1. AMENDMENT.** Section 43-05-16.3 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-05-16.3. ~~Subpoena power~~Powers of the board - Podiatrist cooperation.**

- 7 1. In investigating a podiatrist under this section, the board may subpoena the podiatrist
8 and medical records relating to the practice of the podiatrist under investigation. The
9 confidentiality of the subpoenaed records under any other law does not affect the
10 validity of the board's subpoena nor the admissibility of the records in board
11 proceedings; however, the proceedings and records of the board which are exempt
12 from subpoena, discovery, or introduction into evidence under chapter 23-34 are not
13 subject to this subsection. Records of the board which are medical records
14 subpoenaed under this subsection are confidential.
- 15 2. A podiatrist or applicant for license under this chapter who is the subject of an
16 investigation by the board shall cooperate fully with the investigation. Cooperation
17 includes responding fully and promptly to any question raised by the board relating to
18 the subject of the investigation and providing copies of patient medical records or
19 other documentation to assist the board in its investigation. The board shall pay for the
20 copies requested. Except in the case of subpoenaed records, if the board does not
21 have written consent from a patient permitting access to the patient's records, the
22 podiatrist or applicant for license shall delete any data in the record that identifies the
23 patient before providing the record to the board.

- 1 3. The board may subpoena witnesses relating to the practice of any podiatrist under
- 2 investigation.
- 3 4. The board may employ independent investigators when necessary.
- 4 5. The board may hold confidential conferences with any complainant or podiatrist with
- 5 respect to any complaint.
- 6 6. If the board determines a violation of section 43-05-16 may have occurred, the board
- 7 may issue a formal complaint against a licensed podiatrist.