

SENATE HUMAN SERVICES COMMITTEE
FEBRUARY 1, 2021

TESTIMONY OF
NORTH DAKOTA BOARD OF MEDICINE
SENATE BILL NO. 2336

Chair Lee, members of the Committee. I am Sandra DePountis, Executive Director of the North Dakota Board of Medicine, appearing on behalf of the Board in opposition of SB 2336.

The Interstate Medical Licensure Compact (IMLC) was adopted by the 66th Legislative Assembly in 2019, joining 29 states, the District of Columbia, and the Territory of Guam. Since its adoption, over 500 licenses have been issued in North Dakota, and it was and continues to be an integral part of being able to quickly license qualified physicians in our state during the pandemic.

The IMLC is codified in North Dakota Century Code chapter 43-17.4. Article XXI of the IMLC already outlines how North Dakota can withdraw from the Compact. This requires the North Dakota Legislature to repeal chapter 43-17.1, and requires a year for that repeal to take effect to give the Board time to provide notice to those physicians practicing under an IMLC license to pursue alternative means of licensure. This conflicts with the proposed terms of SB 2336, which gives the executive director, at the direction of the board, the ability to revoke the IMLC by “certifying” to Legislative Council that rules adopted by the Compact Commission are inconsistent with the compact or fail to protect the health and safety of the public.

These conflicts raise concerns under the express terms of the IMLC that is currently law in North Dakota. Article XVII of the IMLC outlines enforcement provisions,

which include the ability of the Compact Commission to sue a state for damages in order to enforce the full terms of the Compact. Article XVIII of the IMLC provides that if a member state is found in default of its obligations under the Compact, its membership with the Compact can be terminated.

The Board does not wish to jeopardize the licenses already issued, or its continued ability to provide an expedited licensure process for qualified physicians to practice in North Dakota. It is for these reasons the North Dakota Board of Medicine opposes SB 2336. Thank you for your time and I am happy to answer any questions you may have.