

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2148

Introduced by

Senators Sickler, Barta, K. Roers

Representative Strinden

1 A BILL for an Act to amend and reenact section 43-17-42 of the North Dakota Century Code,  
2 relating to the corporate practice of medicine.

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

4 **SECTION 1. AMENDMENT.** Section 43-17-42 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **43-17-42. Employment of physicians by hospitals ~~–Employment of physicians by,~~**  
7 **~~nonprofit entities, and charitable trusts for hyperbaric oxygen therapy.~~**

8 4. Notwithstanding any other provision of law, a hospital licensed under chapter 23-16,  
9 nonprofit entity, or charitable trust may employ directly or indirectly a physician if the  
10 employment relationship between the physician and hospital, nonprofit entity, or charitable trust  
11 is evidenced by a written contract. The written contract must contain language to the effect the  
12 hospital's employment relationship with the physician may not affect the exercise of the  
13 physician's independent judgment in the practice of medicine, and the physician's independent  
14 judgment in the practice of medicine is in fact unaffected by the physician's employment  
15 relationship with the hospital, nonprofit entity, or charitable trust. Under this subsection ~~a section~~  
16 the hospital, nonprofit entity, or charitable trust is not engaged in the practice of medicine.

17 2. ~~Notwithstanding any other provision of law, a nonprofit entity or charitable trust may~~  
18 ~~employ directly or indirectly a physician to conduct hyperbaric oxygen therapy if the~~  
19 ~~employment relationship between the physician and nonprofit entity or charitable trust~~  
20 ~~is evidenced by a written contract. The written contract must contain language to the~~  
21 ~~effect the nonprofit entity's or charitable trust's employment relationship with the~~  
22 ~~physician may not affect the exercise of the physician's independent judgment in the~~  
23 ~~practice of medicine, and the physician's independent judgment in the practice of~~  
24 ~~medicine is in fact unaffected by the physician's employment relationship with the~~

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- 1            ~~nonprofit entity or charitable trust. Under this subsection a nonprofit entity or charitable-~~
- 2            ~~trust is not engaged in the practice of medicine.~~