

**FIRST ENGROSSMENT**

**ENGROSSED HOUSE BILL NO. 1512**

Introduced by

Representatives Vigesaa, B. Anderson, Beltz, Frelich, Hager

Senators Conley, Mathern, Walen

1 A BILL for an Act to amend and reenact section 43-28-18.2 of the North Dakota Century Code,  
2 relating to an individual's ability to file a complaint.

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

4 **SECTION 1. AMENDMENT.** Section 43-28-18.2 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **43-28-18.2. Disciplinary procedure.**

- 7 1. A person may file a written and signed complaint with the board alleging a dentist  
8 engaged in conduct identified as grounds for disciplinary action under section  
9 43-28-18. The board may also initiate a complaint and investigation on the board's  
10 motion.
- 11 2. The board ~~may~~shall direct a complaint committee to investigate a complaint and  
12 recommend whether the board should initiate a disciplinary action against the dentist.
- 13 3. The board or complaint committee shall notify the dentist of the complaint, and require  
14 a written response from the dentist. If the complaint was initiated by an individual, that  
15 individual must receive a copy of the dentist's response. The board or complaint  
16 committee may examine and copy records, including patient records, examine  
17 witnesses, obtain expert opinions, require the dentist to be physically or mentally  
18 examined, or both, by qualified professionals selected by the board, and take any  
19 other action necessary to investigate the complaint. A request by the board or  
20 complaint committee is authorized to disclose patient information and records to the  
21 board or complaint committee. Patient information and records disclosed to the board  
22 or complaint committee are confidential. The dentist shall cooperate with the board or

- 1           the complaint committee in the investigation, including responding promptly and  
2           completely to a request or requirement.
- 3       4.   The complaint, response, and any record received by the board in investigating the  
4           complaint are exempt records, as defined in section 44-04-17.1, until the board  
5           determines to proceed with a disciplinary action.
- 6       5.   The board shall determine if there is a reasonable basis to believe the dentist engaged  
7           in conduct identified as grounds for disciplinary action under section 43-28-18. If the  
8           board determines there is not a reasonable basis to believe, the board shall notify the  
9           complainant and the dentist. If the board determines there is a reasonable basis to  
10          believe, the board shall proceed with a disciplinary action in accordance with chapter  
11          28-32.
- 12       6.   The board, at any time, may offer or accept a proposal for informal resolution of the  
13          complaint or disciplinary action.
- 14       7.   The board may impose a fee on the dentist for all or part of the costs of an action  
15          resulting in discipline, including administrative costs, investigation costs, attorney's  
16          fees, witness fees, the cost of the office of administrative hearings' services, and court  
17          costs.