

**Administrative Rules Committee****March 13, 2013**

Testimony of JoDee S. Wiedmeier, Executive Secretary  
North Dakota Board of Podiatric Medicine

Chairman Koppelman and members of the Administrative Rules Committee, my name is JoDee Wiedmeier, Executive Secretary of the North Dakota Board of Podiatric Medicine. By statute, the Board is responsible for regulating the practice of podiatry in North Dakota. On behalf of the board, which is composed of four podiatrists, one medical doctor, and one public member from throughout the state, I am here to speak in support of the administrative rules amendments submitted and set forth in pages 149 through 158 of your materials.

The North Dakota Board of Podiatric Medicine (referred to hereafter as 'Board') has submitted amendments to eight different sections in Title 63 of the North Dakota Administrative Code. The rules amended are not related to any federal statute or regulation. No regulatory analysis was required or issued. No regulatory analysis or economic statement of impact on small entities was required or issued. These rules have no fiscal effect on state revenues or expenditures. No fiscal note was issued. No constitutional takings assessment was required or prepared and these rules were not adopted as emergency rules.

The process to amend the rules began in January, 2011. The Board at its meetings in January and May, 2011 reviewed the North Dakota Administrative Code as it related to the practice of podiatry in the state and determined that certain updating of the rules was necessary. The Board instructed me to work with the board's attorney to draft proposed amendments based upon the specific sections discussed at the meetings. The Board was presented with the draft amendments and moved to proceed with the administrative rules amendment process at its May 12, 2012 meeting. A Notice of Intent to Amend Administrative Rules and copy of the proposed rules were provided to the North Dakota Legislative Council on September 10, 2012. An Abbreviated Notice of Intent to Amend Administrative Rules was published in all official county newspapers. This was facilitated through the North Dakota Newspaper Association. All abbreviated notices were published on or before September 26,

2012. A public hearing was held on October 23, 2012 in the Red River Room at the state capitol building in Bismarck. I presided over the hearing. No one appeared. A public comment period was held open through November 5, 2012. No written or oral comment, concern, complaint or objection was received by the Board. On November 19, 2012, the proposed rules and supporting documentation was submitted to Attorney General Wayne Stenehjem for a legal opinion. The Attorney General's opinion was received by the Board on January 17, 2013. The opinion approved the proposed rules for legality, on the condition that the word 'confidential' was to be removed from § 63-04-01-02(1)(b) (page 157). This information was presented to the Board and on January 25, 2013, and the proposed rules, as revised, were adopted by the Board and submitted to the Legislative Council for publication.

The approximate cost associated with the adoption of these rules was \$3,100.00. This included the publication cost of \$1,687.10 and the legal fees from the North Dakota Attorney General's office and the board's attorney.

The first section amended is § 63-01-01-01 on page 151. This amendment did result from a statutory change. However, this was not from the most recent Legislative Assembly. In reviewing the administrative code, it was discovered that the number and type of board members had been changed by statute at some point previously but the administrative code had not been amended to reflect this change. This amendment corrects that oversight.

Section 63-01-03-01 on page 152 simply updates the board's contact information.

Section 63-02-01-01 on page 153 relates to the application requirements for licensure. This rule now also requires the Board to perform individual state background checks on all applicants. The Board believes that such a requirement is necessary before the issuance of a license to practice podiatry in the state.

Section 63-02-04-02 on page 154 provides for the issuance of a temporary permit for podiatrist that is completing a clinical residency program. Currently, there is no residency program in the state of North Dakota; however, one is in the planning stages. Such a program would be beneficial to the state and the Board was implored to allow the temporary permit certificate to be renewed annually in order to give the podiatric resident the time needed to complete the program.

Section 63-02-08-01 on page 155 relates to the various fees payable to the Board. The application fee, temporary license fee, and re-licensure fee were increased from \$150.00 to \$300.00. The fees in this section are the Board's only source of revenue and need to provide for all of the Board's operating costs. These fees have not been adjusted since 1996. The recent reorganization and centralization of the Board's office, the increase in operating expenses over the years, and the increased costs associated with the new requirement of background checks for all applicants make these specific increases necessary.

Section 63-03-02-01 on page 156 relates to the podiatrists' continuing medical education (CME) requirements. The Board adopted a policy allowing podiatrists to complete 60 credit hours of CME in the immediate three year period prior to renewal, instead of requiring 20 credit hours of CME for each yearly renewal period. The Board amended this section to provide for more flexibility for the podiatrist while continuing to require basically the same amount of CME for renewal.

Section 63-03-02-04 on page 156 removes the limitation of eight hours of CME credits for self study. As technology changes and online courses become a well established avenue for CME, the Board felt the eight hour maximum was unnecessary. Even with the limitation removed, the Board still maintains the authority to approve all CME credits.

Lastly, § 63-04-01-02 on page 157 relates to the Board's duty to investigate and prosecute complaints. Based upon recommendations from its attorney, the Board determined that its policies and procedures in relation to the investigation of complaints needed to be clearly set forth. These rules now require that the podiatrist who is the subject of the complaint receive a copy of the complaint and be allowed an opportunity to respond and that the Board must make specific findings after the investigation has been completed. If further formal action is warranted, the podiatrist must be served a copy of the formal complaint with the charges specifically set forth. Or, if the Board determines no further action is warranted against the podiatrist, both the complainant and the podiatrist must be provided written notice of the dismissal. The Board and its attorney determined that these changes would better serve the Board, its licensees and the public.

Thank you. I would be happy to try to answer any questions you may have.