

ADMINISTRATIVE RULES COMMITTEE
June 6, 2013

North Dakota State Board of Medical Examiners
Duane Houdek, Executive Secretary

Chairman Koppelman, members of the Administrative Rules Committee, my name is Duane Houdek, executive secretary of the North Dakota State Board of Medical Examiners. Thank you for the opportunity to provide testimony with regard to rules recently passed by our board.

Please accept the following responses to the written questions we received from Mr. Walstad:

1. These rules are not the result of statutory changes made by the Legislative Assembly.
2. The rules are not related to any federal statute or regulation.
3. We followed the rule making procedure as outlined in state law and summarized in the Attorney General's manual for state agencies. Specifically, we published written notice of the intent to adopt these rules in all legal newspapers during the week of February 2-8, 2013, and also gave notice of the public hearing on the rules, which was held at our office February 28, 2013. We held the record open for 10 days following the hearing for written or oral comments. The process was reviewed by the Attorney General and approved as to its legality in an opinion dated April 25, 2013.
4. We received no comments about these rules at the hearing, nor have we received any since.

5. The major cost of developing and adopting these rules, other than staff time, was the cost of publication, which was \$2,024.52.

6. The following is a brief explanation of each rule and what prompted the board to pass it:

A. 50-02-13-09 changes the fees for a resident's postgraduate training license from an annual fee to one good for the length of the training program.

In North Dakota, most residents are in postgraduate training for three years, psychiatrists have a four year residency, and surgeons five years. We charge \$25 per year for a training license.

We are now licensing all residents once for the duration of their training program, and this rule provides for a flat rate of \$100.00. This isn't a money issue, it really is just about streamlining the process to provide all residents just one license application.

B. 50-03-01-14 amends the license renewal requirements for physician assistants. The rule is being changed to reflect a change in the length of a physician assistant's national certification period.

We require North Dakota physician assistants to be nationally certified, which is done through periodic, comprehensive testing. For years, that national certification was for a period of six years, and that was reflected in our rule.

This year, the national certification period has been changed to 10 years, which brings it in line with the board certifications of physicians. This rule accomodates that change by simply requiring ongoing proof of national certification, rather than

specifying that it be provided every six years.

C. 50-04-01-04 reflects a change we made recently in our annual physician license renewals. We used to renew licenses twice a year by splitting the alphabet and renewing based on the first letter of the last name. We measured the reporting periods for continuing medical education based on that renewal date.

Now, we renew each physician's license on his or her birthday and calculate the CME reporting period from that date. Thus, we kept the general three year reporting requirement in our rule, but removed the references to the alphabetical categories.

7. No regulatory analysis was requested or required.
8. No small entity analysis was made as the board is exempt.
9. No takings assessment was required.
10. These rules were not adopted as emergency or interim rules.

I would be glad to try to answer any questions of the committee.

Respectfully submitted,

Duane Houdek

Executive Secretary