

Administrative Rules Committee**March 14, 2016**

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

Chairman Devlin and members of the Administrative Rules Committee, my name is JoDee Wiedmeier, Executive Director 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 physician, 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 119 through 125 in your materials.

The North Dakota Board of Podiatric Medicine (Board) has submitted amendments to five 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 or economic statement of impact on small entities was required or issued. No constitutional takings assessment was required or prepared and these rules were not adopted as emergency rules.

The amendment to Section 63-02-08-01 relates to fees that are collected by the Board and therefore, will affect state revenues and appropriations. A fiscal note related to this section is attached to my testimony.

The process to amend the rules began in May, 2015. The Board at its regular board meeting on May 16, 2015 reviewed the recent legislative changes and North Dakota Administrative Code as it related to the practice of podiatry in the state. The Board was presented with the draft amendments and moved to proceed with the administrative rules amendment process. A Notice of Intent to Amend Administrative Rules and copy of the proposed rules were mailed to the North Dakota Legislative Council on September 22, 2015. 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 October 8, 2015. A public hearing was held on November 10, 2015, 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 24, 2015. No written or oral comment, concern, complaint or objection was received by the Board. On December 16, 2015, the proposed rules and supporting documentation were submitted to Attorney General Wayne Stenehjem for his legal opinion. The Attorney General's opinion dated January 26, 2016 approved the proposed rules for legality. The amendments were submitted to the Legislative Council for publication on January 29, 2016.

The approximate cost associated with the adoption of these rules was \$2,436.00. This included the publication cost of \$1,866.20 and the legal fees from the North Dakota Attorney General's office and the Board's attorney in the approximate amount of \$570.00.

The first section amended is § 63-01-05-01 on page 121. This amendment was the result of a statutory change made to N.D.C.C. § 43-05-01 relating to the definition of podiatric medicine. The previous definition was vague and dated. Therefore, it was updated to bring it more in line with the current practice of podiatry in North Dakota as well as to assist in clarifying the boundaries for such practice.

Section 63-02-08-01 on page 123 was amended based upon a statutory change to N.D.C.C. § 43-05-15. This amendment raises the annual license renewal fee from \$500.00 to \$750.00. This amendment is necessary in order for the Board to continue to be viable and to carry out its duty to the citizens of North Dakota. This amendment also increases the delinquent licensure fee from \$25.00 to \$100.00. This fee was raised to be more of a deterrent for late renewals. The Board also added fees for the completion of a written verification of licensure and for completing a certificate of professional license. Both of these fees are common for regulatory boards.

Section 63-03-02-06 on page 124 was not based on a statutory change. It makes one small amendment to the Board's continuing medical education (CME) requirements for renewal of licensure. This amendment will now allow partial hours to be counted toward the required CME. The Board felt this change was fair and appropriate. For example, it will now allow two separate CME classes both 1.5 hours long to count as a total of three credits instead of two.

Section 63-03-03-01 on page 125 was not based on a statutory change. This amendment provides for an automatic expiration of a license that was not renewed due to non-payment of the renewal fee. Previously, this section required the license be revoked. Licenses that are revoked require proper due process procedures and are typically the result of a disciplinary action. This is not the case when a podiatrist simply chooses not to renew his license.

Section 63-03-03-04 also on page 125 was not based on a statutory change. This section was amended in order to maintain consistency with the amendments to the delinquent renewal fee in § 63-02-08-01 and the expired status of non-renewed licenses in § 63-03-03-01 by removing the amount of twenty-five dollars and by adding the expired status.

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

Fiscal Impact Summary of Administrative Rule Amendment to NDAC 63-02-08-01

SUMMARY:

In the 2015 legislative session, HB 2067 amended N.D.C.C § 43-05-15 to increase the maximum amount that the ND Board of Podiatric Medicine (board) may charge for its annual renewal of licensure fee. NDAC 63-02-08-01 is being amended as a result.

This amendment will increase the annual license renewal fee to \$750.00. It also increases the delinquent renewal fee and adds fees for certain services provided by the board for its licensees, specifically processing a written certificate of professional licensure and written verification of licensure.

The fees collected by the board will have an impact on revenue and appropriation. N.D.C.C. § 54-44-12 provides that all revenue received by professional boards shall be deposited into a bank selected by the board and that all moneys received are appropriated to the board.

REVENUE:

The revenue that will be generated by this amendment is dependent upon the number of annual renewals processed, the number of delinquent licenses, and the number of requests for written documentation to be provided by the board. The board typically renews between 30 and 40 licenses per year. Delinquent licenses and requests made by licensees for written verification and certification of professional licensure are varied and infrequent and have not been considered here. Therefore, the anticipated increase in revenues is between \$7,500.00 and \$10,000.00 per year.

EXPENDITURES:

This amendment does not affect expenditures.

APPROPRIATIONS:

N.D.C.C. § 54-44-12 provides that all revenue received by professional boards shall be deposited into a bank selected by the board and that all moneys received are appropriated to the board.

The revenue will be deposited into the board's bank account with all of it being appropriated to the board. Therefore, the appropriation will be increased in the same amount as revenue.