

September 2002

Introduced by

1 A BILL for an Act to amend and reenact subsection 6 of section 14-02.1-02, subsection 1 of  
2 section 19-03.1-01.1, subsection 8 of section 23-02.1-01, subsection 5 of section 23-06.4-02,  
3 subsection 9 of section 23-17.3-01, subsection 3 of section 26.1-14-02, sections 43-17-01,  
4 43-17-02, 43-17-03, 43-17-07.1, 43-17-18, 43-17-24, 43-17-26.1, 43-17-27.1, 43-17-30.1,  
5 43-17-31, 43-17-31.1, 43-17-32.1, and 43-17-41, and subsection 1 of section 43-46-01 of the  
6 North Dakota Century Code, relating to the definition of physician and the state board of  
7 medical examiners' duty to license podiatrists and physicians; to repeal chapter 43-05 of the  
8 North Dakota Century Code, relating to licensure of podiatrists; to provide for a penalty; and to  
9 provide for transition.

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

11 **SECTION 1. AMENDMENT.** Subsection 6 of section 14-02.1-02 of the North Dakota  
12 Century Code is amended and reenacted as follows:

13 6. "Licensed physician" means ~~a person who is~~ an individual licensed ~~to practice~~  
14 ~~medicine or osteopathy~~ as a physician under chapter 43-17 or a physician  
15 practicing in the armed services of the United States or in the employ of the United  
16 States.

17 **SECTION 2. AMENDMENT.** Subsection 1 of section 19-03.1-01.1 of the North Dakota  
18 Century Code is amended and reenacted as follows:

19 1. In carrying out its duties under this chapter, the board shall consult with  
20 representatives of each of the following interests: board of medical examiners,  
21 board of dental examiners, ~~board of registry in podiatry,~~ board of veterinary  
22 medical examiners, board of nursing, the college of pharmacy, and the school of  
23 medicine.

1           **SECTION 3. AMENDMENT.** Subsection 8 of section 23-02.1-01 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3           8. "Physician" means ~~a person authorized or an individual licensed to practice~~  
4 ~~medicine or osteopathy pursuant to~~ as a physician under chapter 43-17.

5           **SECTION 4. AMENDMENT.** Subsection 5 of section 23-06.4-02 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7           5. "Physician" means an individual licensed ~~to practice medicine in this state pursuant~~  
8 ~~to~~ as a physician under chapter 43-17.

9           **SECTION 5. AMENDMENT.** Subsection 9 of section 23-17.3-01 of the North Dakota  
10 Century Code is amended and reenacted as follows:

11           9. "Physician" means any ~~person currently~~ individual licensed pursuant to as a  
12 physician under chapter 43-17.

13           **SECTION 6. AMENDMENT.** Subsection 3 of section 26.1-14-02 of the North Dakota  
14 Century Code is amended and reenacted as follows:

15           3. "Practice of medicine" means the practice of medicine, surgery, podiatric medicine,  
16 and obstetrics and has the same meaning specified in subsection 2 of section  
17 43-17-01.

18           **SECTION 7. AMENDMENT.** Section 43-17-01 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20           **43-17-01. Definitions.**

21           1. "Board" means the state board of medical examiners.

22           2. "Physician" includes physician and surgeon (M.D.) and osteopathic physician and  
23 surgeon (D.O.).

24           3. "Podiatric medicine" means the profession of the practice of medicine concerned  
25 with the diagnosis and treatment of conditions affecting the human foot and ankle,  
26 including local manifestations of systemic conditions by all appropriate systems.  
27 The term includes the prescribing or administering of drugs or medications  
28 necessary or helpful to that profession.

29           4. "Podiatrist" means an individual who is qualified to practice podiatric medicine in  
30 this state.

- 1           5. "Practice of medicine" includes ~~the practice of medicine, surgery, podiatric~~  
2           medicine and obstetrics. The following persons ~~must be regarded as~~ are  
3           practicing medicine:
- 4           a. One who holds out to the public as being engaged within this state in the  
5           diagnosis or treatment of diseases or injuries of ~~human beings~~ individuals.
- 6           b. One who suggests, recommends, or prescribes any form of treatment for the  
7           intended relief or cure of any physical or mental ailment of any ~~person~~  
8           individual, with the intention of receiving, directly or indirectly, any fee, gift, or  
9           compensation.
- 10          c. One who maintains an office for the examination or treatment of ~~persons~~  
11          individuals afflicted with disease or injury of the body or mind.
- 12          d. One who attaches the title M.D., surgeon, doctor, D.O., osteopathic physician  
13          and surgeon, D.P.M., or any other similar word or words or abbreviation to the  
14          ~~person's~~ individual's name, indicating that the ~~person~~ individual is engaged in  
15          the treatment or diagnosis of the diseases or injuries of ~~human beings~~ must  
16          ~~be held to be engaged in the practice of medicine~~ individuals.

17           **SECTION 8. AMENDMENT.** Section 43-17-02 of the North Dakota Century Code is  
18   amended and reenacted as follows:

19           **43-17-02. ~~Persons~~ Individuals exempt from the provisions of chapter.** ~~The~~  
20   ~~provisions of this~~ This chapter ~~do~~ does not apply to ~~the following~~:

- 21          1. Students of medicine or osteopathy who are continuing their training and  
22          performing the duties of a resident in any hospital or institution maintained and  
23          operated by the state, an agency of the federal government, or in any residency  
24          program accredited by the accreditation council on graduate medical education,  
25          provided that the state board of medical examiners may adopt rules relating to the  
26          licensure, fees, qualifications, activities, scope of practice, and discipline of such  
27          persons.
- 28          2. The domestic administration of family remedies.
- 29          3. Dentists practicing their profession when properly licensed.
- 30          4. Optometrists practicing their profession when properly licensed.

- 1           5. The practice of Christian Science or other religious tenets or religious rules or  
2           ceremonies as a form of religious worship, devotion, or healing, if the ~~person~~  
3           individual administering, making use of, assisting in, or prescribing, ~~such the~~  
4           religious worship, devotion, or healing does not prescribe or administer drugs or  
5           medicines and does not perform surgical or physical operations, and if the ~~person~~  
6           individual does not hold out to be a podiatrist, physician, or surgeon.
- 7           6. Commissioned medical officers of the armed forces of the United States, the  
8           United States public health service, and medical officers of the veterans  
9           administration of the United States, in the discharge of their official duties, and  
10          licensed physicians from other states or territories if called in consultation with a  
11          ~~person~~ an individual licensed to practice medicine in this state.
- 12          7. Doctors of chiropractic ~~duly~~ licensed to practice in this state ~~pursuant to~~ under the  
13          statutes regulating ~~such the~~ profession.
- 14          8. ~~Podiatrists practicing their profession when properly licensed.~~
- 15          9. Any ~~person~~ individual rendering services as a physician assistant, if ~~such the~~  
16          service is rendered under the supervision, control, and responsibility of a licensed  
17          physician. However, sections 43-17-02.1 and 43-17-02.2 do apply to physician  
18          assistants. The state board of medical examiners shall prescribe rules governing  
19          the conduct, licensure, fees, qualifications, discipline, activities, and supervision of  
20          physician assistants. Physician assistants may not be authorized to perform any  
21          services ~~which that~~ must be performed by ~~persons~~ individuals licensed ~~pursuant to~~  
22          under chapters 43-12.1, 43-13, 43-15, and 43-28 or services otherwise regulated  
23          by licensing laws, notwithstanding the fact that medical doctors need not be  
24          licensed specifically to perform the services contemplated under such chapters or  
25          licensing laws.
- 26          40. 9. A nurse practicing the nurse's profession when properly licensed by the North  
27          Dakota board of nursing.
- 28          44. 10. ~~A person~~ An individual rendering fluoroscopy services as a radiologic technologist  
29          if the service is rendered under the supervision, control, and responsibility of a  
30          licensed physician and provided that the state board of medical examiners

1 prescribes rules governing the conduct, permits, fees, qualifications, activities,  
2 discipline, and supervision of radiologic technologists who provide those services.

3 **SECTION 9. AMENDMENT.** Section 43-17-03 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **43-17-03. State board of medical examiners - How appointed - Qualifications.**

- 6 1. The governor shall appoint a state board of medical examiners consisting of ~~eleven~~  
7 twelve members, eight of whom are doctors of medicine, one of whom is a doctor  
8 of osteopathy, one of whom is a podiatrist, and two of whom are designated as  
9 public members. If no osteopathic physician is qualified and willing to serve, any  
10 qualified physician may be appointed in place of the osteopathic physician.
- 11 2. Each physician member and the podiatrist member must:
- 12 a. Be a ~~practicing physician~~ medical provider of integrity and ability.
  - 13 b. Be a resident of and duly licensed to practice medicine in this state.
  - 14 c. Be a graduate of a medical ~~or~~ osteopathic, or podiatric school of high  
15 educational requirements and standing.
  - 16 d. Have been engaged in the active practice of the ~~physician's~~ medical  
17 profession within this state for a period of at least five years.
- 18 3. Each public member of the board must:
- 19 a. Be a resident of this state.
  - 20 b. Be at least twenty-one years of age.
  - 21 c. Not be affiliated with any group or profession that provides or regulates health  
22 care in any form.
- 23 4. ~~A person~~ An individual appointed to the board shall qualify by taking the oath  
24 required of civil officers.
- 25 5. The board participation of the podiatry board member is limited to matters directly  
26 related to podiatry or licensure of a podiatrist.

27 **SECTION 10. AMENDMENT.** Section 43-17-07.1 of the North Dakota Century Code is  
28 amended and reenacted as follows:

29 **43-17-07.1. Powers of the board of medical examiners.** In addition to any other  
30 powers, the board may:

- 1           1.   Employ or contract with one or more organizations or agencies known to provide  
2                    acceptable examinations for the preparation and scoring of required examinations  
3                    relating to physician or podiatrist licensure, and employ or contract with one or  
4                    more organizations or agencies known to provide acceptable examination services  
5                    for the administration of the required examination.
- 6           2.   Prescribe the time, place, method, manner, scope, and subject of examination.
- 7           3.   Impose sanctions, deny licensure, levy fines, or seek appropriate civil or criminal  
8                    penalties against anyone who violates or attempts to violate examination security,  
9                    anyone who obtains or attempts to obtain licensure by fraud or deception, and  
10                  anyone who knowingly assists in that type of activity.
- 11          4.   Require information on an applicant's or licensee's fitness, qualifications, and  
12                  previous professional record and performance from recognized data sources,  
13                  including the federation of state medical boards action data bank, other data  
14                  repositories, licensing and disciplinary authorities of other jurisdictions, professional  
15                  education and training institutions, liability insurers, health care institutions, and law  
16                  enforcement agencies be reported to the board or to the commission on medical  
17                  competency.
- 18          5.   Require the self-reporting by an applicant or a licensee of any information the  
19                  board determines may indicate possible deficiencies in practice, performance,  
20                  fitness, or qualifications.
- 21          6.   Establish a mechanism for dealing with a licensee who abuses or is dependent  
22                  upon or addicted to alcohol or other addictive chemical substances, to enter an  
23                  agreement, at ~~its~~ the board's discretion, with a professional organization ~~whose~~  
24                  with which the relevant procedures and techniques ~~it~~ the board has evaluated and  
25                  approved for the organization's cooperation or participation.
- 26          7.   Issue a cease and desist order, obtain a court order, or an injunction to halt  
27                  unlicensed practice, a violation of this chapter, or a violation of the rules of the  
28                  board.
- 29          8.   Issue a conditional, restricted, or otherwise circumscribed license as ~~it~~ the board  
30                  determines necessary.

1           **SECTION 11. AMENDMENT.** Section 43-17-18 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **43-17-18. License requirements.**

4           1. ~~General.~~ Every applicant for licensure shall file a written application, on forms  
5 provided by the board, showing to the board's satisfaction that the applicant is of  
6 good moral character and satisfies all of the requirements of this chapter including:

7           a. Successful completion of a medical licensure examination satisfactory to the  
8 board;

9           b. Physical, mental, and professional capability for the practice of medicine in a  
10 manner acceptable to the board; and

11           c. A history free of any finding by the board, any other state medical licensure  
12 board, or any court of competent jurisdiction, of the commission of any act  
13 that would constitute grounds for disciplinary action under this chapter; the  
14 board may modify this restriction for cause.

15           2. ~~Graduates of United States and Canadian schools.~~

16           a. An applicant who is a graduate of an approved medical or osteopathic school  
17 located in the United States, its possessions, territories, or Canada, shall  
18 present evidence, satisfactory to the board, that the applicant has been  
19 awarded a degree of doctor of medicine or doctor of osteopathy from a  
20 medical school located in the United States, its possessions, territories, or  
21 Canada, approved by the board or by an accrediting body approved by the  
22 board at the time the degree was conferred.

23           b. An applicant who is a graduate of an approved medical or osteopathic school  
24 located in the United States, its possessions, territories, or Canada, must  
25 present evidence, satisfactory to the board, that the applicant has successfully  
26 completed one year of postgraduate training in the United States or Canada in  
27 a program approved by the board or by an accrediting body approved by the  
28 board.

29           3. ~~Graduates of international schools.~~

30           a. An applicant who is a graduate of a medical school not located in the United  
31 States, its possessions, territories, or Canada, shall present evidence,

1                   satisfactory to the board, that the applicant possesses the degree of doctor of  
2                   medicine or a board-approved equivalent based on satisfactory completion of  
3                   educational programs acceptable to the board. Graduates of osteopathic  
4                   schools located outside the United States are not eligible for licensure.

5                   b. An applicant who has graduated from a medical school not located in the  
6                   United States, its possessions, territories, or Canada, must present evidence,  
7                   satisfactory to the board, that the applicant has successfully completed three  
8                   years of postgraduate training in a program located in the United States, its  
9                   possessions, territories, or Canada, and accredited by a national accrediting  
10                  organization approved by the board or other graduate training approved in  
11                  advance by the board as meeting standards similar to those of a national  
12                  accrediting organization. However, if such an applicant has not completed  
13                  three years of postgraduate training in a program approved by the board or by  
14                  an accrediting body approved by the board, but has met all other licensing  
15                  requirements and has successfully completed one year of postgraduate  
16                  training in the United States or Canada in a program approved by the board,  
17                  and if the board finds that the applicant has other professional experience and  
18                  training that is substantially equivalent to the second and third year of  
19                  postgraduate training, then the applicant may be deemed eligible for  
20                  licensure. The board is granted broad discretion in determining whether to  
21                  apply this exception to the normal licensing requirements. An applicant  
22                  seeking licensure under this exception must present evidence satisfactory to  
23                  the board that:

24                  (1) The applicant is certified by a specialty board recognized by the  
25                  American board of medical specialties or by a specialty board  
26                  recognized by the royal college of physicians and surgeons of Canada;  
27                  or

28                  (2) The applicant has passed the special purpose examination developed  
29                  by the federation of state medical boards of the United States.

30                  c. The applicant shall present evidence satisfactory to the board that the  
31                  applicant has been awarded a certificate by the educational council for foreign

1                   medical graduates. The board may adopt rules establishing specific  
2                   exceptions to this requirement.

3                   d. The applicant has a working ability in the English language sufficient to  
4                   communicate with patients and physicians and to engage in the practice of  
5                   medicine.

6                   4. ~~Special license.~~ The board may grant a special license to an applicant who is a  
7                   graduate of an international medical school if that applicant has met all  
8                   requirements for licensure except those pertaining to postgraduate training if the  
9                   applicant has successfully completed one year of approved postgraduate training  
10                  in the United States or Canada, and is enrolled in a residency program in this state.  
11                  This special license is valid only for the purpose of practicing medicine within the  
12                  scope of the residency training program.

13                  5. The board shall adopt rules regarding licensure requirements for podiatrists.

14                  **SECTION 12. AMENDMENT.** Section 43-17-24 of the North Dakota Century Code is  
15                  amended and reenacted as follows:

16                  **43-17-24. ~~Physicians register~~ Registration with the board.** On or before the due  
17                  date established by the board, every ~~person legally~~ individual licensed to practice medicine  
18                  within this state shall file with the secretary-treasurer of the board a registration statement upon  
19                  blanks prepared and provided by the board and shall pay to the secretary-treasurer the  
20                  registration fee. ~~No~~ A person may not engage in the practice of medicine in this state without a  
21                  current registration certificate issued by the board.

22                  **SECTION 13. AMENDMENT.** Section 43-17-26.1 of the North Dakota Century Code is  
23                  amended and reenacted as follows:

24                  **43-17-26.1. License renewals - Late fees.** A physician or podiatrist seeking to renew  
25                  the annual registration who has failed to complete the annual registration process within the  
26                  time specified by the state board of medical examiners must be assessed a fee equal to three  
27                  times the normal annual registration fee, in addition to ~~such~~ any other penalties ~~as are~~  
28                  authorized by law, if that physician or podiatrist is found to have been practicing medicine in this  
29                  state after the physician's or podiatrist's license expired. A physician or podiatrist who is not  
30                  found to have been practicing medicine in this state may renew a license upon payment of the  
31                  arrearage and meeting the other requirements of the board. However, a physician or podiatrist

1 whose license lapsed more than three years before that physician or podiatrist petitioned the  
2 board for reinstatement must submit a new application for licensure, regardless of whether ~~or~~  
3 ~~not~~ that physician or podiatrist has practiced medicine in this state since the physician's or  
4 podiatrist's license was last current.

5 **SECTION 14. AMENDMENT.** Section 43-17-27.1 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **43-17-27.1. Continuing education requirements.**

- 8 1. The board shall promote a high degree of competence in the practice of medicine  
9 by establishing rules requiring every physician and podiatrist licensed in the state  
10 to fulfill continuing education requirements. Compliance with these rules must be  
11 documented at ~~such~~ the times and in ~~such~~ the manner ~~as is~~ required by the board.
- 12 2. Before a license may be renewed, the licensee shall submit evidence to the board  
13 establishing that all continuing education requirements prescribed by the rules  
14 adopted by the board have been met.
- 15 3. The board may exempt a physician or podiatrist from the requirements of this  
16 section in accordance with rules adopted by the board.

17 **SECTION 15. AMENDMENT.** Section 43-17-30.1 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **43-17-30.1. Disciplinary action.** The board ~~is authorized to~~ may take disciplinary  
20 action against a licensed physician or podiatrist by any one or more of the following means, as  
21 ~~it may find~~ the board determines appropriate:

- 22 1. Revocation of license.
- 23 2. Suspension of license.
- 24 3. Probation.
- 25 4. Imposition of stipulations, limitations, or conditions relating to the practice of  
26 medicine.
- 27 5. Letter of censure.
- 28 6. Require the licensee to provide free public or charitable service for a defined  
29 period.

- 1           7.    Impose fines, not to exceed five thousand dollars for any single disciplinary action.  
2                    Any fines collected by the state board of medical examiners must be deposited in  
3                    the state general fund.

4           **SECTION 16. AMENDMENT.** Section 43-17-31 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **43-17-31. Grounds for disciplinary action.** The board shall keep a record of all the  
7 board's proceedings in the matter of suspending, revoking, or refusing licenses together with  
8 the evidence offered. Disciplinary action may be imposed against a physician or podiatrist  
9 upon any of the following grounds:

- 10           1.    The use of any false, fraudulent, or forged statement or document, or the use of  
11                    any fraudulent, deceitful, dishonest, or immoral practice, in connection with any of  
12                    the licensing requirements.
- 13           2.    The making of false or misleading statements about the physician's or podiatrist's  
14                    skill or the efficacy of any medicine, treatment, or remedy.
- 15           3.    The conviction of any misdemeanor determined by the board to have a direct  
16                    bearing upon ~~a person's~~ an individual's ability to serve the public as a practitioner  
17                    of medicine or any felony. A license may not be withheld contrary to the provisions  
18                    of chapter 12.1-33.
- 19           4.    Habitual use of alcohol or drugs.
- 20           5.    Physical or mental disability materially affecting the ability to perform the duties of a  
21                    physician or podiatrist in a competent manner.
- 22           6.    The performance of any dishonorable, unethical, or unprofessional conduct likely to  
23                    deceive, defraud, or harm the public.
- 24           7.    Obtaining any fee by fraud, deceit, or misrepresentation.
- 25           8.    Aiding or abetting the practice of medicine by an unlicensed, incompetent, or  
26                    impaired person.
- 27           9.    The violation of any provision of a medical practice act or the rules ~~and regulations~~  
28                    of the board, or any action, stipulation, condition, or agreement imposed by the  
29                    board or its investigative panels.
- 30           10.   The practice of medicine under a false or assumed name.
- 31           11.   The advertising for the practice of medicine in an untrue or deceptive manner.



- 1           23.    The prescribing, selling, administering, distributing, or giving to oneself or to one's  
2                    spouse or child any drug legally classified as a controlled substance or recognized  
3                    as an addictive or dangerous drug.
- 4           24.    The violation of any state or federal statute or regulation relating to controlled  
5                    substances.
- 6           25.    The imposition by another state or jurisdiction of disciplinary action against a  
7                    license or other authorization to practice medicine based upon acts or conduct by  
8                    the physician ~~that~~ or podiatrist which would constitute grounds for disciplinary  
9                    action as set forth in this section. A certified copy of the record of the action taken  
10                   by the other state or jurisdiction is conclusive evidence of that action.
- 11          26.    The lack of appropriate documentation in medical records for diagnosis, testing,  
12                    and treatment of patients.
- 13          27.    The failure to properly monitor a physician assistant, a fluoroscopy technologist, or  
14                    an emergency medical technician.
- 15          28.    The failure to furnish the board or the investigative panel, ~~their~~ the board's or  
16                    investigative panel's investigators, or the board's or investigative panel's  
17                    representatives, information legally requested ~~by the board or the investigative~~  
18                    panel.

19 ~~The board shall keep a record of all of its proceedings in the matter of suspending, revoking, or~~  
20 ~~refusing licenses together with the evidence offered.~~

21           **SECTION 17. AMENDMENT.** Section 43-17-31.1 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23           **43-17-31.1. Costs of prosecution - Disciplinary proceedings.** In any order or  
24 decision issued by the board in resolution of a disciplinary proceeding in which disciplinary  
25 action is imposed against a physician or podiatrist, the board may direct any physician or  
26 podiatrist to pay the board a sum not to exceed the reasonable and actual costs, including  
27 reasonable attorney's fees, incurred by the board and its investigative panels in the  
28 investigation and prosecution of the case. When applicable, the physician's or podiatrist's  
29 license may be suspended until the costs are paid to the board. A physician or podiatrist may  
30 challenge the reasonableness of any cost item in a hearing under chapter 28-32 before an  
31 administrative law judge. The administrative law judge may approve, deny, or modify any cost

1 item, and the determination of the judge is final. The hearing must occur before the physician's  
2 or podiatrist's license may be suspended for nonpayment.

3 **SECTION 18. AMENDMENT.** Section 43-17-32.1 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **43-17-32.1. Temporary suspension - Appeal.**

- 6 1. When, based on verified evidence, the board determines by a clear and convincing  
7 standard that the evidence presented to the board indicates that the continued  
8 practice by the physician or podiatrist would create a significant risk of serious and  
9 ongoing harm to the public while a disciplinary proceeding is pending, and that  
10 immediate suspension of the physician's or podiatrist's license is required to  
11 reasonably protect the public from that risk of harm, the board may order a  
12 temporary suspension ex parte. For purposes of this section, "verified evidence"  
13 means testimony taken under oath and based on personal knowledge. The board  
14 shall give prompt written notice of the suspension to the physician or podiatrist,  
15 which must include a copy of the order and complaint, the date set for a full  
16 hearing, and a specific description of the nature of the evidence, including a list of  
17 all known witnesses and a description of any documents relied upon by the board  
18 in ordering the temporary suspension which, upon request, must be made  
19 available to the physician or podiatrist.
- 20 2. An ex parte temporary suspension remains in effect until a final order is issued  
21 after a full hearing or appeal under this section or until the suspension is otherwise  
22 terminated by the board.
- 23 3. The board shall conduct a hearing on the merits of the allegations to determine  
24 what disciplinary action, if any, shall be taken against the physician or podiatrist  
25 who is the subject of the ex parte suspension. That hearing must be held not later  
26 than thirty days from the issuance of the ex parte temporary suspension order.  
27 The physician or podiatrist is entitled to a continuance of the thirty-day period upon  
28 request for a period determined by the hearing officer.
- 29 4. The physician or podiatrist may appeal the ex parte temporary suspension order  
30 prior to the full hearing. For purposes of appeal, the district court shall decide

1           whether the board acted reasonably or arbitrarily. The court shall give priority to  
2           the appeal for prompt disposition thereof.

3           5. Any medical record of a patient, or other document containing personal information  
4           about a patient, which is obtained by the board is an exempt record as defined in  
5           section 44-04-17.1.

6           **SECTION 19. AMENDMENT.** Section 43-17-41 of the North Dakota Century Code is  
7           amended and reenacted as follows:

8           **43-17-41. Duty of ~~physicians and others~~ to report injury - Penalty.**

- 9           1. Any physician, podiatrist, physician assistant, or any individual licensed under  
10           chapter 43-12.1 who performs any diagnosis or treatment for any individual  
11           suffering from any wound, injury, or other physical trauma:
- 12           a. Inflicted by the individual's own act or by the act of another by means of a  
13           knife, gun, or pistol shall as soon as practicable report the wound, injury, or  
14           trauma to a law enforcement agency in the county in which the care was  
15           rendered; or
  - 16           b. Which the individual performing diagnosis or treatment has reasonable cause  
17           to suspect was inflicted in violation of any criminal law of this state, shall as  
18           soon as practicable report the wound, injury, or trauma to a law enforcement  
19           agency in the county in which the care was rendered.
- 20           2. The report under subsection 1 must state the name of the injured individual and the  
21           character and extent of the individual's injuries.
- 22           3. When a report of domestic violence, as defined in section 14-07.1-01, or a report of  
23           physical injury resulting from a sexual offense, as defined in chapter 12.1-20, is  
24           made to a law enforcement agency as required by this section, the injured  
25           individual must be provided with information regarding a domestic violence sexual  
26           assault organization as defined in section 14-07.1-01 or other victims' assistance  
27           program by the physician, podiatrist, physician assistant, or any individual licensed  
28           under chapter 43-12.1, unless it is known that the information has previously been  
29           provided to the injured individual.
- 30           4. The reports mandated by this section must be made as soon as practicable and  
31           may be either oral or in writing. Oral reports must be followed by written reports

1           within forty-eight hours if so requested by the sheriff or state's attorney to whom  
2           the oral report is originally made.

3           5. Any individual required to report as provided by this section who willfully fails to do  
4           so is guilty of an infraction.

5           6. Any individual making or not making a report in good faith pursuant to this section  
6           is immune from liability for making or not making a report.

7           **SECTION 20. AMENDMENT.** Subsection 1 of section 43-46-01 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9           1. "Board" means:

- 10           a. ~~The board of registry in podiatry;~~  
11           ~~b.~~ The state board of chiropractic examiners;  
12           ~~e.~~ b. The state board of funeral service;  
13           ~~e.~~ c. The North Dakota board of nursing;  
14           ~~e.~~ d. The North Dakota state board of optometry;  
15           ~~f.~~ e. The state board of pharmacy;  
16           ~~g.~~ f. The state board of medical examiners;  
17           ~~h.~~ g. The North Dakota board of massage;  
18           ~~i.~~ h. The state examining committee for physical therapists;  
19           ~~j.~~ i. The state board of dental examiners;  
20           ~~k.~~ j. The state board of veterinary medical examiners;  
21           ~~l.~~ k. The North Dakota state board of psychologist examiners;  
22           ~~m.~~ l. The board for licensing hearing aid dealers and fitters;  
23           ~~n.~~ m. The North Dakota state board of examiners for nursing home administrators;  
24           ~~e.~~ n. The state board of examiners of audiology and speech pathology;  
25           ~~p.~~ o. The North Dakota board of athletic trainers;  
26           ~~q.~~ p. The board of occupational therapy practice;  
27           ~~r.~~ q. The North Dakota board of social work examiners;  
28           ~~s.~~ r. The North Dakota state board of respiratory care;  
29           ~~t.~~ s. The board of dietetic practice;  
30           ~~u.~~ t. The board of addiction counseling examiners; and

