

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2087

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "43-05-15" insert "and 43-05-16.3"

Page 1, line 2, after "licenses" insert "and disciplinary investigations of podiatrists"

Page 1, line 13, remove the overstrike over "must"

Page 1, line 13, remove "shall"

Page 1, after line 17, insert:

"SECTION 2. AMENDMENT. Section 43-05-16.3 of the North Dakota Century Code is amended and reenacted as follows:

43-05-16.3. Subpoena power - Podiatrist cooperation.

1. In investigating a podiatrist under this section, the board may subpoena the podiatrist and medical records relating to the practice of the podiatrist under investigation. The confidentiality of the subpoenaed records under any other law does not affect the validity of the board's subpoena nor the admissibility of the records in board proceedings; however, the proceedings and records of the board which are exempt from subpoena, discovery, or introduction into evidence under chapter 23-34 are not subject to this subsection. Records of the board which are medical records subpoenaed under this subsection are confidential.
2. A podiatrist or applicant for license under this chapter who is the subject of an investigation by the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by the board relating to the subject of the investigation and providing copies of patient medical records or other documentation to assist the board in its investigation. The board shall pay for the copies requested. ~~Except in the case of subpoenaed records,~~ if the board does not have written consent from a patient permitting access to the patient's records, the podiatrist or applicant for license shall delete any data in the record that identifies the patient before providing the record to the board."

Renumber accordingly