

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2087**

Introduced by

Human Services Committee

(At the request of the Board of Podiatric Medicine)

1 A BILL for an Act to amend and reenact sections 43-05-15 and 43-05-16.3 of the North Dakota
2 Century Code, relating to the renewal of licenses and disciplinary investigations of podiatrists.

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

4 **SECTION 1. AMENDMENT.** Section 43-05-15 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-05-15. Renewal of license - Fee - Established by board - Failure to pay -**
7 **Reinstatement.**

8 Each licensed and practicing podiatrist shall pay the annual renewal license fee established
9 by the board. The license fee may be increased in accordance with the number of years
10 licensed and practicing in North Dakota, but may not exceed five hundred dollars. The fee must
11 be paid on or before the renewal date established by the board. The person is entitled to an
12 annual certificate or license upon payment of the fee. If the renewal fee is not paid within six
13 months after the date established by the board, the license of the delinquent licensee must be
14 considered expired and may be revoked and may not be reissued except upon a new
15 application and the payment of the renewal fee established by the board plus ~~twenty-five-~~
16 ~~dollar~~the late fee established by the board not to exceed two hundred fifty dollars and the costs
17 of any hearing held concerning revocation of a license for nonpayment.

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

20 **43-05-16.3. Subpoena power - Podiatrist cooperation.**

21 1. In investigating a podiatrist under this section, the board may subpoena the podiatrist
22 and medical records relating to the practice of the podiatrist under investigation. The
23 confidentiality of the subpoenaed records under any other law does not affect the
24 validity of the board's subpoena nor the admissibility of the records in board

1 proceedings; however, the proceedings and records of the board which are exempt
2 from subpoena, discovery, or introduction into evidence under chapter 23-34 are not
3 subject to this subsection. Records of the board which are medical records
4 subpoenaed under this subsection are confidential.

5 2. A podiatrist or applicant for license under this chapter who is the subject of an
6 investigation by the board shall cooperate fully with the investigation. Cooperation
7 includes responding fully and promptly to any question raised by the board relating to
8 the subject of the investigation and providing copies of patient medical records or
9 other documentation to assist the board in its investigation. The board shall pay for the
10 copies requested. ~~Except in the case of subpoenaed records, if~~ the board does not
11 have written consent from a patient permitting access to the patient's records, the
12 podiatrist or applicant for license shall delete any data in the record that identifies the
13 patient before providing the record to the board.