

Introduced by

Senators Sickler, Barta, K. Roers

Representative Strinden

1 A BILL for an Act to amend and reenact section 43-17-42 of the North Dakota Century Code,
2 relating to the corporate practice of medicine.

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

4 **SECTION 1. AMENDMENT.** Section 43-17-42 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-17-42. Employment of physicians by hospitals - Employment of physicians by**
7 **nonprofit entities and charitable trusts for hyperbaric oxygen therapy.**

- 8 1. Notwithstanding any other provision of law, a hospital licensed under chapter 23-16
9 may employ directly or indirectly a physician if the employment relationship between
10 the physician and hospital is evidenced by a written contract. The written contract
11 must contain language to the effect the hospital's employment relationship with the
12 physician may not affect the exercise of the physician's independent judgment in the
13 practice of medicine, and the physician's independent judgment in the practice of
14 medicine is in fact unaffected by the physician's employment relationship with the
15 hospital. Under this subsection a hospital is not engaged in the practice of medicine.
- 16 2. Notwithstanding any other provision of law, a nonprofit entity or charitable trust may
17 employ directly or indirectly a physician to conduct hyperbaric oxygen therapy if the
18 employment relationship between the physician and nonprofit entity or charitable trust
19 is evidenced by a written contract. The written contract must contain language to the
20 effect the nonprofit entity's or charitable trust's employment relationship with the
21 physician may not affect the exercise of the physician's independent judgment in the
22 practice of medicine, and the physician's independent judgment in the practice of
23 medicine is in fact unaffected by the physician's employment relationship with the

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- 1 nonprofit entity or charitable trust. Under this subsection a nonprofit entity or charitable
- 2 trust is not engaged in the practice of medicine.