

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

1377

2001 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1377

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1377 A

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/09/01

Tape Number	Side A	Side B	Meter #
1	X		0-END
		X	0-1117
Committee Clerk Signature <i>Robin G. Small</i>			

Minutes:

REP. M. KLEIN called the hearing to order, with all committee members present.

In favor:

REP. GEORGE J. KEISER, DISTRICT 47

REP. KEISER introduces the bill to the committee, and urges a do pass. REP. KEISER also states to the committee that many people have filed suits on matters concerning the podiatric association.

REP. KASPER asks how the boards are determined. REP. KEISER states that he will let someone else answer that question. REP. DELVIN asks if this piece of legislation is passed, then who would deal with the debt, if the board would go belly up? REP. KEISER replies that he is really not quite sure about that. Maybe end up picking it up or do nothing. The board does need to be protected though. REP. HUNSKOR asks what is the amount of funding that the board will need. REP. KEISER defers the question.

In favor:

GARY THUNE, SPECIAL ASSISTANT ATTORNEY, BOARD OF PODIATRIC MEDICINE

Talks about formal complaints that have been made. The case is now at the hands of the Supreme Court. THUNE touches base on the \$32,000.00 that is owed. Licensor and discipline.

The board is now in court with BRIAN GALE. Many financial problems. THUNE refers to the court cases as GALE 1 and GALE 2.

REP. KLEMIN asks how much money will you need? THUNE replies that realistically they will need at least \$50,000.00. REP. KASPER asks how the board and the members of it are made up?

THUNE replies that the Governor,s office appoints it. REP. KAPSER asks who would pay back the loan if they could not. THUNE replies that the state of North Dakota would. REP. MEIER

asks how many people have filed complaints? THUNE replies that there have been 25

complaints over the past six years. REP. CLEARY asks how many of the complaints came from

DR. OLSON. THUNE replies that they came from DR. OLSON'S patients, that use to see

BRIAN GALE. REP. CLEARY asks what would prevent the board to go to a bank for a loan?

THUNE replies that no state agency has authority to do so, unless the statute allows it.

REP. KROEBER asks if any of these cases have reached the Supreme Court? THUNE refers to

GALE 1. REP. KROEBER asks about BRIAN GALE'S license to practice. THUNE states that

GALE was placed on probation, at the second set of cases the license was then revoked. Later on

the right to do surgical procedures was then revoked. REP. DEVLIN asks how many podiatrists

there are. THUNE replies that there are between 21 to 16 practicing in the state. REP. DEVLIN

asks what type of money has the board spent on legalities. THUNE replies that it has been over

\$5,000.00 to \$7,000.00 each year since 1995. It is thought to be believed that GALE has spent

over \$500,000.00.

REP. KLEMIN asks if there is a limit to types of surgeries that a podiatrist can do. THUNE replies that a podiatrist is strictly limited to the foot and ankle.

In favor:

DR. AARON OLSON, PRESIDENT - BOARD OF PODIATRIC MEDICINE

Please see attached testimony.

OLSON states to the committee that there are 18 other doctors that support this. OLSON comments that he has 9 letters of support with him today. There are 21 licensed podiatrists in the state.

REP. KROEBER asks if there is one lay person on the board. OLSON replies that there is.

REP. KROEBER asks if his term is up in one year. OLSON replies that it is up in June of this year, then the position will be filled by the decision of the board. REP. KASPER asks why the complaints come to the board first? OLSON replies that he doesn't have an exact answer for that, a lot of people don't know where they are.

GARY THUNE then addresses the committee with some of the complaints that have been made.

Oppose:

DR. FRANSCAN TELLO, PODIATRIST, SELF

Please see attached testimony.

Points out to the committee that only one of the complaints went to a malpractice suit. This whole thing is a bunch of muck!

REP. BELLEW asks if they are labeled as medical doctors. TELLO states that they are not.

REP. METCALF asks if they win by default. TELLO replies that it is assisting by accessing.

REP. KLEMIN asks about the board of examiners. TELLO replies that he is looking for a legal

opinion. REP. BRUSEGAARD asks what are the dues of the podiatric association. TELLO

replies that they are \$500.00 for state, and \$1000.00 nationally.

Oppose:

BRIAN GALE, SELF

Please see attached testimony. States that there are outrageous scare tactics going on here.

REP. METCALF asks about not having a doctor on the board. GALE replies that the need for

one has been lost. REP. KROEBER asks about being appointed from their organization. GALE

states that he does not understand the question. REP. KLEMIN asks how should the expenses be

paid for. GALE replies that a grave injustice has been done. The board will eventually go away if

you take the doctor out of the board. REP. KLEMIN asks why he is opposing the bill. GALE

replies that the tax payers will not pay for this, nor would they want to. This litigation could be

endless with DR. OLSON ahead of it. REP. HAAS asks how the thing between GALE and

OLSON ever came to be. GALE replies that they were partners at one time. OLSON had extreme

overhead in his practice. The partnership then dissolved and the split was very ugly.

Being there was no further testimony in favor or opposing the hearing was then closed. Action

was not taken at this time.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1377 B

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/15/01

Tape Number	Side A	Side B	Meter #
1	X		0-872

Committee Clerk Signature *Robin L. Small*

Minutes:

COMMITTEE WORK:

REP. M. KLEIN called the committee to order. HB 1377 was heard on Feb. 9th, 2001.

ACTION:

All members were present.

REP. BRUSEGAARD motioned for a DO NOT PASS, seconded by REP. GRANDE. The roll call vote was taken with 12 YES, 3 NO and 0 ABSENT AND NOT VOTING. The motion carries. The CARRIER of the bill is REP. BRUSEGAARD.

HB 1377: DO NOT PASS 12-3

CARRIER: REP. BRUSEGAARD

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1377 C

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/20/01

Tape Number	Side A	Side B	Meter #
1	X		0-1134
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes:

REP. M. KLEIN called the committee to order with all members present, except REP. CLARK and REP. KASPER.

ACTION:

REP. BRUSEGAARD motioned to reconsider the bill, seconded by REP. DEVLIN. A voice vote was taken with the majority passing it.

REP. KEISER addresses the committee, stating why this bill needs to be looked at again.

SANDY TABOR, DEPUTY TO THE ATTORNEY GENERAL

TABOR addresses the committee to answer any questions. TABOR states that the board can not run on deficit budgets. Commenting about the board using GARY THUNE'S services

General discussion.

REP. KLEMIN motions to accept the amendments, seconded by REP. BRUSEGAARD. A voice vote was taken with the majority passing it. REP. KLEMIN then motions for a DO PASS AS AMENDED, seconded by REP. WIKENHEISER. The roll call vote was taken with 7 YES,



Page 2  
House Government and Veterans Affairs Committee  
Bill/Resolution Number HB 1377 C  
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6 NO and 2 ABSENT AND NOT VOTING. The motion carries. The CARRIER of the bill is

REP. KROEBER.

HB 1377: DO PASS AS AMENDED 7-6

CARRIER: REP. KROEBER

Date: Feb. 15<sup>th</sup>, 2001

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1377

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Brusegaard Seconded By Grande

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP KROEBER		✓
VICE CHAIR GRANDE	✓				
REP BELLEW	✓				
REP BRUSEGAARD	✓				
REP CLARK	✓				
REP DEVLIN	✓				
REP HAAS	✓				
REP KASPER	✓				
REP KLEMIN		✓			
REP MEIER	✓				
REP WIKENHEISER	✓				
REP CLEARY	✓				
REP HUNSKOR	✓				
REP METCALF		✓			

Total (Yes) 12 No 3

Absent \_\_\_\_\_

Floor Assignment Rep. Brusegaard

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
February 15, 2001 11:22 a.m.

**Module No: HR-28-3480**  
**Carrier: Brusegaard**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1377: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)**  
recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1377 was placed on the Eleventh order on the calendar.

Date: Feb. 20, 2001

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1377

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Reconsider HB 1377

Motion Made By Brusegaard Seconded By Devlin

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN			REP KROEBER		
VICE CHAIR GRANDE					
REP BELLEW					
REP BRUSEGAARD					
REP CLARK					
REP DEVLIN					
REP HAAS					
REP KASPER					
REP KLEMIN					
REP MEIER					
REP WIKENHEISER					
REP CLEARY					
REP HUNSKOR					
REP METCALF					

*voice vote passes*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

VR  
2/20/01

**HOUSE AMENDMENTS TO HB 1377      HOUSE GVA 2/20/01**  
Page 1, line 7, after "Dakota" insert "or other sources"

Page 1, line 10, replace ", subject to the following conditions:" with a period

Page 1, remove lines 11 through 15

Page 1, line 16, remove "4." and replace "establishes" with "may establish"

Page 1, line 18, replace "is" with "must be"

Page 1, remove lines 19 through 21

Page 1, line 22, remove "7." and replace "reverts back" to "must revert"

Renumber accordingly

