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*Richard Costa*  
Operator's Signature

*10/16/03*  
Date

2003 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1500

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Salvatore Riccardi  
Operator's Signature

10/16/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1500

House Industry, Business and Labor Committee

Conference Committee

Hearing Date February 3, 2003

Tape Number	Side A	Side B	Meter #
2	X		275-4375

Committee Clerk Signature *Elizabeth R. Fein*

Minutes: **Chair Kelser** opened hearing on HB 1500

**Rep. Monson** supports with written testimony.

**Rep. Severson** asked about the Board finances. In an interim hearing, the board said they have worked out the finance issues, but is the Board of Medical Examiners (BME) willing to take on the expenses of the Board of Podiatric Medicine and Surgery (BPMS). Rep. Monson said they would have to look at that. The Medical Examiners shouldn't have to inherit the current debt.

**Rep. Froseth** brought up the fact that during the last session they had passed a bill to allow the BPMS to go through the Bank of ND for a loan. He wanted to know if the board had used the opportunity. Rep. Monson did not know and deferred to Dr. Mathew.

**Rep. Kelser** informed the committee that action will not be taken today because the BPMS was meeting on 2/3/03.

**Dr. Cherian Mathew (Pres. of BPMS):** Opposed with written testimony. In addition, Dr.

Mathew noted that they were not comfortable settling with the Attorney General's office on the

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House Industry, Business and Labor Committee

Bill/Resolution Number 1500

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four complaints left over from 1993 because the new board did not see the records. They asked for the records and were denied. In October they met and voted to formally request the records again. They reviewed the records in December. They were told by the carry-over board member to read the minutes from the previous board meetings. When the board finally read the minutes from Mr. Thune (legal counsel), they did not feel the minutes were helpful in deciding. He wanted to be clear that the board is not dragging their feet. They have been trying to get the correct info before making a decision.

**Rep. Froseth** asked how many members are new since August (the interim committee meeting).

Dr. Mathew said Dr. Lambert joined the Board after August, but the others came in July or August. In response to a question from Rep. Froseth, Dr. Mathew said the Board does have liability insurance. When asked by Rep. Froseth how they can reduce the financial responsibility of the board by the end of the year. Dr. Mathew said the dues have gone up, Dr. Gale pays \$750/mo because of disciplinary action and they board has started to do work the attorney had done before to cut down on attorney costs.

**Rep. Kasper** asked if Thune is still the attorney and whether or not there are still pending complaints. Dr. Mathew said there are still the four left over complaints and 2 new. Thune is still the attorney and will be until the complaints are settled. They can not afford a full-time attorney. Noted the new members are taking their jobs seriously and doing more work.

**Rep. Keiser** reminded Dr. Mathew that the board was created statutorily and that the primary function is not to collect money, but to take care of complaints. Asked if the board appreciates that ND has lost it's sovereign immunity and the state now becomes liable for the law suits if the board does not do their job. Dr. Mathew said he does realize this.

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La Costa Richardson  
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Bill/Resolution Number 1500  
Hearing Date February 3, 2003

**Rep. Keiser** also reminded Dr. Mathew that the board has no right to deficit spend. They legislature has already given them the ability to get a loan from the Bank of ND and asked if the board would be OK with a bill for \$28000 to be solvent and have a reserve. Rep. Keiser made it clear they do not want to see cases dismissed because the board does not to pay for litigation. Dr. Mathew said he does understand. Rep. Keiser also noted it is unacceptable to be insolvent with impending litigation and that Thune could sue the state of ND. Rep. Keiser asked if the board was paying interest to Thune. Dr. Mathew said they are not paying interest and stated the board will not disregard complaints, but will also not waste time on frivolous complaints.

**Rep. Klein** asked for the names of the board members. They are Dr. Williams of Minot, Dr. Criswell of Grand Forks, Dr. Lambert of Bismarck, Kelly Schmidt of Bismarck, Michael Stone of Fargo, and Dr. Mathew of Dickinson. All members are Podiatric doctors, except Dr. Lambert and Kelly Schmidt, who is the lay person member. Rep. Klein asked if they had thought about reducing the number of members on the board.

**Rep. Froseth** asked if dues are in the statute. Dr. Mathew said they had come to the legislature to raise dues before. Rep. Froseth made the suggestion to raise dues to \$1000 until they are solvent and have a reserve.

**Rep. Severson** asked how Dr. Mathew felt about combining with the Board of Medical Examiners. Dr. Mathew said it could happen, but would rather not go into another board with baggage. They want to clean up the BPMS first.

**Rep. Froseth** wanted the record to note that the interim commerce committee was convinced that the board was working out their problem and should remain its own independent board.

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House Industry, Business and Labor Committee

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Hearing Date February 3, 2003

**Rolf Sletten (Board of Medical Examiners):** Opposes with written testimony. Noted this is not a simple bill, but suggested that the board should probably have more MDs or more lay people than podiatrists.

**Dr. Craig Lambert (Self/Board member):** Noted he is on both boards and is impressed with the current action on the BPMS and that the members take their jobs seriously. The Board of Medical Examiners is his standard and believes the BPMS is getting there. Also noted that the fiscal imperatives are real issues.

**Rep. Klein** asked how long he had been on the board. Dr. Lambert said he has since July.

**Dr. Brian Gale:** Opposed with written testimony.

**Joni Roehrich (representing Dr. Tello):** Opposes and Dr. Tello does not want the board to be dissolved.

**Dave Peske (ND Medical Assoc.):** Opposes. Board met and supports the testimony of the Board of Medical Examiners.

**Chair Keiser:** Closed hearing on HB 1500

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1500

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 2/12/03

Tape Number	Side A	Side B	Meter #
1	x		0.0-32.0

Committee Clerk Signature *Judith Hammer*

Minutes: **Chairman Kelsner** called for committee work on HB 1500.

**Rep. Boe** distributed amendments prepared after the original hearing date. The amendments will allow the Board of Podiatric Medicine to raise their fees to a cap of \$1000 and reduce the size of their board from 6 to 5 members. This reverses the intent of the original bill.

**Rep. Froseth:** Wasn't the original intent to merge this board with the Medical Examiners?

**Rep. Kasper:** There's so few podiatrists in the state, wouldn't having 3 members at large from the public and 2 podiatrists work? The doctors would give technical advice.

**Rep. Klein:** Lay people shouldn't be in control, they don't have professional expertise.

**Rep. Ruby:** They've reduced their debt, they're working hard to improve, maybe in a few years the Medical Examiners would accept them. They'll have their debt paid in 6 months.

**Rep. Klein** moved to adopt the amendments (.0201).

**Rep. Froseth** seconded the motion.

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Hearing Date 2/12/03

**Rep. Johnson:** I resist the motion to adopt the amendments. I support them increasing their cap to \$100 to raise funds to make their Board solvent and get them out of debt. If we removed section 1 and resubmit it so that they have 6 people on the board.

**Rep. Klein:** Boards function better with an odd number, no decisions results in a tie.

**Rep. Severson:** This board needs expertise, not opinions of lay people, to make decisions. Let's give them the opportunity to work together as a board. Their attorney said they're making good progress.

**Chairman Keiser:** Also, the more members you have, the more difficult it is to get a quorum. And you run out of candidates sooner with the small pool to draw from.

**Rep. Nottestad:** I think the board should have 5 members. I vehemently oppose having lay people serve on these professional boards.

Results of the roll call vote for the amendments .0201 was: **10-4-0.**

**Rep. Klein** moved a Do Pass As Amended. **Rep. Froseth** seconded the motion.

Results of the roll call vote for a **Do Pass As Amended** were **10-4-0.**

The amendment changes the bill, there is now a podiatry board comprised of 5 members and fees can be increased to \$1000. It will not merge with the Board of Medical Examiners.

Dr. Tello, and other podiatrists attending the committee work session were considerably given the opportunity of expressing their viewpoints and opinions of this matter and legislation. They were advised to return to testify when the Senate considers HB 1500.

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