

HOUSE BILL NO. 1262

Introduced by

Representatives Porter, Brusegaard, Delzer, Devlin

Senators Andrist, Cook

1 A BILL for an Act to amend and reenact subsection 6 of section 14-02.1-02, subsection 8 of
2 section 23-02.1-01, subsection 5 of section 23-06.4-02, subsection 9 of section 23-17.3-01, and
3 subsection 3 of section 26.1-14-02, and sections 43-17-01, 43-17-02, 43-17-03, 43-17-07.1,
4 43-17-18, 43-17-24, 43-17-26.1, 43-17-27.1, 43-17-30.1, 43-17-31, 43-17-31.1, 43-17-32.1, and
5 43-17-41 of the North Dakota Century Code, relating to the definition of physician and the state
6 board of medical examiners' duty to license podiatrists and physicians; to repeal chapter 43-05
7 of the North Dakota Century Code, relating to licensure of podiatrists; to provide for a penalty;
8 and to provide for transition.

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

10 **SECTION 1. AMENDMENT.** Subsection 6 of section 14-02.1-02 of the North Dakota
11 Century Code is amended and reenacted as follows:

12 6. "Licensed physician" means ~~a person who is~~ an individual licensed ~~to practice~~
13 ~~medicine or osteopathy~~ as a physician under chapter 43-17 or a physician
14 practicing in the armed services of the United States or in the employ of the United
15 States.

16 **SECTION 2. AMENDMENT.** Subsection 8 of section 23-02.1-01 of the North Dakota
17 Century Code is amended and reenacted as follows:

18 8. "Physician" means ~~a person authorized or~~ an individual licensed ~~to practice~~
19 ~~medicine or osteopathy pursuant to~~ as a physician under chapter 43-17.

20 **SECTION 3. AMENDMENT.** Subsection 5 of section 23-06.4-02 of the North Dakota
21 Century Code is amended and reenacted as follows:

22 5. "Physician" means an individual licensed ~~to practice medicine in this state pursuant~~
23 ~~to~~ as a physician under chapter 43-17.

1 **SECTION 4. AMENDMENT.** Subsection 9 of section 23-17.3-01 of the 1999
2 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3 9. "Physician" means any ~~person currently~~ individual licensed pursuant to as a
4 physician under chapter 43-17.

5 **SECTION 5. AMENDMENT.** Subsection 3 of section 26.1-14-02 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 3. "Practice of medicine" means the practice of medicine, surgery, podiatric medicine,
8 and obstetrics and has the same meaning specified in subsection 2 of section
9 43-17-01.

10 **SECTION 6. AMENDMENT.** Section 43-17-01 of the 1999 Supplement to the North
11 Dakota Century Code is amended and reenacted as follows:

12 **43-17-01. Definitions.**

13 1. "Board" means the state board of medical examiners.

14 2. "Physician" includes physician and surgeon (M.D.) and osteopathic physician and
15 surgeon (D.O.).

16 3. "Podiatric medicine" means the profession of the practice of medicine concerned
17 with the diagnosis and treatment of conditions affecting the human foot and ankle,
18 including local manifestations of systemic conditions by all appropriate systems.
19 The term includes the prescribing or administering of drugs or medications
20 necessary or helpful to that profession.

21 4. "Podiatrist" means an individual who is qualified to practice podiatric medicine in
22 this state.

23 5. "Practice of medicine" includes ~~the practice of medicine, surgery,~~ podiatric
24 medicine and obstetrics. The following persons ~~must be regarded as~~ are
25 practicing medicine:

26 a. One who holds out to the public as being engaged within this state in the
27 diagnosis or treatment of diseases or injuries of ~~human beings~~ individuals.

28 b. One who suggests, recommends, or prescribes any form of treatment for the
29 intended relief or cure of any physical or mental ailment of any ~~person~~
30 individual, with the intention of receiving, directly or indirectly, any fee, gift, or
31 compensation.

- 1 c. One who maintains an office for the examination or treatment of ~~persons~~
2 individuals afflicted with disease or injury of the body or mind.
- 3 d. One who attaches the title M.D., surgeon, doctor, D.O., osteopathic physician
4 and surgeon, D.P.M., or any other similar word or words or abbreviation to the
5 ~~person's~~ individual's name, indicating that the ~~person~~ individual is engaged in
6 the treatment or diagnosis of the diseases or injuries of ~~human beings~~ must
7 ~~be held to be engaged in the practice of medicine~~ individuals.

8 **SECTION 7. AMENDMENT.** Section 43-17-02 of the 1999 Supplement to the North
9 Dakota Century Code is amended and reenacted as follows:

10 **43-17-02. ~~Persons~~ Individuals exempt from the provisions of chapter.** ~~The~~
11 ~~provisions of this~~ This chapter ~~do~~ does not apply to ~~the following~~:

- 12 1. Students of medicine or osteopathy who are continuing their training and
13 performing the duties of a resident in any hospital or institution maintained and
14 operated by the state, an agency of the federal government, or in any residency
15 program accredited by the accreditation council on graduate medical education,
16 provided that the state board of medical examiners may adopt rules relating to the
17 licensure, fees, qualifications, activities, scope of practice, and discipline of such
18 persons.
- 19 2. The domestic administration of family remedies.
- 20 3. Dentists practicing their profession when properly licensed.
- 21 4. Optometrists practicing their profession when properly licensed.
- 22 5. The practice of Christian Science or other religious tenets or religious rules or
23 ceremonies as a form of religious worship, devotion, or healing, if the ~~person~~
24 individual administering, making use of, assisting in, or prescribing, ~~such the~~
25 religious worship, devotion, or healing does not prescribe or administer drugs or
26 medicines and does not perform surgical or physical operations, and if the ~~person~~
27 individual does not hold out to be a podiatrist, physician, or surgeon.
- 28 6. Commissioned medical officers of the armed forces of the United States, the
29 United States public health service, and medical officers of the veterans
30 administration of the United States, in the discharge of their official duties, and

- 1 licensed physicians from other states or territories if called in consultation with a
2 ~~person~~ an individual licensed to practice medicine in this state.
- 3 7. Doctors of chiropractic ~~only~~ licensed to practice in this state ~~pursuant to~~ under the
4 statutes regulating ~~such~~ the profession.
- 5 8. ~~Pediatrists practicing their profession when properly licensed.~~
- 6 9. Any ~~person~~ individual rendering services as a physician assistant, if ~~such~~ the
7 service is rendered under the supervision, control, and responsibility of a licensed
8 physician. However, sections 43-17-02.1 and 43-17-02.2 do apply to physician
9 assistants. The state board of medical examiners shall prescribe rules governing
10 the conduct, licensure, fees, qualifications, discipline, activities, and supervision of
11 physician assistants. Physician assistants may not be authorized to perform any
12 services ~~which~~ that must be performed by ~~persons~~ individuals licensed ~~pursuant to~~
13 under chapters 43-12.1, 43-13, 43-15, and 43-28 or services otherwise regulated
14 by licensing laws, notwithstanding the fact that medical doctors need not be
15 licensed specifically to perform the services contemplated under such chapters or
16 licensing laws.
- 17 ~~40.~~ 9. A nurse practicing the nurse's profession when properly licensed by the North
18 Dakota board of nursing.
- 19 ~~44.~~ 10. ~~A person~~ An individual rendering fluoroscopy services as a radiologic technologist
20 if the service is rendered under the supervision, control, and responsibility of a
21 licensed physician and provided that the state board of medical examiners
22 prescribes rules governing the conduct, permits, fees, qualifications, activities,
23 discipline, and supervision of radiologic technologists who provide those services.

24 **SECTION 8. AMENDMENT.** Section 43-17-03 of the 1999 Supplement to the North
25 Dakota Century Code is amended and reenacted as follows:

26 **43-17-03. State board of medical examiners - How appointed - Qualifications.**

- 27 1. The governor shall appoint a state board of medical examiners consisting of eleven
28 members, eight of whom are doctors of medicine, one of whom is a doctor of
29 osteopathy, and two of whom are designated as public members. If no osteopathic
30 physician is qualified and willing to serve, any qualified physician may be appointed
31 in place of the osteopathic physician.

- 1 2. Each physician member must:
 - 2 a. Be a practicing physician of integrity and ability.
 - 3 b. Be a resident of and duly licensed to practice medicine in this state.
 - 4 c. Be a graduate of a medical or osteopathic school of high educational
5 requirements and standing.
 - 6 d. Have been engaged in the active practice of the ~~physician's~~ medical
7 profession within this state for a period of at least five years.
- 8 3. Each public member of the board must:
 - 9 a. Be a resident of this state.
 - 10 b. Be at least twenty-one years of age.
 - 11 c. Not be affiliated with any group or profession that provides or regulates health
12 care in any form.
- 13 4. ~~A person~~ An individual appointed to the board shall qualify by taking the oath
14 required of civil officers.

15 **SECTION 9. AMENDMENT.** Section 43-17-07.1 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **43-17-07.1. Powers of the board of medical examiners.** In addition to any other
18 powers, the board may:

- 19 1. Employ or contract with one or more organizations or agencies known to provide
20 acceptable examinations for the preparation and scoring of required examinations
21 relating to physician or podiatrist licensure, and employ or contract with one or
22 more organizations or agencies known to provide acceptable examination services
23 for the administration of the required examination.
- 24 2. Prescribe the time, place, method, manner, scope, and subject of examination.
- 25 3. Impose sanctions, deny licensure, levy fines, or seek appropriate civil or criminal
26 penalties against anyone who violates or attempts to violate examination security,
27 anyone who obtains or attempts to obtain licensure by fraud or deception, and
28 anyone who knowingly assists in that type of activity.
- 29 4. Require information on an applicant's or licensee's fitness, qualifications, and
30 previous professional record and performance from recognized data sources,
31 including the federation of state medical boards action data bank, other data

- 1 repositories, licensing and disciplinary authorities of other jurisdictions, professional
2 education and training institutions, liability insurers, health care institutions, and law
3 enforcement agencies be reported to the board or to the commission on medical
4 competency.
- 5 5. Require the self-reporting by an applicant or a licensee of any information the
6 board determines may indicate possible deficiencies in practice, performance,
7 fitness, or qualifications.
- 8 6. Establish a mechanism for dealing with a licensee who abuses or is dependent
9 upon or addicted to alcohol or other addictive chemical substances, to enter an
10 agreement, at ~~its~~ the board's discretion, with a professional organization ~~whose~~
11 with which the relevant procedures and techniques ~~it~~ the board has evaluated and
12 approved for the organization's cooperation or participation.
- 13 7. Issue a cease and desist order, obtain a court order, or an injunction to halt
14 unlicensed practice, a violation of this chapter, or a violation of the rules of the
15 board.
- 16 8. Issue a conditional, restricted, or otherwise circumscribed license as ~~it~~ the board
17 determines necessary.

18 **SECTION 10. AMENDMENT.** Section 43-17-18 of the 1999 Supplement to the North
19 Dakota Century Code is amended and reenacted as follows:

20 **43-17-18. License requirements.**

- 21 1. ~~General.~~ Every applicant for licensure shall file a written application, on forms
22 provided by the board, showing to the board's satisfaction that the applicant is of
23 good moral character and satisfies all of the requirements of this chapter including:
24 a. Successful completion of a medical licensure examination satisfactory to the
25 board;
26 b. Physical, mental, and professional capability for the practice of medicine in a
27 manner acceptable to the board; and
28 c. A history free of any finding by the board, any other state medical licensure
29 board, or any court of competent jurisdiction of the commission of any act that
30 would constitute grounds for disciplinary action under this chapter; the board
31 may modify this restriction for cause.

- 1 2. ~~Graduates of United States and Canadian schools.~~
- 2 a. An applicant who is a graduate of an approved medical or osteopathic school
- 3 located in the United States, its possessions, territories, or Canada, shall
- 4 present evidence, satisfactory to the board, that the applicant has been
- 5 awarded a degree of doctor of medicine or doctor of osteopathy from a
- 6 medical school located in the United States, its possessions, territories, or
- 7 Canada, approved by the board or by an accrediting body approved by the
- 8 board at the time the degree was conferred.
- 9 b. An applicant who is a graduate of an approved medical or osteopathic school
- 10 located in the United States, its possessions, territories, or Canada, must
- 11 present evidence, satisfactory to the board, that the applicant has successfully
- 12 completed one year of postgraduate training in the United States or Canada in
- 13 a program approved by the board or by an accrediting body approved by the
- 14 board.
- 15 3. ~~Graduates of international schools.~~
- 16 a. An applicant who is a graduate of a medical school not located in the United
- 17 States, its possessions, territories, or Canada, shall present evidence,
- 18 satisfactory to the board, that the applicant possesses the degree of doctor of
- 19 medicine or a board-approved equivalent based on satisfactory completion of
- 20 educational programs acceptable to the board. Graduates of osteopathic
- 21 schools located outside the United States are not eligible for licensure.
- 22 b. An applicant who has graduated from a medical school not located in the
- 23 United States, its possessions, territories, or Canada, must present evidence,
- 24 satisfactory to the board, that the applicant has successfully completed three
- 25 years of postgraduate training in a program located in the United States, its
- 26 possessions, territories, or Canada, and accredited by a national accrediting
- 27 organization approved by the board or other graduate training approved in
- 28 advance by the board as meeting standards similar to those of a national
- 29 accrediting organization. However, if such an applicant has not completed
- 30 three years of postgraduate training in a program approved by the board or by
- 31 an accrediting body approved by the board, but has met all other licensing

- 1 requirements and has successfully completed one year of postgraduate
2 training in the United States or Canada in a program approved by the board,
3 and if the board finds that the applicant has other professional experience and
4 training that is substantially equivalent to the second and third year of
5 postgraduate training, then the applicant may be deemed eligible for
6 licensure. The board is granted broad discretion in determining whether to
7 apply this exception to the normal licensing requirements. An applicant
8 seeking licensure under this exception must present evidence satisfactory to
9 the board that:
- 10 (1) The applicant is certified by a specialty board recognized by the
11 American board of medical specialties or by a specialty board
12 recognized by the royal college of physicians and surgeons of Canada;
13 or
- 14 (2) The applicant has passed the special purpose examination developed
15 by the federation of state medical boards of the United States.
- 16 c. The applicant shall present evidence satisfactory to the board that the
17 applicant has been awarded a certificate by the educational council for foreign
18 medical graduates. The board may adopt rules establishing specific
19 exceptions to this requirement.
- 20 d. The applicant has a working ability in the English language sufficient to
21 communicate with patients and physicians and to engage in the practice of
22 medicine.
- 23 4. ~~Special license.~~ The board may grant a special license to an applicant who is a
24 graduate of an international medical school if that applicant has met all
25 requirements for licensure except those pertaining to postgraduate training if the
26 applicant has successfully completed one year of approved postgraduate training
27 in the United States or Canada, and is enrolled in a residency program in this state.
28 This special license is valid only for the purpose of practicing medicine within the
29 scope of the residency training program.
- 30 5. The board shall adopt rules regarding licensure requirements for podiatrists.

1 **SECTION 11. AMENDMENT.** Section 43-17-24 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **43-17-24. ~~Physicians register~~ Registration with the board.** On or before the due
4 date established by the board, every ~~person legally~~ individual licensed to practice medicine
5 within this state shall file with the secretary-treasurer of the board a registration statement upon
6 blanks prepared and provided by the board and shall pay to the secretary-treasurer the
7 registration fee. ~~No~~ A person may not engage in the practice of medicine in this state without a
8 current registration certificate issued by the board.

9 **SECTION 12. AMENDMENT.** Section 43-17-26.1 of the 1999 Supplement to the North
10 Dakota Century Code is amended and reenacted as follows:

11 **43-17-26.1. License renewals - Late fees.** A physician or podiatrist seeking to renew
12 the annual registration who has failed to complete the annual registration process within the
13 time specified by the state board of medical examiners must be assessed a fee equal to three
14 times the normal annual registration fee, in addition to ~~such~~ any other penalties ~~as are~~
15 authorized by law, if that physician or podiatrist is found to have been practicing medicine in this
16 state after the physician's or podiatrist's license expired. A physician or podiatrist who is not
17 found to have been practicing medicine in this state may renew a license upon payment of the
18 arrearage and meeting the other requirements of the board. However, a physician or podiatrist
19 whose license lapsed more than three years before that physician or podiatrist petitioned the
20 board for reinstatement must submit a new application for licensure, regardless of whether ~~or~~
21 ~~not~~ that physician or podiatrist has practiced medicine in this state since the physician's or
22 podiatrist's license was last current.

23 **SECTION 13. AMENDMENT.** Section 43-17-27.1 of the 1999 Supplement to the North
24 Dakota Century Code is amended and reenacted as follows:

25 **43-17-27.1. Continuing education requirements.**

26 1. The board shall promote a high degree of competence in the practice of medicine
27 by establishing rules requiring every physician and podiatrist licensed in the state
28 to fulfill continuing education requirements. Compliance with these rules must be
29 documented at ~~such~~ the times and in ~~such~~ the manner ~~as is~~ required by the board.

1 2. Before a license may be renewed, the licensee shall submit evidence to the board
2 establishing that all continuing education requirements prescribed by the rules
3 adopted by the board have been met.

4 3. The board may exempt a physician or podiatrist from the requirements of this
5 section in accordance with rules adopted by the board.

6 **SECTION 14. AMENDMENT.** Section 43-17-30.1 of the 1999 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **43-17-30.1. Disciplinary action.** The board ~~is authorized to~~ may take disciplinary
9 action against a licensed physician or podiatrist by any one or more of the following means, as
10 ~~it may find~~ the board determines appropriate:

- 11 1. Revocation of license.
- 12 2. Suspension of license.
- 13 3. Probation.
- 14 4. Imposition of stipulations, limitations, or conditions relating to the practice of
15 medicine.
- 16 5. Letter of censure.
- 17 6. Require the licensee to provide free public or charitable service for a defined
18 period.
- 19 7. Impose fines, not to exceed five thousand dollars for any single disciplinary action.
20 Any fines collected by the state board of medical examiners must be deposited in
21 the state general fund.

22 **SECTION 15. AMENDMENT.** Section 43-17-31 of the 1999 Supplement to the North
23 Dakota Century Code is amended and reenacted as follows:

24 **43-17-31. Grounds for disciplinary action.** The board shall keep a record of all the
25 board's proceedings in the matter of suspending, revoking, or refusing licenses together with
26 the evidence offered. Disciplinary action may be imposed against a physician or podiatrist
27 upon any of the following grounds:

- 28 1. The use of any false, fraudulent, or forged statement or document, or the use of
29 any fraudulent, deceitful, dishonest, or immoral practice, in connection with any of
30 the licensing requirements.

- 1 2. The making of false or misleading statements about the physician's or podiatrist's
2 skill or the efficacy of any medicine, treatment, or remedy.
- 3 3. The conviction of any misdemeanor determined by the board to have a direct
4 bearing upon ~~a person's~~ an individual's ability to serve the public as a practitioner
5 of medicine or any felony. A license may not be withheld contrary to the provisions
6 of chapter 12.1-33.
- 7 4. Habitual use of alcohol or drugs.
- 8 5. Physical or mental disability materially affecting the ability to perform the duties of a
9 physician or podiatrist in a competent manner.
- 10 6. The performance of any dishonorable, unethical, or unprofessional conduct likely to
11 deceive, defraud, or harm the public.
- 12 7. Obtaining any fee by fraud, deceit, or misrepresentation.
- 13 8. Aiding or abetting the practice of medicine by an unlicensed, incompetent, or
14 impaired person.
- 15 9. The violation of any provision of a medical practice act or the rules and regulations
16 of the board, or any action, stipulation, condition, or agreement imposed by the
17 board or the commission on medical competency.
- 18 10. The practice of medicine under a false or assumed name.
- 19 11. The advertising for the practice of medicine in an untrue or deceptive manner.
- 20 12. The representation to a patient that a manifestly incurable condition, sickness,
21 disease, or injury can be cured.
- 22 13. The willful or negligent violation of the confidentiality between physician or
23 podiatrist and patient, except as required by law.
- 24 14. The failure of a doctor of osteopathy to designate that person's school of practice
25 in the professional use of that person's name by such terms as "osteopathic
26 physician and surgeon", "doctor of osteopathy", "D.O.", or similar terms.
- 27 15. Gross negligence in the practice of medicine.
- 28 16. Sexual abuse, misconduct, or exploitation related to the licensee's practice of
29 medicine.

- 1 17. The prescription, sale, administration, distribution, or gift of any drug legally
2 classified as a controlled substance or as an addictive or dangerous drug for other
3 than medically accepted therapeutic purposes.
- 4 18. The payment or receipt, directly or indirectly, of any fee, commission, rebate, or
5 other compensation for medical services not actually or personally rendered, or for
6 patient referrals; this prohibition does not affect the lawful distributions of
7 ~~professional partnerships, corporations, limited liability companies, or associations~~
8 an organization.
- 9 19. The failure to comply with the reporting requirements of section 43-17.1-05.1.
- 10 20. The failure to transfer medical records, except those relating to psychiatric
11 treatment which must be governed by board rule, to another physician or podiatrist
12 or to supply copies thereof to the patient or to the patient's representative when
13 requested to do so by the patient or the patient's designated representative. A
14 reasonable charge for record copies may be assessed.
- 15 21. A continued pattern of inappropriate care as a physician or podiatrist, including
16 unnecessary surgery.
- 17 22. The use of any false, fraudulent, or deceptive statement in any document
18 connected with the practice of medicine.
- 19 23. The prescribing, selling, administering, distributing, or giving to oneself or to one's
20 spouse or child any drug legally classified as a controlled substance or recognized
21 as an addictive or dangerous drug.
- 22 24. The violation of any state or federal statute or regulation relating to controlled
23 substances.
- 24 25. The imposition by another state or jurisdiction of disciplinary action against a
25 license or other authorization to practice medicine based upon acts or conduct by
26 the physician ~~that~~ or podiatrist which would constitute grounds for disciplinary
27 action as set forth in this section. A certified copy of the record of the action taken
28 by the other state or jurisdiction is conclusive evidence of that action.
- 29 26. The lack of appropriate documentation in medical records for diagnosis, testing,
30 and treatment of patients.

1 27. The failure to properly monitor a physician assistant, a fluoroscopy technologist, or
2 an emergency medical technician.

3 28. The failure to furnish the board or the investigative panel, ~~their~~ the board's or
4 investigative panel's investigators, or the board's or investigative panel's
5 representatives, information legally requested ~~by the board or the investigative~~
6 panel.

7 ~~The board shall keep a record of all of its proceedings in the matter of suspending, revoking, or~~
8 ~~refusing licenses together with the evidence offered.~~

9 **SECTION 16. AMENDMENT.** Section 43-17-31.1 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **43-17-31.1. Costs of prosecution - Disciplinary proceedings.** In any order or
12 decision issued by the board in resolution of a disciplinary proceeding in which disciplinary
13 action is imposed against a physician or podiatrist, the board may direct any physician or
14 podiatrist to pay the board a sum not to exceed the reasonable and actual costs, including
15 attorney's fees, incurred by the board and the commission on medical competency in the
16 investigation and prosecution of the case. ~~When~~ If applicable, the physician's or podiatrist's
17 license may be suspended until the costs are paid to the board.

18 **SECTION 17. AMENDMENT.** Section 43-17-32.1 of the 1999 Supplement to the North
19 Dakota Century Code is amended and reenacted as follows:

20 **43-17-32.1. Temporary suspension - Appeal.**

21 1. ~~When~~ If, based on verified evidence, the board has probable cause to believe that
22 the suspension of a physician's or podiatrist's license is required to reasonably
23 protect the public from imminent or critical harm, the board may order a temporary
24 suspension ex parte.

25 2. An ex parte temporary suspension remains in effect for not more than sixty days,
26 unless otherwise terminated by the board.

27 3. The board shall set the date of a full hearing for suspension or revocation of the
28 physician's or podiatrist's license for not later than sixty days from the issuance of
29 the ex parte temporary suspension order. Within three days after the issuance of
30 the ex parte suspension order the board shall serve the physician or podiatrist with

1 a copy of the order along with a copy of the complaint and notice of the date set for
2 the full hearing.

3 4. The physician or podiatrist may appeal the ex parte temporary suspension order
4 ~~prior to~~ before the full hearing. For purposes of appeal, the district court shall
5 decide whether the board acted reasonably or arbitrarily. The court shall give
6 priority to the appeal for prompt disposition ~~thereof~~ of the appeal.

7 **SECTION 18. AMENDMENT.** Section 43-17-41 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-17-41. Duty of ~~physicians and others~~ to report injury - Penalty.**

10 1. Any ~~physician or other~~ medical or mental health professional, who has under ~~his~~
11 that professional's charge or care or performs any professional services for any
12 ~~person~~ individual suffering from any wound, injury, or other physical trauma
13 inflicted by ~~his~~ the individual's own act or by the act of another by means of a knife,
14 gun, or pistol, or which ~~he~~ the professional has reasonable cause to suspect was
15 inflicted in violation of any criminal law of this state, shall as soon as practicable
16 report the same to the sheriff or state's attorney of the county in which ~~such~~ the
17 care was rendered. The report must state the name of the injured ~~person~~
18 individual, if known, ~~his~~ the individual's whereabouts, and the character and extent
19 of ~~his~~ the individual's injuries.

20 2. The reports mandated by this section must be made as soon as practicable and
21 may be ~~either~~ oral or in writing. Oral reports must be followed by written reports
22 within forty-eight hours if ~~se~~ requested by the sheriff or state's attorney to whom
23 the oral report is originally made.

24 3. Any ~~person~~ professional required to report as provided by this section who willfully
25 fails to do so is guilty of an infraction.

26 4. Any person making a report in good faith ~~pursuant to~~ under this section is immune
27 from liability for making ~~said~~ the report.

28 **SECTION 19. REPEAL.** Chapter 43-05 of the North Dakota Century Code is repealed.

29 **SECTION 20. TRANSITION.** Any outstanding receivables, obligations, and funds of
30 the North Dakota board of podiatric medicine are transferred to the state board of medical
31 examiners as of the effective date of this Act. In addition to any other costs as determined by

Fifty-seventh
Legislative Assembly

- 1 the state board of medical examiners, the license fees paid by podiatrists must be used to retire
- 2 any of the North Dakota board of podiatric medicine's outstanding balance of any obligation
- 3 transferred to the state board of medical examiners, over a timeframe determined by the state
- 4 board of medical examiners.