

Fifty-seventh  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1262

Introduced by

Representatives Porter, Brusegaard, Delzer, Devlin

Senators Andrist, Cook

1 A BILL for an Act to create and enact a new section to chapter 43-05 of the North Dakota  
2 Century Code, relating to the cost of disciplinary proceedings undertaken by the state board of  
3 podiatric medicine; and to amend and reenact section 43-05-03 of the North Dakota Century  
4 Code, relating to the state board of podiatric medicine.

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

6 **SECTION 1. AMENDMENT.** Section 43-05-03 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **43-05-03. Board of podiatric medicine - Appointment of members - Term of office**  
9 **- Qualifications - Vacancies - Duties - Quorum - Records.** The board of podiatric medicine  
10 consists of ~~five~~ six persons appointed by the governor for a term of four years each with the  
11 terms of office so arranged that ~~one term only expires~~ no more than two terms expire on the  
12 thirteenth day of June of ~~each~~ any year. A member of the board may not serve for more than  
13 two successive terms. A member may not be reappointed to the board after serving two  
14 successive terms unless at least two years have elapsed since the member last served on the  
15 board. Four members of the board must hold doctor of podiatric medicine degrees and must  
16 have practiced podiatric medicine in this state for at least two years before their appointment,  
17 ~~and the fifth person~~ one member must be a doctor of medicine; who holds a doctor of medicine  
18 degree and has practiced in this state for at least two years before the appointment, and one  
19 member, who is designated as a public member, must be a resident of this state, be at least  
20 twenty-one years of age, and may not be affiliated with any group or profession that provides or  
21 regulates health care in any form.

22 A member of the board shall qualify by taking the oath of office required of civil officers  
23 and shall hold office until a successor is appointed and qualified. The governor shall fill any  
24 vacancy by appointment for the unexpired term. The board may employ and compensate

1 attorneys, investigative staff, clerical assistants, or others to assist in the performance of the  
2 duties of the board.

3 A majority of the board constitutes a quorum to transact business, make any  
4 determination, or take any action. The board shall keep a record of its proceedings and of  
5 applications for licenses. Applications and records must be preserved for at least six years  
6 beyond the disposition of the application or record or the last annual registration of the licensee,  
7 whichever is longer.

8 **SECTION 2.** A new section to chapter 43-05 of the North Dakota Century Code is  
9 created and enacted as follows:

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