

January 27, 2015

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1099

Page 1, line 2, replace "public safety emergency" with "temporary"

Page 1, line 2, after "suspension" insert "and appeal"

Page 6, line 28, replace "**Public safety emergency**" with "**Temporary**"

Page 6, line 28, after "**suspension**" insert "**- Appeal**"

Page 6, line 29, remove "Without a hearing, the board may immediately suspend a chiropractic license for not"

Page 6, replace lines 30 and 31 with "If based on verified evidence the board determines by a clear and convincing standard that the evidence presented to the board indicates that the continued practice by the chiropractor would create significant risk of serious and ongoing harm to the public while a disciplinary proceeding is pending, and that immediate suspension of the chiropractor's license is required to reasonably protect the public from the risk of harm, the board may order a temporary suspension ex parte. For purposes of this section, "verified evidence" means testimony taken under oath and based on personal knowledge. The board shall give prompt written notice of the suspension of the chiropractor, which must include a copy of the order and complaint, the date set for a full hearing, and, upon request, a specific description of the nature of the evidence, including a list of all known witnesses and a specific description of any documents relied upon by the board in ordering the temporary suspension must be made available to the chiropractor."

Page 7, line 1, remove "A summary suspension takes effect upon written notice to the chiropractor specifying"

Page 7, replace lines 2 through 6 with "An ex parte suspension remains in effect until a final order is issued after a full hearing or appeal under this section or until the suspension is otherwise terminated by the board."

3. The board shall conduct a hearing on the merits of the allegations to determine what disciplinary action, if any, will be taken against the chiropractor who is the subject of the ex parte suspension. That hearing must be held not later than thirty days from the issuance of the ex parte temporary suspension order. The chiropractor is entitled to a continuance of the thirty-day period upon request for a period determined by the hearing officer.
4. The chiropractor may appeal the ex parte temporary suspension order before the full hearing. For purposes of appeal, the district court shall decide whether the board acted reasonably or arbitrarily. The court shall give priority to the appeal for prompt disposition.
5. Any medical record of a patient, or other document containing personal information about a patient, which is obtained by the board is an exempt record as defined in section 44-04-17.1."

Renumber accordingly