Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1153
(Representatives Keiser, Rick C. Becker)
(Senator Kilzer)

AN ACT to amend and reenact subdivision d of subsection 2 of section 12-60-24, subsection 1 of section 19-03.1-01.1, subsection 1 of section 19-03.3-01, subdivision f of subsection 2 of section 19-03.5-07, sections 23-23.1-01, 23-23.1-02, 23-34-03, 23-34-04, and 25-02-04, subsection 1 of section 26.1-14-04, subsection 1 of section 26.1-14-05, subsection 8 of section 26.1-26.4-04, subsection 1 of section 43-05-02, subsection 1 of section 43-13-13.3, sections 43-15-25.3 and 43-15-31.4, subsection 1 of section 43-17-01, sections 43-17-02, 43-17-02.2, 43-17-02.3, 43-17-03, 43-17-05, 43-17-07.1, and 43-17-26.1, subsection 7 of section 43-17-30.1, section 43-17.1-01, subsection 2 of section 43-17.1-05, section 43-17.1-05.1, subsection 7 of section 43-17.1-06, section 43-17.1-08, subsection 3 of section 43-17.2-01, subsection 3 of section 43-17.2-03, subsection 1 of section 43-17.3-01, subsection 7 of section 43-28-06, subsection 2 of section 43-39-10, subdivision g of subsection 1 of section 43-46-01, paragraph 6 of subdivision a of subsection 1 of section 43-51-01, subsection 2 of section 43-51-11, subsection 3 of section 43-60-01, and section 65-02-21.1 of the North Dakota Century Code, relating to changing the name of the board of medical examiners to the board of medicine.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision d of subsection 2 of section 12-60-24 of the North Dakota Century Code is amended and reenacted as follows:

d. The ~~medical examiners~~North Dakota board of medicine for licenses or disciplinary investigations under section 43-17-07.1, except that criminal history record checks need not be made unless required by the board.

SECTION 2. AMENDMENT. Subsection 1 of section 19-03.1-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. In carrying out its duties under this chapter, the board shall consult with representatives of each of the following interests: North Dakota board of ~~medical examiners~~medicine, board of dental examiners, board of registry in podiatry, board of veterinary medical examiners, board of nursing, the college of pharmacy, and the school of medicine.

SECTION 3. AMENDMENT. Subsection 1 of section 19-03.3-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Board" means the ~~state board of medical examiners~~North Dakota board of medicine.

SECTION 4. AMENDMENT. Subdivision f of subsection 2 of section 19-03.5-07 of the North Dakota Century Code is amended and reenacted as follows:

f. One prescriber selected by the North Dakota board of ~~medical examiners~~medicine;

SECTION 5. AMENDMENT. Section 23-23.1-01 of the North Dakota Century Code is amended and reenacted as follows:

23-23.1-01. Use of laetrile authorized.

No hospital or health facility may interfere with the physician-patient relationship by restricting or forbidding the use of amygdalin when prescribed or administered by a licensed physician and requested by a patient unless the substance as prescribed or administered by the physician is found to

be harmful by the ~~state board of medical examiners~~North Dakota board of medicine in a hearing conducted pursuant to chapter 28-32.

SECTION 6. AMENDMENT. Section 23-23.1-02 of the North Dakota Century Code is amended and reenacted as follows:

23-23.1-02. Disciplinary action for administering or prescribing laetrile subject to finding of harmfulness.

No physician may be subject to disciplinary action by the ~~state board of medical examiners~~North Dakota board of medicine for prescribing or administering amygdalin to a patient under the physician's care who has requested the substance unless the board, in a hearing conducted pursuant to chapter 28-32, has made a formal finding that the substance is harmful.

SECTION 7. AMENDMENT. Section 23-34-03 of the North Dakota Century Code is amended and reenacted as follows:

23-34-03. Peer review records - Privileged - Exceptions.

1. Peer review records are privileged and are not subject to subpoena or discovery or introduction into evidence in any civil or administrative action, except:

   a. Records gathered from an original source that is not a peer review organization;

   b. Testimony from any person as to matters within that person's knowledge, provided the information was not obtained by the person as a result of the person's participation in a professional peer review; or

   c. Peer review records subpoenaed in an investigation conducted by an investigative panel of the North Dakota board of ~~medical examiners~~medicine pursuant to chapter 43-17.1 or subpoenaed in a disciplinary action before the North Dakota board of ~~medical examiners~~medicine pursuant to section 43-17-30.1.

2. Any peer review records provided to an investigative panel of the North Dakota board of ~~medical examiners~~medicine or introduced as evidence in any disciplinary action before the board are confidential and are not subject to subpoena, discovery, or admissibility into evidence in any civil or administrative action, and are not public records subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota.

SECTION 8. AMENDMENT. Section 23-34-04 of the North Dakota Century Code is amended and reenacted as follows:

23-34-04. Peer review organization - Mandatory reports - Penalty.

1. A peer review organization shall report to an investigative panel of the North Dakota board of ~~medical examiners~~medicine any information that indicates a probable violation of subsection 4, 5, 16, or 17 of section 43-17-31.

2. A health care organization is guilty of a class B misdemeanor if its peer review organization fails to make any report required by this section.

SECTION 9. AMENDMENT. Section 25-02-04 of the North Dakota Century Code is amended and reenacted as follows:

25-02-04. Superintendent to possess certain qualifications - Medical director - Employees.

The superintendent of the state hospital must be a skilled health care administrator with professional training and experience relating to the management of facilities for mentally ill and chemically dependent persons and relating to the needs of the mentally ill and chemically dependent

persons. The medical director, who must be a licensed physician and board-certified psychiatrist, shall recommend appointment of all physicians and clinical staff, define their qualifications and duties, and have final authority for the organization and delivery of all medical and clinical services delivered to patients at the state hospital. The state hospital governing body has final approval of all physician and clinical staff appointments to the state hospital. The superintendent shall appoint the medical director in consultation with the supervising officer and with the approval of the governing body. If the superintendent is not a licensed physician and board-certified psychiatrist, the medical director, or a qualified designee of the medical director, shall act as the superintendent's designee in all matters in which the superintendent's opinion on medical or clinical treatment is required by law. Every physician on the professional staff must have a license issued by the ~~state board of medical examiners~~North Dakota board of medicine.

SECTION 10. AMENDMENT. Subsection 1 of section 26.1-14-04 of the North Dakota Century Code is amended and reenacted as follows:

1. The company will be governed by a board of directors consisting of eleven members. The commissioner shall appoint the initial board within thirty days of notification by the ~~state board of medical examiners~~North Dakota board of medicine of its decision for implementation of this chapter from fifteen nominees proposed by that board. The initial board shall serve for an initial term of seven months. Thereafter, the directors must be elected by the members of the company in accordance with the articles of incorporation and bylaws.

SECTION 11. AMENDMENT. Subsection 1 of section 26.1-14-05 of the North Dakota Century Code is amended and reenacted as follows:

1. If physicians practicing medicine within North Dakota find it difficult to obtain medical malpractice insurance, the ~~state board of medical examiners~~North Dakota board of medicine, by a majority vote of its membership, may elect to initiate and implement this chapter. Before fifteen days from the date the election to implement this chapter is made, the board shall certify to the state treasurer a list of all licensed physicians as shown in the latest record of the board.

SECTION 12. AMENDMENT. Subsection 8 of section 26.1-26.4-04 of the North Dakota Century Code is amended and reenacted as follows:

8. Psychologists making utilization review determinations shall have current licenses from the state board of psychologist examiners. Physicians making utilization review determinations shall have current licenses from the ~~state board of medical examiners~~North Dakota board of medicine.

SECTION 13. AMENDMENT. Subsection 1 of section 43-05-02 of the North Dakota Century Code is amended and reenacted as follows:

1. Physicians and surgeons licensed by the ~~state board of medical examiners~~North Dakota board of medicine.

SECTION 14. AMENDMENT. Subsection 1 of section 43-13-13.3 of the North Dakota Century Code is amended and reenacted as follows:

1. An optometrist certified by the board in the use of pharmaceutical agents as provided in this chapter must be held to the same standard of care in the use of such agents as are physicians licensed by the ~~state board of medical examiners~~North Dakota board of medicine.

SECTION 15. AMENDMENT. Section 43-15-25.3 of the North Dakota Century Code is amended and reenacted as follows:

43-15-25.3. Approved laboratory tests.

Approved laboratory tests are the following waived screening tests: glucose monitoring devices (FDA cleared/home use) 9221, cholesterol 1020, HDL cholesterol 2550, triglyceride 6118, and glycosylated hemoglobin (Hgb A1C) 2204. Additional tests may be added to this list as jointly determined by the board and the North Dakota board of ~~medical examiners~~medicine.

SECTION 16. AMENDMENT. Section 43-15-31.4 of the North Dakota Century Code is amended and reenacted as follows:

43-15-31.4. Limited prescriptive practices.

1. A licensed pharmacist in an institutional setting has limited prescriptive practices to initiate or modify drug therapy following diagnosis and initial patient assessment by a licensed physician, under the supervision of the same licensed physician, in accordance with this section. An institutional setting, for the purpose of this section, is a hospital, a physician clinic, a skilled nursing facility, or a swing-bed facility in which a patient's medical records are readily available to the licensed physician and the licensed pharmacist.

2. The licensed physician and the licensed pharmacist shall prepare a collaborative agreement concerning the scope of the pharmacist's prescriptive practices and shall update the agreement at least every two years or when they modify the scope of the pharmacist's prescriptive practices. The collaborative agreement, or an amendment to the agreement, is effective when approved by the North Dakota board of ~~medical examiners~~medicine and the board of pharmacy.

3. The agreement must include a provision that requires the licensed pharmacist to immediately notify the licensed physician when the licensed pharmacist initiates or modifies a drug therapy.

4. The North Dakota board of ~~medical examiners~~medicine and the board of pharmacy shall jointly establish a prescriptive practices committee consisting of two physicians appointed by the North Dakota board of ~~medical examiners~~medicine, one physician appointed by the North Dakota medical association, one pharmacist appointed by the board of pharmacy, and one pharmacist appointed by the North Dakota pharmaceutical association. The prescriptive practices committee shall develop and submit proposed rules concerning the implementation of this section to the North Dakota board of ~~medical examiners~~medicine and the board of pharmacy. Any rules to implement this section must be jointly adopted by the board of ~~medical examiners~~medicine and the board of pharmacy.

SECTION 17. AMENDMENT. Subsection 1 of section 43-17-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Board" means the ~~state board of medical examiners~~North Dakota board of medicine.

SECTION 18. AMENDMENT. Section 43-17-02 of the North Dakota Century Code is amended and reenacted as follows:

43-17-02. Persons exempt from the provisions of chapter.

The provisions of this chapter do not apply to the following:

1. Students of medicine or osteopathy who are continuing their training and performing the duties of a resident in any hospital or institution maintained and operated by the state, an agency of the federal government, or in any residency program accredited by the accreditation council on graduate medical education, provided that the ~~state board of medical examiners~~North Dakota board of medicine may adopt rules relating to the licensure, fees, qualifications, activities, scope of practice, and discipline of such persons.

2. The domestic administration of family remedies.

3. Dentists practicing their profession when properly licensed.

4. Optometrists practicing their profession when properly licensed.

5. The practice of christian science or other religious tenets or religious rules or ceremonies as a form of religious worship, devotion, or healing, if the person administering, making use of, assisting in, or prescribing, such religious worship, devotion, or healing does not prescribe or administer drugs or medicines and does not perform surgical or physical operations, and if the person does not hold out to be a physician or surgeon.

6. Commissioned medical officers of the armed forces of the United States, the United States public health service, and medical officers of the veterans administration of the United States, in the discharge of their official duties, and licensed physicians from other states or territories if called in consultation with a person licensed to practice medicine in this state.

7. Doctors of chiropractic duly licensed to practice in this state pursuant to the statutes regulating such profession.

8. Podiatrists practicing their profession when properly licensed.

9. Any person rendering services as a physician assistant, if such service is rendered under the supervision, control, and responsibility of a licensed physician. However, sections 43-17-02.1 and 43-17-02.2 do apply to physician assistants. The ~~state board of medical examiners~~North Dakota board of medicine shall prescribe rules governing the conduct, licensure, fees, qualifications, discipline, activities, and supervision of physician assistants. Physician assistants may not be authorized to perform any services which must be performed by persons licensed pursuant to chapters 43-12.1, 43-13, 43-15, and 43-28 or services otherwise regulated by licensing laws, notwithstanding the fact that medical doctors need not be licensed specifically to perform the services contemplated under such chapters or licensing laws.

10. A nurse practicing the nurse's profession when properly licensed by the North Dakota board of nursing.

11. A person rendering fluoroscopy services as a radiologic technologist if the service is rendered under the supervision, control, and responsibility of a licensed physician and provided that the ~~state board of medical examiners~~North Dakota board of medicine prescribes rules governing the conduct, permits, fees, qualifications, activities, discipline, and supervision of radiologic technologists who provide those services.

12. A naturopath duly licensed to practice in this state pursuant to the statutes regulating such profession.

SECTION 19. AMENDMENT. Section 43-17-02.2 of the North Dakota Century Code is amended and reenacted as follows:

43-17-02.2. Use of certain words or initials prohibited.

The terms "physician assistant" and "certified physician assistant" and the initials "PA-C" may only be used to identify a person who has been issued a certificate of qualification by the North Dakota board of ~~medical examiners~~medicine. A person who uses those terms or initials as identification without having received a certificate of qualification is engaging in the practice of medicine without a license.

SECTION 20. AMENDMENT. Section 43-17-02.3 of the North Dakota Century Code is amended and reenacted as follows:

43-17-02.3. Practice of medicine or osteopathy by holder of permanent, unrestricted license.

Notwithstanding anything in this chapter to the contrary, any physician who is the holder of a permanent, unrestricted license to practice medicine or osteopathy in any state or territory of the United

States, the District of Columbia, or a province of Canada may practice medicine or osteopathy in this state without first obtaining a license from the ~~state board of medical examiners~~North Dakota board of medicine under one or more of the following circumstances:

1. As a member of an organ harvest team;
2. On board an air ambulance and as a part of its treatment team;
3. To provide one-time consultation or teaching assistance for a period of not more than twenty-four hours; or
4. To provide consultation or teaching assistance previously approved by the board for charitable organizations.

SECTION 21. AMENDMENT. Section 43-17-03 of the North Dakota Century Code is amended and reenacted as follows:

43-17-03. ~~State board of medical examiners~~North Dakota board of medicine - How appointed - Qualifications.

1. The governor shall appoint a ~~state board of medical examiners~~North Dakota board of medicine consisting of thirteen members, nine of whom are doctors of medicine, one of whom is a doctor of osteopathy, one of whom is a physician assistant, and two of whom are designated as public members. If no osteopathic physician is qualified and willing to serve, any qualified physician may be appointed in place of the osteopathic physician.
2. Each physician member must:
   a. Be a practicing physician of integrity and ability.
   b. Be a resident of and duly licensed to practice medicine in this state.
   c. Be a graduate of a medical or osteopathic school of high educational requirements and standing.
   d. Have been engaged in the active practice of the physician's profession within this state for a period of at least five years.
3. Each public member of the board must:
   a. Be a resident of this state.
   b. Be at least twenty-one years of age.
   c. Not be affiliated with any group or profession that provides or regulates health care in any form.
4. The physician assistant member of the board must:
   a. Be a practicing physician assistant of integrity and ability.
   b. Be a resident of and be duly licensed to practice as a physician assistant in this state.
   c. Have been engaged in the active practice as a physician assistant within this state for a period of at least five years.
5. An individual appointed to the board shall qualify by taking the oath required of civil officers.

SECTION 22. AMENDMENT. Section 43-17-05 of the North Dakota Century Code is amended and reenacted as follows:

43-17-05. Removal of members of ~~state board of medical examiners~~North Dakota board of medicine - Reelection.

The governor for good cause shown and upon the recommendation of three-fourths of the members of the North Dakota board of medicine may remove any member of such board for misconduct, incapacity, or neglect of duty.

SECTION 23. AMENDMENT. Section 43-17-07.1 of the North Dakota Century Code is amended and reenacted as follows:

43-17-07.1. Powers of the board of ~~medical examiners~~medicine.

In addition to any other powers, the board may:

1. Employ or contract with one or more organizations or agencies known to provide acceptable examinations for the preparation and scoring of required examinations relating to physician licensure, and employ or contract with one or more organizations or agencies known to provide acceptable examination services for the administration of the required examination.
2. Prescribe the time, place, method, manner, scope, and subject of examination.
3. Impose sanctions, deny licensure, levy fines, or seek appropriate civil or criminal penalties against anyone who violates or attempts to violate examination security, anyone who obtains or attempts to obtain licensure by fraud or deception, and anyone who knowingly assists in that type of activity.
4. Require information on an applicant's or licensee's fitness, qualifications, and previous professional record and performance from recognized data sources, including the federation of state medical boards action data bank, other data repositories, licensing and disciplinary authorities of other jurisdictions, professional education and training institutions, liability insurers, health care institutions, and law enforcement agencies be reported to the board. The board or its investigative panels may require an applicant for licensure or a licensee who is the subject of a disciplinary investigation to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24. All costs associated with the criminal history record check are the responsibility of the licensee or applicant.
5. Require the self-reporting by an applicant or a licensee of any information the board determines may indicate possible deficiencies in practice, performance, fitness, or qualifications.
6. Establish a mechanism for dealing with a licensee who abuses or is dependent upon or addicted to alcohol or other addictive chemical substances, to enter an agreement, at its discretion, with a professional organization whose relevant procedures and techniques it has evaluated and approved for the organization's cooperation or participation.
7. Issue a cease and desist order, obtain a court order, or an injunction to halt unlicensed practice, a violation of this chapter, or a violation of the rules of the board.
8. Issue a conditional, restricted, or otherwise circumscribed license as it determines necessary.

SECTION 24. AMENDMENT. Section 43-17-26.1 of the North Dakota Century Code is amended and reenacted as follows:

43-17-26.1. License renewals - Late fees.

A physician seeking to renew the annual registration who has failed to complete the annual registration process within the time specified by the ~~state board of medical examiners~~North Dakota board of medicine must be assessed a fee equal to three times the normal annual registration fee, in

addition to such other penalties as are authorized by law, if that physician is found to have been practicing medicine in this state after the physician's license expired. A physician who is not found to have been practicing medicine in this state may renew a license upon payment of the arrearage and meeting the other requirements of the board. However, a physician whose license lapsed more than three years before that physician petitioned the board for reinstatement must submit a new application for licensure, whether or not that physician has practiced medicine in this state since the physician's license was last current.

SECTION 25. AMENDMENT. Subsection 7 of section 43-17-30.1 of the North Dakota Century Code is amended and reenacted as follows:

7. Impose fines, not to exceed five thousand dollars for any single disciplinary action. Any fines collected by the ~~state board of medical examiners~~North Dakota board of medicine must be deposited in the state general fund.

SECTION 26. AMENDMENT. Section 43-17.1-01 of the North Dakota Century Code is amended and reenacted as follows:

43-17.1-01. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Board" means the ~~state board of medical examiners~~North Dakota board of medicine.
2. "Physician" means a person engaged in the practice of medicine in this state pursuant to the provisions of chapter 43-17.

SECTION 27. AMENDMENT. Subsection 2 of section 43-17.1-05 of the North Dakota Century Code is amended and reenacted as follows:

2. If the investigative panel determines that a formal hearing should be held to determine whether any licensed physician, physician assistant, or fluoroscopy technologist has committed any of the grounds for disciplinary action provided for by law, it shall inform the respondent physician, physician assistant, or fluoroscopy technologist involved of the specific charges to be considered by serving upon that person a copy of a formal complaint filed with the board ~~of medical examiners~~ for disposition pursuant to the provisions of chapter 28-32. The board members who have served on the investigative panel may not participate in any proceeding before the board relating to said complaint. The complaint must be prosecuted before the board by the attorney general or one of the attorney general's assistants.

SECTION 28. AMENDMENT. Section 43-17.1-05.1 of the North Dakota Century Code is amended and reenacted as follows:

43-17.1-05.1. Reporting requirements.

A physician, a physician assistant, or a fluoroscopy technologist, a health care institution in the state, a state agency, or a law enforcement agency in the state having actual knowledge that a licensed physician, a physician assistant, or a fluoroscopy technologist may have committed any of the grounds for disciplinary action provided by law or by rules adopted by the board shall promptly report that information in writing to the investigative panel of the board. A medical licensee or any institution from which the medical licensee voluntarily resigns or voluntarily limits the licensee's staff privileges shall report that licensee's action to the investigative panel of the board if that action occurs while the licensee is under formal or informal investigation by the institution or a committee of the institution for any reason related to possible medical incompetence, unprofessional conduct, or mental or physical impairment. Upon receiving a report concerning a licensee an investigative panel shall, or on its own motion an investigative panel may, investigate any evidence that appears to show a licensee is or may have committed any of the grounds for disciplinary action provided by law or by rules adopted by the board. A person required to report under this section who makes a report in good faith is not subject to

criminal prosecution or civil liability for making the report. For purposes of any civil proceeding, the good faith of any person who makes a report pursuant to this section is presumed. A physician who obtains information in the course of a physician-patient relationship in which the patient is another physician is not required to report if the treating physician successfully counsels the other physician to limit or withdraw from practice to the extent required by the impairment. A physician who obtains information in the course of a professional peer review pursuant to chapter 23-34 is not required to report pursuant to this section. A physician who does not report information obtained in a professional peer review is not subject to criminal prosecution or civil liability for not making a report. For purposes of this section, a person has actual knowledge if that person acquired the information by personal observation or under circumstances that cause that person to believe there exists a substantial likelihood that the information is correct. An agency or health care institution that violates this section is guilty of a class B misdemeanor. A physician, physician assistant, or fluoroscopy technologist who violates this section is subject to administrative action by the ~~North Dakota state~~ board ~~of medical examiners~~ as specified by law or by administrative rule.

SECTION 29. AMENDMENT. Subsection 7 of section 43-17.1-06 of the North Dakota Century Code is amended and reenacted as follows:

7. File a formal complaint against any licensed physician, physician assistant, or fluoroscopy technologist with the ~~state~~ board ~~of medical examiners~~.

SECTION 30. AMENDMENT. Section 43-17.1-08 of the North Dakota Century Code is amended and reenacted as follows:

43-17.1-08. Communication to investigative panel privileged.

Communications to the investigative panels and their agents are privileged, and no member of the investigative panels nor any of their agents may be compelled to testify with respect thereto in any proceedings except in formal proceedings conducted before the board ~~of medical examiners~~. All records of the investigative panels, except their financial records, are confidential. Notwithstanding the provisions of this section, if an investigative panel determines that the records of the investigative panel disclose a possible violation of state or federal criminal law, the investigative panel may provide the records to the appropriate law enforcement agency.

SECTION 31. AMENDMENT. Subsection 3 of section 43-17.2-01 of the North Dakota Century Code is amended and reenacted as follows:

3. Under the program, loan repayments may be made to a recipient for educational expenses incurred while the recipient was attending an accredited four-year allopathic or osteopathic medical school located in the United States, its possessions, territories, or Canada and approved by the ~~state board of medical examiners~~North Dakota board of medicine or by an accrediting body approved by the board.

SECTION 32. AMENDMENT. Subsection 3 of section 43-17.2-03 of the North Dakota Century Code is amended and reenacted as follows:

3. A physician who receives loan repayment under this chapter:

   a. Must be a graduate of an accredited four-year allopathic or osteopathic medical school located in the United States, its possessions, territories, or Canada and approved by the ~~state board of medical examiners~~North Dakota board of medicine or by an accrediting body approved by the board;

   b. Must have a full and unrestricted license to practice medicine in this state;

   c. Shall submit an application to participate in the loan repayment program; and

d. Must have entered into an agreement with a selected community to provide full-time medical services for a minimum of two years at the selected community if the applicant receives a loan repayment program contract.

SECTION 33. AMENDMENT. Subsection 1 of section 43-17.3-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Board" means the ~~state board of medical examiners~~North Dakota board of medicine.

SECTION 34. AMENDMENT. Subsection 7 of section 43-28-06 of the North Dakota Century Code is amended and reenacted as follows:

7. Enter an agreement with the same professional organization with which the ~~state board of medical examiners~~North Dakota board of medicine has entered an agreement under subsection 6 of section 43-17-07.1.

SECTION 35. AMENDMENT. Subsection 2 of section 43-39-10 of the North Dakota Century Code is amended and reenacted as follows:

2. Nothing in this chapter shall be construed to authorize the practice of medicine by any person. The provisions of this chapter do not apply to physicians licensed by the North Dakota ~~state~~ board of ~~medical examiners~~medicine; to dentists, duly qualified and registered under the laws of this state who confine their practice strictly to dentistry; to licensed optometrists who confine their practice strictly to optometry as defined by law; to licensed chiropractors who confine their practice strictly to chiropractic as defined by law; to occupational therapists who confine their practice to occupational therapy; to nurses who practice nursing only; to duly licensed chiropodists or podiatrists who confine their practice strictly to chiropody or podiatry as defined by law; to registered physical therapists; to massage therapists in their particular sphere of labor; nor to commissioned or contract physicians or physical therapists or physical therapists' assistants in the United States army, navy, air force, marine corps, and public health and marine health service.

SECTION 36. AMENDMENT. Subdivision g of subsection 1 of section 43-46-01 of the North Dakota Century Code is amended and reenacted as follows:

g. The ~~state board of medical examiners~~North Dakota board of medicine;

SECTION 37. AMENDMENT. Paragraph 6 of subdivision a of subsection 1 of section 43-51-01 of the North Dakota Century Code is amended and reenacted as follows:

(6) ~~State board of medical examiners~~North Dakota board of medicine; and

SECTION 38. AMENDMENT. Subsection 2 of section 43-51-11 of the North Dakota Century Code is amended and reenacted as follows:

2. For purposes of this section, the term board includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, ~~state board of medical examiners~~North Dakota board of medicine, and state board of dental examiners.

SECTION 39. AMENDMENT. Subsection 3 of section 43-60-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Board" means the ~~state board of medical examiners~~North Dakota board of medicine.

SECTION 40. AMENDMENT. Section 65-02-21.1 of the North Dakota Century Code is amended and reenacted as follows:

65-02-21.1. Licensure required for psychologists and physicians performing utilization review.

Psychologists making utilization review determinations under sections 65-02-20 and 65-02-21 shall have current licenses from the state board of psychologist examiners. Physicians making utilization review determinations under sections 65-02-20 and 65-02-21 shall have current licenses from the ~~state board of medical examiners~~North Dakota board of medicine. This requirement does not apply to psychologists or physicians conducting independent medical examinations or independent medical reviews under section 65-05-28.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1153.

House Vote:	Yeas 91	Nays 0	Absent 3
Senate Vote:	Yeas 47	Nays 0	Absent 0

Chief Clerk of the House

Received by the Governor at 8:25 A.M. on March 25, 2015.

Approved at 1:18 P.M. on March 26, 2015.

Governor

Filed in this office this 26th day of March, 2015,

at 3:04 o'clock P M.

Secretary of State