

North Dakota Board of Podiatric Medicine
Special Board Meeting
January 19, 2019

Board Members Present: Kevin Koester, DPM, Ashley Evanoff, DPM, Gordon Leingang, DO, Vicki Kunz
Others Present: Stacy Moldenhauer, attorney and JoDee S. Wiedmeier, Executive Director
Absent: Eric Hart, DPM, One Vacancy

Dr. Evanoff served as chairman of the meeting and called the meeting to order at 8:31 a.m. CST.

Roll call was taken. A quorum was found and the meeting proceeded.

The proposed minutes from the January 14, 2019, special board meeting were previously distributed to the board members. Ms. Kunz moved to approve the January 14, 2019, meeting minutes as written. Dr. Leingang seconded the motion. The motion passed by roll call vote. Those in favor: Dr. Evanoff, Ms. Kunz, Dr. Leingang, Dr. Koester. Those opposed: none.

Ms. Wiedmeier and Ms. Moldenhauer reported back to the board regarding the hearings on HB 1253 and SB 2126 and further reported that SB 2127 had been set for hearing on Friday, January 25.

Discussion regarding SB 2306, which had been previously distributed to the members, commenced. This bill appears to be a re-write of 2127. However, this bill provides for an expedited procedure for military spouses to get licensed instead of exempting them from the licensure process as SB 2127 does. Of concern to the board was the fact that Subsection 2, Page 3 is unclear, that no licensure fee can be charged, and that the board would have to amend its application and rules to comply. Ms. Moldenhauer also pointed out Section 5 and 6 on Page 4 & 5 of the bill provide for a legislative study and reporting requirements for the board. It was noted that the board typically issues temporary licenses immediately upon a completion of an application. And, that although not being able to collect a fee is a concern for a small board, the board feels that the number of licenses actually issued under this provision would be very few as to not affect the board's finances to a great extent. Dr. Leingang moved that SB 2306 be monitored. Ms. Kunz seconded. No further discussion was had. Motion passed unanimously by roll call vote. Those in favor: Dr. Evanoff, Ms. Kunz, Dr. Leingang, Dr. Koester. Those opposed: none. Ms. Moldenhauer and Ms. Wiedmeier will monitor this bill and report back to the board if there are substantive changes that would be cause for re-evaluation.

Ms. Moldenhauer introduced HB 1523 which had been previously distributed to the members. Discussion commenced regarding the bill. While this bill may make sense for state agencies that use state allocated funds, it does not make sense for the board. The board's operating funds are received solely from the licensees and applicants. Of further concern is the fact that the board is only allowed to keep one year of operating expenses. At any time there could be a disciplinary action could be of great expense. Further, this provides no mechanism for the board to have its own reserve for unexpected expenses or to pay for projects (i.e. webpage, software, etc.) Ms. Kunz moved that the board oppose HB 1523 and instruct Ms. Moldenhauer and Ms. Wiedmeier to represent the board's interests as indicated in the manner they deem appropriate. Dr. Leingang seconded the motion. No further discussion was had. Motion passed unanimously by roll call vote. Those in favor: Dr. Evanoff, Ms. Kunz, Dr. Leingang, Dr. Koester. Those opposed: none.

HB 1334 and HB 1256, which had been previously distributed to the members, were introduced and discussed. Both of these bills relate to sealing criminal records. HB 1334 provides for sealing the court record of a conviction for DUI automatically if there are no subsequent violations for seven years. It was noted that the board's statutes provide for board to consider convictions for the past five years. Ms. Kunz moved to monitor HB 1334. Dr. Koester seconded. No further discussion was had. Motion passed unanimously by roll call vote. Those in favor: Dr. Evanoff, Ms. Kunz, Dr. Leingang, Dr. Koester. Those opposed: none.

HB 1256 provides that an individual may petition the court to seal a record after three years of no subsequent violations for a misdemeanor and after five years of no subsequent violations for a felony. There is concern with this bill because the board does take into account an applicant's criminal history. It was noted that sealing a record is different than expunging a record, or requiring disclosure of a criminal conviction. It was further noted that the criminal offense may not be used to disqualify an individual from licensure. It was noted that the bill has already been heard in committee with no action taken yet. Ms. Kunz moved that the board oppose HB 1256 and instruct Ms. Moldenhauer and Ms. Wiedmeier to represent the board's interests as indicated in the manner they deem appropriate. Dr. Koester seconded the motion. No further discussion was had. Motion passed unanimously by roll call vote. Those in favor: Dr. Evanoff, Ms. Kunz, Dr. Leingang, Dr. Koester. Those opposed: none.

Ms. Wiedmeier indicated that the process for amending the administrative rules that were adopted at the last regular board meeting has not been started yet. In light of the possibility that additional amendments may be required and that it would be more cost effective for the board to complete the amendment process once instead of twice, she recommends waiting to proceed with the amendment process until it can be re-evaluated after legislative session. Dr. Koester moved that the board delay the process of amending the rules until after this legislative session has concluded. Dr. Leingang seconded. No further discussion was had. Motion passed unanimously by roll call vote. Those in favor: Dr. Evanoff, Ms. Kunz, Dr. Leingang, Dr. Koester. Those opposed: none.

Dr. Evanoff moved to adjourn the meeting. Dr. Koester seconded. The meeting adjourned at 9:30 a.m. CST.

Respectfully Submitted,



Eric Hart, DPM
Secretary/Treasurer

Attest:



Ashley Evanoff, DPM
President