

# NORTH DAKOTA BOARD OF MEDICINE

November 2021 News Blast

## North Dakota Board of Medicine

4204 Boulder Ridge Rd Ste 260

Bismarck, ND 58503

(701) 450-4060

### 2022 Meeting Schedule

January 28, 2022

April 22, 2022

July 29, 2022

October 21, 2022

## A MESSAGE FROM THE CHAIR

At its November meeting, several important issues were discussed by the Board of Medicine, including ways to improve the services of the BOM to its licensees and the citizens of North Dakota. In addition to the regular business (license approvals, case reviews and disciplinary actions) the following issues were discussed and/or approved:

1. Standing Committees - The BOM approved the creation of four standing committees. As the Board business has increased in complexity, we felt that standing committees are important for appropriate evaluation of the issues in certain areas. These committees will allow Board members to review important issues in these areas in greater detail and make recommendations to the full Board for consideration and implementation. Several of the topics discussed at this quarter's BOM meeting have already been assigned with initial review underway to the respective committee. The standing committees and Board members assigned to them are as follows:

Laws/Rules/Legislative (LRL)– Sticca, Quast, Miller

Physician Health Program (PHP) – Armstrong, Houle, Carver

Budget/Audit (BA) – V. Johnson, Metzger, Kemp

Information Technology (IT) – Nagala, M. Johnson, Reich

2. Length of Licensure - The BOM investigated the length of licensure in other states and found that the majority grant licenses for 2 or 3 years. The Board then conducted a survey of our licensees and found that the majority preference was for a 2-year license. After careful consideration of the advantages and disadvantages of the increased length of licensure (currently 1 year), the Board unanimously voted to seek a legislative change to increase the length of licensure to 2 years. The LRL committee will proceed with the actions necessary to implement this change in the North Dakota Century Code.

3. Board information security and updates to current information technology – Due to recent attempts to access Board information and email, the Board voted to conduct a review of the current technology utilized by the Board to determine necessary updates to database and software technology. The IT committee will review a security assessment of its current database, software, and vendors in anticipation of implementing increased levels of security and state of the art database and software programs in the near future.

4. Special Legislative Session – The North Dakota Legislature met for a special session in early November and bills impacting the BOM were reviewed by the LRL committee. The Board would be concerned with any bill attempting to limit its review of actions that could harm patients receiving medical care from North Dakota licensed physicians. One such bill sought to do just that by limiting the Board's ability to perform its required duties with regard to COVID misinformation and off-label prescribing. The Committee opposed the bill with written and verbal testimony. The bill (HB 1514) passed after being amended. Although the bill restricts the Board's ability to review Ivermectin prescriptions for COVID, the Board may still investigate claims of substandard care and harm to a patient. The Board will continue to oppose any legislation that attempts to limit its ability to fulfill its legislative mandate to protect the health, safety, and welfare of the citizens of North Dakota.

5. Year End Statistics – During the 2021 calendar year, the Board reviewed a total of 202 cases which resulted in 17 Letters of Concern and 11 formal disciplinary actions including: 3 involving alcohol related incidents requiring PHP participation; 4 standard of care and/or performance/behavioral concerns requiring CME or other education requirements; 4 cases involving criminal charges resulting in 2 indefinite suspensions, 1 revocation, and 1 restriction on obtaining further licensure.

A full record of Board activities for the recent meeting can be accessed in the minutes of the Board meeting on the BOM website. The Board wishes all its constituents a safe and happy holiday season.

Sincerely, Robert P. Sticca, MD, FACS

## **A LETTER FROM THE NDPHP**

The 2021 Survey of America's Physicians reported that more than 3 out of 5 physicians surveyed experienced symptoms of burnout in the past year. This is a significant increase from two years prior. Certain medical providers are at risk for burnout including female providers and providers earlier in their careers. The potential consequences of untreated burnout include cardiovascular disease, musculoskeletal pain, depressive symptoms, increased substance use and misuse, increased anxiety, job dissatisfaction and absenteeism. It can lead to destructive consequences for medical providers but also for their patients and it is a situation that requires intervention in order to avoid those consequences.

The North Dakota Professional Health Program (NDPHP) was created by the North Dakota Legislature to provide a place where physicians, physician assistants, and medical students could seek help for substance abuse and mental illness without the fear of the North Dakota Board of Medicine (NDBOM) becoming aware of their diagnoses. The NDBOM has changed the language on the licensure application and renewal application so that providers who are working with the NDPHP do not have to report their mental illness or substance use on the application and they can get the help that is needed confidentially. To date, the NDPHP has provided support, assistance and monitoring for dozens of medical providers struggling with substance abuse and mental illness to get the help that they need in order to continue to provide the medical care that the people of North Dakota have come to expect.

Burnout is a significant problem affecting medical providers and this appears to be getting worse with COVID-19. It can lead to problems in all aspects of a medical provider's life including personal and professional lives as well as physical and mental health. It is a serious issue and the NDPHP is here to help. If you are a medical provider and struggling with burnout, mental illness, or substance abuse, please contact the NDPHP at (701) 751-5090. For more information, please visit our website: [North Dakota Professional Health Program \(ndphp.org\)](http://ndphp.org).

Sincerely, Dr. Melissa Henke, Medical Director, and Ann Leiseth, Executive Director

## **THE BOARD WELCOMES NEW MEMBERS**

The Governor appointed two physicians to fill the open terms on the Board. Please join us in welcoming Dr. Robert Kemp and Dr. Mandi Johnson to the North Dakota Board of Medicine. Dr. Kemp is a primary care physician practicing at CHI St. Alexis in Williston, ND. Dr. Johnson spends about 25% of her time practicing family medicine at First Care Health Center in Park River, ND, with the remaining part of her practice with Workforce Safety and Insurance. The Board is grateful to Drs. Kemp and Johnson for volunteering their time and expertise and look forward to working with them.

## **NOVEMBER MEETING HIGHLIGHTS**

At the November 19, 2021, meeting, the North Dakota Board of Medicine approved 112 Physician licenses, 14 Physician Assistant licenses, and 18 Genetic Counselor licenses. 5 Letters of Qualifications for State of Principal Licensure and 105 non-principal licenses were issued through the Interstate Medical Licensing Compact. The Board interviewed three applicants for licensure. The Board received reports from Investigative Panel A and Investigative Panel B regarding the number of complaints reviewed and acted upon. The combined reports showed that a total of 44 cases were reviewed: 3 Confidential Letters of Concern were issued; 7 cases were held over for further review; 1 new case was referred for formal

action; 2 cases involved physicians not licensed in North Dakota so information will be relayed to their respective licensing states; all other cases were dismissed, or no further action taken. The Board issued 1 Order of Completion and 1 Order of Partial Completion for disciplinary cases meeting Order requirements.

The Board reviewed HB 1514 passed during the recent North Dakota Special Legislative Session, that restricts disciplinary action on the sole basis of prescribing Ivermectin for COVID; however, discipline may still be taken for standard of care issues, inappropriate documentation, or other harm to the patient. The Board discussed its duty under the law to protect the health, safety, and welfare of the citizens of North Dakota and to that end, will continue to review standard of care complaints and concerns to verify optimal health care is being provided to the patients. The Board will also be reviewing its laws before the upcoming legislative session.

## **NEWS**

### **Physician CME Audit 2022**

2022 is an audit year for physician CME requirements. You will be contacted by the Board office if you are selected in the random audit to submit CME verification and requirements. As a reminder, the law requires 60 AMA/AOA Category 1 CME hours every three years. For those licensed for more than one year but less than two years, 20 hours is required and those licensed more than two years but less than three years, 40 hours is required. Please be sure that your contact information is up to date so you are sure to receive this official correspondence. To change your address and other contact information, visit the Board's website: [www.ndbom.org](http://www.ndbom.org) – and under Quicklinks – access “Change of Address.”

### **Medicaid requires PDMP checks**

A new federal law went into effect on October 1, 2021, which requires all health care providers to check the PDMP for a Medicaid enrollee's prescription drug history before prescribing controlled substances to the enrollee. If you have any questions regarding the new requirements or regulations, please contact Brendan Joyce at the North Dakota Department of Human Services ([bjoyce@nd.gov](mailto:bjoyce@nd.gov)).

### **2021-2022 N.D. Health Care Professional Loan Repayment Program**

The North Dakota Primary Care Office announces the opening of the 2021-2022 North Dakota Health Care Professional Loan Repayment Program cycle. The application and new website are now live and can be accessed through the following: <https://www.health.nd.gov/nd-communities/primary-care-office>. Please visit the website for more information and contact information for any questions.

### **A Continued Thank-You to our Licensees**

We again want to provide our continued support and thanks to all practitioners for your tireless work and expertise in treating patients with COVID-19 and combating this virus.

## **INFORMATIONAL LINKS:**

### **CDC's Clinical Pocket Guide to Tapering Opioids:**

[https://www.cdc.gov/drugoverdose/pdf/clinical\\_pocket\\_guide\\_tapering-a.pdf](https://www.cdc.gov/drugoverdose/pdf/clinical_pocket_guide_tapering-a.pdf)

### **Interstate Medical Licensing Compact:**

<https://www.imlcc.org>

### **FBI Informaiton on Wire Fraud Scheme against Health Care providers:**

<https://files.constantcontact.com/4487d704801/038c165a-5863-4b69-8630-b461754c7cc7.pdf>

**FSMB Stem Cell Workgroup Report:**

<https://www.fsmb.org/siteassets/advocacy/policies/fsmb-stem-cell-workgroup-report.pdf>

**ND DHS updates to Child Abuse and Neglect hotline and reporting:**

<http://www.nd.gov/dhs/services/childfamily/cps/>