

# NORTH DAKOTA BOARD OF MEDICINE

April 2023 News Blast

## North Dakota Board of Medicine

4204 Boulder Ridge Rd Ste 260

Bismarck, ND 58503

(701) 450-4060

[2023 Meeting Schedule](#)

January 27, 2023

April 28, 2023

July 28, 2023

October 27, 2023

## A MESSAGE FROM THE CHAIR

The April Board of Medicine meeting was held in person in Bismarck, and it was a nice opportunity for new Board appointees to meet all of the other members in person, rather than in a virtual format. The meeting coincided with the end of the North Dakota legislative session and the final decisions on many proposed legislative changes in our state are now on record. Our Executive Director - Sandra DePountis, JD - has summarized the key legislation of interest to the Board of Medicine licensees below. At the risk of being redundant, I would like to emphasize some of the beneficial provisions in this newly adopted legislation. Beginning August 1, 2023, **all Board of Medicine licensees will now be licensed for 2 Years**, instead of the previous annual license. This will save each licensee time and effort every other year and will bring our Board in concordance with the majority of other medical boards in the country. **Guidelines for foreign medical graduates and uniquely qualified physicians were adjusted** to allow the Board additional flexibility in licensing physicians, which should improve recruitment and retention of physicians to our state. **Two new Board positions were approved**, an additional physician assistant and a naturopathic physician. The Board composition when this legislation is enacted (August 1, 2023), will be ten physicians (at least one who must be a DO), two physician assistants, two public members, and one naturopathic

physician, for a total of fifteen members on the Board. This Board composition will work very well with the Board's two disciplinary panels and our four standing committees. Other provisions of the newly enacted legislation are listed below by Sandy or can be found on the North Dakota Legislative website.

The week after the April board meeting, the Federation of State Medical Boards meeting was held in Minneapolis. This organization, of which our Board is a member, works to develop guidelines and policies for individual state medical boards in the US and its territories. The ND BOM was well represented at this meeting with three board members (myself, Dr. Rup Nagala and Dr. Zena Homan), our Executive Director Sandy, and our Deputy Executive Director Lynette McDonald in attendance. Several important issues in medical regulation were presented, including opioid dependence and regulation, sexual misconduct in health care providers, and professional health programs. ND Board representatives derived much useful information from this conference which will keep our Board current with state of the art medical regulatory practices and standards.

The Board's next meeting will be held in July as a virtual meeting. Now that spring has finally arrived, the Board wishes all a safe and happy summer.

Best Regards,

Robert P. Sticca, MD, FACS, FSSO

Chair, North Dakota Board of Medicine

## 2023 LEGISLATIVE HIGHLIGHTS

As the 2023 Legislative Session ends, the Board would like to provide the following updates on several law changes that will affect physician and physician assistant licensure, which will go into effect August 1, 2023.

### SB 2115

The Board of Medicine proposed numerous updates and changes to the licensing and disciplinary laws under SB 2115. Please be aware of the following updates for SB 2115.

#### For Physicians:

- **Foreign Medical Graduates:** N.D.C.C. 43-17-18(3) changed the qualification of foreign medical graduates from 30 months postgraduate training to 24 months, in accordance with the majority of jurisdictions in the nation.
- **Uniquely Qualified License.** N.D.C.C. 43-17-18(4) codifies the “uniquely qualified license” which was previously just set forth in administrative rule to now be in the Century Code. The law allows the Board to waive technical eligibility requirements for those who are uniquely qualified through training or experience or will make a unique or special contribution to the practice of medicine not readily available to the citizens of North Dakota under parameters set by the Board.
- **CME.** N.D.C.C. 43-17-27.1 provides a penalty for failure to abide by continuing education requirements. A new provision of this subsection though allows the Board to accept current national board certification in lieu of CME hours.
- **Discipline.** N.D.C.C. 43-17-31(1)(d) updates grounds for discipline for alcohol or drug use – allowing discipline if the use is to such a degree as to interfere with a licensee’s ability to safely practice medicine.
- **IMLC Licensees.** N.D.C.C. 43-17-46 provides a penalty for licensees issued through the IMLC for those individuals who fail to fill out the addendum questionnaire.

#### For Physician Assistants:

- **Board membership.** A physician assistant position is being added to the Board – so that there will be a total of two PAs on the Board of Medicine. For those wishing to apply for this position, please fill out an application with the Governor’s Office: [ND Governor's Office - Application for Appointment](#)

#### For all licensees:

- **Licensee Terms.** Licenses will move to a two-year license beginning for all new licenses and renewals starting August 1, 2023. The fee will therefore move from \$200 for the one year license, to \$400 for the two year license.
- **Telemedicine.** N.D.C.C. 43-17-02.3. An update will allow for the Board to adopt, via administrative rule, exceptions to the general rule for needing a ND license for treatment of patients in ND for telemedicine work. The Board will be reviewing FSMB’s new Model Policy for Appropriate Use of Telemedicine Technologies in the Practice of Medicine to review and implement such changes. [FSMB Policy on Telemedicine - April 2022](#) These exceptions will be codified in the administrative code at a later date.
- **Contact Info.** N.D.C.C. 43-17-24 will require ALL licensees to maintain appropriate contact information with the Board office. Failure to do so may result in a fee of \$100 and potential disciplinary action.
- **Record Retention.** N.D.C.C. 43-17-27.2 sets forth a record retention schedule. Licensees must maintain medical records, unless otherwise appropriately transferred to another licensee or entity, for at least seven years. In

addition, the Board will move forward with adopting administrative rules to address transfer of records for situations in which a practice is sold, a licensee leaves practice, or upon licensee death, incapacity, or retirement.

- **Reporting Requirements.** N.D.C.C. 43-17.1-05.1 updates and clarifies when and what a licensee must report to the Board, including that licensees must report within 30 days:
  - Having actual knowledge that a licensee committed any grounds for discipline;
  - Citation, charge, arrest, or conviction of any offense other than minor traffic citations;
  - Malpractice judgment or settlement;
  - Discipline by another licensing board, agency, or professional association;
  - Actions affecting or limiting privileges or credentials;
  - A health care facility restriction of privileges for practice concerns or discipline relating to clinical competence including limitations, restrictions, suspensions, revocation, relinquishment, or nonrenewal to avoid investigation; or
  - Any condition that impairs ability to safely practice.

### SB 2221

SB 2221 was also passed into law affecting naturopathic practice in North Dakota. The Bill attempts to strike a balance with allowing naturopaths to aid in providing needed health care services appropriate under their education and training, while also protecting the public. As such, SB 2221 provides the following:

- Naturopathic Doctors will move from being under the jurisdiction of the Board of Integrative Health to the North Dakota Board of Medicine. As such, a licensed naturopath will join the Board as a member, appointed by the Governor.
- Naturopaths will be provided prescription authority under a formulary adopted by the Board of Medicine for certain legend drugs and testosterone. The Board will be working with the naturopaths to implement this formulary in the coming months.
- Naturopaths who wish to prescribe will first need to obtain an endorsement that will require review of prescriptions for the first year or first 100 prescriptions by a licensed physician.



State of North Dakota  
Office of the Governor  
Doug Burgum  
Governor

*Doug Burgum*

Numerous constituents and legislators, along with the Governor of North Dakota, expressed their gratitude to the Board of Medicine for collaborating with the naturopaths to reach a consensus on the terms of naturopathic prescribing in North Dakota. The Board welcomes Naturopathic Doctors to its jurisdiction and looks forward to future collaborations.

## North Dakota Board of Medicine receives WellBeing First Championship Certification

We are proud to share that the North Dakota Board of Medicine has been named a 2023 WellBeing First Champion by ALL IN: WellBeing First for Healthcare! This annual distinction means that our licensure applications are free from intrusive and stigmatizing language around mental health care and treatment. We have taken this step to ensure that our workforce can seek needed care without fear of losing their license or job.

This accomplishment has been independently verified by ALL IN: WellBeing First for Healthcare, a national coalition of leading health care organizations that works to eliminate barriers for health workers to obtain needed mental health care. “Across the country, health workers are at an increased risk for burnout and mental health challenges.” said Corey Feist, co-founder of ALL IN and president of the Dr. Lorna Breen Heroes’ Foundation. “Many health workers feel they cannot speak up about their mental health [without] being criticized by colleagues or losing their jobs. Today, physicians and nurses die by suicide at two times the rate of the general population. We as a nation must better protect these lives, and I applaud our WellBeing First Champions for their leadership to support the well-being of health workers.”

The North Dakota Board of Medicine recognizes that supporting and protecting the mental health of our workers is paramount to their well-being and to the well-being of our entire community. We encourage you to share this information with your colleagues, so they know that it is safe to seek mental health care and that we support you. We also encourage all those who seek assistance for mental and behavioral health along with substance and alcohol abuse concerns and issues to reach out the North Dakota Professional Health Program: [www.ndphp.org](http://www.ndphp.org).



## APRIL MEETING HIGHLIGHTS

At the April 28, 2023, meeting, the North Dakota Board of Medicine approved 114 Physician licenses, 10 Physician Assistant licenses, and 21 Genetic Counselor licenses. Fourteen (14) Letters of Qualifications for State of Principal Licensure and 219 non-principal licenses were issued through the Interstate Medical Licensing Compact. The Board interviewed 6 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: 7 Confidential Letters of Concern were authorized; 3 cases were held over for further review; 1 formal evaluation was sought, and all other cases were dismissed, or no further action taken.

The Board received updates from its respective committees. The LRL Committee provided an update on bills affecting the Board of Medicine during the 2023 legislative session and the PHP Committee provided an update on policies and procedures and further collaboration with the North Dakota Professional Health Program. The NDBOM and NDPHP’s contract was discussed as it expires June 1, 2023, and a three-month extension was authorized as the respective entities move forward with negotiations on a new and updated contract.

The Board unanimously appointed Dr. Catherine Houle as the next chair for the Board of Medicine. Dr. Houle practices family medicine at West River Health Clinic in Hettinger, ND, and has been with the Board of Medicine since 2017 and has chaired Investigatory Panel B for the past two years.

### **DR. ROBERT STICCA RECEIVES FSMB LEADERSHIP AWARD FOR 2023**

It is with great honor to announce that Board Chair – Dr. Robert Sticca – received the FSMB’s prestigious Leadership Award at the FSMB annual conference held in Minneapolis. The Leadership Award is one of three annual awards provided by the FSMB and is given to an individual in recognition of outstanding and exemplary leadership, commitment, and contribution in advancing the public good at the medical board level. Dr. Sticca was chosen out of many outstanding candidates for his work as chair during the past two years, moving the Board of Medicine forward with numerous updates to its technology and its licensure process. This is the first time anyone from North Dakota has received one of the annual awards from the FSMB. Please join me in wishing Dr. Sticca a hearty congratulations!



### **BOARD OF MEDICINE VACANCIES FOR 2023**

The North Dakota Board of Medicine is seeking qualified individuals to serve on the Board. There are several positions opening on July 31, 2023, including two physician positions, one physician assistant, and two public member positions. The physician member must hold an active North Dakota license and have practiced in the state for at least five years. The term of office for each member of the Board is four years and a Board member may serve no more than two successive terms.

The Board encourages those with specialty areas, such as surgical or radiology experience, to apply, along with those serving in rural areas of the state. The public member must be a resident of the State and may not be affiliated with any group or profession that provides or regulates health care.

Members should expect to devote time to the Board in order to be a proactive member. The Board holds quarterly meetings in January, April, July, and October. Two meetings are virtual and two are in person. Members serve on an investigatory panel which meets the Thursday before the Board meeting and usually lasts 2-3 hours. Due to the high volume of cases reviewed by the Panels, members should expect 8-10 hours to devote to preparing for the Panel meetings. Board meetings are held the following Friday morning and usually last about 4 hours. Members can expect 4-6 hours of preparation for regular Board meetings. Members are also asked to serve on one standing committee of the Board – which meet between 2-5 times a year, normally for an hour. If you have inquiries or requests for additional information, please contact the Board’s Executive Director, Sandra DePountis, [sdepountis@ndbom.org](mailto:sdepountis@ndbom.org).

To apply for appointment, please fill out the application on the Governor’s website:

<https://apps.nd.gov/gov/boards/Application/PersonalInfo>

## SEEKING QUALIFIED INDIVIDUALS TO SERVE ON VARIOUS ND LICENSING BOARDS

North Dakota Medial Imaging and Radiation Therapy Board (NDMIRT) is seeking a qualified **Rural Physician** to serve on its licensing board. The NDMIRT has two regular meetings per year and special meetings are convened only as needed, these are generally held over the lunch hour and are brief. Term length is set by the Governor's office, generally 4 years. Individuals must have a ND medical license in good-standing and be actively practicing. If you have inquiries or requests for additional information, please contact the Board's Executive Director, Shirley Porter, [execdirector@ndmirtboard.com](mailto:execdirector@ndmirtboard.com).

The North Dakota Board of Cosmetology is also seeking a licensed healthcare provider to serve on its licensing board. The NDBOC holds monthly meetings at 9:30 a.m. Term appointments are for 3 years with no limitation on reappointment. For more information on the Board's responsibilities, please visit [www.ndcosmetology.com](http://www.ndcosmetology.com).

To apply for the above positions, please fill out an application on the Governor's website:

<https://apps.nd.gov/gov/boards/Application/PersonalInfo>

## NEWS

### Scam Calls Targeting Licensees

The Board is aware of numerous scam calls to licensees posing as law enforcement officers, agents of the Federal Bureau of Investigation (FBI) and U.S. Drug Enforcement Administration (DEA), or Board staff. The scammers attempt a myriad of tactics in an attempt to extort money from licensees. For example, scammers, posing as law enforcement will attempt to say there is a warrant for your arrest. Scammers posing as DEA agents or Board staff attempt to say that your license or authority to prescribe controlled substances is suspended. The scammers then provide an "Agreement" that if a bond of \$25,000.00 is paid, the license would be reinstated.

The scammers' phone number may show up as the Board's number (701) 450-4060, or, if posing as law enforcement, they may impersonate actual law enforcement officers using their real names.

Please note, law enforcement officers, DEA agents, and Board staff will never contact licensees by telephone to demand money or any other form of payment. If you receive one of these calls, refuse the demand for payment, and hang up. If the caller insists that they speak with you, tell them you will call them back directly. Do not call back a different number provided by the scammers, instead, call the Board office directly at (701) 450-4060.

If the caller is stating they are from the DEA, consider reporting the threat using the [DEA's Extortion Scam Online Reporting form](#).

If the phone number of the caller appears to be the Board's number, you may submit an online complaint with the Federal Communications Commission (FCC) using the [FCC's Consumer Complaint form](#).

### Refer a Child to with Make-A-Wish® North Dakota

At Make-A-Wish North Dakota, we create life changing wishes for children ages 2 ½ to 18 years old who have a critical illness that puts their life in jeopardy. Medical professionals are one of our main referral sources to connect children with their wish come true. If you know a child with a critical illness, we invite you to refer them today by visiting [md.wish.org](http://md.wish.org). In addition to our referral form, you will also find our medical guidance sheets regarding eligibility within sub-specialty departments. Thank you!



## DEA Removes Waiver Requirement to Prescribe Buprenorphine

The Consolidated Appropriations Act of 2023 was signed by Congress on December 29, 2022, removing the federal requirement for practitioners to submit a Notice of Intent (have a waiver) to prescribe medications, such as buprenorphine, for the treatment of opioid use disorder (OUD). Instead, all prescriptions for buprenorphine only require a standard DEA registration number. The Act also introduced new training requirements for all prescribers which will go into effect June 21, 2023. Additional information on these requirements will soon be available from the DEA. For more information, please visit [SAMHSA - Substance Abuse and Mental Health Services Administration](#).

## CDC: Updated Guidelines for Prescribing Opioids for Pain

The Centers for Disease Control and Prevention (CDC) recently released updated and expanded recommendations for clinicians providing pain care for adult outpatients with short and long-term pain – replacing the guidelines released in 2016. The recommendations are intended to help clinicians work with their patients to ensure the safest and most effective pain care is provided by improving communication and empowering patients to make informed decisions. The Guidelines address determining whether to initiate opioids for pain, selecting opioids and determining opioid dosages, deciding duration of initial opioid prescription and conducting follow-ups, and assessing risk and addressing potential harms of opioid use. The updated guidelines are found on the CDC website: [CDC Clinical Practice Guideline for Prescribing Opioids for Pain](#).

## 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)).

## NDBOM Collaboration with ACCME

Physicians can now have CME providers report CME credit for North Dakota licensees directly to the ACCME Program and Activity Reporting System (PARS). All that is required of physicians is to request your CME provider to report your attendance. A report is then submitted to the Board certifying attendance. This will streamline CME audits, allowing physicians to utilize the ACCME database instead of self-reporting individual CME during an audit. Physicians may also create their own account at the ACCME's CME Passport: <https://www.cmepassport.org> which will allow you to find available CME, track what CME credits have been reported by providers, and generate a transcript of your credit that can be sent directly to the Board. To learn more, please access the ACCME website at <https://www.accme.org/state-medical-licensing-boards-collaboration>. For more information on the CME Passport, please access: <https://accme.org/about-cmepassport>.

## INFORMATIONAL LINKS:

### **CDC's Clinical Practice Guidelines for Prescribing Opioids 2022:**

<https://www.cdc.gov/media/releases/2022/p1103-Prescribing-Opioids.html>

### **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>

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

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