

NORTH DAKOTA BOARD OF MEDICINE

January 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

As with many other groups in our state, the past few months have been very busy for the North Dakota Board of Medicine due to the current session of the North Dakota Legislature. In addition to the regular business the BOM conducted at the January 27th meeting, the Board discussed and voted on several bills currently before the legislature that could impact Board functions. These are summarized below in the January Meeting Highlights section. In conjunction with our legal counsel, the Board's LRL (Laws, Rules and Legislation) Standing Committee met multiple times and conducted detailed examinations of these bills prior to presenting and providing recommended positions to the full Board. The Board's Executive Director – Sandra DePountis – provides tireless and dedicated work during the legislative session, which is extremely helpful for the Board, enabling us to make informed decisions. Her work involves thorough legal and legislative analysis of the proposed bills and their impact on the BOM. In addition, it also involves numerous meetings with legislators to provide education and information on the impact bills will have on the profession, and working with them to develop amendments that will better serve Board licensees and the citizens in our state. Much appreciation and gratitude are owed to Sandy for her excellent work in representing the interests of the BOM and its

constituents with the North Dakota Legislature.

The BOM voted to support Senate Bill 2221 – relating to the scope of practice of naturopathic doctors, that I feel deserves a more detailed explanation to the members of the health care professions within our state. Naturopathic Doctors (also referred to as NDs) have been licensed in our state since 2011 and are currently under the jurisdiction of the Board of Integrative Health. The relationship of NDs with the BOM has been somewhat contentious for numerous legislative sessions, primarily due to previous proposed legislation that would allow NDs to prescribe controlled substances and legend (prescription) drugs. The BOM (and several other entities) opposed that legislation because it did not feel that ND training and education was adequate for the NDs to fully understand and recognize all of the side effects, interactions, and complications associated with prescribing these broad range of drugs. It was felt the ND's ability to prescribe without the proper oversight and training would put the healthcare of the public at risk and was contrary to the primary mission of the BOM, which is to protect the public with regard to healthcare issues.

In view of the recent history of naturopathic legislation, and at the recommendation of members of the legislature including Senator Michael Dwyer and Representative Karen Rohr, the BOM took a different approach to this request for the current legislative session. Instead of outright opposition, the BOM met with several licensed NDs to learn more about their education, training, and reasons for the request to prescribe drugs. These meetings were very fruitful and the BOM was able to develop a collaborative relationship with the naturopaths of which the basic tenets have been brought forth in SB 2221. The principal components of SB 2221 include: NDs would move under the jurisdiction of the BOM rather than the Board of Integrative Health; NDs would not be able to prescribe any controlled substances, except testosterone, but

would only be able to prescribe legend drugs pursuant to a formulary adopted by the BOM; and the ND must be supervised by a physician for a period of time before they can prescribe independently. If approved, this bill will fulfill the obligations and requests of both the BOM and NDs and allow the citizens of North Dakota access to the full spectrum of healthcare options.

The BOM learned a lot about naturopathic medicine which I am not sure many traditional healthcare providers are aware of (certainly I was not). Some basic facts of naturopathic medicine and training are as follows:

1. The AANMC (American Association of Naturopathic Medical Colleges) describes naturopathic medicine as a distinct health care profession that combines the *wisdom of nature with the rigors of modern science*. Naturopathic doctors (NDs) are trained as primary care providers who diagnose, treat, and manage patients with acute and chronic conditions, while addressing disease and dysfunction at the level of body, mind, and spirit.
2. There is a difference between naturopathic doctors and traditional naturopaths. Naturopathic doctors have training that requires a 4-year undergraduate degree with medical prerequisites, and a 4-year degree from an accredited naturopathic school. They may do additional training as a resident or in a professional shadow partnership (not required in some states but becoming more common). Traditional naturopaths do not have standardized training, are not professionally certified, and are not regulated in many states. In North Dakota only naturopathic doctors are licensed and are the subjects of the current bill (SB 2221).
3. Naturopathic doctors have 6 core principles (Do no harm, Identify and treat the causes, Treat the whole person, The healing power of nature, The physician as a teacher, Prevention) and upon graduation take the Naturopathic Doctors Oath which has many similarities to the Hippocratic Oath. The core principles require naturopathic doctors to refer when the patient's presentation is outside their scope or level of skill.
4. The AANMC currently lists 7 accredited naturopathic schools in North America, 5 in the US and 2 in Canada. The naturopathic school curriculum has similarities to current allopathic and osteopathic curriculums with courses in anatomy, physiology, pharmacology, biochemistry, most major organ systems and medical specialties as well as courses in nutrition, lifestyle counseling, cultural competence, and botanical medicine.
5. Naturopathic doctors are required to pass a two-step standardized licensing examination (NPLEX) which is administered by the North American Board of Naturopathic Examiners (NABNE).
6. Naturopathic residencies have a matching process similar to the allopathic and osteopathic match for residency positions.
7. Many allopathic and osteopathic medical schools now include information on naturopathic type treatments.

Additional information on naturopathic education and training can be accessed on the AANMC website.

The BOM believes that the collaborative relationship with licensed naturopathic doctors as put forth in SB 2221, is the best plan for the licensing and regulation of naturopathic practice in our state. This should ensure the safety of the public while offering additional healthcare options to North Dakota citizens.

Robert P. Sticca, MD, FACS, FSSO

Chair, North Dakota Board of Medicine

JANUARY MEETING HIGHLIGHTS

At the January 27, 2023, meeting, the North Dakota Board of Medicine approved 95 Physician licenses, 11 Physician Assistant licenses, and 16 Genetic Counselor licenses. 14 Letters of Qualifications for State of Principal Licensure and 176 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 48 cases were reviewed: 3 Stipulations for discipline were approved; 7 Confidential Letters of Concern were authorized; 2 cases were held over for further review; and all other cases were dismissed or no further action taken. During the meeting, the Board issued Orders for disciplinary action on 3 licenses, issued 2 Orders of Completion, and approved 2 petitions for eligibility and practice.

The Board received updates from its respective committees. The PHP committee discussed new proposed policies and procedures regarding PHP operations. The Budget committee provided an overview of the Board's 2021 audit noting no concerns and the Board approved its 2023 budget.

The LRL committee provided an update on bills submitted affecting the Board of Medicine during the 2023 legislative session. Based on that overview, the Board will be opposing the following:

- Senate Bills 2249 and 2337 which would remove the designated and dedicated Board office staff and instead move all administrative services into one office with 47 other licensing Boards into the Department of Labor or Office of Management and Budget. The Committee discussed how the staff has the training and expertise to efficiently and competently process applications and investigate complaints. To move this into an office with all other licensing boards would remove that institutional knowledge, and experienced staff serving the Board of Medicine.
- SB 2296 which would remove the Boards authority to issue final decisions on discipline and instead place such power with an Administrative Law Judge (ALJ). The bill also would prevent the ALJ from giving deference to the Board's interpretation of its own law and interfere with the ALJ's ability to view evidence impartially. Based on previous cases and the Supreme Court recognition that Boards, such as the Board of Medicine, have the expertise and experience to appropriately decide these technical cases, the Board opposed the bill.
- SB 2184 attempts to have uniform laws between all Boards – thereby removing the ability of the Board to move to the two-year licensure system, among other things. The Board is working on amendments for this bill with the Bill sponsor and other regulatory/licensing boards.

The Hospital Association proposed amendments to the Board's bill – SB 2115 – specifically in section 31 regarding reporting requirements – seeking clarification. The Board reviewed the Hospital Association's requests and passed a motion to adopt the proposed amendments. The Bill was heard by the Senate Workforce Development Committee on February 3, 2023.

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 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 last 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. Inquiries or requests for additional information please contact the Board's Executive Director, Sandra DePountis, 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 Medical 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. Inquiries or requests of additional information please contact the Board's Executive Director, Shirley Porter, 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.

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

<https://apps.nd.gov/go/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, 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 1/2 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. In addition to our referral form, you will also find our medical guidance sheets regarding eligibility within sub-specialty departments. Thank you!

CDC Guidance on Monkeypox

The FSMB, along with the CDC and AAMC, has asked all state medical boards to share the following guidance on the latest information and resources to plan and prepare for monkeypox virus outbreaks.

<https://www.fsmb.org/siteassets/communications/aamccdcmonkeypoxresourceguide061322-final.pdf>

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>.

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).

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/>