



January 2024 News Blast

North Dakota Board of Medicine

4204 Boulder Ridge Rd Ste 260

Bismarck, ND 58503

(701) 450-4060

2024 Meeting Schedule

January 26, 2024

April 26, 2024

July 26, 2024

October 25, 2024

A MESSAGE FROM THE CHAIR

Happy New Year and Happy Valentine's Day!

The Board of Medicine met virtually for its quarterly meeting on January 26, 2024. A summary of the meeting can be found in the Meeting Highlights below, but a few things to note.

The Board met the new executive director of the North Dakota Professional Health Program (NDPHP), Brittany Hanson, BSN, RN. We look forward to working with Ms. Hanson, Dr. Henke and the NDPHP Board of Directors going forward. The Board of Medicine approved an extension to its current contract with the NDPHP. This will allow the NDPHP to continue serving our licensees and the UND medical students.

As you may be aware, the Board of Medicine also licenses genetic counselors for the state. As part of our statutory obligation, we are in the process of recruiting interested parties to serve on a Genetic Counselor Advisory Committee. The field of genetics has changed rapidly over the last

few years, and we look forward to input from various stakeholders for this committee. Please see below for further information on serving on the advisory committee and reach out to the Board's Executive Director - Sandra DePountis - if you have interest in serving or know of someone who might be helpful to the committee. The Committee meetings will be open to the public and noticed in compliance with open meeting laws so even if you do not want to serve, we urge interested individuals to collaborate with the Committee.

During the time I have spent on the Board of Medicine, there has occasionally been pushback about disciplinary action. Please remember that the Board of Medicine is mandated by the ND Legislature, through the North Dakota Century Code, to protect the safety of the public by verifying only competent and qualified licensees are providing health care services. The Board must also provide due process to anyone who comes before the Board for discipline. This means that the Board must investigate complaints that come from a variety of sources including the public, provider employers, law enforcement, etc. Fortunately, most of the complaints that come before the Board require no action and are dismissed. However, certain actions and behaviors do rise to the level of discipline under North Dakota Century Code section 43-17-31. The Board does not take disciplinary action against licensees lightly. Blame directed at the Board for consequences

of discipline is misplaced. If an action by the Board of Medicine in some way hinders the ability of a licensee to practice – responsibility for the hinderance lies with that individual. This is the long way of saying that as providers, we are held to certain standards of behavior and care for our patients – and we are responsible for our own actions. Failure to meet those standards will, under North Dakota law, result in consequences.

Remember that the NDPHP exists to assist the licensees of the Board and the medical students at the University of North Dakota. If a provider or student is experiencing difficulties related to substance use, behavioral health, burnout, or other similar concerns, we urge you to make contact with the NDPHP. Their [website](#) is easy to navigate and any voluntary contact with them remains confidential as long as there is not an immediate concern about safety to practice. Reaching out to the NDPHP could help keep a good provider practicing while keeping their patients safe.

The next meeting of the Board of Medicine will be in Bismarck on April 26, 2024. Looking forward to spring after this strange January!

Best Regards, Catherine Houle, MD
Chair, North Dakota Board of Medicine

JANUARY MEETING HIGHLIGHTS

At the January 26, 2024, meeting, the North Dakota Board of Medicine approved 90 Physician licenses which included five licenses granted after interviews, 2 Resident Physician licenses, 22 Physician Assistant licenses, and 8 Genetic Counselor licenses. Twelve (12) Letters of Qualification for State of Principal Licensure and 172 non-principal licenses were issued through the Interstate Medical Licensing Compact.

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 38 cases were reviewed: 1 recommended Findings of Facts, Conclusions of Law, and Order from an Administrative Law Judge to revoke a license was approved, 1 license was indefinitely suspended, 1 case was referred for formal disciplinary action; 1 Confidential Letter of Concern was authorized; 5 cases were held over for further review; and all other cases were dismissed, or no further action taken.

The Board took disciplinary action against two physicians – one revocation of a license while adopting proposed Findings of Fact, Conclusions of Law, and Order issued by an Administrative Law Judge. The other was an indefinite suspension of a license after termination of clinical privileges citing safety to practice concerns. Both cases can be found on the Board's website under Recent Board Orders.

The Board received updates from its respective committees. The Finance Committee provided an overview of the Board's most recent audit of 2022 with no concerns. The Board's 2024 Budget was also reviewed and approved. The PHP Committee presented an addendum to renew the contract between the NDPHP and the NDBOM, which was set to expire at the end of February. The addendum approved by the Board renewed the contract to the end of the year, outlined how financing should be allocated for non-NDBOM participants, and clarified that NDBOM funds can be used for education.

The Board also approved the appointment for a Genetic Counselor Advisory Committee as outlined in North Dakota Century Code 43-60-08. The Committee will be tasked with reviewing the laws and rules applicable to Genetic Counselors. For more information, see below.

A MESSAGE FROM THE NDPHP

Physician Impairment: Substance Use Disorder (SUD).

Physician impairment, specifically referred to as the *inability to practice medicine with reasonable skill and safety due to an illness or other health condition*, is particularly dangerous because of the safety-sensitive nature of the profession.

The prevalence of mental illness, burnout, and substance use disorder (SUD) in physicians is high, with a lifetime prevalence of 8% to 15%. However, the presence of illness or other health condition(s) does not in itself constitute impairment, but an impairment always implies the presence of illness or other health condition(s).

SUD, defined as the recurrent use of a drug or alcohol that causes significant functional impairment, including the inability to fulfill responsibilities at work, is a complex neuropsychiatric disorder, *not a failure of character, morals, or willpower*. There are several contributing factors to the development of SUD, including stress, genetic vulnerability, comorbid psychiatric disorders, and, unique to health care professionals, proximity and access to, psychoactive or other drugs. In some instances, impaired judgment may contribute to physicians believing that they can safely self-treat and/or manage pain, depression, or anxiety without becoming addicted to medications or drugs versus seeking care of specialists. Several factors contribute to this false narrative: the psychological defense mechanism of denial, a culture of self-care, and the stigma of being treated for a mental health disorder.

NDPHP is here to help.

The North Dakota Professional Health Program (NDPHP) offers a proven peer-to-peer modeled program that guides, supports, and advocates for healthcare professionals through evaluation, treatment, and recovery while observing strict confidentiality.

Referrals and voluntary participation with the NDPHP are confidential, safeguarding reputations, careers, and personal or professional relationships. NDPHP accepts self-referrals as well as referrals by family and friends, colleagues, employers, treatment providers, medical schools, law enforcement, attorneys, state licensing boards, and others. Anyone can make a referral to the NDPHP.

NDPHP will assess the circumstances surrounding a referral to our program, make necessary recommendations for a comprehensive diagnostic evaluation and treatment from specialized professional programs, monitor adherence to the established treatment plan, and provide accountability and support throughout the process. Rehabilitation and Recovery are possible.

Contact NDPHP today at ndphp.org, info@ndphp.org, or 701.751.5090.

North Dakota Professional Health Program

Your Partner in the Process.

Brittany Hanson, BSN, RN, Executive Director

Missy Henke, MD, Medical Director



SEEKING QUALIFIED GENETIC COUNSELORS TO SERVE AS A BOARD COMMITTEE

As outlined in the meeting notes, the Board of Medicine is looking for licensed Genetic Counselors who reside in North Dakota to serve on an advisory committee to the Board, along with other individuals interested in serving including any public members or members from insurance companies. The Committee will be responsible for reviewing North Dakota Century Code chapter 43-60 – the laws applicable to Genetic Counselors – and potential rules. To be eligible to serve as a Genetic Counselor member, you must have a valid North Dakota Genetic Counseling license and be a resident of this state. You will be appointed to serve a three-year term – and can serve up to three terms. The Committee must meet at least once annually but will convene as necessary. If interested, please contact the Board Office – sdepountis@ndbom.org – by February 29, 2024.

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.

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.

Finally, the North Dakota Board of Clinical Laboratory Practice is seeking a licensed pathologist to serve on its Board. The Board meets four times a year and the term is for three years, with no term limits. For mor information, please visit: www.ndclinlab.com.

To apply for the above positions, please fill out an application on the Governor's website: <https://apps.nd.gov/gov/boards/>

NDBOM UTILIZES VERIDOC FOR ALL LICENSE VERIFICATIONS

The North Dakota Board of Medicine is pleased to now offer all licensure verifications – including physicians, physician assistants, genetic counselors, and naturopaths – through [VeriDoc](#). Licensees may login to VeriDoc and request a verification of their North Dakota licensure directly – without now needing to submit a request and send money to the NDBOM. For more information, please visit the Board website for [Request Licensure Verification](#).

REMINDER: NDBOM Launches New Website

The NDBOM is pleased to announce the unveiling of its new website at www.ndbom.org. We hope you find the website's updated features and content helpful. A reminder – if you have not yet done so – please visit the site to “register.” Throughout the website – including under Practitioners on the Home Page – or in the Quick Links on the bottom of the page – is “[Current Licensees and Applicants – Register for Dashboard](#).” This link will provide you with detailed instructions on registering which include entering your current core credentials and then creating a username and password. This will take you to your own, unique dashboard. In this dashboard are numerous resources at your fingertips depending on your license which include – updating contact information, printing licenses, seeing the status of your application and license, etc. This is also the portal that you will use to renew your license at the appropriate time. After you register, you can access your portal by logging into the [Licensee Dashboard](#) found throughout the website.

If you have any questions or issues, please do not hesitate to contact us through the [Contact Us](#) form located at the bottom right corner of the website.

NEWS

AMA – Code of Ethics

The American Medical Association recently launched a new website – making it easier to find guidance on medical ethics. To view the website, visit <https://code-medical-ethics.ama-assn.org/>.

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. 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).

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 Information on Wire Fraud Scheme against Health Care providers:

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



North Dakota is the proud recipient of the 2023 WellBeing First Champion by ALL IN; WellBeing First- verifying that the Board of Medicine’s applications are free from intrusive and stigmatizing language around mental health care and treatment so practitioners can seek needed care without fear of losing their license.