

NORTH DAKOTA BOARD OF MEDICINE

March 2021 News Blast

North Dakota Board of Medicine

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Bismarck, ND 58503

(701) 450-4060

2021 Meeting Schedule

February 19, 2021

May 21, 2021

August 20, 2021

November 19, 2021

A MESSAGE FROM THE CHAIR

Spring is around the corner. In North Dakota, this is a very welcome time as many of us have been restricted to our practices and homes due to the coronavirus pandemic. The mission statement of the North Dakota Board of Medicine is to protect the public and serve the state of North Dakota by ensuring that only well-qualified and competent physicians, physician assistants, and genetic counselors receive licenses to practice in our state. The Board responds with expediency to complaints against licensees by conducting fair and thorough investigations and taking necessary action in order to protect the public and fulfill its mission. Currently, a total of 4,986 physicians, 156 residents, 459 physician assistants, and 213 genetic counselors are licensed and approved to practice by the Board. A total of 80 state of principal licenses and 460 non-principal licenses have been issued through the Interstate Medical Licensing Compact (IMLC).

The Board continues to review substance abuse cases brought to its attention through disclosures by licensees and through complaints. Being a provider can be very stressful and demanding at times, and I continue to urge practitioners to reach out to the North Dakota Professional Health Program (NDPHP) for help before it results in issues at work or with the law. The

Board would rather be in the position of guiding our licensees to find the help and support they need, rather than discipline them for stress and substance related issues. To this extent, the Board recently reviewed and changed the questions regarding psychiatric and medical issues asked on applications and renewals to allow practitioners to be able to answer “No” if one is receiving treatment for the same. Please be willing to have discussions with each other when you see signs of stress, burn out or other substance abuse of those around you. The NDPHP is there to provide help for those in need. Let us not forget to treat ourselves with the same “kindness and care” we provide to our own patients.

Sincerely,

Dr. Nagala, Chair of the NDBOM

ND LAUNCHES NEW STATEWIDE TOLL-FREE CHILD ABUSE AND NEGLECT REPORTING NUMBER

The North Dakota Department of Human Services announced the launch of a statewide, toll-free child abuse and neglect reporting line that is part of a new child protection services intake process.

Individuals who suspect a child is being abused or neglected in North Dakota should call 833-958-3500, 8 a.m. – 5 p.m. Central Time to make a report. If a child is in immediate danger, continue to call 9-1-1.

Further information can be found online at: <http://www.nd.gov/dhs/services/childfamily/cps/>

February Meeting Highlights

At the February 19, 2021 meeting, the North Dakota Board of Medicine approved 71 physician licenses, 7 Physician Assistant licenses, and 10 Genetic Counselor licenses. 13 Letters of Qualifications for State of Principal Licensure and 101 non-principal licenses were issued through the Interstate Medical Licensing Compact. The Board interviewed five 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 52 cases were reviewed; 38 cases were dismissed; 3 cases were dismissed with a confidential letter of concern; 4 cases were referred for formal action; 4 cases were held over for further review, and 3 stipulations resolving formal action were approved. The Board issued 1 Order of Completion for a disciplinary case meeting required rehabilitation.

The Board discussed the USMLE Step 2 Clinical Skills exam, which is no longer being offered by the Federation of State Medical Boards (FSMB), and therefore would not be required for licensure.

The Board received the following updates from its committees:

Legislative Committee

The Legislative Committee reported on bills it took formal positions on thus far during the 2021 Legislative Session. The Committee formally opposed the following bills:

- SB 2274 originally allowed naturopaths to administer, dispense, and prescribe controlled substances. In reviewing the formal training of naturopaths, the Committee expressed concern for the health and safety of the public and patients; specifically, whether naturopaths possessed the requisite education, skills, and training to administer and prescribe the drugs without any licensed health care provider oversight. The Bill passed the Senate with removal of prescribing controlled substances other than testosterone but allowed for prescribing of all legend drugs. The Bill will now be heard by the House, at which time the Board's Legislative Committee will provide additional testimony.
- HB 1166 added an expedited licensure process and provisional license for any "foreign practitioner who is a resident of the state." The Committee expressed concern that the bill conflicted with the expedited licensure process under the Interstate Medical Licensure Compact. The House Committee, after hearing the Board's concern, removed the Board of Medicine from this bill, which passed the House and will now go to the Senate.
- HB 1472 created a new provision of law that would allow any individual to provide "complementary or alternative care." The Committee's concern was the lack of definition on what this "care" could include, creating a potential risk of harm to the public for an unqualified individual to practice medicine. The bill was defeated by the House.
- SB 2060, section 12, would have allowed a chiropractor to perform sports physicals. The Committee's concern was whether chiropractors possess the requisite education, skills, and training to do a thorough physical. After hearing testimony, the Senate removed this portion of the bill. The amended bill passed the Senate and will now go to the House.
- SB 2336 would have allowed the Board to "certify" to the Legislative Council that the Commission for the Interstate Medical Licensing Compact exceeded its statutory authority, which would result in the Compact being repealed. The Committee expressed concern that this repeal process conflicted with the Compact's withdrawal process already in law, and the ramifications of this conflict. After hearing testimony, the Senate amended the entire bill to become a study of behavior health care boards including their rules and barriers to practice. The amended bill passed the Senate and will now go to the House.

The Legislative Committee also provided testimony in support of SB 2179 which expanded the definition of "telehealth" that would be covered by insurance. After hearing testimony, the Senate amended the bill to become a study for Legislative Management to review telehealth costs, services, and reimbursement options. The amended bill passed the Senate and will now go to the House.

Physician Assistant Practice Committee

The Committee was tasked with coming up with a set of standards and policies for physician assistants to be approved to practice independently pursuant to North Dakota Century Code 43-17-02.1(4). The Committee discussed the purpose of this law, which was passed during the last legislative session, to serve rural and underserved areas in North Dakota. The application therefore specifically asks for the HPSA score of the area the PA will be serving, and that this law therefore would not be utilized to approve cosmetic or medi-spa clinics. The Committee also discussed the collaboration that must occur with a physician including 25 quarterly chart reviews. The Board formally approved the application, collaborative agreement, and chart review templates proposed by the Committee.

Policy and Procedure Committee

The Committee, in collaboration with the NDPHP, reviewed the personal questions being asked on applications and renewals, and updated them to be in compliance with current best practices and ADA requirements. The updated questions were approved by the Board.

The Committee also reviewed its internal Office Policies and Operations Manual to reflect updates in the law and best practices. The Board approved the updates.

NEWS

Update on Scams against Health Care Practitioners

As detailed in a News Blast sent last month, there is a new round of scam phone calls taking place, claiming to be from the North Dakota Board of Medicine, alleging that professional medical and drug licenses have been compromised, are being used by other entities in a scheme to traffic drugs, and asking licensees to wire money to foreign bank accounts. The calls may appear to come from the Board's office number (701-450-4060) or claim to be from the former Executive Director, Bonnie Storbakken.

In addition, the FBI is warning of other scam calls claiming to be from the U.S. Drug Enforcement Agency, the U.S. Department of Justice, or, again, the NDBOM, and stating that the practitioners license is being investigated and suspended unless the individual wires a substantial sum of money to avoid legal action.

The FBI prepared the following report documenting the scam calls, provide additional information on what is being claimed by the scammers, and best practices on what to do upon receiving such a call. Please review this report to learn how best to protect yourself and your practice: <https://files.constantcontact.com/4487d704801/038c165a-5863-4b69-8630-b461754c7cc7.pdf>. The FSMB, in its recent newsletter, also provided the following link with information regarding the scams and resources to protect yourself: <https://professionallicensingreport.org/fbi-impostors-posing-as-regulators-threaten-medical-licensees-nationwide-with-license-suspension/>.

Remember, the Board office will NEVER call and demand a wire transfer in exchange for waiver of disciplinary or other action against your license. Instead, the Board office will contact you regarding official complaints and current issues at the physical and email addresses provided on your applications and renewals. It is therefore very important that you keep your contact information on file with the Board office up to date. On the home page of the Board's website (www.ndbom.org) there is a link under the "QuickLinks" at the bottom of the page for a "change of address" that can be utilized at any time.

Reminders Relating to COVID-19

At the time of this News Blast, many of the executive orders from Governor Burgum are still in effect. Executive Order 2020-05.1, which can be found at the bottom of this news blast, allows out of state providers to provide care within North Dakota if authorized by the North Dakota Department of Health. However, at this time, the DOH is not accepting any new applications to provide health care services under the Executive Order. Although a timeline has not yet been identified, practitioners should make plans for continued practice in North Dakota if they are providing care under the DOH

certification but are not licensed. We urge you to begin the application process for licensure if continued practice in the state of North Dakota is desired. Questions regarding the certification to practice under Executive Order 2020-05.1 should still be directed to the Department of Health via email at dohlicensure@nd.gov or by phone at (866)-207-2880.

We want to send a heartfelt thank you 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

Interstate Medical Licensing Compact: <https://www.imlcc.org>

Executive Order 2020-05.1:

<https://www.governor.nd.gov/sites/www/files/documents/executive-orders/Executive%20Order%202020-05.01.pdf>