

NORTH DAKOTA BOARD OF MEDICINE

October 2022 News Blast

North Dakota Board of Medicine

4204 Boulder Ridge Rd Ste 260

Bismarck, ND 58503

(701) 450-4060

[NEW: 2023 Meeting Schedule](#)

January 27, 2023

April 28, 2023

July 28, 2023

October 27, 2023

A MESSAGE FROM THE CHAIR

The October quarterly meeting of the Board of Medicine was held at the UND School of Medicine and Health Sciences in Grand Forks. The Board appreciated the hospitality of the Medical School. The meeting was held at the medical school to allow the future physicians and health care professionals to better understand the functions and purpose of the Board of Medicine. Many board members enjoyed returning to their alma mater and spending time in Grand Forks.

Extended discussions were held regarding several issues pertinent to the Board. These included: the Professional Health Program, North Dakota abortion laws, maximum board exam attempt limits for licensure, and requirements for returning to practice for a practitioner who has not practiced for 2 years or more.

The Board received information regarding an abortion law in North Dakota passed by the Legislature in 2013 which prohibited abortions after a heartbeat is detected (approximately 6 weeks). In 2013 these laws were challenged, and a court granted an injunction preventing the laws from taking effect because they violated the standing of *Roe vs. Wade* and *Planned Parenthood v. Casey* Supreme Court decisions. The Board was one party

named in that lawsuit. With the recent *Dobbs* Supreme Court decision overturning *Roe* and *Casey*, the Office of Attorney General has filed a motion asking the court to reopen this case. After discussion, Board members voted to seek removal from the current proceedings, respecting that the role of the Board is to enforce North Dakota Century Code laws enacted by the N.D. Legislature, rather than be involved in creating or disputing the laws under consideration. The ultimate determination of the case and potential effects of such laws being open for review right before the 2023 Legislative session will be determined by the courts.

The next meeting of the Board will be held in January and will be a virtual meeting.

Sincerely, Robert P. Sticca, MD, FACS, FSSO

A MESSAGE FROM THE NDPHP

Healthcare professionals are a population at risk for high levels of burnout and compassion fatigue which has only worsened since the onset of the COVID-19 pandemic. Stress in the workplace is connected to levels of demand, high work pace, constant change, increasing expectations, and increasing job insecurity. Medical providers are reporting emotional exhaustion, depersonalization, and reduced personal accomplishment when they experience work-related burnout.

Self-compassion is defined as extending compassion to oneself in times of suffering and is associated with positive mental health outcomes and increased overall happiness. Self-compassion is nothing more than kind and warm attitudes towards oneself when dealing with difficulties, failures, or suffering. The self-compassion construct consists of three interrelated

components: self-kindness (as opposed to self judgement), common humanity (as opposed to isolation) and mindfulness (as opposed to over identification). A compassionate self and the aptitude to be sensitive and non-judgmental toward oneself promotes a compassionate approach towards others and improvement in health care outcomes as well as patient perceptions of quality health care.

If you are a medical provider and struggling with burnout, mental illness, or substance abuse, we are here to help you. Please contact the NDPHP at (701) 751-5090. For more information, please visit our website: [North Dakota Professional Health Program \(ndphp.org\)](http://NorthDakotaProfessionalHealthProgram.ndphp.org).

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

NORTH DAKOTA ATTORNEY GENERAL'S OPINION 2022-L-04

The North Dakota Attorney General recently issued opinion 2022-L-04 determining that the North Dakota Professional Health Program is considered a public entity subject to open record and meeting laws. See [2022-L-04.pdf \(nd.gov\)](#). This means that records of the PHP are considered open UNLESS protected by state or federal law. North Dakota Century Code chapter 43-17.3 provides such protections for participant records including any identifying information on participants in the program. There are also other federal and state laws protecting treatment and medical records. Be rest assured that such records will not be disclosed, and any discussion of such records/information would need to occur in a closed executive session that would not be open to the public. If you have any questions regarding the protection of your information with the PHP, feel free to reach out to the PHP or NDBOM office.

ADMINISTRATIVE CODE UPDATES

The Legislature's Administrative Rules Committee approved the proposed changes made by the Board to update its administrative code – Title 50. Those code updates took effect Oct. 1, 2022, and the Board urges you to familiarize yourself with the changes. The rules are posted on the Board's website. To review the updated administrative code, please access the Board's website at www.ndbom.org and click on the "Laws and Regulations" tab under "about the Board." Some highlights of the changes include:

Physicians:

- 50-02-11-03.1: 3 examination attempt limit – updates to exceptions to now only require practice for five years and also provides an exception of an applicant with a documented disability.
- 50-02-12-01: appeals for denial or limitations on a license now must be made within 30 days.

Residents:

- 50-02-13-06: if a resident is terminated or resigns from the training program, the resident license automatically expires.
- 50-02-13-08: residents must report to the Board within 10 days any termination/resignation or imposition of sanctions.

Physician Assistants:

- 50-03-01-03.2: updates the rules on where a physician assistant can practice, including independent practice if the physician assistant petitions the board for approval to practice at a rural/underserved location with a collaborating ND physician who will do periodic chart reviews.
- 50-03-01-19: a physician assistant must report to the Board within 10 days if he/she no longer holds a valid NCCPA certification. A physician assistant license will automatically expire if there is no valid, current NCCPA certification.

OCTOBER MEETING HIGHLIGHTS

At the October 21, 2022, meeting, the North Dakota Board of Medicine approved 94 Physician licenses, 2 resident licenses, 23 Physician Assistant licenses, and 10 Genetic Counselor licenses. 12 Letters of Qualifications for State of Principal Licensure and 168 non-principal licenses were issued through the Interstate Medical Licensing Compact. The Board interviewed 3 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 42 cases were reviewed: 3 case was referred for formal disciplinary action; 1 stipulation for discipline was approved; 8 Confidential Letters of Concern were issued; 8 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 1 license, issued 1 Order of Completion, and approved 2 petitions for eligibility and practice.

The Board received updates from its respective committees. The PHP and LRL committee provided an overview of proposed updates and changes to be made to the Century Code regarding physician, resident, and physician assistant licensure and discipline to be proposed in two bills for the 2023 legislative session. Some highlights of proposed changes include:

- Adding another physician assistant to the Board and Investigatory Panel;
- moving all licenses to a two-year licensure system;
- clarifying that only physicians can use the terms “MD,” “DO,” or “physician;”
- clarifying that all licensees following the investigatory procedures set forth in Chapter 43-17.1 for discipline;
- implementing record retention requirements for incomplete applications and for a licensee closing a practice;
- changing requirements for licensure of international graduates from 30 months post graduate training to 24 months;
- updating and clarifying licensee reporting requirements and requiring licensees to keep accurate contact information with the Board office;
- clarification on protected, confidential, exempt records; and
- adding in medical and physician assistant students as participants for NDPHP to be covered by Board funds.

The IT Committee reported that it now has contracts in place with all its IT vendors and proposed some cybersecurity policies and procedures for the Board to adopt. The Board office will continue to work with the vendors to implement the updates and the new website.

The Board also reviewed and approved an updated Physician Assistant Practice Statement that clarifies what is a proper privileging system. The updated statement can be found on the homepage of the Board’s website.

2022 CME AUDIT

2022 is an audit year for physician CME requirements. Physicians will be notified if selected in a random audit to submit CME verification. 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 are required, and those licensed more than two but less than three years, 40 hours are required.

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).

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

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/>