



Regular Meeting
October 25, 2024

Call to Order:

Catherine Houle, MD, chair, called the regular, in-person meeting to order at 8:02 a.m.

In attendance:

Catherine Houle, MD – Chair
Lacey Armstrong, MD – Vice Chair (via Zoom)
Misty Anderson, DO
Barbara Andrist
Bree Dewing, MD
Zena Homan, MD
Justin Horner, MD
Mandi Johnson, MD (via Zoom)
Robert Kemp, MD
Grant Lannoye, PA
Jay Metzger, PA
Michael Quast, MD
Lezlie Scott, ND
Stephanie Sievert

Absent: Troy Pierce, MD

Also present:

NDBOM Office and Staff: Sandra DePountis, Executive Director; Lynette McDonald, Deputy Executive Director; Stacy Moldenhauer, Litigation Counsel; and Austin Lafferty, General Counsel.

NDPHP representatives present: Dr. Missy Henke, NDPHP Medical Director; NDPHP Attorney Leslie Bakken-Oliver; and NDPHP's CPA Ryan Messer.

Courtney Koebele, NDMA.

Ethany Cullen, MD was present for her interview via Zoom.

Minutes

Dr. Kemp moved to approve the July 26, 2024, regular meeting minutes, and September 23, 2024, special meeting minutes, seconded by Dr. Anderson, motion passed unanimously.

NDPHP Presentation and Report

NDPHP Medical Director Dr. Missy Henke provided her annual presentation to the Board on the work of the NDPHP, along with the PHP Report of thirty-nine (39) active participants in the NDPHP – five (5) are Board ordered and thirty-four (34) are voluntary. The NDPHP is responsible for the primary monitoring of twenty-five (25) participants, with eleven (11) other collaborating. There are also two pending participants at the time of the meeting. An update was given by Dr. Henke on moving forward with hiring a new Executive Director.

Physician Approval of Licenses

Dr. Quast moved to approve the one hundred and three (103) licenses and waiver of interviews for physician applicants which includes one (1) administrative license as presented, seconded by Dr. Dewing, motion passed unanimously by roll call.

Physician Assistant Approval of Licenses

PA Lannoye moved to approve the twenty-five (25) licenses and waiver of interviews for physician assistants, as presented, seconded by PA Metzger, motion passed unanimously by roll call vote.

Genetic Counselor Approval of Licenses

PA Metzger moved to approve the nine (9) licenses and waiver of interviews for genetic counselors, as presented, seconded by Dr. Homan, motion passed unanimously by roll call vote.

Naturopathic Doctors

Dr. Kemp moved to approve the two (2) endorsements to administer intravenous therapy, seconded by Ms. Andrist, motion passed unanimously by roll call vote.

IMLC License Granted

Eighteen (18) Letters of Qualification for State of Principal Licensure and one hundred and ninety-six (196) non-principal licenses were issued under the Compact. Deputy Director McDonald provided updated statistics on North Dakota licenses issued via the Compact since its adoption in 2017 which included information that a total of three thousand and eleven (3,011) licenses were issued through the IMLC pathway in North Dakota as of October 14, 2024, with a total of two thousand, three hundred and thirty-six (2,336) currently active. Approximately 61% of physician licensure in North Dakota now occurs through the IMLC. The IMLC is also implementing new software in 2025 in which information and records can automatically be uploaded into the Board's database. The office will be meeting with the IMLC and the Board's database vendor in the coming months to obtain a quote for this interface.

Interview for Licensure – Ethany Cullen, MD

Dr. Cullen interviewed and presented a re-entry to practice plan, which included having a designated mentor at Sanford who will work with Dr. Cullen until it is determined she can practice independently. Dr. Johnson led the interview for this applicant.

Dr. Johnson made a motion to grant the license, seconded by PA Metzger, motion passed unanimously by roll call vote.

IPA v. Byron Velandar, MD

Reciprocal disciplinary action was sought against Dr. Velandar after his license was suspended in Maine for controlled substance prescribing practices. A Stipulation was reached for an indefinite suspension of the license. Upon review, PA Metzger made a motion to approve the proposed Order, as presented, seconded by Dr. Kemp, motion passed unanimously by roll call vote of IPB members.

IPB v. Jody Tanner, PA

Disciplinary action was brought against PA Tanner for violation of N.D.A.C. § 50-03-01-11(16): advertising in an untrue or deceptive manner, specifically using “doctor” on the facility’s website. A Stipulation was reached for a public reprimand and payment of fees. The website has already been updated to be in compliance with the law. Upon review, Dr. Anderson made a motion to approve the proposed Order, as presented, seconded by Dr. Quast, motion passed unanimously by roll call vote of IPA members.

Investigative Panel A report

Dr. Quast, Chair, reported that Investigative Panel A reviewed a total of thirty-one (31) cases which included five (5) summary matter cases and five (5) malpractice cases. Of the thirty-one (31) cases: one (1) Stipulation was approved, three (3) cases were referred for formal disciplinary action, one (1) summary matter case was opened for formal investigation, three (3) cases were tabled for further review, and two (2) Letters of Concern were issued; all other cases dismissed, or no action taken.

Investigative Panel B report

PA Metzger, Chair, reported that Investigative Panel B reviewed a total of thirty-four (34) cases which included three (3) summary matter cases and five (5) malpractice cases. Of the thirty-four (34) cases: one (1) Stipulation was approved, five (5) cases were referred for formal disciplinary action, three (3) cases were tabled for further review, one (1) case previously authorized disciplinary action was rescinded under pending conditions, and four (4) Letters of Concern were issued; all other cases dismissed, or no action taken.

NDBOM and NDPHP Contract

The NDBOM/NDPHP contract expires at the end of the year. The NDBOM PHP Committee met, reviewed the contract, and made changes now being brought before the Board for its review.

The NDPHP Board of Directors met on October 15, 2024, in executive session and made a public motion to have its attorney move forward with its proposed changes to the contract.

The Board was walked through the changes submitted for the contract and the PHP's CPA – Ryan Messer – was available to answer questions on the proposed budget relating to the request from the PHP for a \$6,000/month compensation increase. The Board expressed concern regarding the high amount for travel and marketing. The Board recognized that it does not control the PHP's budget – but will be requesting more detailed documentation on the amounts spent in these categories in the next year and may reassess its payment at that time. PA Lannoye made a motion to approve the contract as presented which included the increase monthly payment, seconded by PA Metzger, motion passed unanimously by roll call vote.

COMMITTEE REPORTS

IT Committee (Dr. Johnson [chair], Drs. Dewing and Quast, and PA Lannoye)

Dr. Dewing made a motion to approve the August 23, 2024, IT Committee meeting minutes, seconded by Dr. Johnson, motion passed by IT Committee members.

Dr. Johnson gave an update on the Cyber Security Audit and Assessment done by Cybernet. There were 9 recommendations for updates relayed to the Board's database/software vendor. These updates are being addressed at this time.

The IT Committee will need to meet in the coming months to review a new platform to provide Board and Committee meeting materials.

LRL Committee (Dr. Anderson [chair], Drs. Horner, Scott, and Quast; PA Metzger; and Ms. Andrist)

No meeting was held but there are three final bills that were reviewed by the Board for submission for the 2025 legislative session: (1) requiring background checks for Genetic Counselors and Naturopathic Doctors; (2) allowing Genetic Counselors to order their own testing; and (3) addressing additional pathways for Naturopathic Doctors to obtain an endorsement to independently prescribe.

Dr. Anderson made a motion to approve the three bills as presented, seconded by Dr. Quast, motion passed unanimously by roll call vote.

PHP Committee (Dr. Armstrong [chair], Drs. Houle, Homan, Johnson; PA Lannoye; Ms. Sievert).

Ms. Seivert made a motion to approve the PHP Committee's September 27, 2024, meeting minutes, seconded by Dr. Houle, motion passed by Committee members.

A final bill was reviewed by the PHP Committee and being submitted to the Board for consideration which would allow the term "licensee" eligible for PHP enrollment and use of Board funds to administer to "former licensees" of the Board. Dr. Kemp made a motion to approve the bill as presented, seconded by Dr. Quast, motion passed unanimously by roll call vote.

Policies and Procedures Review

Verifications of Employment for Applications for Licensure. Board members discussed its current licensure requirement of obtaining verification of employment for the 3 years preceding application. The Board discussed the pros and cons of the policy in that it can sometimes catch derogatory information otherwise not forthcoming from an applicant – but also the delay that ensued to obtain the verifications especially for Locum physicians that have been privileged in multiple locations. Dr. Quast made a motion to no longer automatically require the employment verification but rather have a policy on what information in an application would require verification, seconded by Dr. Kemp, motion passed unanimously by roll call vote.

FSMB Model Guidance on Additional Pathways to Licensure. The FSMB has provided draft guidelines on additional pathways to licensure, requesting comments. The Board discussed some issues with the guidance, specifically the additional role, responsibility, and liability that it would place on Boards to verify post-graduate training from foreign countries or to supervise/assess United States' facilities to act as supervisors/credentials in place of residency programs – a role Boards generally have not been a part of and have no resources to administer. In addition, the Board discussed generally the multiple core competencies residency programs provide of more than just clinical competency – including helping individuals navigate the idiosyncrasies of the U.S. Healthcare system. Dr. Quast made a motion to submit comments to the proposed guidelines with Dr. Anderson working with Director

DePountis to craft a submission on behalf of the Board based on its discussion, seconded by Dr. Anderson, motion passed unanimously by roll call vote.

Malpractice Cases for Panel Review. Dr. Anderson made a motion to have all malpractice settlements come to the Panels as summary matters and have the Panels review to determine which cases require formal investigation, seconded by Dr. Quast, motion passed unanimously by roll call vote.

Office Matters

Department of Commerce Study. The Board reviewed responses submitted by the office to the 2024 DOC study. PA Metzger made a motion to ratify approval of the response, seconded by Dr. Homan, motion passed unanimously by roll call vote (Dr. Johnson was not present for this vote).

Executive Director Evaluation and Contract. The Board reviewed Director DePountis' yearly evaluation. Dr. Kemp made a motion to approve Amendment #4 to Director DePountis contract, seconded by Dr. Dewing, motion passed unanimously by roll call vote (Dr. Johnson was not present for this vote).

Year End Office Evaluation and Salary. Director DePountis provided an update on potential changes to the office and requested approval to hire a part-time Medical Director for the office within salary discussed and benefits. Dr. Quast made a motion to approve the request, seconded by Dr. Anderson, motion passed unanimously by roll call vote with Dr. Homan recusing and Dr. Johnson not present for the vote. Dr. Quast made a motion to approve the office raises requested by Director DePountis as presented, seconded by Dr. Dewing, motion passed unanimously by roll call vote (Dr. Johnson was not present for this vote).

IAMRA 2025 Conference. IAMRA's conference is being held in Dublin, Ireland, in September 2025. Board members who would like more information or who may be interested in attending should contact Director DePountis.

Article 50 Rules Update. Attorney Lafferty and Director DePountis were contacted this week about some concerns the Attorney General's office had with the proposed rules.

Amendments were made at the request of the Attorney General's office. PA Metzger moved to approve the updated rules as presented incorporating the Attorney General's requirements, and if any other issues are communicated by the AG's office – to pull such rules, seconded by Dr. Anderson, motion passed unanimously by roll call vote.

The meeting was adjourned at 10:56 a.m.

Sandra DePountis

Sandra DePountis
Executive Director