



Regular Meeting

January 31, 2025

Call to Order:

Catherine Houle, MD, chair, called the regular, Zoom meeting to order at 8:00 a.m. In attendance:

Catherine Houle, MD – Chair
Lacey Armstrong, MD – Vice Chair
Misty Anderson, DO
Barbara Andrist
Bree Dewing, MD
Erica Hofland, MD
Justin Horner, MD
Mandi Johnson, MD
Robert Kemp, MD
Grant Lannoye, PA
Jay Metzger, PA
Michael Quast, MD
Troy Pierce, MD
Lezlie Scott, ND
Stephanie Sievert

Also present:

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

NDPHP representatives present: Maggie Seamands, NDPHP Executive Director; Dr. Missy Henke, NDPHP Medical Director.

Courtney Koebele, NDMA.

Tod J. Fusia, MD, and Lindsay Lommen Kadrmias, MD, present for their interviews via Zoom. Michael Schmit, MD was present for his Petition.

The Board welcomed its new member – Erica Hofland, MD – appointed by the Governor to fill Dr. Homan’s position.

Recusals

The following recusals were declared under North Dakota Century Code 43-17-07.2:

- Dr. Kemp – Dr. Grasso’s endorsement due to being Dr. Grasso’s supervising physician.
- Dr. Scott – Dr. Grasso and Dr. Davison’s endorsements due to their employment within the same facility.
- Dr. Pierce – Dr. Schmit’s petition for early release due to previous work history.
- Dr. Dewing – IPB v. Tescher due to working in the same facility.

Minutes

Dr. Kemp moved to approve the October 25, 2024, regular meeting minutes, seconded by Dr. Dewing, motion passed unanimously (Dr. Pierce was not present for this vote).

Physician Approval of Licenses

Dr. Kemp moved to approve the one hundred and twenty-five (125) licenses and waiver of interviews for physician applicants as presented, seconded by Dr. Anderson, motion passed unanimously by roll call (Dr. Pierce was not present for this vote).

Physician Assistant Approval of Licenses

PA Metzger moved to approve the twenty-two (22) licenses and waiver of interviews for physician assistants, as presented, seconded by PA Lannoye, motion passed unanimously by roll call vote (Dr. Pierce was not present for this vote).

Genetic Counselor Approval of Licenses

Dr. Johnson moved to approve the seven (7) licenses and waiver of interviews for genetic counselors, as presented, seconded by Dr. Horner, motion passed unanimously by roll call vote (Dr. Armstrong was not present for this vote).

Naturopathic Doctors

PA Metzger moved to approve the endorsement for administering intravenous therapy to ND Samanta Davison and limited endorsement to prescribe to ND Philip Grasso, seconded by Dr. Johnson, motion passed unanimously by roll call vote with Dr. Kemp and Dr. Scott recusing pursuant to 43-17-07.2 as Dr. Kemp will be Dr. Grasso's supervising physician and Dr. Grasso and Dr. Davison will be working with Dr. Scott.

IMLC Licenses Granted

Twelve (12) Letters of Qualification for State of Principal Licensure and two hundred and sixty-nine (269) non-principal licenses were issued under the Compact. Deputy Director McDonald provided updated statistics on North Dakota licenses issued via the IMLC with one hundred and eighty-two (182) total active SPLs and two thousand, four hundred and forty-one (2,441) NSPLs.

As Dr. Homan assumes her new role as the Board's Medical Director, a new IMLC commissioner needs to be appointed. Dr. Kemp made a motion to appoint PA Metzger as the new IMLC Commissioner from North Dakota, seconded by Dr. Quast, motion passed unanimously by roll call vote.

NDPHP Presentation and Report

Maggie Seamands was introduced as the new NDPHP Executive Director. Director Seamands outlined NDPHP's strategic strategies for 2025 and provided the PHP Report of thirty-four (34) active participants in the NDPHP – seven (7) are Board ordered, twenty-two (22) are voluntary or Panel ordered, eight (8) are out of state/reciprocal monitoring, four (4) are pending, and six (6) successfully completed the program in the last quarter. Director Seamands also answered questions on PHP travels and meetings, and potential bills of the Veterinarian and Dental Boards to be able to contract with the NDPHP being introduced this session.

Interview for Licensure – Tod Fusia, MD

Dr. Fusia was interviewed due to failure to disclose on his North Dakota application for licensure a previous action against his license taken by Florida and a denial of privileges. In

addition, while the application was pending, Dr. Fusia's application for licensure in North Carolina was denied which he failed to report to the Board. Dr. Dewing led the interview for this applicant.

Dr. Dewing made a motion to grant the license though noted to Dr. Fusia that he has a duty to report to the Board actions mandated under N.D.C.C. 43-17.1-05.1, seconded by Dr. Anderson, motion passed by roll call vote with Ms. Andrist and Dr. Johnson voting no and all other members voting yes.

Interview for Licensure – Lindsey Lomman Kadrmas, MD

Dr. Kadrmas was interviewed to present her re-entry to practice plan after not practicing clinically for over two years. Dr. Johnson led the interview for this applicant.

PA Lannoye made a motion to enter into an Executive Session to discuss medical records of Dr. Lomman Kadrmas pursuant to North Dakota Century Code 44-04-18.32, seconded by Dr. Johnson, motion passed unanimously by roll call vote (Dr. Scott was not present for this vote). The Board entered into executive session at 9:19 a.m. Present in the Executive Session were the Board members, Board staff and Attorneys, NDPHP representatives, and Dr. Lomman Kadrmas. The Executive Session ended at 9:22 a.m.

Dr. Johnson made a motion to grant a license to Dr. Lomman Kadrmas, seconded by Dr. Hofland, motion passed unanimously by roll call vote.

Petitions for Eligibility, Modification, and Completion

Michael Schmit, MD

Dr. Schmit was Board Ordered on October 21, 2022, to participate in the PHP Program for a minimum of 5 years and is requesting early release from the Order.

PA Metzger made a motion to enter into an Executive Session to discuss records of treatment, NDPHP, and Investigatory Panel, pursuant to 42 CFR, North Dakota Century Code 43-17.1-08, and 43-17.3-07, seconded by Ms. Andrist, motion passed unanimously by roll call vote (Dr. Pierce recusal – Dr. Scott was not present for this vote). The Board entered into

Executive Session at 9:27 a.m. Present in the Executive Session were the Board members, Board staff and Attorneys, NDPHP representatives, and Dr. Schmit. The Executive Session ended at 9:35 a.m.

PA Lannoye made a motion to issue an Order granting the petition for early release, seconded by Dr. Johnson, motion passed unanimously by roll call vote with Dr. Pierce recusing pursuant to 43-17-07.2 due to previous work history.

Zainab Al Lawati, MD

Dr. Lawati passed USMLE Step 1 after four attempts and is requesting exception to the exam limit attempt under N.D.A.C. 50-02-11-03.1(2) which, in part, requires five years of practice. Dr. Lawati is requesting her time practicing in residency and fellowship count towards the five years' experience. Dr. Anderson made a motion to approve granting an exception to the three-attempt limit rule by including Dr. Lawati's fellowship as part of practice, seconded by Dr. Kemp, motion passed unanimously by roll call vote.

Dr. Kemp made a motion that the Board would accept accredited fellowship training as "medical practice" to count toward the five years minimum experience requirement in N.D.A.C. 50-02-11-03.1(2), seconded by Dr. Quast, motion passed unanimously by roll call vote.

Maritza Alvarado, MD

Dr. Alvarado is petitioning the Board to grant an exception to the three-attempt exam limit rule under North Dakota Administrative Code 50-02-11-03.1(2) as it took her five attempts to pass Step 1 of the USMLE. Dr. Alvarado is currently licensed in nine (9) other states, is ABMS certified in Family Medicine, and has practiced for over five years without discipline.

Dr. Pierce made a motion to approve granting an exception to the three-attempt limit rule, seconded by Dr. Horner, the motion passed unanimously by roll call vote.

Francisco M. Rodriguez, MD

Dr. Rodriguez has not passed a Board approved examination for licensure nor attended an accredited residency program. He is licensed in Missouri and Puerto Rico. Dr. Rodriguez

currently practices at a VA Health Clinic and is looking to expand his practice. He is requesting the Board approve him under the uniquely qualified exception for licensure under N.D.C.C. § 43-17-18(4) and N.D.A.C. § 50-02-02-01(2).

Finding no evidence to support the elements outlined in the law and rules to issue the uniquely qualified license, Dr. Pierce made a motion to deny eligibility for such licensure, seconded by Dr. Kemp, motion passed by roll call vote with PA Metzger and Drs. Anderson and Armstrong voting no and all other Board members voting yes.

The Board received a demo of the Board Paper's software provided by Pervasent.

COMMITTEE REPORTS

Finance Committee (Stephanie Sievert [chair], Drs. Kemp and Pierce, PA Metzger)

PA Metzger made a motion to approve the January 10, 2025, Finance Committee meeting minutes, seconded by Dr. Kemp, motion passed by Finance Committee members.

The 2023 Audit was reviewed. Finding no concerns, Ms. Sievert motioned to accept the audit as presented, seconded by Dr. Pierce, motion passed unanimously by roll call vote.

The Board's 2025 Budget was presented. Upon review, Dr. Scott made a motion to accept the 2025 Budget as presented, and increase the Board's litigation reserve to \$3m, seconded by Dr. Dewing, motion passed unanimously by roll call vote.

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

Dr. Johnson made a motion to approve the December 3, 2024, IT Committee meeting minutes, seconded by PA Lannoye, motion passed by IT Committee members.

The Board reviewed a contract for new software from Pervasent for disseminating documents for Board and Committee meetings. PA Metzger made a motion to approve the Board's Participant Addendum to the state contract, seconded by Dr. Quast, motion passed unanimously by roll call vote (Ms. Sievert was not available for this vote).

The Board next reviewed an addendum to the Board's contract with Albertson for phase 1 integration of API of the IMLC into the Board's database. Dr. Dewing made a motion to

approve the contract and to delegate approval of additional contract addendums with Albertsons for phases 2 and 3 to the IT Committee, seconded by Ms. Andrist, motion passed unanimously by roll call vote.

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

PA Metzger made a motion to approve the LRL Committee's January 6 and January 22, 2025, meeting minutes, seconded by Dr. Scott, motion passed by LRL Committee members.

Dr. Kemp made a motion to clarify the delegated authority to the LRL Committee to review and take positions on proposed bills in between Board meetings, with further delegation to the chair of the LRL Committee if the committee cannot meet before the bill is heard before committee, seconded by Dr. Horner, motion passed unanimously by roll call vote.

Information and updates were provided to the Board on the 2025 legislative session. The NDBOM submitted four bills, three of those bills (1039 – PHP Bill, 2040 – Genetic Counselor Bill, 2042 – Background Check Bill) have passed their first house and will move to the second house after crossover. The final bill, SB 2041 on alternative pathways for naturopaths to obtain independent endorsement failed the Senate on 1/17/2025. Thoughtful discussion was had by the Senate Workforce Development Committee when it deliberated on the bill that was relayed to the Board.

Additional bills were reviewed by the LRL Committee and presented to the Board of Medicine for consideration and discussion. The LRL Committee previously opposed HB 1270, HB 1511, SB 2270, and SB 2285. The Board reviewed and provided additional discussion and positions:

- SB 2108 – PA Compact. The LRL Committee discussed how the compact is not yet operational and has several “unknowns” at this time that include cost, legal implications, and how to address verification of PA practice locations. Information was provided to the Senate Workforce Development Committee in a neutral capacity on some of these issues. The bill was ultimately defeated by the Senate on 1/15/2025. The Board's office will continue to monitor the PA Compact as the Commission meets on

implementing further rules to see if some of the “unknowns” are answered and if it should be considered at the next legislative session.

- HB 1511 – requiring the Board of Medicine, upon approval of the Attorney General, to issue an instructional course on the State’s Abortion laws. The Committee recognized how these laws vary from state to state and thus understands the intent of the bill to offer education for practitioners so they know what laws they must practice under in North Dakota. The discussion then turned on (1) what is the best way to provide this education in an unsettled area of law and (2) who is in the best position to create the “instructional course.” The concern is, while the law is being litigated, and new laws considered during this session that have not been implemented or interpreted, it would appear premature to create such a course, which could be rendered outdated at any time. Furthermore, the way the bill is written, calls into question whether obstetric practitioners can be licensed or have their license renewed without review of the instruction course – and what happens if the course needs to be redone. Finally, the Committee discussed that it cannot provide legal advice, opinions, and interpretations. In addition, the Board discussed how it is not in the position to provide the education required for licensure – but is here to license and renew. No other specialty under its jurisdiction is mandated to provide such additional education for licensure or renewal. The Board is under constant scrutiny by the legislature and has participated in numerous legislative studies over the years – consistently answering questions on how quickly and efficiently it processes licensure and renewals – and whether the Board is an outlier in requiring something other states do not. The Board wishes to remain neutral on this subject and issue and as such will request amendments to have a different, more appropriate entity provide the education and although a link to the education can be posted on the Board’s website, to not require the Board to be the enforcer of the mandate for the education. Additional concerns were discussed including the emergency clause and that Boards do not receive appropriations. Dr. Anderson made a motion to oppose the bill and submit testimony on the Board’s discussed concerns and amendments, seconded by Ms. Andrist, motion passed unanimously by roll call vote (Ms. Sievert was not present for this vote).

- SB 2270 – alternative pathway for licensure of international physicians – which removes the requirement for international graduates/physicians to attend an accredited U.S. residency program. The Board discussed its previous involvement in discussing and finding solutions on this issue. As previously recognized by the full Board, at this time there is no entity that verifies or credentials international training and the Board would not have the resources and capabilities to determine such “substantial equivalency.” There are national/international entities working on this – and discussions on the topic and workable solutions continue – but at this time, to implement would be premature as there is nothing in place to vet or verify competency, putting the citizens of North Dakota at risk. If the bill were to move forward, the Board discussed needing the facility to provide a proctor/supervisor and a competency evaluation be obtained prior to licensure – though noted these amendments did not alleviate all their concerns. After discussion, Dr. Anderson made a motion to oppose the bill and submit testimony on the Board’s discussed concerns and amendments, seconded by Dr. Johnson, motion passed by roll call vote with Dr. Quast voting no and all other Board members voting yes.
- HB 1270 – requires certain statistical information be reported to the Governor’s office. The bill also provides a process for an individual to submit a complaint to the Governor on any “adverse decision” of the board or a board member relating to licensure. The Board discussed the appropriate avenue for an appeal for a licensure denial through N.D.C.C. chap. 28-32, and how someone making a complaint for a “no” vote of a Board member disincentivizes members from exercising their appointed duty to review licensure. PA Metzger made a motion to oppose the bill and submit testimony on the Board’s discussed concerns, seconded by Dr. Pierce, motion passed unanimously by roll call vote.
- SB 2285 – taking away judicial deference of the Board (a bill that was defeated last session). Administrative Law Judges who provide recommended findings of fact, conclusions of law, and orders are not licensed medical practitioners and therefore may lack the ability to issue opinions on certain nuanced areas of standards of care. It is therefore necessary for the Board to retain such ability to issue final determinations. Dr. Pierce made a motion to oppose the bill and submit testimony on the Board’s

discussed concerns, seconded by Dr. Anderson, motion passed unanimously by roll call vote.

- HB 1442 creating a Legislative Committee on Government Efficiencies and SB 2308 creating a Board Review Task Force. The Committee reviewed the bills and directed Ms. DePountis to monitor but decided not to take a position at this time. The Board did not take any other action.
- HB 1220 – would require the Board of Medicine to “accredit” an accelerated degree program of medical education or physician assistant studies, versus the appropriate nationally recognized accrediting agency, in which such a degree could not be used for licensure. Neutral testimony was provided outlining information on the pathway to licensure in North Dakota and in order to qualify for the necessary examinations, residency programs, and national accreditation, the individual must graduate from a program accredited by the appropriate national entities. As such, such an accelerated degree, unless accredited by the appropriate national entities, could not be used for licensure, even if the Board accepted the education. If the bill were to pass, Director DePountis will again provide neutral testimony.
- A new bill was presented that came out after the LRL Committee met – SB 2395 which creates a “uniform law” and other directions for Board operations. The “uniform law” was more stringent than what the Board was requiring from its professions for licensure and the Board operations were already being implemented. Amendments are being worked on with the bill.

Aman K. Patel, DO – Dr. Quast made a motion to approve the Order for Discipline, seconded by Dr. Pierce, motion passed unanimously by roll call vote.

IPA v. Jeane Casselberry, MD – PA Metzger made a motion to approve the Disciplinary Order, seconded by Dr. Johnson, motion passed unanimously by roll call vote of IPB members (Dr. Kemp recusal).

IPA v. Neeraj Chepuri, MD – Dr. Kemp made a motion to approve the Disciplinary Order, seconded by Dr. Hofland, motion passed unanimously by roll call vote of IPB members.

IPA v. Katherine Ghanayem, MD – Dr. Johnson made a motion to approve the Disciplinary Order, seconded by Dr. Horner, motion passed unanimously by roll call vote of IPB members.

IPB v. Azber Ansar, MD – Dr. Pierce made a motion to approve the Disciplinary Order, seconded by Dr. Dewing, motion passed unanimously by roll call vote of IPA members.

IPB v. Arden Beachy, MD – Dr. Dewing made a motion to approve the Disciplinary Order, seconded by Dr. Anderson, motion passed unanimously by roll call vote of IPA members.

IPB v. Sheena Rippentrop, MD – Ms. Andrist made a motion to approve the Disciplinary Order, seconded by PA Lannoye, motion passed unanimously by roll call vote of IPA members.

IPB v. Steele Tescher, PA – Dr. Anderson made a motion to approve the Disciplinary Order, seconded by Dr. Pierce, motion passed unanimously by roll call vote of IPA members (Dr. Dewing recusal).

IPB v. Sajad Zalzala, MD – Ms. Andrist made a motion to approve the Disciplinary Order, seconded by Dr. Dewing, 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-two (32) cases, which included four (4) summary matter cases and twelve (11) malpractice cases. Of the thirty-three (32) cases: three (3) stipulations were approved, two (2) 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-three (33) cases which included five (5) summary matter cases and eleven (11) malpractice cases. Of the thirty-three (33) cases: five (5) stipulations were approved, one (1) case was referred for formal disciplinary action, one (1) case was tabled for further review, and five (5) Letters of Concern were issued; all other cases dismissed, or no action taken.

Dr. Horner provided an update on the PDMP

Policies and Procedures Review

Continuing Education. As physicians moved to a two-year license, the Board reviewed its current policy on doing CME audits for updates. The Board discussed having the office do random audits on a yearly basis for 2% of physicians and naturopathic doctors. Dr. Kemp made a motion to approve the updated policy, seconded by Dr. Hofland, motion passed unanimously by roll call vote (Drs. Armstrong and Quast and PA Metzger were not present for this vote).

Verifications of Employment for Applications for Licensure and Malpractice Policy Updates. At the last meeting, the Board approved having a policy be implemented on when employment verifications would be obtained and how Malpractice Settlements would be reviewed and processed. Draft language was presented to the Board members implementing the policies. Also, a non-inclusive list was provided for what can be considered a “state or federal facility” approved for PA practice. Dr. Kemp made a motion to approve the updated policy language, seconded by Dr. Johnson, motion passed unanimously by roll call vote (Dr. Quast and PA Metzger were not present for this vote).

FSMB Model Guidance on Additional Pathways to Licensure. At the last meeting, the Board directed Dr. Anderson to work with Director DePountis to provide the requested comments to the FSMB on its draft guidelines on additional pathways to licensure. The letter that was sent to the FSMB was provided to the Board for review. The final guidance has not been issued at this time.

Annual Policy Review. As part of a yearly review of policy processes, the following policies were provided for review: Board Office Policies, CHRI Policy, and the IT Security Policy. Dr. Kemp made a motion to approve the policies as presented, seconded by Ms. Sievert, motion passed unanimously by roll call vote (Dr Quast and PA Metzger were not present for this vote).

Canadian Accreditation Changes. As of June 2025, Canadian medical education will no longer have joint accreditation from U.S. Liaison Committee of Medical Education (LCME) and Canada’s Accreditation of Canadian Medical Schools (CACMS) – and will only be accredited by CACMS. This will require Canadian graduates to obtain ECFMG certification before they can be eligible for the USMLE and U.S. residency programs. Under current law, U.S. medical graduates

and Canadian medical graduates only need one year of U.S. residency training to be eligible for licensure. The Board would not pursue law changes at this time.

Office Matters

Department of Labor Study. The Board reviewed the final study issued on December 13, 2024, by the Department of Labor.

FSMB Attorney Conference and AIM Fall Meeting Updates. Attorney Lafferty and Director DePountis gave an update on training they received last November to the Board.

FSMB 2025 Annual Conference. As no Board members have confirmed they would be attending, this was again brought forward to see if there was any interest from Board members to attend the conference. Dr. Anderson and Dr. Scott expressed interest in attending.

IAMRA 2025 Conference. IAMRA's conference is being held in Dublin, Ireland, in September 2025. Three Board members expressed interest in going, along with two office staff (the Medical Director and Executive Director). Director DePountis is applying for a scholarship to cover her expenses. Dr. Kemp made a motion to approve for the two staff members and the three Board members to attend the conference, seconded by Dr. Horner, motion passed unanimously by roll call vote (Dr. Quast and PA Metzger were not present for this vote).

Article 50 Rules Update. The new Administrative Rules took effect January 1, 2025.

The meeting was adjourned at 12:27 p.m.

Sandra DePountis

Sandra DePountis
Executive Director