

2023 SENATE WORKFORCE DEVELOPMENT

SB 2221

2023 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2221
2/9/2023

Relating to the regulation of the practice of naturopathic medicine; to amend and reenact section 43-17-03, subsection 2 of section 43-57-01, section 43-57-03, subsection 1 of section 43-57-06, subsection 2 of section 43-57-07, section 43-57-11, subsection 2 of section 43-58-01, and sections 43-58-05, 43-58-08, and 43-58-09 of the North Dakota Century Code, relating to the regulation of the practice of naturopathic medicine; and to provide a penalty.

10:04AM **Chairman Wobbema** called the hearing to order. **Senators Wobbema, Axtman, Elki, and Piepkorn Sickler, Piepkorn** are present.

Discussion Topics:

- Naturopathic practice regulations
- Prescription and legend drug formulary privileges
- Disciplinary action
- Affordable Healthcare Act

10:05 AM **Senator Mike Dwyer, District 47**, introduced SB 2221, in favor. #20318.

10:08 AM **Representative Rohr, District 31**, in favor verbally.

10:09 AM **Sandra DePountis, Executive Director, North Dakota Board of Medicine** in favor verbally and introduced **Dr. Robert Sticka**.

10:10 AM **Dr. Robert Sticka, Cancer Surgeon, Chair, North Dakota Board of Medicine**, in favor verbally.

10:14 AM **Sandra DePountis**, testified in favor. #20015.

10:21 AM **Lezlie Link, Naturopathic Doctor, Member, North Dakota Association of Naturopathic Doctors**, testified in favor #20273.

10:26 AM **Jeff Lesmeister**, testified in favor. #20161.

10:32 AM **Megan Houn, Vice President of Public Policy and Governmental Affairs, North Dakota Blue Cross Blue Shield**, in opposition verbally.

10:36 AM **Sandra DePountis**, provided additional information verbally.

10:37 AM **Elizabeth Allmendinger, Naturopathic Doctor**, provided information verbally.

10:39 AM **Senator Mike Dwyer**, provided additional information verbally.

10:41 AM **Meghan Houn**, provided additional information verbally.

10:44 AM **Chairman Wobbema** closed the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2221
2/16/2023

Relating to the regulation of the practice of naturopathic medicine; to amend and reenact section 43-17-03, subsection 2 of section 43-57-01, section 43-57-03, subsection 1 of section 43-57-06, subsection 2 of section 43-57-07, section 43-57-11, subsection 2 of section 43-58-01, and sections 43-58-05, 43-58-08, and 43-58-09 of the North Dakota Century Code, relating to the regulation of the practice of naturopathic medicine; and to provide a penalty.

4:20 PM **Chairman Wobbema** called the meeting to order. **Senators Wobbema, Axtman, Elkin, Larson, Sickler, Piepkorn** are present.

Discussion Topics:

- Licensure
- Board terms

4:22 PM **Sandra DePountis, Executive Director, ND Board of Medicine**, provided information verbally.

4:22 PM **Senator Axtman** moved to adopt amendment page 2 line16 by changing the “two” to “five”.

4:23 PM **Senator Elkin** seconded the motion.

4:23 PM Roll call vote.

Senators	Vote
Senator Michael A. Wobbema	Y
Senator Michelle Axtman	Y
Senator Jay Elkin	Y
Senator Diane Larson	Y
Senator Merrill Piepkorn	Y
Senator Jonathan Sickler	Y

The motion passed 6-0-0.

4:25 PM **Senator Sickler** moved **DO PASS** as **AMENDED**.

4:25 PM **Senator Axtman** seconded.

Roll call vote.

Senators	Vote
Senator Michael A. Wobbema	Y
Senator Michelle Axtman	Y
Senator Jay Elkin	Y
Senator Diane Larson	Y
Senator Merrill Piepkorn	Y
Senator Jonathan Sickler	Y

The motion passed 6-0-0.

Senator Axtman will carry SB 2221.

4:26 PM **Chairman Wobbema** closed the hearing.

Patricia Lahr, Committee Clerk

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Adopted by the Workforce Development
Committee

February 16, 2023

2/16/23

PROPOSED AMENDMENTS TO SENATE BILL NO. 2221

Page 2, line 16, replace "two" with "five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2221: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2221 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 16, replace "two" with "five"

Renumber accordingly

2023 HOUSE HUMAN SERVICES

SB 2221

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2221
3/22/2023

relating to the regulation of the practice of naturopathic medicine, to the regulation of the practice of naturopathic medicine; and to provide a penalty.

Chairman Weisz called the meeting to order at 4:16 PM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. All present.

Discussion Topics:

- Medical providers
- Natural cap
- Naturopathic medicine board
- Monitoring prescription drugs

Sen. Dwyer introduced SB 2221 with supportive testimony (#27458).

Rep. Rohr spoke in support.

Sandra DePountis, Executive Director of the North Dakota Board of Medicine, supportive testimony (#26093).

Vice Chairman Ruby presided as Chairman at 4:27 PM.

Lezlie Link, Naturopathic Doctor and business owner, supportive testimony (#27457).

Additional written testimony:

Robert Sticca, Chair of the North Dakota Board of Medicine, supportive testimony (#26138).

Vice Chairman Ruby adjourned the meeting at 4:38 PM.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2221
3/27/2023

relating to the regulation of the practice of naturopathic medicine, to the regulation of the practice of naturopathic medicine; and to provide a penalty.

Chairman Weisz called the meeting to order at 11:16 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Rep. Clayton Fegley not present.

Discussion Topics:

- Committee work

Chairman Weisz called for a discussion on SB 2221.

Rep. Rohr moved a do pass on SB 2221.

Seconded by Rep. Anderson.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	N
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	AB
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	N
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 11-2-1.

Carried by Rep. Rohr.

Chairman Weisz adjourned the meeting at 11:20 AM.

Phillip Jacobs, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2221, as engrossed: Human Services Committee (Rep. Weisz, Chairman)
recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed SB 2221 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2221

WORKFORCE DEVELOPMENT COMMITTEE
FEBRUARY 9, 2023

TESTIMONY OF
NORTH DAKOTA BOARD OF MEDICINE
SENATE BILL NO. 2221

Chair Wobbema, members of the Committee. I'm Sandra DePountis, Executive Director of the North Dakota Board of Medicine, and along with the Board Chair Dr. Robert Sticca, are appearing on behalf of the Board in support of Senate Bill 2221.

For several sessions, the naturopaths have submitted bills to obtain prescribing authority, all of which have failed for various reasons, one of which was concerns to whether the extended scope of practice was appropriate based on naturopath's education and training. In an effort to address some of these concerns, this last year the Board and the naturopaths met several times to exchange information and gain a better understanding on naturopath's education, training, and licensure.

According to the Federation of Naturopathic Medicine Regulatory Authorities,¹ of the 207 reported disciplinary actions taken against naturopaths since 2010, 64 cases were due to inappropriate prescribing – the largest disciplinary category making up for almost a third of complaints. The Board takes its mission to protect the public seriously and therefore requested sufficient parameters be put in place to verify that naturopaths would be prescribing appropriately and safely to the citizens of North Dakota.

Research was done on naturopath licensure and prescribing authority throughout the country. According to the American Association of Naturopathic Physicians,² 26 U.S. states/territories license naturopaths, 14 of which allow some sort of prescriptive

¹ <https://fnmra.org> – “Disciplinary Actions Summary 2010-Present”

² <https://naturopathic.org>

authority under certain conditions and parameters, including: passing additional examinations, prescribing under the supervision of a physician, prescribing pursuant to a formulary, and having required continuing education hours in pharmacology.

Utilizing this research and information provided by the naturopaths, we were able to work out the language in the proposed bill before you. The main crux of the bill, and the Board's support of the bill, hinges on the following:

1. Naturopath's coming under the jurisdiction of the Board of Medicine.
2. Naturopath's may only prescribe legend drugs and testosterone pursuant to a formulary adopted by the Board into rule.
3. In order to prescribe, a naturopath must first obtain an endorsement requiring supervision by a physician for a period of time.

There are a lot of technicalities to this bill in order to implement these three provisions – as it needs to address three different chapters of the Century Code. Naturopaths are currently under the jurisdiction of the Board of Integrative Health – found in chapter 43-57 – and also have their own chapter in the century code – chapter 43-58. The bill brings naturopaths under the Board of Medicine – chapter 43-17. To do this, naturopaths needed to be removed from Integrative Health's chapter 43-57 while also making sure that any authority or regulation from that chapter is appropriately maintained and transferred directly to the naturopath's chapter 43-58, while also updating reference to the Board of Medicine.

Section 1. The amendment adds a naturopath to the Board of Medicine. It also incorporates the changes from SB 2115 previously in front of this committee in which the Board added a physician assistant.

Sections 2-6. Removing any reference to naturopaths from the Board of Integrative Health's chapter 43-57.

Section 7. Changing the jurisdiction in naturopath's chapter from Board of Integrative Health to the Board of Medicine.

Section 8. Removing references of the Board of Integrative Health from the naturopath's chapter 43-58. Also removing the "good moral character" clause for licensure.

Section 9. Adding prescriptive authority to the scope of naturopath's practice. The Board of Medicine heard testimony that not all naturopaths wanted to prescribe, so instead those who wish to have this authority would be issued an endorsement under the parameters set in the next section of the bill – Section 10.

Subsection (3) outlines the prescribing authority. Naturopaths will not be able to prescribe any scheduled substances, except for testosterone, but can prescribe legend drugs pursuant to a formulary. The majority of states that allow naturopaths to prescribe have a formulary – which can be utilized as North Dakota prepares its own. The section also outlines that a naturopath can obtain samples if they are authorized to prescribe the samples and also outlines when a naturopath may dispense prescriptions. Naturopaths will also be required to comply with all state and federal laws regarding prescriptions, including registration with the Prescription Drug Monitoring Program when appropriate.

Section 10. This section outlines how endorsement is obtained. A naturopath will first obtain a limited endorsement in which a supervising physician will review either the naturopath's first 100 prescriptions or first year of prescribing. Thereafter, along

with the passing of a pharmacology exam, the naturopath can prescribe independently. These requirements can be waived if the naturopath can show they have completed similar requirements in another jurisdiction. Lastly, the naturopath will be required to obtain continuing education in pharmacology to maintain the endorsement.

Section 11. Removing reference to the Integrative Health Board in the naturopath's chapter.

Section 12. In removing the naturopaths from Integrative Health's chapter, laws that the naturopaths were currently under in that chapter now need to be appropriately transferred to the naturopath's chapter (basically taking what was in Section 3 and now putting that language directly into naturopath's chapter).

Section 13. Outlines the grounds for discipline for naturopaths, previously in the Board of Integrative Health chapter, and putting them directly into the naturopath's chapter with updating grounds to cover the added prescribing authority.

Section 14. Recognizing that only those licensed can hold themselves out as naturopaths.

This concludes our testimony. Thank you for your time and attention and we would be happy to answer any questions.

Hearing for SB 2221 – Naturopathic Bill

February 9, 2023

Good morning, Mr. Chairman and members of the committee. I am here to speak in favor of SB 2221 – Naturopathic Bill.

My name is Jeff Lesmeister and I am originally from Halliday, ND currently living in Bismarck. I lived most of my life in North Dakota until 2004 when we left the state for work. I have been back in North Dakota since mid-November 2022, I am in need of a Naturopathic provider and I have yet to find a Naturopathic provider who has the time available to take me on as a patient. Without a Naturopathic provider who can prescribe meds and order tests I will be forced to move back to Oregon where I had a Naturopathic provider.

On April 25, 2012, I passed out and my body ceased to function properly. I had regular headache, ice pick headaches that would drop me to my knees, brain wobbles, brain fog, vertigo, vertigo starts, Autonomic nervous system issues where I sweat uncontrollably (hot flashes), heart palpitations, blood pressure spikes into stroke territory. I developed Hypothyroidism and other autoimmune issues.

I went to a Neurologist who diagnosed me with Basilar migraines because that was an easy diagnosis because I had headaches. He couldn't explain the remainder of my symptoms. Every doctor I saw after that treated me for migraines and I believe the medication prescribed by these doctors did extensive damage to my brain. I went to see the head of Neurology at the Mayo Clinic and after a battery of tests he told us that he didn't know what made me sick and there is nothing they can do for me. He then handed me a card for a company in Scottsdale, Arizona, offering alternative therapy, that had success getting rid of headaches. We contacted them and after four treatments, my headaches were gone. I haven't had a headache since August 1, 2014. However, the remainder of my symptoms persisted.

I continued to doctor with modern medicine until May of 2017 when I was able to see a Naturopathic Doctor in Oregon. By this time, my health had so deteriorated that I could not understand anything she was telling me. My brain would overload with the least amount of input. She would talk to my wife who later would explain to me what she said and what I was to do between visits.

The Naturopathic Doctor ran a mold test on my body and the result was I had 34 times the amount of mold in my system than normal. I also had high levels of herbicides including Round-up, pesticides, petroleum, lead & mercury. When I saw my Primary Care Physician, he said there was no such thing as mold toxicity and refused to accept the Mold Toxicity diagnosis.

My Naturopathic Doctor ran a genetic test and it came back that my liver was lacking certain genes that automatically detoxed my body and thus the toxins had been building in my system from birth.

My Naturopathic Doctor started me on a detox regimen that included prescription medication and herbal supplements and slowly but surely, I have improved to where I am today and am able to testify before you. Which I consider to be a great privilege.

I was a business consultant by trade. I mainly worked with troubled businesses to help them become healthy and profitable. I was required to do high level analytical thinking, reading and writing contracts as well as extremely good spreadsheet capabilities. After I became sick, I had three cognitive tests that all showed that the mold hit my brain like a left-brain stroke and it damaged my cognitive and emotional centers. I could no longer put together complicated spreadsheets, read contracts or create documents, forcing me into disability.

Almost six years of working with my Naturopathic Doctor, I have regained much of my function back and the majority of my symptoms have either been eliminated or greatly reduced.

I have always been a true believer in modern medicine and its ability to find underlying issues. However, even modern medicine has its limitations as I quickly found. Modern medicine looks at each part of the body separately while the Naturopathic world looks at the body as an integrated system, all parts need to function properly in order for the body to work.

Modern Medicine didn't have the answers for me and doctors actually gave up on me, sent me home without hope. My health has improved and I am healing simply because of Alternative medical providers and especially my Naturopathic Doctor.

We need them all, modern medicine and Naturopathic medicine. Neither set of medical providers have all the answers but the Naturopathic world has proven to me to be where my health needs are met. There is room and even a requirement for all providers as our societal needs require more of them.

In this day and age where we have so much evidence, it is time to let the Naturopathic Medical world work affectively and to put their training to use for the benefit of their patients.

I believe very strongly in this bill and I urge you to pass SB 2221 – Naturopathic Bill simply because I know firsthand, its benefits.

I thank you for your time.

SB 2221 Naturopathic Scope Bill
Lezlie Link, ND
Senate Workforce Development
February 9th, 2023

Good Morning Chairman Wobbema and Members of the Senate Workforce Development Committee. My name is Lezlie Link. I am a Naturopathic Doctor or ND, and a business owner from Bismarck. I am in support of the naturopathic scope expansion bill. I have been co-prescribing pharmaceutical drugs since my doctorate graduation moving back to North Dakota in 2012. After finishing my graduate education in 2009, I started my naturopathic family residency program at Southwest College of Naturopathic Medicine in Tempe, Arizona. In my nationally accredited residency program, I oversaw the patient management of pharmaceuticals, targeted dietary interventions, lifestyle counseling, botanical medicines, minor surgery, and other interventions alongside my attending physicians. During my post-graduate residency, I oversaw the diagnostic skills, laboratory evaluation, and pharmaceutical prescribing of 3rd and 4th-year students. The residency allowed me to rotate within the John C. Lincoln Hospital and the Maricopa County Hospital System. Within the Maricopa County system, I was responsible for the diagnosis and standards of care of many primary care conditions, such as type II diabetes, high blood pressure, and acute primary care. As part of my licensure and previous employment, I prescribed pharmaceutical medications for approximately three years before moving back home to North Dakota.

In 2011, the naturopathic licensure bill passed in North Dakota with overwhelming Senate and House support. I decided that my life in Arizona, as great as it was, was coming to a close. I was being called home, and I knew my skill set could benefit my state. Honestly, I was hesitant to come back. However, my family was and is all here in ND, and I knew that there would be limitations to my scope of work in the state and, therefore, my ability to do my job well and continue to offer my patients what they needed. I knew I was making a personal and professional sacrifice. I was fortunate to co-found Core Health Strategies in Bismarck with an open-minded internist and radiation oncologist, Glen Hyland, MD. Over the past 11 years, I have been allowed the opportunity to continue to prescribe and monitor medications under my practice partner's license. He's firsthand seen my diagnostic and clinical decision-making, lab, and imaging interpretation, prescribing recommendations, and specialty referrals. As great as our relationship is, prescribing under Dr. Hyland's license puts liability on him when I should be carrying the liability. Naturopathic doctors carry malpractice insurance, and prescription writing is covered under our plans. Traditionally, naturopathic doctors have low malpractice premiums due to fewer disciplinary actions.

Over the past couple of months, some of my colleagues and I worked with the North Dakota Board of Medicine's legislative team on a collaborative effort to bring forth a bill that satisfies what naturopathic doctors are looking for in terms of scope expansion and transfers the regulation of our profession to the Board of Medicine. This bill provides pathways for our current Naturopathic Doctors in the state to move towards prescribing as was in their initial training. This bill allows previous North Dakota residents who are Naturopathic Doctors in other state and current naturopathic doctoral students to consider coming back to North Dakota.

SB 2221 Naturopathic Scope Bill
Lezlie Link, ND
Senate Workforce Development
February 9th, 2023

As a naturopathic doctor in North Dakota, I became a business owner and was able to have a financially supportive career and serve my fellow North Dakotans. However, to respond to the amount of appointment requests our business is getting, I wanted to add another naturopathic doctor. This took a lot of work to do. Non-native North Dakotan Naturopathic doctors aren't necessarily jumping for the chance to work in the land of chosen frozen. I waited for a local college graduate to go through her four years of graduate education and then waited for her to decide to come back to ND because most Naturopathic Doctors don't want to sacrifice part of their scope to return home. This bill would allow the profession to align more with other states' naturopathic licensure laws and create more job opportunities.

I recommend a do pass on Senate Bill 2221.

Thank you for your time,

Lezlie Link, ND

If you have follow-up questions, please email dr.lezlielink@gmail.com.

TESTIMONY ON SB 2221
SENATOR MIKE DWYER, DISTRICT 47

I. INTRODUCTION.

Mr. Chairman and Members of the Senate Workforce Development Committee. My name is Senator Mike Dwyer, from District 47. I think its appropriate that this bill is referred to your Workforce Development committee, because if this bill is approved by the Legislature and signed by the Governor it will provide increased options and more provider care for our citizens.

II. HISTORY

For those of you who recall last session, we debated a bill to allow North Dakota's Naturopathic Doctors increased prescription privileges in their practice of providing care to their patients. While that bill passed the Senate, it ultimately failed in the House. After the 2021 session, I communicated with the regional manager of Sanford, and Representative Karen Rohr communicated with the ND Medical Assn, asking them to work with the Naturopathic doctor community over the interim and see if they could come up with a compromise solution. In true North Dakota fashion, the ND Board of Medicine and the Naturopathic doctors did exactly that, and the compromise is Senate bill 2221 that you have for consideration before you.

III. SHORTAGE OF MEDICAL PROVIDERS/COMPARISON TO MONTANA

There is a known shortage of medical providers. There is also an ongoing issue of affordable care, as well as safety for medical patients. This bill addresses all of those issues. As a background, Naturopathic medicine is a growing sector of medical care in the United States. Naturopath medicine emphasizes a holistic approach to health. There is a shortage of medical providers in all of our communities, and the purpose of SB 2221 is to enable a more robust practice for Naturopath providers, and thereby provide an opportunity for these providers in North Dakota.

The State of Montana has embraced Naturopathic medical care, and as a result, there are nearly 100 practicing Naturopath doctors working in Montana, with fully staffed clinics. Their safety record is exemplary, and many of the Naturopath doctors serve rural areas in Montana where there is a shortage of providers. In some cases, Naturopath doctors and Allopathic doctors have their clinics together. Montana's approach to this area of medical practice provides an opportunity for greater levels of medical care for their citizens. This bill will allow this growing sector of medical care to flourish in North Dakota, and will provide greater access to care, especially in our rural areas.

IV. SB 2221

The compromise offered in SB 2221 is to have Naturopath doctors licensed and overseen by the ND Board of Medicine, which provides the same oversight for all doctors and physicians assistants. The bill would add one Naturopath doctor to the Board of Medicine, and would enable prescription privileges under the initial supervision of an Allopathic doctor. There is a provision for taking the pharmacology exam to enable additional prescription privileges.

Mr Chairman, that is a brief summary of the bill. This compromise will provide additional choices for patients in the selection of health care providers, and will help address the shortage of medical providers. By providing more options and choices, care also becomes more affordable.

Mr. Chairman and Members of the Senate Workforce Development Committee, thank you.

HOUSE HUMAN SERVICES COMMITTEE
MARCH 22, 2023

TESTIMONY OF
NORTH DAKOTA BOARD OF MEDICINE
SENATE BILL NO. 2221

Chair Weisz, members of the Committee, I'm Sandra DePountis, Executive Director of the North Dakota Board of Medicine, and along with the Board Chair Dr. Robert Sticca, are appearing on behalf of the Board in support of Senate Bill 2221.

For several sessions, the naturopaths have submitted bills to obtain prescribing authority, all of which have failed for various reasons, one of which was concerns to whether the extended scope of practice was appropriate based on naturopath's education and training. In an effort to address some of these concerns, this last year the Board and the naturopaths met several times to exchange information and gain a better understanding on naturopath's education, training, and licensure.

According to the Federation of Naturopathic Medicine Regulatory Authorities,¹ of the 207 reported disciplinary actions taken against naturopaths since 2010, 64 cases were due to inappropriate prescribing – the largest disciplinary category making up for almost a third of complaints. The Board takes its mission to protect the public seriously and therefore requested sufficient parameters be put in place to verify that naturopaths would be prescribing appropriately and safely to the citizens of North Dakota.

Research was done on naturopath licensure and prescribing authority throughout the country. According to the American Association of Naturopathic Physicians,² 26 U.S. states/territories license naturopaths, 14 of which allow some sort of prescriptive

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authority under certain conditions and parameters, including: passing additional examinations, prescribing under the supervision of a physician, prescribing pursuant to a formulary, and having required continuing education hours in pharmacology.

Utilizing this research and information provided by the naturopaths, we were able to work out the language in the proposed bill before you. The main crux of the bill, and the Board's support of the bill, hinges on the following:

1. Naturopath's coming under the jurisdiction of the Board of Medicine.
2. Naturopath's may only prescribe legend drugs and testosterone pursuant to a formulary adopted by the Board into rule.
3. In order to prescribe, a naturopath must first obtain an endorsement requiring supervision by a physician for a period of time.

There are a lot of technicalities to this bill in order to implement these three provisions – as it needs to address three different chapters of the Century Code. Naturopaths are currently under the jurisdiction of the Board of Integrative Health – found in chapter 43-57 – and also have their own chapter in the century code – chapter 43-58. The bill brings naturopaths under the Board of Medicine – chapter 43-17. To do this, naturopaths needed to be removed from Integrative Health's chapter 43-57 while also making sure that any authority or regulation from that chapter is appropriately maintained and transferred directly to the naturopath's chapter 43-58, while also updating reference to the Board of Medicine.

Section 1. The amendment adds a naturopath to the Board of Medicine. It also incorporates the changes from SB 2115 in which the Board added a physician assistant.

Sections 2-6. Removing any reference to naturopaths from the Board of Integrative Health's chapter 43-57.

Section 7. Changing the jurisdiction in naturopath's chapter from Board of Integrative Health to the Board of Medicine.

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Section 10. This section outlines how endorsement is obtained. A naturopath will first obtain a limited endorsement in which a supervising physician will review either the naturopath's first 100 prescriptions or first year of prescribing. Thereafter, along with the passing of a pharmacology exam, the naturopath can prescribe independently. These requirements can be waived if the naturopath can show they have completed

similar requirements in another jurisdiction. Lastly, the naturopath will be required to obtain continuing education in pharmacology to maintain the endorsement.

Section 11. Removing reference to the Integrative Health Board in the naturopath's chapter.

Section 12. In removing the naturopaths from Integrative Health's chapter, laws that the naturopaths were currently under in that chapter now need to be appropriately transferred to the naturopath's chapter (basically taking what was in Section 3 and now putting that language directly into naturopath's chapter).

Section 13. Outlines the grounds for discipline for naturopaths, previously in the Board of Integrative Health chapter, and putting them directly into the naturopath's chapter with updating grounds to cover the added prescribing authority.

Section 14. Recognizing that only those licensed can hold themselves out as naturopaths.

This concludes our testimony. Thank you for your time and attention and we would be happy to answer any questions.

HOUSE HUMAN SERVICES COMMITTEE
MARCH 22, 2023

TESTIMONY OF
NORTH DAKOTA BOARD OF MEDICINE
SENATE BILL NO. 2221

Chair Weisz, members of the Committee, I'm Sandra DePountis, Executive Director of the North Dakota Board of Medicine, and along with the Board Chair Dr. Robert Sticca, are appearing on behalf of the Board in support of Senate Bill 2221.

For several sessions, the naturopaths have submitted bills to obtain prescribing authority, all of which have failed for various reasons, one of which was concerns to whether the extended scope of practice was appropriate based on naturopath's education and training. In an effort to address some of these concerns, this last year the Board and the naturopaths met several times to exchange information and gain a better understanding on naturopath's education, training, and licensure.

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Utilizing this research and information provided by the naturopaths, we were able to work out the language in the proposed bill before you. The main crux of the bill, and the Board's support of the bill, hinges on the following:

1. Naturopath's coming under the jurisdiction of the Board of Medicine.
2. Naturopath's may only prescribe legend drugs and testosterone pursuant to a formulary adopted by the Board into rule.
3. In order to prescribe, a naturopath must first obtain an endorsement requiring supervision by a physician for a period of time.

There are a lot of technicalities to this bill in order to implement these three provisions – as it needs to address three different chapters of the Century Code. Naturopaths are currently under the jurisdiction of the Board of Integrative Health – found in chapter 43-57 – and also have their own chapter in the century code – chapter 43-58. The bill brings naturopaths under the Board of Medicine – chapter 43-17. To do this, naturopaths needed to be removed from Integrative Health's chapter 43-57 while also making sure that any authority or regulation from that chapter is appropriately maintained and transferred directly to the naturopath's chapter 43-58, while also updating reference to the Board of Medicine.

Section 1. The amendment adds a naturopath to the Board of Medicine. It also incorporates the changes from SB 2115 in which the Board added a physician assistant.

Sections 2-6. Removing any reference to naturopaths from the Board of Integrative Health's chapter 43-57.

Section 7. Changing the jurisdiction in naturopath's chapter from Board of Integrative Health to the Board of Medicine.

Section 8. Removing references of the Board of Integrative Health from the naturopath's chapter 43-58. Also removing the "good moral character" clause for licensure.

Section 9. Adding prescriptive authority to the scope of naturopath's practice. The Board of Medicine heard testimony that not all naturopaths wanted to prescribe, so instead those who wish to have this authority would be issued an endorsement under the parameters set in the next section of the bill – Section 10.

Subsection (3) outlines the prescribing authority. Naturopaths will not be able to prescribe any scheduled substances, except for testosterone, but can prescribe legend drugs pursuant to a formulary. The majority of states that allow naturopaths to prescribe have a formulary – which can be utilized as North Dakota prepares its own. The section also outlines that a naturopath can obtain samples if they are authorized to prescribe the samples and also outlines when a naturopath may dispense prescriptions. Naturopaths will also be required to comply with all state and federal laws regarding prescriptions, including registration with the Prescription Drug Monitoring Program when appropriate.

Section 10. This section outlines how endorsement is obtained. A naturopath will first obtain a limited endorsement in which a supervising physician will review either the naturopath's first 100 prescriptions or first year of prescribing. Thereafter, along with the passing of a pharmacology exam, the naturopath can prescribe independently. These requirements can be waived if the naturopath can show they have completed

similar requirements in another jurisdiction. Lastly, the naturopath will be required to obtain continuing education in pharmacology to maintain the endorsement.

Section 11. Removing reference to the Integrative Health Board in the naturopath's chapter.

Section 12. In removing the naturopaths from Integrative Health's chapter, laws that the naturopaths were currently under in that chapter now need to be appropriately transferred to the naturopath's chapter (basically taking what was in Section 3 and now putting that language directly into naturopath's chapter).

Section 13. Outlines the grounds for discipline for naturopaths, previously in the Board of Integrative Health chapter, and putting them directly into the naturopath's chapter with updating grounds to cover the added prescribing authority.

Section 14. Recognizing that only those licensed can hold themselves out as naturopaths.

This concludes our testimony. Thank you for your time and attention and we would be happy to answer any questions.

SB 2221 Naturopathic Scope Bill
Lezlie Link, ND
House Human Services Committee
March 22nd, 2023

Good Morning Chairman Weisz, Vice Chairman Ruby, and Members of the Human Services Committee. My name is Lezlie Link. I am a Naturopathic Doctor or ND, and a business owner from Bismarck. I am in support of the naturopathic scope expansion bill. I have been co-prescribing pharmaceutical drugs since moving back to North Dakota in 2012. After finishing my graduate education in 2009, I started my naturopathic family residency program at Southwest College of Naturopathic Medicine in Tempe, Arizona. In my nationally accredited residency program, I oversaw the patient management of pharmaceuticals, targeted dietary interventions, lifestyle counseling, botanical medicines, minor surgery, and other interventions alongside my attending physicians. During my post-graduate residency, I supervised the diagnostic skills, laboratory evaluation, and pharmaceutical prescribing of 3rd and 4th-year students. The residency allowed me to rotate within the John C. Lincoln Hospital and the Maricopa County Hospital System. Within the Maricopa County system, I was responsible for the diagnosis and standards of care of many primary care conditions, such as type II diabetes, high blood pressure, and acute primary care. As part of my licensure and previous employment, I prescribed pharmaceutical medications for approximately three years before moving back home to North Dakota.

In 2011, the naturopathic licensure bill passed in North Dakota with overwhelming Senate and House support. I decided that my life in Arizona, as great as it was, that chapter was coming to a close. I was being called home, and I knew my skill set could benefit my state. Honestly, I was hesitant to come back. However, my family was and is all here in ND, and I knew that there would be limitations to my scope of work in the state and, therefore, my ability to do my job well and continue to offer my patients what they needed. I knew I was making a personal and professional sacrifice. I was fortunate to co-found Core Health Strategies in Bismarck with an open-minded dual boarded medical internist and radiation oncologist, Glen Hyland, MD. Over the past 11 years, I have been allowed the opportunity to continue to prescribe and monitor medications under my practice partner's license. He's firsthand seen my diagnostic and clinical decision-making, lab, and imaging interpretation, prescribing recommendations, and specialty referrals. As great as our relationship is, prescribing under Dr. Hyland's license puts liability on him when I should be carrying the liability. Naturopathic doctors carry malpractice insurance, and prescription writing is covered under our malpractice plans. Traditionally, naturopathic doctors have low malpractice premiums due to fewer disciplinary actions and thoughtful use of prescription writing.

Over the past year, my colleagues and I worked with the North Dakota Board of Medicine's legislative team on a collaborative effort to bring forth a bill that satisfies what naturopathic doctors are looking for in terms of scope expansion and transfers the regulation of our profession to the ND Board of Medicine. This bill provides pathways for our current Naturopathic Doctors in the state to move towards prescribing as was in their initial training.

SB 2221 Naturopathic Scope Bill
Lezlie Link, ND
House Human Services Committee
March 22nd, 2023

This bill allows previous North Dakota residents who are Naturopathic Doctors in other state and current naturopathic doctoral students to consider coming back to North Dakota.

As a naturopathic doctor in North Dakota, I became a business owner and was able to have a financially supportive career and serve my fellow North Dakotans. However, to respond to the amount of appointment requests our business is getting, I wanted to add another naturopathic doctor. This took a lot of work to do. Non-native North Dakotan Naturopathic Doctors aren't necessarily jumping for the chance to work in the land of chosen frozen. I waited for a local college graduate to go through her four years of graduate education and then waited for her to decide to come back to ND because most Naturopathic Doctors don't want to sacrifice part of their scope to return home. This bill would allow the profession to align more with other states' naturopathic licensure laws and create more job opportunities.

I recommend a do pass on Senate Bill 2221.

Thank you for your time,

Lezlie Link, ND

If you have follow-up questions, please email dr.lezlielink@gmail.com.

TESTIMONY ON SB 2221
SENATOR MIKE DWYER, DISTRICT 47

I. INTRODUCTION.

Mr. Chairman and Members of the House Human Services Committee. My name is Mike Dwyer, State Senator from District 47. If this bill is approved by the Legislature and signed by the Governor it will provide increased options and more provider care for our citizens.

II. HISTORY

For those of you who recall last session, we debated a bill to allow North Dakota's Naturopathic Doctors increased prescription privileges in their practice of providing care to their patients. While that bill passed the Senate, it ultimately failed in the House. After the 2021 session, I communicated with the regional manager of Sanford, and Representative Karen Rohr communicated with the ND Medical Assn, asking them to work with the Naturopathic doctor community over the interim and see if they could come up with a compromise solution. In true North Dakota fashion, the ND Board of Medicine and the Naturopathic doctors did exactly that, and the compromise is Senate bill 2221 that you have for consideration before you.

III. SHORTAGE OF MEDICAL PROVIDERS

There is a known shortage of medical providers. There is also an ongoing issue of affordable care, as well as safety for medical patients. This bill addresses all of those issues. As a background, Naturopathic medicine is a growing sector of medical care in the United States. Naturopathic medicine emphasizes a holistic approach to health. There is a shortage of medical providers in all of our communities, and the purpose of SB 2221 is to enable a more robust practice for Naturopathic providers, and thereby provide an opportunity for these providers in North Dakota.

IV. COMPARISON TO MONTANA

The State of Montana has embraced Naturopathic medical care, and as a result, there are nearly 100 practicing Naturopath doctors working in Montana, with fully staffed clinics. Their safety record is exemplary, and many of the Naturopath doctors serve rural areas in Montana where there is a shortage of providers. In some cases, Naturopath doctors and Allopathic doctors have their clinics together. Montana's approach to this area of medical practice provides an opportunity for greater levels of medical care for their citizens. This bill will allow this growing sector of medical care to flourish in North Dakota, and will provide greater access to care, especially in our rural areas.

V. SB 2221

The compromise offered in SB 2221 is to have Naturopath doctors licensed and overseen by the ND Board of Medicine, which provides the same oversight for all doctors and physicians assistants. The bill would add one Naturopath doctor to the Board of Medicine, and would enable prescription privileges under the initial supervision of an Allopathic doctor. There is a provision for taking the pharmacology exam to enable additional prescription privileges.

Mr. Chairman, that is a brief summary of the bill. This compromise will provide additional choices for patients in the selection of health care providers, and will help address the shortage of medical providers. By providing more options and choices, care also becomes more affordable.

Mr. Chairman and Members of the .
Committee, thank you.