

**ARTICLE 50-01
GENERAL ADMINISTRATION**

Chapter

50-01-01 Organization of Board
50-01-02 Rulemaking [Repealed]
50-01-03 Record Retention

**CHAPTER 50-01-01
ORGANIZATION OF BOARD**

Section

50-01-01-01 Organization of North Dakota Board of Medicine

50-01-01-01. Organization of North Dakota board of medicine.

1. **History and function.** The 1890 legislative assembly passed a medical practice act, codified as North Dakota Century Code chapter 43-17. This chapter requires the governor to appoint a state board of medicine. It is the responsibility of the board to protect the health, safety, and welfare of the public by licensing qualified and competent individuals.
2. **Executive director.** The executive director of the board is appointed by the board and is responsible for administration of the board's activities.
3. **Inquiries.** Inquiries regarding the board may be addressed to the executive director:

Executive Director
North Dakota Board of Medicine
4204 Boulder Ridge Road, Suite 260
Bismarck, 58503-6392

History: Amended effective December 1, 1980; September 1, 1983; July 1, 1988; November 1, 1993; December 1, 1993; August 1, 2003; January 1, 2009; October 1, 2022.

General Authority: NDCC 43-17-07.1

Law Implemented: NDCC ~~43-17-03~~43-17-06, 43-17-07.1

CHAPTER 50-01-03
RECORD RETENTION

Section
50-01-03-01 Record Retention

50-01-03-01. Record Retention

1. A licensee shall retain all medical records unless otherwise appropriately transferred to another licensee or entity, for at least seven years from the last date of service for each patient, except as otherwise required by law.
2. Beginning January 1, 2024, a licensee must appoint another North Dakota licensee or other representative or entity, to ensure that all requirements of this section are met in the event of the licensee's death or incapacitation. Upon request by the board, the licensee must be able to show proof of appointment of a representative.
3. Upon a licensee's death or retirement, the sale of a medical practice, or a licensee's departure from the licensee's medical practice:
 - a. The licensee or the licensee's representative must ensure that all medical records are transferred to another licensee or entity that is held to the same standards of confidentiality and agrees to act as custodian of the records.
 - b. The licensee or the licensee's representative shall notify all active patients that their records will be transferred to another licensee or entity that will retain custody of their records and that, at their written request, the records will be sent to the patient, licensee, or entity of the patient's choice.
 - c. The licensee or the licensee's representative shall notify the board of the location and contact information of the custodian of the records that can be provided to a patient requesting such information.

History: Effective

General Authority: NDCC 43-17-07.1(10)

Law Implemented: NDCC 43-17-27.2

ARTICLE 50-02 PHYSICIAN LICENSURE

Chapter

50-02-01	Provisional Temporary License
50-02-02	Special License
50-02-02.1	Administrative License
50-02-03	Examinations
50-02-04	National Board of Examiners for Osteopathic Physicians and Surgeons, Inc. [Repealed]
50-02-05	Graduates of Foreign Medical Schools
50-02-06	American Students in Foreign Medical Schools [Repealed]
50-02-07	License Fees [Repealed]
50-02-07.1	Physician License Fees
50-02-08	Credentials Committee [Repealed]
50-02-09	Informal Disciplinary Action [Repealed]
50-02-10	Patient Records [Repealed]
50-02-11	Examinations
50-02-12	Notice of Denial or Limitation of Licensure
50-02-13	Resident Licensure
50-02-14	Renewal of Licenses
50-02-15	Telemedicine

CHAPTER 50-02-01 PROVISIONAL TEMPORARY LICENSE

Section

50-02-01-01	License for Interval Between Board Meetings
50-02-01-02	License for Locum Tenens

50-02-01-01. License for interval between board meetings.

An officer of the board and the board's executive director or deputy executive director may issue a locum tenens license or a provisional temporary license to an applicant who is seeking a permanent North Dakota medical license if in their judgment the applicant meets all of the requirements for licensure. A provisional temporary license is valid from the date of issue until the time of the next regularly scheduled meeting of the board.

History: Amended effective December 1, 2000; August 1, 2003; January 1, 2009; October 1, 2022.

General Authority: NDCC ~~43-17-13~~43-17-07.1(10)

Law Implemented: NDCC ~~43-17-21~~43-17-18(5)

50-02-01-02. License for locum tenens.

A license for "locum tenens" may be issued for a specific practice location or health care facility and for a period not to exceed three months.

History: Amended effective October 1, 2022.

General Authority: NDCC ~~43-17-13~~43-17-07.1(10)

Law Implemented: NDCC ~~43-17-21~~43-17-07.1(8)

CHAPTER 50-02-02 SPECIAL LICENSE

Section

- 50-02-02-01 Exceptions to Technical Requirements on Licensure
50-02-02-02 Special License Requirements for Foreign Medical School Graduates [Repealed]

50-02-02-01. Exceptions to technical requirements on licensure.

A license issued under this section is, for all purposes, the same as a regular medical license issued by the board.

1. The board shall issue a license to an applicant who holds a current valid letter of qualification issued through the interstate medical licensing compact. The issuance of a license does not preclude the board's ability to require additional information from the applicant. Failure of the applicant to complete the addendum questions within thirty days will be assessed a fee of five hundred dollars and may be subject to disciplinary action.
2. The board may issue a medical license to an applicant who does not meet all technical eligibility requirements if the board determines the applicant is uniquely qualified through training or experience or will make a unique or special contribution to the practice of medicine not readily available to the citizens of the state. In applying this rule, the board shall make written findings supporting the issuance of a special license. In addition to the potential benefit to the state, the board shall include in its analysis consideration of the following:
 - a. Board certification;
 - b. Nature and length of medical practice;
 - c. Nature and length of postgraduate training or research;
 - d. Licenses issued by other states;
 - e. The existence of disciplinary actions by other medical boards or adverse actions by medical facilities;
 - f. History of malpractice judgments or settlements;
 - g. Licensing examinations, such as the United States medical licensing examination (USMLE) or special purpose examination (SPEX); and
 - h. Such other considerations that bear upon an applicant's eligibility.

History: Amended effective February 1, 1985; January 1, 2018; January 1, 2020.

General Authority: NDCC ~~28-32-02~~43-17-07.1(10)

Law Implemented: NDCC ~~43-1743-17-18(4)~~, 43-17-46

CHAPTER 50-02-02.1 ADMINISTRATIVE LICENSE

Section

50-02-02.1-01 Administrative License

50-02-02.1-01. Administrative license.

The board may issue a license that is limited to administrative medicine, which is defined as administration or management using the medical knowledge, skill, and judgment of a licensed physician that may affect the health of any member of the public.

An administrative medical license does not permit the licensee to practice clinical medicine which, for purposes of this rule, includes the provision of any patient diagnosis or treatment, the prescribing of any drug, or the delegation of medical authority to, or the supervision of, any health professional. The board shall require an applicant for an administrative medical license to sign an acknowledgment of these limitations prior to the issuance of an administrative medical license.

An applicant for an administrative medical license must meet all the eligibility requirements for a regular medical license, except that the applicant will not be required to demonstrate the maintenance of an active clinical practice prior to applying for an administrative medical license.

The holder of an administrative medical license is subject to the same rules and regulations as those holding a regular medical license, including the regulations governing license renewal, fees, continuing medical education, and discipline.

History: Effective January 1, 2018

General Authority: NDCC ~~28-32-0243-17-07.1(10)~~

Law Implemented: NDCC 43-17-07.1(8)

CHAPTER 50-02-03 EXAMINATIONS

Section

- 50-02-03-01 Medical Licensure Examination
- 50-02-03-02 Effect of Passage of Parts of National Board [Repealed]

50-02-03-01. Medical licensure examination.

Those applicants for licensure who have obtained a passing score on the FLEX (federation licensing examination), the NBME (national board of medical examiners) examination, the USMLE (United States medical licensing examination), the LMCC (licentiate of the medical council of Canada) examination, the NBOME (national board of osteopathic medical examiners) examination, or the COMLEX (comprehensive osteopathic medical licensing examination) shall be deemed to have met the medical licensure examination requirement specified in subdivision a of subsection 1 of North Dakota Century Code section 43-17-18.

History: Amended effective May 1, 2002.

General Authority: NDCC ~~28-32-0243-17-07.1(1)~~

Law Implemented: NDCC ~~43-17-21~~43-17-18

CHAPTER 50-02-05

GRADUATES OF FOREIGN MEDICAL SCHOOLS

50-02-05-01. Standard Certificate from educational commission required.

All applicants for licensure who are graduates of foreign medical schools, except the medical schools of Canada, the United Kingdom, Australia, and New Zealand, are required to present a valid certification status from the educational commission for foreign medical graduates. This requirement shall not apply to applicants who were first licensed to practice medicine in the United States prior to the availability of the educational commission for foreign medical graduates examination.

History: Amended effective April 1, 1996, October 1, 2022

General Authority: NDCC ~~43-17-21~~43-17-18

Law Implemented: NDCC ~~43-17-21~~43-17-18

**CHAPTER 50-02-07.1
PHYSICIAN LICENSE FEES**

50-02-07.1-01	License Fees
50-02-07.1-02	Unlicensed Practice Fees
50-02-07.1-02.1	Arrearage
50-02-07.1-03	Administrative Sanctions

50-02-07.1-02. Unlicensed practice fees.

A physician seeking to renew a license who has failed to complete the registration process within three years from the expiration date must be assessed a fee equal to ~~three times the normal annual registration fee~~ five hundred dollars, in addition to such other penalties as are authorized by law, if that physician is found to have been practicing medicine in this state after the physician's license expired.

History: Effective January 1, 2010; amended effective October 1, 2022.

General Authority: NDCC 43-17-25, 43-17-26.1

Law Implemented: NDCC 43-17-26.1

50-02-07.1-03. Administrative sanction.

An administrative sanction shall be imposed in the amount of ~~three times the normal annual registration fee~~ five hundred dollars for any applicant or licensed physician who provides false or deceptive information with regard to any material fact concerning eligibility for initial licensure or renewal after verifying or certifying that the information provided is true. This includes all material information provided in an initial license application, an annual registration renewal, or a report of compliance with mandatory continuing education requirements.

The imposition of an administrative sanction under this section is not a disciplinary action of the board; however, it does not preclude the board from also imposing disciplinary action, or other penalties provided by law, for the same conduct in appropriate cases.

An applicant or licensed physician may challenge the imposition of an administrative sanction under this section in a hearing under North Dakota Century Code chapter 28-32 before an administrative law judge.

History: Effective January 1, 2010.

General Authority: NDCC 43-17-07.1(3)

Law Implemented: NDCC 43-17-25

CHAPTER 50-02-11 EXAMINATIONS

Section

50-02-11-01	Eligibility for Examination
50-02-11-02	Successful Completion of Examination - Time Limitation [Repealed]
50-02-11-03	Limitation on Attempts at Examination Passage [Repealed]
50-02-11-03.1	Limitation on Attempts at Examination Passage
50-02-11-04	Examination Combinations Acceptable

50-02-11-03.1. Limitation on attempts at examination passage.

1. An applicant is permitted a maximum of three attempts to pass each step or part or component of a licensing examination. This rule does not apply to an individual who required more than three attempts to pass USMLE step 1 or USMLE step 2 if that individual was enrolled in a postgraduate training program in North Dakota prior to July 10, 2005, and if:
 - a. The individual is still enrolled in the program when the application for licensure is submitted to the board's office; or
 - b. The individual has completed the program successfully.Parts, steps, and components may not be combined so as to enlarge the number of attempts permitted under this rule.
2. Upon review of an individual applicant, the board may allow an exception to this rule if it finds that it is in the best interest of the state and the applicant:
 - a. Is validly licensed as a physician in another state;
 - b. Has practiced a minimum of five years;
 - c. Has no disciplinary actions imposed by any other state medical licensing board within the last ten years immediately preceding the date of application; and
 - d. Is certified by a specialty board recognized by the American board of medical specialties or by the royal college of physicians and surgeons of Canada.
3. Upon review of an individual applicant, the board may allow an exception to this rule if it finds it is in the best interest of the state and the applicant shows a documented disability as determined by the board.

History: Effective June 1, 2005; amended effective October 1, 2011; April 1, 2020; October 1, 2022.

General Authority: NDCC 43-17-18

Law Implemented: NDCC 43-17-18

CHAPTER 50-02-13 RESIDENT LICENSURE

Section	
50-02-13-01	Definitions
50-02-13-02	License Requirement
50-02-13-02.1	License Requirement - Exception
50-02-13-03	Qualifications
50-02-13-04	Applications
50-02-13-05	Scope of Practice
50-02-13-06	Discipline
50-02-13-07	Period of Licensure
50-02-13-08	Reporting Requirements
50-02-13-09	Fees

50-02-13-01. Definitions.

As used in this chapter:

1. "Approved postgraduate training program" means a postgraduate training program approved by the accreditation council for graduate medical education.
2. "Board" means the North Dakota board of medicine.
3. "Resident" means a person who is enrolled in an approved postgraduate training program.

History: Effective May 1, 2000.

General Authority: NDCC ~~43-17-02(1)~~[43-17-02.5](#)

Law Implemented: NDCC ~~43-17-02(1)~~[43-17-02.5](#)

50-02-13-02. License requirement.

A person may not participate in an approved postgraduate training program in this state unless that person has first been granted a license by the board.

History: Effective May 1, 2000; amended effective October 1, 2022.

General Authority: NDCC ~~43-17-02(1)~~[43-17-02.5](#)

Law Implemented: NDCC ~~43-17-02(1)~~[43-17-02.5](#)

50-02-13-02.1. License requirement - Exception.

The provisions of section 50-02-13-02 notwithstanding, a resident who is enrolled in an approved postgraduate training program in another state may complete a rotation in this state without obtaining a North Dakota license if:

1. The out-of-state postgraduate training program is accredited by the accreditation council for graduate medical education;
2. Participation in the North Dakota rotation is an official component of the participant's postgraduate training program;
3. The North Dakota rotation will be completed within ninety days or less; and
4. The participant holds a valid unencumbered license to participate in postgraduate training programs in the state in which the participant's postgraduate training program is located. If that state does not require residents to hold a license, then the individual must obtain a North Dakota license before beginning the rotation in this state.

The director of the postgraduate training program shall provide written notice to the board with the names of individuals and the state of licensure who are practicing under this exception within twenty days.

History: Effective November 1, 2002; amended effective October 1, 2022.

General Authority: NDCC ~~43-17-02(1)~~43-17-02.5

Law Implemented: NDCC ~~43-17-02(1)~~43-17-02.5

50-02-13-03. Qualifications.

The board may issue an approved postgraduate training license to an applicant who meets each of the following requirements:

1. The applicant is enrolled in an approved postgraduate training program within the state of North Dakota;
2. The applicant meets all qualifications for permanent licensure except those requirements pertaining to postgraduate training and the examination requirement specified in North Dakota Century Code section 43-17-18; and
3. The applicant has paid the prescribed fee.

History: Effective May 1, 2000; amended effective October 1, 2022.

General Authority: NDCC ~~43-17-02(1)~~43-17-02.5

Law Implemented: NDCC ~~43-17-02(1)~~43-17-02.5

50-02-13-04. Applications.

Applications for a postgraduate training license or the annual renewal of an approved postgraduate training license must be submitted to the office of the board upon such forms as are supplied by the board or otherwise approved by the board. The board may require any applicant to appear for an interview regarding the applicant's qualifications for licensure. The board shall establish a policy setting forth the criteria used in determining which applicants will be required to appear for such interviews.

History: Effective May 1, 2000; amended effective October 1, 2022.

General Authority: NDCC ~~43-17-02(1)~~43-17-02.5

Law Implemented: NDCC ~~43-17-02(1)~~43-17-02.5

50-02-13-05. Scope of practice.

A postgraduate training license only authorizes the person receiving that license to practice within the context of an approved postgraduate training program and does not authorize that person to engage in the private practice of medicine or otherwise practice medicine outside the scope of the postgraduate training program.

History: Effective May 1, 2000.

General Authority: NDCC ~~43-17-02(1)~~43-17-02.5

Law Implemented: NDCC ~~43-17-02(1)~~43-17-02.5

50-02-13-06. Discipline.

Individuals who have been granted an approved postgraduate training license are subject to the board's disciplinary authority as specified in North Dakota Century Code chapters 43-17 and 43-17.1 and a postgraduate training license may be revoked if:

1. The individual to whom that license was issued ceases to be enrolled in a postgraduate training program in this state; or

2. The individual to whom that license was issued engages in the practice of medicine outside the scope of a postgraduate training program.

Upon verification under section 50-02-13-08 that a resident has been terminated or resigned from the postgraduate training program, the license automatically expires. The expiration of a resident's license does not preclude the board from taking disciplinary action as provided in this section.

History: Effective May 1, 2000; amended effective October 1, 2022.

General Authority: NDCC ~~43-17-02(1)~~43-17-02.5

Law Implemented: NDCC ~~43-17-02(1)~~43-17-02.5

50-02-13-07. Period of licensure.

A postgraduate training license may, in the discretion of the board, be issued for a period of one or more years. However, in no event shall the license be issued for a period of time exceeding the date on which the applicant is reasonably expected to complete the approved postgraduate training program for which the license is being issued.

In the event a license is issued for a period of time exceeding one year, the board may nevertheless require the licensee to periodically supply information to the board regarding the licensee's credentials and ability to practice in a competent and safe manner. Failure to provide that information to the board will constitute a violation of subdivision bb of subsection 1 of North Dakota Century Code section 43-17-31.

The board may issue a temporary postgraduate training license to allow the applicant to participate in an approved postgraduate training between the time the application is submitted to the board's office and the time of the next meeting of the board. A temporary postgraduate training license may not be issued if the application file contains significant derogatory information.

History: Effective May 1, 2000; amended effective April 1, 2006; October 1, 2022.

General Authority: NDCC ~~43-17-02(1)~~43-17-02.5

Law Implemented: NDCC ~~43-17-02(1)~~43-17-02.5

50-02-13-08. Reporting requirements.

A person holding a postgraduate training license is subject to the mandatory reporting requirements specified in North Dakota Century Code section 43-17.1-05.1. In addition to the requirements imposed under North Dakota Century Code section 43-17.1-05.1, a postgraduate training licensee and the director of each postgraduate training program must report within ten days the following circumstances to the board's investigative panels:

1. The termination or resignation of a resident for any reason, including poor academic performance.
2. The imposition of sanctions against a resident for reasons other than poor academic performance.

History: Effective May 1, 2000; amended effective October 1, 2022.

General Authority: NDCC ~~43-17-02(1)~~43-17-02.5

Law Implemented: NDCC ~~43-17-02(1)~~43-17-02.5

50-02-13-09. Fees.

The fee for a postgraduate training license is one hundred dollars for the duration of the postgraduate training program. That fee shall be paid in full at the time the license is issued.

History: Effective May 1, 2000; amended effective April 1, 2006; July 1, 2013.

General Authority: NDCC ~~43-17-02(1)~~43-17-02.5

Law Implemented: NDCC ~~43-17-02(1)~~43-17-02.5

CHAPTER 50-03-01 PHYSICIAN ASSISTANTS

Section

50-03-01-01	Description and Authority of Physician Assistant [Repealed]
50-03-01-01.1	Description and Scope of Practice of the Physician Assistant
50-03-01-02	Licensure Requirements
50-03-01-03	Supervision Contract Requirements [Repealed]
50-03-01-03.1	Collaboration With Physicians and Other Health Care Providers
50-03-01-03.2	Practice Requirements
50-03-01-04	Supervising Physician's Responsibility [Repealed]
50-03-01-05	Designation of Substitute Supervising Physician [Repealed]
50-03-01-06	Assistant's Functions Limited [Repealed]
50-03-01-07	Drug Therapy [Repealed]
50-03-01-07.1	Medication Dispensation [Repealed]
50-03-01-08	Assignment of Tasks by Supervising Physician [Repealed]
50-03-01-09	Number of Assistants Under Physician's Supervision Limited [Repealed]
50-03-01-09.1	Physician Assistant for More Than One Physician [Repealed]
50-03-01-09.2	Physician Assistants Under Physician's Supervision [Repealed]
50-03-01-10	Assistant's Services Limited [Repealed]
50-03-01-10.1	Disciplinary Action
50-03-01-10.2	Disciplinary Proceedings
50-03-01-11	Grounds for Disciplinary Action
50-03-01-12	Physician's Delegation to Qualified Person Not Restricted [Repealed]
50-03-01-13	Fees
50-03-01-14	License Renewal Requirements
50-03-01-15	Forms of Licensure
50-03-01-16	Renewal of Licenses
50-03-01-17	Late Fees
50-03-01-18	Physician Assistant - Use of Certain Words or Initials Prohibited
50-03-01-19	Physician Assistant - Reporting Requirements

50-03-01-02. Licensure requirements.

Every applicant for licensure shall file a written application, on forms provided by the board, showing to the board's satisfaction that the applicant satisfies all of the requirements for licensure, including:

1. Satisfactory proof of graduation from a physician assistant program;
2. Successful passage of the certifying examination of the national commission on certification of physician assistants or other certifying examinations approved by the North Dakota board of medicine. The physician assistant must maintain certification with the national commission on certification of physician assistants or other certifying entity approved by the board during the entire period of licensure;
3. Payment of the fee as required by section 50-03-01-13;
4. Submission to a statewide and nationwide criminal history record check pursuant to subsection 4 of North Dakota Century Code section 43-17-07.1; and
5. A history free of any finding by the board, any other state medical licensure board, or any court

of competent jurisdiction, of the commission of any act that would constitute grounds for disciplinary action.

History: Amended effective July 1, 1988; November 1, 1993; January 1, 2020; October 1, 2022.

General Authority: NDCC ~~43-17-02(9)~~43-17-02.1

Law Implemented: NDCC 43-17-02.1

50-03-01-10.1. Disciplinary action.

The board is authorized to take disciplinary action against a licensed physician assistant in accordance with North Dakota Century Code chapter 43-17.1 by any one or more of the following means, as it may find appropriate:

1. Revocation of license.
2. Suspension of license.
3. Probation.
4. Imposition of stipulations, limitations, or conditions relating to the duties of a physician assistant.
5. Letter of censure.
6. Require the licensee to provide free public or charitable service for a defined period.
7. Impose fines, not to exceed five thousand dollars for any single disciplinary action. Any fines collected by the North Dakota board of medicine must be deposited in the state general fund.

History: Effective August 1, 2002; amended effective October 17, 2002; October 1, 2022.

General Authority: NDCC ~~43-17-02(9)~~43-17-02.1

Law Implemented: NDCC ~~43-17-02(9)~~43-17-02.1

50-03-01-10.2. Disciplinary proceedings.

In any order or decision issued by the board in resolution of a disciplinary proceeding in which disciplinary action is imposed against a physician assistant, the board may direct any physician assistant to pay the board a sum not to exceed the reasonable and actual costs, including reasonable attorney's fees, incurred by the board and its investigative panels of the board in the investigation and prosecution of the case. If applicable, the physician assistant's license may be suspended until the costs are paid to the board. A physician assistant may challenge the reasonableness of any cost item in a hearing under North Dakota Century Code chapter 28-32 before an administrative law judge. The administrative law judge may approve, deny, or modify any cost item, and the determination of the judge is final. The hearing must occur before the physician assistant's license may be suspended for nonpayment.

History: Effective January 1, 2020; amended effective October 1, 2022.

General Authority: NDCC ~~43-17-02(9)~~43-17-02.1

Law Implemented: NDCC ~~43-17-02(9)~~43-17-02.1

50-03-01-11. Grounds for disciplinary action.

The board may deny an application for licensure or may take disciplinary action against a physician assistant upon any of the following grounds:

1. Failing to demonstrate the qualifications for licensure under this act or the regulations of the board.
2. Soliciting or receiving any form of compensation from any person other than the physician assistant's employer or third-party payer for services performed as a physician assistant.
3. The use of any false, fraudulent, or forged statement or document or the use of any fraudulent, deceitful, dishonest, or immoral practice in connection with any of the licensing requirements.
4. The making of false or misleading statements about the physician assistant's skill or the efficacy of any medicine, treatment, or remedy.
5. The conviction of any misdemeanor, determined by the board to have a direct bearing upon a person's ability to serve the public as a physician assistant, or any felony. A license may not be withheld contrary to the provisions of North Dakota Century Code chapter 12.1-33.
6. ~~The habitual or excessive use~~Use of ~~intoxicants-alcohol~~ or drugs to such a degree as to interfere with the licensee's ability to safely practice medicine.
7. Physical or mental disability materially affecting the ability to perform the duties of a physician assistant in a competent manner.
8. Aiding or abetting the practice of medicine by a person not licensed by the board or by an incompetent or impaired person.
9. Gross negligence in the performance of the person's duties as a physician assistant.
10. Manifest incapacity or incompetence to perform as a physician assistant.
11. The willful or negligent violation of the confidentiality between physician assistant and patient, except as required by law.
12. The performance of any dishonorable, unethical, or unprofessional conduct.
13. Obtaining any fee by fraud, deceit, or misrepresentation.
14. The violation of any provision of a physician assistant practice act or the rules and regulations of the board, or any action, stipulation, condition, or agreement imposed by the board or its investigative panels.
15. Representing himself or herself to be a physician.
16. The advertising of the person's services as a physician assistant in an untrue or deceptive manner.
17. Sexual abuse, misconduct, or exploitation related to the licensee's performance of the licensee's duties as a physician assistant.
18. The prescription, sale, administration, distribution, or gift of any drug legally classified as a controlled substance or as an addictive or dangerous drug for other than medically accepted therapeutic purposes.
19. The failure to comply with the reporting requirements of North Dakota Century Code section 43-17.1-05.1.

20. A continued pattern of inappropriate care as a physician assistant.
21. The use of any false, fraudulent, or deceptive statement in any document connected with the performance of the person's duties as a physician assistant.
22. The prescribing, selling, administering, distributing, or giving to oneself or to one's spouse or child any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug.
23. The violation of any state or federal statute or regulation relating to controlled substances.
24. The imposition by another state or jurisdiction of disciplinary action against a license or other authorization to perform duties as a physician assistant based upon acts or conduct by the physician assistant that would constitute grounds for disciplinary action as set forth in this section. A certified copy of the record of the action taken by the other state or jurisdiction is conclusive evidence of that action.
25. The lack of appropriate documentation in medical records for diagnosis, testing, and treatment of patients.
26. The failure to furnish the board or the investigative panel, their investigators or representatives, information legally requested by the board or the investigative panel.
27. Noncompliance with the physician health program established under North Dakota Century Code chapter 43-17.3.

History: Amended effective July 1, 1988; November 1, 1993; April 1, 1996; October 1, 1999; August 1, 2002; January 1, 2020.

General Authority: NDCC ~~43-17-02(9)~~43-17-02.1, ~~43-17-13~~

Law Implemented: NDCC ~~43-17-02(9)~~43-17-02.1

50-03-01-13. Fees.

The fee for initial licensure of a physician assistant is fifty dollars per year. The renewal fee is fifty dollars per year. The fee for license verification is thirty dollars.

History: Effective July 1, 1988; amended effective November 1, 1993; December 1, 1996; October 1, 1999; January 1, 2020; October 1, 2022.

General Authority: NDCC ~~43-17-02(9)~~43-17-02.1, ~~43-17-13~~

Law Implemented: NDCC ~~43-17-02(9)~~43-17-02.1

50-03-01-14. License renewal requirements.

The physician assistant's license renewal application must be accompanied with evidence of current certification by the national commission on certification of physician assistants or other certifying entity approved by the board.

History: Effective August 1, 1989; amended effective November 1, 1993; October 1, 1999; July 1, 2013; January 1, 2020; October 1, 2022.

General Authority: NDCC ~~43-17-02(9)~~43-17-02.1

Law Implemented: NDCC ~~43-17-02(9)~~43-17-02.1

50-03-01-15. Forms of licensure.

The North Dakota board of medicine may recognize the following forms of licensure for a physician assistant and may issue licenses accordingly:

1. Permanent licensure - which will continue in effect so long as the physician assistant meets all requirements of the board.
2. Locum tenens permit - which may be issued for a specific health care facility and for a period not to exceed three months.

History: Effective July 1, 1994; amended effective October 1, 1999; October 1, 2022.

General Authority: NDCC ~~43-17-02(9)~~43-17-02.1

Law Implemented: NDCC ~~43-17-02(9)~~43-17-02.1

50-03-01-16. Renewal of licenses.

Provided that all renewal requirements are deemed by the board to be met, a physician assistant who applies for renewal of a physician assistant license within thirty-one days of the expiration date of that license shall be granted a license with an effective date of the first day following expiration of the physician assistant's license. Nothing in this rule shall be construed to affect the board's ability to impose statutory fines or other disciplinary action against a physician assistant for failing to renew a license prior to its expiration date or for practicing with an expired license. A physician assistant whose license lapsed more than three years before the physician assistant petitioned the board for reinstatement shall submit a new application for licensure.

History: Effective October 1, 2011; amended effective October 1, 2022.

General Authority: NDCC 43-17-07.1

Law Implemented: NDCC ~~43-17-02(9)~~43-17-02.1

50-03-01-17. Late fees.

A physician assistant seeking to renew the license who has failed to complete the annual registration process within three years from the expiration date must be assessed a fee ~~equal to three times the normal license registration fee of two hundred and fifty dollars~~, in addition to such other penalties as are authorized by law, if that physician assistant is found to have been practicing in this state after the physician assistant's license expired. A physician assistant may renew the expired license upon payment of fifty dollars per year, up to three years, for each year past the renewal deadline.

History: Effective October 1, 2011; amended effective October 1, 2022.

General Authority: NDCC 43-17-07.1

Law Implemented: NDCC ~~43-17-02(9)~~43-17-02.1

50-03-01-19. Physician assistant - Reporting requirements.

A physician assistant is subject to the mandatory reporting requirements specified in North Dakota Century Code section 43-17.1-05.1. In addition to the requirements imposed under North Dakota Century Code section 43-17.1-05.1, the physician assistant must report to the board within ten days if the individual no longer holds a valid certification from the national commission on certification of physician assistants. Upon verification that the physician assistant no longer holds the certification, the license automatically expires. The expiration of the physician assistant license under this section does not preclude the board from taking disciplinary action.

History: Effective October 1, 2022.

General Authority: NDCC 43-17-07.1

Law Implemented: NDCC ~~43-17-02(9)~~43-17-02.1

**ARTICLE 50-04
CONTINUING MEDICAL EDUCATION**

50-04-01 Continuing Medical Education Standards

**CHAPTER 50-04-01
CONTINUING MEDICAL EDUCATION STANDARDS**

Section

50-04-01-01	Requirements
50-04-01-02	Exceptions
50-04-01-03	Credits Accepted
50-04-01-04	Compliance

50-04-01-01. Requirements.

Except as is otherwise specified in this chapter, every physician licensed to practice medicine in North Dakota shall complete no less than sixty-fourty hours of board-approved continuing medical education (CME) every three-two years. One hour of credit will be allowed for each clock-hour of participation in approved continuing medical education activities.

History: Effective November 1, 1998.

General Authority: NDCC 43-17-27.1

Law Implemented: NDCC 43-17-27.1

50-04-01-02. Exceptions.

The following physicians are not required to meet the requirements of this chapter.

1. Physicians who are enrolled in full-time graduate medical education programs (residencies and fellowships) which are accredited by the accreditation council on graduate medical education or the American osteopathic association.
2. Physicians who hold a locum tenens permit or a special license and physicians who have not renewed their licenses for the first time since being granted a regular permanent license by the board.
3. Physicians who have retired from the active practice of medicine. This exception is available only to retired physicians who have completely and totally withdrawn from the practice of medicine. Any physician seeking to be excused from completing CME requirements under this subsection must submit an affidavit to the North Dakota board of medicine (on the board's form) certifying that the physician will render no medical services during the term of the next CME reporting period.
4. The board may grant an extension of time or other waiver to a licensee who, because of prolonged illness or other extenuating circumstances, has been unable to meet the CME requirements.
5. Physicians who hold a current certification, maintenance of certification, or recertification by a member of the American board of medical specialties, the American osteopathic association, or the royal college of physician and surgeons of Canada at the time of the CME audit.

History: Effective November 1, 1998.

General Authority: NDCC 43-17-27.1

Law Implemented: NDCC 43-17-27.1

50-04-01-04. Compliance.

1. All physicians will periodically be required to answer questions on the board's ~~annual~~ license renewal forms to establish compliance, or eligibility for an exception, pursuant to this chapter. Physicians are not required to provide additional documentation of compliance with continuing education requirements unless specifically requested to do so by the board.

Any physician who is required to report CME credits after having been licensed to practice medicine in North Dakota for more than one year but less than two full years will be required to demonstrate completion of twenty hours of board-approved CME credits during that physician's initial CME reporting period.

~~Any physician who is required to report CME credits after having been licensed to practice medicine in North Dakota for more than two years but less than three full years will be required to demonstrate completion of forty hours of board-approved CME during that physician's initial CME reporting period.~~

False statements regarding satisfaction of continuing education requirements on the renewal form or on any documents connected with the practice of medicine may subject the licensee to disciplinary action by the board.

2. The board will audit randomly selected physicians to monitor compliance with the continuing medical education requirements. Any physician so audited will be required to furnish documentation of compliance including the name of the accredited CME provider, name of the program, hours of continuing medical education completed, dates of attendance, evidence of credit designation (i.e., category 1 designation, prescribed credit designation, etc.), and verification of attendance. Any physician who fails to provide verification of compliance with the CME requirements will be subject to a fee of five hundred dollars and possible revocation of licensure.
3. In order to facilitate the board's audits, every physician is required to maintain a record of all CME activities in which the physician has participated. Every physician must maintain those records for a period of at least one year following the time when those CME activities were reported to the board.

History: Effective November 1, 1998; amended effective July 1, 2013; October 1, 2022.

General Authority: NDCC 43-17-27.1

Law Implemented: NDCC 43-17-27.1

Article 50-06 Naturopathic Licensure

Chapter

<u>50-06-01</u>	<u>Admission to Practice Naturopathic Medicine</u>
<u>50-06-02</u>	<u>Authority of Naturopaths</u>
<u>50-06-03</u>	<u>Continuing Naturopathic Education</u>

CHAPTER 50-06-01 Admission to Practice Naturopathic Medicine

Section

<u>50-06-01-01</u>	<u>Definitions</u>
<u>50-06-01-02</u>	<u>Approvals of Schools</u>
<u>50-06-01-03</u>	<u>Applications for Licensure</u>
<u>50-06-01-04</u>	<u>Licensure by Reciprocity</u>
<u>50-06-01-05</u>	<u>Photograph</u>
<u>50-06-01-06</u>	<u>Examination Requirements</u>
<u>50-06-01-07</u>	<u>License Issued</u>
<u>50-06-01-08</u>	<u>Change of Location – License Displayed</u>
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<u>50-06-01-10</u>	<u>Expired Licenses</u>
<u>50-06-01-11</u>	<u>Fees</u>
<u>50-06-01-12</u>	<u>Administrative Sanctions</u>

50-06-01-01. Definitions.

Unless specifically stated otherwise, all definitions found in North Dakota Century Code chapter 43-58 are applicable to this title. In this title, unless the context or subject matter otherwise requires:

1. “Administration” means the intradermal, intramuscular, intravenous, oral, rectal, subcutaneous, sublingual, topical, auricular, nasal, ocular, or vaginal routes of administration in accordance with naturopathic medical training.
2. “Council” means the council on naturopathic medical education or its successor. The successor must be an accrediting agency recognized by the United States department of education.
3. “In accordance with naturopathic medical training” means the practice of naturopathic medicine by means that are consistent with the education of an approved naturopathic medical college, are generally recognized as safe and effective, and generally considered to be within the accepted practice standards for the naturopathic profession.
4. “Manipulation of the spine” means therapeutic osseous manipulation techniques to realign the cervical, thoracic, and lumbar vertebrae and sacrum.
5. “National board” means the North American board of naturopathic examiners or its successor.
6. “National board examinations” means the naturopathic physicians licensing examinations (NPLEX) or its successor.
7. “Nondrug prescription device” includes diabetic supplies, intrauterine devices, cold lasers, orthotics, and transcutaneous electrical stimulation units.
8. “Nonprescription topical drug” means a topical analgesic, antibacterial, antifungal, antiseptic, antipruritic, or hormone that is not a prescription drug.

9. “Prescription drug” means a legend drug as defined by section 503(b) of the Act of Congress entitled the Federal Food, Drug and Cosmetic Act [21 U.S.C. 353 et seq.] and under its definitions its label is required to state “Rx only”.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-57-03.1

50-06-01-02. Approval of schools.

The board shall approve a naturopathic medical school if it meets the definition pursuant to North Dakota Century Code section 43-58-01 and is accredited by the council.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-05

50-06-01-03. Application for licensure.

Application shall be made on the official form issued by the board.

1. Applicants seeking licensure pursuant to North Dakota Century Code section 43-58-05 shall be considered when all of the following have been received:
 - a. A signed and dated completed official application form.
 - b. An official transcript of the national board examinations sent directly to the board from the national board verifying satisfactory passage of both part one and part two.
 - c. An official complete transcript sent directly to the board from the approved naturopathic medical school from which the applicant graduated verifying date of graduation and completion of clinical training.
 - d. The license fee.
2. Applicants seeking a license or limited license pursuant to North Dakota Century Code section 43-58-06 shall submit the following documents for consideration:
 - a. A signed and dated completed official application form.
 - b. An official school transcript verifying graduation from a school of naturopathy.
 - c. Documentation of supervised clinical training and practical postgraduate clinical experience, including dates, clinic contact information, and supervisor contact information for verification purposes.
 - d. Documentation of North Dakota residency throughout calendar year 2011.
 - e. Documentation of the practice of naturopathy in North Dakota in 2011.
 - f. The initial licensing fee.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-04, 43-58-05, 43-58-06

50-06-01-04. License by reciprocity.

An application for license by reciprocity will be considered by the board if the following conditions are met:

1. The candidate has graduated from and holds a degree from an approved naturopathic medical school.
2. The candidate holds a current valid license in good standing to practice as a naturopath in another state or jurisdiction. Official written verification of licensure status must be received by the board from the other state or jurisdiction.
3. The examination requirements of the other state or jurisdiction are substantially similar as in North Dakota.
4. The candidate has filed with the board an official application for licensure by reciprocity, a copy of the diploma from an approved naturopathic medical school, a copy of the current valid license, and the required initial licensure fee.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-07

50-06-01-05. Photograph.

An unmounted passport photograph of the applicant must be provided with the application. The photograph must have been taken within one year of the date of application.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC, 43-58-05

50-06-01-06. Examination requirements.

1. Those applicants for licensure who have obtained a passing score on the naturopathic physicians licensing examinations (NPLEX) part one and part two or its successor shall be deemed to have met the examination requirement specified in North Dakota Century Code section 43-58-05.
2. The examination requirements for licensure must be successfully completed within four years from graduation. The board may grant an exception to this requirement for applicants who have concurrently pursued another graduate degree, and the applicant presents a verifiable, rational, and compelling explanation for not meeting the four-year time limit.
3. An applicant is permitted a maximum of three attempts to pass each part or component of the national board examination. Upon review of an individual applicant, the board may allow an exception to this rule if it finds it is in the best interest of the state and the applicant shows a documented disability as determined by the board, or the applicant:
 - a. Is validly licensed as a naturopath in another state;
 - b. Has practiced a minimum of five years; and
 - c. Has no disciplinary actions imposed by any other state licensing board.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-05

50-06-01-07. License issued.

When it shall have been determined by the board that any candidate has successfully completed all requirements by law and rule for licensure, there shall be issued to such candidate a license to practice naturopathy.

An officer of the board and the board's executive director or deputy executive director may issue a provisional temporary license to an applicant who is seeking a permanent North Dakota naturopathic license if in their judgement the applicant meets all the requirements for a license. A provisional temporary license is valid from the date of issue until the time of the next regularly scheduled meeting of the board.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-05, 43-58-07

50-06-01-08. Location of practice – License displayed.

Each licensed naturopath shall maintain a permanent electronic mail or mailing address with the board to which all communications from the board to the licensee will be sent. A licensee who changes an address shall notify the board in writing of the new contact information within thirty days. A current certificate or duplicate certificate issued by the board must at all times be displayed in each office location of the naturopath.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-03.1

50-06-01-09. License renewal.

1. Every naturopath who has been licensed by the board shall renew the license by remitting a renewal fee on or before December thirty-first of each odd-numbered year and completing the renewal application provided by the board. For applicants who receive an initial license after July first in an odd-numbered year, the license will be deemed to be automatically renewed on December thirty-first for an additional two years without payment of an additional renewal fee.
2. The applicant for renewal shall certify on the renewal application that the continuing education requirements have been or will be met by December thirty-first. The applicant must keep records of completed continuing education. The board shall conduct random compliance audits of licensees. Failure to complete continuing education is considered unprofessional conduct.
3. A license renewal application received on or after January first of an even-numbered year is an expired renewal and requires the renewal fee, plus a late fee set by the board. Proof of appropriate continuing education hours must be presented. A license that has not been renewed within two years of expiration is a lapsed license requiring submission of a new application for licensure.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-03.1

50-06-01-10. Expired licenses.

Once a license has expired, the individual who held the license may not practice naturopathic medicine or use a title reserved under state law for individuals who are licensed by the board until the license is renewed or a new license is issued. An individual whose license has expired but who continues to practice naturopathic medicine or use a restricted title violates state law and this chapter. Such a violation may be considered grounds for denying an application by the former licensee for renewal of the lapsed license or for a new license.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-11, 43-58-03, 43-58-03.1

50-06-01-11. Fees.

The board charges the following nonrefundable fees:

1. **Initial license.** The fee for application and an initial license is four hundred dollars. The licensing period is biennial, ending on December thirty-first every odd-numbered year.
2. **Renewal.** Licenses renew on December thirty-first every odd-numbered year. The renewal fee is four hundred dollars.
3. **Late filing.** A naturopath seeking to renew a license who has failed to complete the renewal process within two years from the expiration date must be assessed a late fee of five hundred dollars, in addition to the renewal fee and such other penalties as are authorized by law, if that naturopath is found to have been practicing in this state after the naturopath's license expired. A naturopath with an expired license who has not practiced without a license may renew their license within two years of the expiration date upon payment of the four hundred dollars renewal fee.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-03.1, 43-58-05

50-06-01-12. Administrative Sanction.

An administrative sanction shall be imposed in the amount of \$500 for any applicant or licensed naturopath who provides false or deceptive information with regard to any material fact concerning eligibility for initial licensure or renewal after verifying or certifying that the information provided is true. This includes all material information provided in an initial license application, renewal, or report of compliance with mandatory continuing education requirements.

The imposition of the administrative sanction under this section is not disciplinary action of the board; however, it does not preclude the board from also imposing disciplinary action, or other penalties provided by law, for the same conduct in appropriate cases.

An applicant or licensed naturopath may challenge the imposition of an administrative sanction under this section under North Dakota Century Code chapter 28-32.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-03.1, 43-58-05

CHAPTER 50-06-02 AUTHORITY OF NATUROPATHS

Section

50-06-02-01 Rights and Privileges

50-06-02-02 Signing Death Certificates

50-06-02-03 Advertising

50-06-02-04 Authority to Administer, Prescribe, and Dispense

50-06-02-05 Intradermal, Intramuscular, Intravenous, and Subcutaneous Administration

50-06-02-06 Endorsement for Prescriptive Authority

50-06-02-07 Supervising Physician for License Endorsement for Prescriptions

50-06-02-08 Formulary

50-06-02-01. Rights and privileges.

Unless otherwise limited by statute, naturopaths shall be entitled to all rights and privileges of physicians in this state recognized under section 43-58-09 of the North Dakota Century Code.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-08, 43-58-09, 43-58-10

50-06-02-02. Signing death certificates.

In case of the death of any patient, the naturopath shall be required to fill out and sign such certificate of death as is required by statute.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-09

50-06-02-03. Advertising.

Naturopaths will be privileged to advertise their practice in any legitimate manner set forth in the code of ethics adopted by the board, except as limited or prohibited by statute.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-03.1

50-06-02-04. Authority to administer, prescribe, and dispense.

The practice of naturopath medicine includes the administration, prescription, dispensing, ordering, or performing of:

1. Food, vitamins, minerals, nutritional supplements, digestive enzymes, botanical medicine, and homeopathic remedies.
2. Health care counseling, nutritional counseling and dietary therapy, hydrotherapy, and naturopathic physical applications and therapeutic devices. Naturopathic physical application does not include manipulation of the spine. Naturopathic physical application does include osseous manipulation of the extremities, ribs, and pelvis.
3. Nondrug prescription devices.
4. Nonprescription topical drugs.

History:

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-08

50-06-02-05. Intradermal, intramuscular, intravenous, and subcutaneous administration.

1. A naturopath may not perform any intraarticular injection or intraspinal injection.
2. A naturopath may administer vitamins, minerals, amino acids, and homeopathic remedies in accordance with naturopathic medical training through intradermal, intramuscular, subcutaneous injection, or intravenous therapy. Substances administered by injection or intravenous therapy must be manufactured and supplied by a manufacturer required to register with the United States food and drug administration or compounded by a pharmacy licensed by the state department of health. Any compounding must be done following USP regulations and specifications.
3. A naturopath may use intravenous therapy only after the naturopath has obtained an endorsement from the board to perform intravenous therapy by submitting a completed application with an attestation of training to the board. The training must be at least sixteen hours of instruction. At least eight hours of instruction must be a graduate-level course through an approved naturopathic medical school. Instruction must include:
 - a. Indications;
 - b. Contraindications;
 - c. Formularies;
 - d. Emergency protocols;
 - e. Osmolarity calculation;
 - f. Aseptic technique; and
 - g. Proper documentation.
4. A naturopath must retain documentation of intravenous training for at least five years from attestation date.
5. Intravenous chelation therapy is limited to use for heavy metal toxicity.
6. A naturopath who uses injection or intravenous therapy must have a plan to manage adverse events, including sensitivity, allergy, overdose, or other unintended reactions.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-57-08

50-06-02-06. Endorsements for Prescriptive Authority.

A licensed naturopath may not prescribe medications pursuant to the formulary adopted under 50-06-02-08 unless they first obtain an endorsement under this section and approved by the board.

1. **Limited Endorsement.** To be eligible to prescribe, a license naturopath must first obtain a limited endorsement by submitting an application to the Board and entering into a written collaborative agreement with a supervising physician who meets the requirements of 50-06-02-07.
2. **Endorsement to Practice Independently.** After completing the requirements of subsection 1, the naturopath may submit an application to prescribe independently by showing successful passage

of the naturopathic physicians licensing examination (NPLEX) with the test results sent directly to the board by the North American board of naturopathic examiners (NABNE). The supervising physician must provide proof and verification attesting to the naturopath's safe prescribing practices sent directly to the board.

- 3. Waiver of Limited Endorsement.** The requirements of subsections 1 and 2 may be waived if the naturopath is able to show substantial experience in prescribing medications under the laws and rules of another jurisdiction that has standards and qualifications for a licensed naturopath to prescribe medications at least equal to those required under North Dakota Century Code chapter 43-58. The naturopath must apply for the waiver by submitting an application with the board, providing a copy of the written collaborative agreement previously entered with a supervising physician from the other jurisdiction, and provide a copy of the laws and rules of the other jurisdiction showing equal requirements. The application will be reviewed by the board at its next available regular meeting.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-08.1.

50-06-02-07. Supervising Physician for License Endorsement for Prescriptions.

The supervising physician for a naturopath's limited endorsement for prescriptive authority must possess an active, unencumbered physician license issued under North Dakota Century Code chapter 43-17 and been prescribing and administering prescription drugs without limitation for at least five years immediately preceding the application. The supervising physician shall provide objective and independent review of the naturopath's first one hundred prescriptions issued by the naturopath or twelve months of prescribing, whichever occurs first. The supervising physician shall evaluate the naturopath's ability to safely prescribe and administer prescription drugs within the naturopath's scope of practice, education, and training, along with the naturopath's compliance with federal and state laws and regulations. The naturopath must keep a duplicate of all prescriptions written to be reviewed at least monthly with the supervising physician.

The naturopath and supervising physician shall have a formal written agreement. The agreement shall address the requirements of this rule. A copy of the fully executed agreement shall be filed with the board along with the application for limited endorsement pursuant to North Dakota Century Code section 43-58-08.1.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-08.1.

50-06-02-08. Formulary.

1. A naturopath may only prescribe drugs pursuant to this formulary after obtaining an endorsement for prescriptive authority under 50-06-02-06.
2. A naturopath may not recommend altering or discontinuing a drug that is not within the naturopath's scope of practice and prescriptive authority that may be prescribed under this formulary. The naturopath must instead refer to the patient to their primary provider or prescribing provider.
3. The formulary for naturopaths with an endorsement for prescriptive authority consists of non-controlled legend drugs and testosterone deemed appropriate for the primary health care of patients within the scope of practice and training of each naturopath. Prescribing pursuant to the formulary shall be in accordance with the standard of care provided by the naturopath's training, experience, and the degree of expertise.

4. The use of all drugs must be supported by FDA label, compendia, expert opinion, or clinical practice guidelines. Compendia supported use is defined as recommended with evidence favoring efficacy in the American Hospital Formulary Service Drug Information; United States Pharmacopeia-Drug Information, or the DRUGDEX Information System.
5. The following formulary references the United States Pharmacopeia (USP) Drug Classification system.
6. Unless otherwise indicated in the formulary, drugs specified in the formulary that are allowed to be prescribed include all forms of the drug including time release forms and other generic forms.
7. A naturopath who obtains an endorsement for prescriptive authority under section 50-06-02-06 may prescribe the following drugs or classes of drugs, and may only prescribe for use within the corresponding category and indication:

Category/Indication	Drugs or classes of drugs that may be prescribed with prescriptive endorsement	Application and other Limitations
Analgesics	All drugs within the NSAID class may be prescribed.	
Anesthetics	All drugs within the Local Anesthetics class may be prescribed.	
Anti-addiction/Substance Abuse Treatment Agents	Naltrexone Nicotine	
Antibacterials	Neomycin Gentamicin (topical only) Tobramycin (topical only) Amoxicillin Amoxicillin/Clavulanate Potassium Penicillin G Doxycycline Clarithromycin Clindamycin (topical only) Nitrofurantoin Metronidazole Acetic Acid Polymyxin B Sulfate Rifaximin	May not administer any drugs in this category via intravenous administration.

Antiemetics	Ondansetron Diphenhydramine Hydrochloride Hydroxyzine Hydrochloride Meclizine Hydrochloride Metoclopramide Hydrochloride Scopolamine	
Antifungals	Terbinafine (topical only) Miconazole Nitrate (topical only) Ketoconazole (topical only) Terconazole (topical only) Fluconazole Nystatin	
Antigout Agents	Probenecid Allopurinol Colchicine	
Antimigraine Agents	Propranolol Hydrochloride	
Antineoplastics	Anastrozole Alitretinoin Tretinoin	Topical Only All drugs may only be prescribed for non-cancer purposes and uses.
Anti-obesity Agents	Orlistat	
Antiparasitics	Albendazole Ivermectin Mebendazole	Topical only
Antispasticity Agents	Baclofen Tizanidine Hydrochloride	
Antivirals	Acyclovir Valacyclovir Oseltamivir	
Anxiolytics	Buspirone	

	Hydroxyzine	
Blood Glucoses Regulators	All drugs within the Antidiabetic Agents and Glycemic Agents class may be prescribed. All drugs within the Biguanide and DPP 4 inhibitors group may be prescribed.	
Blood Products and Modifiers	Aspirin Heparin Sodium (for non-therapeutic blood thinning only)	Not allowed to do blood transfusions.
Cardiovascular Agents	All drugs within the following classes may be prescribed: <ul style="list-style-type: none"> • Alpha-adrenergic Agonists; • Alpha-adrenergic Blocking Agents; • Angiotensin II Receptor Antagonists; • Angiotensin-converting Enzyme (ACE) Inhibitors; • Calcium Channel Blocking Agents – Dihydropyridines and Nondihydropyridines; • Loop Diuretics; • Potassium-sparing Diuretics; • Thiazide Diuretics; • Dyslipidemics – Fibrin Acid Derivatives, HMG CoA Reductase Inhibitors, and PCSK9 Inhibitors. 	Beta adrenergics medications are limited to 100 mg. Nondihydropyridines medications are limited to 120 mg.
Central Nervous System Agents	Clonidine Hydrochloride	
Contraceptives	All drugs within the Oral Contraceptives Combinations and Oral Progestins classes may be prescribed. Citric Acid/Lactic Acid/Potassium Bitartate Ethinyl Estradiol/Etonogestrel Ethinyl Estradiol/Norelgestromin Levonorgestrel	May not prescribe any drug within this category that would require a procedure such as implantable contraceptives.
Dental and Oral Agents	Doxycycline Hyclate Minocycline Hyclate Prilocaine Hydrochloride Triamcinolone Acetonide	
Dermatological Agents	All drugs within this category may be prescribed.	Topical only except can allow Triamcinolone injection.

Electrolytes – Minerals – Metals – Vitamins	All drugs within this category may be prescribed.	
Gastrointestinal Agents	<p>All drugs within the following classes may be prescribed:</p> <ul style="list-style-type: none"> • Anti-constipation agents; • Anti-diarrheal agents; • Antispasmodics, Gastrointestinal; • Histamine receptor antagonists; • Protectants; • Proton Pump Inhibitors. <p>Metoclopramide Hydrochloride</p> <p>Rifaximin</p> <p>Ursodiol</p> <p>Cholic Acid</p> <p>Betaine</p> <p>Betaine Hydrochloride</p> <p>Cromolyn Sodium</p> <p>Amoxicillin/clarithromycin/omeprazole</p>	
Genitourinary Agents	All drugs within this category may be prescribed.	
Hormonal Agents: Stimulant, Replacement, Modifying (Adrenal)	<p>Hydrocortisone (dose limit: 30mg daily)</p> <p>Prednisone (dose limit: 5mg daily)</p> <p>Methylprednisolone Acetate (burst dose pack – dose limit of 1 pack per 60 days).</p> <p>Triamcinolone acetonide</p>	
Hormonal Agents: Stimulant, Replacement, Modifying (Sex Hormones, Modifies)	<p>Testosterone (no more than 400 mg/month)</p> <p>All drugs within the Androgens and Progestins classes may be prescribed.</p> <p>All drugs within the Estrogens class may only be prescribed as topical and vaginal HRT. Exception for oral estrogens prescribed for purposes of contraception.</p> <p>Estradiol/Levonorgestrel</p> <p>Estradiol/ Norethindrone Acetate</p>	

	Estradiol/Norgestimate Estradiol/Progesterone	
Hormonal Agents: Stimulant, Replacement, Modifying (Thyroid)	All drugs within this category may be prescribed.	
Immunological Agents	All drugs within the Vaccines class may be prescribed. All drugs within the Other Immunological agents - allergen specific immunotherapy group may be prescribed.	
Inflammatory Bowel Disease Agents	Hydrocortisone Prednisone	
Metabolic Bone Disease Agents	Alendronate Ibandronate Cholecalciferol Calcitriol Doxercalciferol Paricalcitol	
Ophthalmic Agents	All drugs within Anti-allergy agents class may be prescribed. All drugs within the Anti-infectives class may be prescribed (topical only). Diclofenac Sodium Ketorolac Tromethamine Nepafenac Bacitracin Zinc/Hydrocortisone Acetate/Neomycin Sulfate/Polymyxin B Sulfate Bacitracin Zinc/Hydrocortisone Acetate/Polymyxin B Sulfate Hydrocortisone Acetate/Neomycin Sulfate/Polymyxin B Sulfate Ciprofloxacin (topical only)	

Otic Agents	All drugs within this category may be prescribed.	Topical Use Only
Respiratory Tract / Pulmonary Agents	All drugs within the following classes may be prescribed: <ul style="list-style-type: none"> • Antihistamines; • Anti-inflammatories - inhaled corticosteroids; • Antileukotrienes; • Anticholinergic bronchodilators; • Sympathomimetic bronchodilators; • Combination bronchodilators; • Cold-cough; and • Mast Cell Stabilizers. Acetylcysteine	
Sexual Disorder Agents	All drugs within the Sexual disorder agents (Male) class may be prescribed.	
Skeletal Muscle Relaxants	Cyclobenzaprine Hydrochloride	

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-08(3)(c).

CHAPTER 50-06-03 CONTINUING NATUROPATHIC EDUCATION

Section

50-06-03-01 Requirements

50-06-03-02 Exceptions

50-06-03-03 Board Approval

50-06-03-04 Board Audit

50-06-03-01. Requirements.

All active licensees shall complete:

8. A minimum of forty hours of approved continuing naturopathic education (CNE) credits biennially. Only hours earned at board-approved continuing naturopathic education programs will be acceptable. One hour of credit is earned for every fifty minutes of approved continuing education.
9. Five of the forty hours of approved continuing naturopathic education credits must be topics on pharmacology.
10. An extension of time or other waiver to complete the hours required in this section shall be granted upon written application if the licensee failed to meet the requirements due to illness, military service, medical or religious missionary activity, or other extenuating circumstance.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-03.1, 43-58-08.1

50-06-03-02. Exceptions.

The following naturopaths are not required to meet the requirements of this chapter:

1. Naturopaths who are enrolled in full-time graduate naturopathic medical education programs (residencies and fellowships).
2. Naturopaths who hold a provisional temporary license and naturopaths who have not renewed their licenses for the first time since being granted a regular permanent license by the board.
3. Naturopaths who have retired from the active practice of medicine. This exception is available only to retired naturopaths who have completely and totally withdrawn from the practice of naturopathic medicine. Any naturopath seeking to be excused from completing continuing naturopathic education requirements under this subsection must submit an affidavit to the board (on the board's form) certifying that the naturopath will render no naturopathic medical services during the term of the next continuing naturopathic education reporting period.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-03.1

50-06-03-03. Board approval.

1. In order to receive board approval, a continuing naturopathic education (CNE) program must meet one of the following:
 - a. A program sponsored by the board;

- b. A program sponsored by an approved naturopathic medical school;
 - c. A health-related seminar sponsored by a college or university accredited by an organization recognized by the United States department of education;
 - d. A health-related seminar qualifying for continuing education credits through the state board of medical examiners, the state board of chiropractic examiners, or the state board of nursing; or
 - e. An educational program arranged by the North Dakota association of naturopathic doctors or the American association of naturopathic physicians or one of its affiliates and approved by the board.
2. In order to have a program approved, the sponsor shall submit to the board the following information in addition to any other information requested by the board:
 - a. A detailed course outline or syllabus, including such items as the method of instruction and the testing materials.
 - b. The qualifications and subjects taught by each instructor appearing in the program.
 - c. The procedure to be used for recording attendance of those attendees seeking to apply for continuing naturopathic education credit.
 3. The board shall be the sole determinant of whether the courses are approved for continuing naturopathic education credit. The board shall make that determination based on the information submitted to it. In making its decision, the board shall determine whether the course submitted for credit meets the basic goals of continuing naturopathic education. Those basic goals include the growth of knowledge, the cultivation of skills and greater understanding, the continual striving for excellence in naturopathic care, and the improvement of health and welfare of the public.
 4. Except for continuing naturopathic education credits for a program sponsored by the board, it is the responsibility of the licensee to verify the appropriate credit designation with the source of the program, not with the board. All licensees are encouraged to verify eligibility for continuing naturopathic credit and the appropriate credit designation before taking any particular course.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-03.1

50-06-03-04. Board audit.

Each biennium the board will audit randomly selected naturopaths to monitor compliance with the continuing education requirements. Any naturopath so audited will be required to furnish documentation of compliance, including the name of the accredited continuing naturopathic education provider, name of the program, hours of continuing education completed, dates of attendance, and verification of attendance. Any naturopath who fails to provide verification of compliance with the continuing naturopathic education requirements will be subject to revocation of licensure. In order to facilitate the board's audits, every naturopath is required to maintain a record of all continuing naturopathic education activities in which the naturopath has participated. Every naturopath must maintain those records for a period of at least two years following the time when those continuing naturopathic education activities were reported to the board.

History: Effective

General Authority: NDCC 43-58-03.1

Law Implemented: NDCC 43-58-03.1