



# BOARD OF MEDICINE

Established 1890

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## SENATE WORKFORCE DEVELOPMENT COMMITTEE JANUARY 9, 2025

### TESTIMONY OF NORTH DAKOTA BOARD OF MEDICINE SENATE BILL NO. 2041

Chair Wobbema, members of the Committee, I'm Sandra DePountis, Executive Director of the North Dakota Board of Medicine, appearing on behalf of the Board to present Senate Bill 2041 relating to pathways for naturopathic doctors to prescribe independently.

In 2023, the legislature, through SB 2221, moved naturopathic doctors under the Board of Medicine's jurisdiction, and granted them prescriptive authority through a two-step endorsement process to prescribe legend drugs and testosterone pursuant to a formulary adopted by the Board in North Dakota Administrative Code – rule 50-06-02-08. Under SB 2221, a naturopath must first obtain a Limited Endorsement to prescribe. To obtain this initial endorsement, the naturopath must be supervised by a qualified North Dakota licensed physician for the naturopath's first one hundred prescriptions or first year of prescribing practices, whichever occurs first. The physician must review the prescribing practices and attest that the naturopath has shown safe and correct prescribing practices. After successful completion of this supervision, a naturopath is then required to pass the Naturopath Physicians Licensing Examination (NPLEX) - pharmacology examination, in order to satisfy the second step and be authorized to prescribe independently. This is a 75-question exam put on twice a year, with the nearest exam location in Chicago.

#### Mission Statement

The Board's mission is to protect the public's health, safety and welfare by regulating the practice of medicine, thereby ensuring quality health care for the citizens of this state.

Since implementation, questions were raised on whether there could be a different barometer to measure competency other than the NPLEX pharmacology examination. Two such alternative pathways were identified and are being proposed with this bill.

The first additional pathway is if the naturopath completes twelve months training from an accredited naturopathic residency program. The Council on Naturopathic Medical Education, through its Committee on Postdoctoral Naturopathic Medical Education, accredits naturopathic residency programs. The Council is recognized by the United States Department of Education as the appropriate accrediting body. If this pathway is chosen, the Board will obtain proof of completion directly from the residency program.

The second additional pathway is if the naturopath has obtained three or more years prescribing experience in another state with no disciplinary action. The naturopath must show that they have “substantial experience” prescribing the same drugs adopted into the North Dakota formulary. The Board would adopt a policy on how it will obtain satisfactory proof of verification of the substantial experience, including verification from a physician, if the naturopath has worked with one, who can attest to the naturopath’s skill level and safe prescribing practices. In addition, verification requests will be solicited directly from the facility in which the naturopath has practiced, in order to verify dates of employment, and whether any derogatory information is on file (i.e., any disciplinary action, restrictions on practice from a peer review or other concerns, performance improvement plans, etc.). This employment verification is sent to the appropriate department or individual in the facility. The Board will require other information to aid in its determination of “substantial experience” including information on the extent of prescriptive practice, specialty area the naturopath practices in, and the drugs being prescribed. Experience just providing vitamins, supplements, etc. will not suffice – the experience must include the prescribing of drugs similar to what is allowed under North Dakota law.

The final bill incorporates the two additional pathways to obtain an Endorsement to Prescribe Independently. It should be noted that the bill does not change the initial requirement of the Limited Endorsement to prescribe which requires working with a North Dakota licensed physician. The additional pathways are just the next step to verify competency of the naturopath before they are able to prescribe independently and are arguably more rigorous than the examination.

The Board followed its usual process when drafting the bill, reviewing it at three public meetings, and notifying all licensees of potential change to law via postings on the Board's website and e-mailed News Blasts to licensees. After the Board approved the language of the bill and it was filed with legislative council, a licensed physician contacted the Board to express concerns regarding the third pathway – accepting substantial experience in lieu of taking the exam. A few board members and staff met with the physician to address the concerns and sent out an additional News Blast to all licensees, clarifying the proposed changes to the law. After consideration, the Board believes that the language currently in the bill strikes an appropriate balance between providing guidance with enough flexibility to allow the Board to thoroughly vet the prescriptive practices to make an informed decision on whether the naturopath has “substantial experience” in prescribing practices in another jurisdiction. However, after hearing this testimony and upon review of the bill, if this Committee does not believe the language is sufficient to accomplish this intent, the Board would be happy to work on alternative language – which could be something as simple as changing the sentence to read “substantial experience in prescribing prescription medications for three years without discipline in another jurisdiction as determined by the board.”

Thank you for your time and attention and I would be happy to answer any questions.