



# NORTH DAKOTA BOARD OF MEDICINE

Bonnie Storbakken  
Executive Secretary

Lynette McDonald  
Deputy Executive Secretary

Established 1890

418 E Broadway Ave, Suite 12 • Bismarck, ND 58501-4086

Phone (701) 328-6500 • Fax (701) 328-6505

[www.ndbom.org](http://www.ndbom.org)

August 27, 2019

Vonette Richter  
Assistant Code Revisor  
Legislative Council  
600 East Boulevard, 2<sup>nd</sup> Floor  
Bismarck, ND 58505-0360

Dear Ms. Richter:

Enclosed please find our notice of intent to enact administrative rules. This is being sent to publication today and the hearing will be held on September 30, 2019. I am requesting this be placed on the legislative calendar as per the requirement within the administrative rule process. As you can see from the notice the comment period will close October 11, 2019. After that time our Board will review the comments and forward to you and the Attorney General the final rules for placement on the Administrative Rules Committee's calendar for its December 2019 meeting.

Please do not hesitate to contact me directly with any questions or comments you may have in this regard.

Respectfully,

A handwritten signature in black ink, appearing to be "Bonnie Storbakken".

Bonnie Storbakken  
Executive Secretary

cc: To the Following:

Wayne Stenehjem,  
Attorney General

Representative Bill Devlin  
Representative Richard Holman  
Representative Tom Kading  
Representative Don Vigasaa  
Senator Brad Bekkedahl  
Senator Oley Larsen  
Senator Joan Heckaman

#### 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.

Senator Jessica Unruh

Senator Judy Lee

Senator Howard Anderson

Senator Tim Mathern

Representative Mike Lefor

Representative Mary Schneider

Representative Greg Westlind

## NOTICE OF INTENT TO ENACT ADMINISTRATIVE RULES

**PLEASE TAKE NOTICE** that the North Dakota Board of Medicine will hold a public hearing to address the proposed amendment and repeal of administrative rules, as explained below, at 9:00 o'clock, a.m., September 30th, 2019, at the board office, 418 East Broadway Ave., Suite 12, Bismarck, North Dakota.

The purpose of the amendments to chapter 50-03-01, NDAC, relating to the practice of physician assistants. The amendments are based on the adoption of new rules under HB 1175 which changed the supervision requirements for physician assistants.

**50-03-01-01 Description and authority of physician assistant.** Repealed effective January 1, 2019 based on changes made under House Bill 1175 wherein supervision by a physician is no longer necessary.

**50-03-01-01.1 Description and scope of practice of the physician assistant.** Enactment of this section is based on changes made under House Bill 1175 wherein supervision by a physician is no longer necessary.

**50-03-01-02 Examination requirements.** The amendments in this section are merely to clean up the language as the examination requirement has not changed.

**50-03-01-03 Supervision contract requirements.** Repealed effective January 1, 2020 based on changes made under House Bill 1175 wherein supervision by a physician is no longer necessary.

**50-03-01-03.1 Collaboration with physicians and other health care providers.** Enactment of this section is based on changes made under House Bill 1175 wherein supervision by a physician is no longer necessary.

**50-03-01-03.2 Practice requirements.** Enactment of this section is based on changes made under House Bill 1175 wherein supervision by a physician is no longer necessary.

**50-03-01-04 Supervising physician's responsibility.** Repealed effective January 1, 2020 based on changes made under House Bill 1175 wherein supervision by a physician is no longer necessary.

**50-03-01-05 Designation of substitute supervising physician.** Repealed effective January 1, 2020 based on changes made under House Bill 1175 wherein supervision by a physician is no longer necessary.

**50-03-01-06 Assistant's functions limited.** Repealed effective January 1, 2020 based on changes made under House Bill 1175 wherein supervision by a physician is no longer necessary.

**50-03-01-07.1 Medication dispensation.** Repealed effective January 1, 2020 based on changes made under House Bill 1175 wherein supervision by a physician is no longer necessary.

**50-03-01-09.1 Physician assistant for more than one physician.** Repealed effective January 1, 2020 based on changes made under House Bill 1175 wherein supervision by a physician is no longer necessary.

**50-03-01-09.2 Physician assistants under physician's supervision.** Repealed effective January 1, 2020 based on changes made under House Bill 1175 wherein supervision by a physician is no longer necessary.

**50-03-01-10.2 Disciplinary proceedings.** Enactment of this section creates parity in disciplinary actions between the physicians and physician assistants.

**50-03-01-11 Grounds for disciplinary action.** The amendments in this section are based on changes made under House Bill 1175 wherein supervision by a physician is no longer necessary.

**50-03-01-13 Fees.** The amendments in this section are based on changes made under House Bill 1175 wherein supervision by a physician is no longer necessary.

**50-03-01-14 Licensure renewal requirements.** The amendments in this section are meant to clarify the process for verification of continued education requirements.

**50-03-01-18 Physician assistant – use of certain words or initials prohibited.** Enactment of this section is meant to make clear the requirement for calling oneself a physician assistant and the requirements for practice as a physician assistant.

The purpose of the amendment of 50-02-02, NDAC, special license requirements, is based on the adoption of the Interstate Medical Licensing Compact under SB 2173.

**50-02-02-01 Exceptions to technical requirements on licensure.** The amendments and addition made to this section are made to add a holder of a letter of qualification under the

licensing compact based on the adoption of Senate Bill 2173 wherein North Dakota entered the interstate medical licensing compact.

The purpose for the repeal of 50-03-04 NDAC relating to the fluoroscopy technologists is based on SB 2094 which moved the regulation of fluoroscopy technologists to the North Dakota medical imaging and radiation therapy board.

**50-03-04-01 Definitions.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-02 Permit Required.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-03 Initial requirements for permit.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-04 Annual permit renewal.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-05 Fees.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-06 Scope of practice.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-07 Supervising physician.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-08 Supervision contract requirements.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-09 Primary Supervising physician's responsibility.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-10 Onsite supervising physician required.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-11 Requirements to serve as an onsite supervising physician.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-12 Designation of substitute primary supervising physician.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-13 Number of technologists under physician's supervision limited.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-14 Disciplinary action.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-15 Grounds for disciplinary action.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

**50-03-04-16 Communications.** Repealed as of January 1, 2020 based on changes made within Senate Bill 2094 which placed the regulation of fluoroscopy technologists with the North Dakota medical imaging and radiation therapy board.

The proposed rules and regulatory analysis may be reviewed in person at the office of the North Dakota Board of Medicine, 418 East Broadway Ave., Suite 12, Bismarck, North Dakota, or on the Board's website at [www.ndbom.org](http://www.ndbom.org). A copy of the proposed rules and regulatory analysis may be requested by writing the above mailing address or by calling (701)328-6500.

Written or oral comments about the proposed rules sent to the above address, called in to the telephone number listed above, or emailed to [bstorbakken@ndbom.org](mailto:bstorbakken@ndbom.org), and received by October 11, 2019 will be fully considered. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the board at the above telephone number or address at least five days prior to the public hearing.

Dated this 27th day of August 2019.