ARTICLE 50-03
PHYSICIAN ASSISTANTS

Chapter
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CHAPTER 50-03-01
PHYSICIAN ASSISTANTS

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50-03-01-01. Description and authority of physician assistant.

Repealed effective January 1, 2020.

50-03-01-01.1. Description and scope of practice of the physician assistant.

The physician assistant is a medical professional qualified by academic and clinical training to provide patient services, including the diagnosing of illnesses, developing and managing treatment plans, prescribing medications, and often serving as a patient's principal health care provider in collaboration with physicians and other health care providers.

1. A physician assistant may:

a. Provide a legal medical service for which a physician assistant is prepared by education, training, and experience and is competent to perform, including:

(1) Obtaining and performing a comprehensive health history and physical examination;

(2) Evaluating, diagnosing, managing, and providing medical treatment;

(3) Ordering and evaluating a diagnostic study and therapeutic procedure;

(4) Performing a diagnostic study or therapeutic procedure not involving the use of medical imaging as defined in North Dakota Century Code section 43-62-01 or radiation therapy as defined in North Dakota Century Code section 43-62-01;

(5) Performing limited sonography on a focused imaging target to assess specific and limited information about a patient's medical condition or to provide real-time visual guidance for another procedure;

(6) Educating a patient on health promotion and disease prevention;

(7) Providing consultation upon request; and

(8) Writing a medical order;

b. Obtain informed consent;

c. Supervise, delegate, and assign therapeutic and diagnostic measures not involving the use of medical imaging as defined in North Dakota Century Code section 43-62-01 or radiation therapy as defined in North Dakota Century Code section 43-62-01 to licensed or unlicensed personnel;

d. Certify the health or disability of a patient as required by any local, state, or federal program;

e. Authenticate any document with the signature, certification, stamp, verification, affidavit, or endorsement of the physician assistant if the document may be authenticated by the signature, certification, stamp, verification, affidavit, or endorsement of a physician; and

f. Pronounce death.

2. A physician assistant:

a. May prescribe, dispense, administer, and procure drugs and medical devices;

b. May plan and initiate a therapeutic regimen that includes ordering and prescribing nonpharmacological interventions, including durable medical equipment, nutrition, blood and blood products, and diagnostic support services, including home health care, hospice, and physical and occupational therapy;

c. May prescribe and dispense schedule II through V substances as designated by the federal drug enforcement administration and all legend drugs;

d. May not dispense a drug, unless pharmacy services are not reasonably available, dispensing is in the best interest of the patient, or an emergency exists;

e. May request, receive, and sign for a professional sample, and may distribute a professional sample to a patient; and

f. If prescribing or dispensing a controlled substance, shall register with the federal drug enforcement administration and shall comply with appropriate state and federal laws.

History: Effective January 1, 2020.
General Authority: NDCC 43-17-02.1
Law Implemented: NDCC 43-17-02.1

50-03-01-02. Licensure requirements.

An applicant for licensure shall file a written application, on a form provided by the board, showing to the board's satisfaction the applicant satisfies the requirements for licensure, including:

1. Satisfactory proof of graduation from a physician assistant program for physician assistants accredited by the accreditation review commission on education for the physician assistant or other entity as approved by the board;

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; April 1, 2024; January 1, 2025.
General Authority: NDCC 43-17-02.1
Law Implemented: NDCC 43-17-02.1

50-03-01-03. Supervision contract requirements.

Repealed effective January 1, 2020.

50-03-01-03.1. Collaboration with physicians and other health care providers.

A physician assistant shall collaborate with, consult with, or refer to the appropriate member of the health care team as indicated by the condition of the patient, the education, experience, and competence of the physician assistant, and the standard of care. The degree of collaboration must be determined at the practice which may include decisions made by the employer, group, hospital service, and the credentialing and privileging systems of a licensed facility. A physician assistant is responsible for the care provided by that physician assistant and a written agreement is not required.

History: Effective January 1, 2020.
General Authority: NDCC 43-17-02.1
Law Implemented: NDCC 43-17-02.1

50-03-01-03.2. Practice requirements.

1. A physician assistant shall practice at a:

   a. Health care facility licensed by the department of health and human services;

   b. Facility with a credentialing and privileging system; or

c. Physician-owned facility or practice.

2. If a physician assistant is not practicing at a facility under subsection 1 or at a correctional, state, or federal facility, the physician assistant may apply to the board for approval to practice independently with the following criteria:

   a. The practice is at a physical location in a rural, medically underserved area in North Dakota as determined by the board;

   b. Collaboration with a North Dakota-licensed physician who will perform chart reviews at periodic intervals as required by the board; and

   c. If a physician assistant has less than four thousand hours of practice experience and seeks to practice at a facility or practice that is not a licensed health care facility, a facility with a credentialing and privileging system, or a physician-owned facility or practice, the physician assistant must execute a written collaborative agreement with a North Dakota-licensed physician that describes how collaboration with that physician will occur and provide it to the board upon request.

3. A physician assistant shall comply with any privileging and credentialing systems at the facility at which the physician assistant practices.

History: Effective January 1, 2020; amended effective October 1, 2022.
General Authority: NDCC 43-17-02.1
Law Implemented: NDCC 43-17-02.1

50-03-01-04. Supervising physician's responsibility.

Repealed effective January 1, 2020.

50-03-01-05. Designation of substitute supervising physician.

Repealed effective January 1, 2020.

50-03-01-06. Assistant's functions limited.

Repealed effective January 1, 2020.

50-03-01-07. Drug therapy.

Repealed effective January 1, 2010.

50-03-01-07.1. Medication dispensation.

Repealed effective January 1, 2020.

50-03-01-08. Assignment of tasks by supervising physician.

Repealed effective July 1, 1988.

50-03-01-09. Number of assistants under physician's supervision limited.

Repealed effective January 1, 2010.

50-03-01-09.1. Physician assistant for more than one physician.

Repealed effective January 1, 2020.

50-03-01-09.2. Physician assistants under physician's supervision.

Repealed effective January 1, 2020.

50-03-01-10. Assistant's services limited.

Repealed effective July 1, 1988.

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; April 1, 2024.
General Authority: NDCC 43-17-02.1
Law Implemented: NDCC 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; April 1, 2024.
General Authority: NDCC 43-17-02.1
Law Implemented: NDCC 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. Use of 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; April 1, 2024.
General Authority: NDCC 43-17-02.1
Law Implemented: NDCC 43-17-02.1

50-03-01-12. Physician's delegation to qualified person not restricted.

Repealed effective April 1, 1999.

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; April 1, 2024.
General Authority: NDCC 43-17-02.1
Law Implemented: NDCC 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; April 1, 2024.
General Authority: NDCC 43-17-02.1

Law Implemented: NDCC 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; April 1, 2024.
General Authority: NDCC 43-17-02.1
Law Implemented: NDCC 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; April 1, 2024.
General Authority: NDCC 43-17-07.1
Law Implemented: NDCC 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 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; April 1, 2024.
General Authority: NDCC 43-17-07.1
Law Implemented: NDCC 43-17-02.1

50-03-01-18. Physician assistant - Use of certain words or initials prohibited.

A person that is not a physician assistant may not represent oneself as a physician assistant or act as a physician assistant or use any combination or abbreviation of the term or title "physician assistant" or "PA" to indicate or imply the person is a physician assistant. However, an individual who is not licensed as a physician assistant under this chapter but who meets the qualifications for licensure as a physician assistant under this chapter may use the title "physician assistant" or "PA" but may not act or practice as a physician assistant unless licensed under this chapter.

History: Effective January 1, 2020.
General Authority: NDCC 43-17-02.2
Law Implemented: NDCC 43-17-02.2

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; amended effective April 1, 2024.
General Authority: NDCC 43-17-07.1
Law Implemented: NDCC 43-17-02.1

50-03-01-20. 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 physician assistant license if in their judgment the applicant meets all of the requirements for licensure. The board's executive director or deputy executive director may issue a locum tenens license or a provisional temporary license if the application is routine, complete, and meets all other 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: Effective January 1, 2026.
General Authority: NDCC 43-17-07.1(10)
Law Implemented: NDCC 43-17-02.1(1), 43-51.1-03