

HOUSE HUMAN SERVICES COMMITTEE
MARCH 22, 2023

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

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

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

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

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

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

² <https://naturopathic.org>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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