Legislative Advocacy and 70th Legislative Session Preview

NDMA NORTH DAKOTA MEDICAL ASSOCIATION
Advocating For Physicians

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NDMA Executive Director

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Objectives

- Understand the implications of the change in leadership and makeup of the legislative body
- Discuss the bills filed by the interim committees
- List the priorities of the medical association going into the 2027 session

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Changes to leadership

- House Majority Leader Mike Lefor – retired
- Senate Minority Leader Kathy Hogan – retired
- House Minority Leader Zac Ista – retired
- House Appropriations Chair Don Vigessa - retired

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Other notable retirements

- Senator Randy Burkhard
- Senator Josh Boschee
- Representative Karen Grindberg
- Representative Emily O'Brien
- Deaths:
  - Representative Josh Christy
  - Representative Cynthia Schrieber-Beck
  - Representative Liz Conmy

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Medicaid Expansion	Medicaid	UND School of Medicine and Health Sciences
• Maintain rates	• Obtain inflationary update	• Support the submitted budget

2027 NDMA Legislative Priorities

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UND SMHS

- Allied Health Addition
- Challenge Grants
- Healthcare Workforce Initiative - fully funded
- Elimination of Mill Levy - oppose

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NDMA Issues

- Kratom
- Certified Anesthesia Assistants
- Eye-drop Refills
- Patient Recording

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Kratom

- Kratom is an herb derived from a leafy Southeast Asian tree, known formally as Mitragyna speciosa
- Kratom produces both stimulant effects (in low doses) and sedative effects (in high doses), and can lead to psychotic symptoms, and psychological and physiological dependence.
- Kratom products are sold mainly in smoke shops, gas stations, convenience stores, and online retailers and are often marketed as dietary supplements.
- Individuals report using kratom to treat various conditions, including chronic pain, anxiety, depression, opioid use disorder, and opioid withdrawal

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Kratom: Federal Level

- At the federal level, kratom products are not explicitly regulated via statute or regulation, and kratom, mitragynine, or 7-OH are not considered controlled substances.
- However, the U.S. Food and Drug Administration (FDA) has concluded that kratom is not appropriate for use as a dietary supplement because there is inadequate scientific information to provide the agency with reasonable assurance that such an ingredient does not present a significant or unreasonable risk of illness or injury.
- While 7-OH occurs naturally in trace amounts in the plant kratom, the FDA's warning is for products containing 7-OH as an added ingredient or at enhanced levels can be dangerous.

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Kratom: State Level

- Within the past decade, a number of states have placed limitations on—without wholly prohibiting—the possession, distribution, sale, and/or manufacture of kratom products.
- These limitations occasionally involve setting forth specific information that must be disclosed on a kratom product's label.
- In contrast, other states have designated mitragynine and/or 7-OH as Schedule I controlled substances, thus making certain kratom products illegal.

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State Regulations

- 34 states and DC regulate kratom
- 10 states banned - Alabama, Arkansas, Connecticut, Indiana, Kansas, Louisiana, Massachusetts, Tennessee, Vermont and Wisconsin
- Other states regulate in some fashion the possession, sale, manufacture, and the like of kratom products
- The level at which kratom products are regulated in these jurisdictions varies greatly, ranging from simple age restrictions to detailed licensing schemes for kratom retailers and processors

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North Dakota – Kratom Session

- Synthetic Kratom - Banned
- Natural Kratom:
  - Under 21 - banned
  - $10,000 yearly fee to sell
  - Clear labeling - not recommended for pregnant women
  - Consult with healthcare provider

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Certified Anesthesia Assistants

- Health-care workforce shortages continue to be a major challenge for many health systems, and recent public and private health-care cuts could result in even greater staffing challenges, which can impact access to high-quality anesthesia care.
- 22 states passed legislation to offer an anesthesia care team model that includes certified anesthesia assistants (CAAs).
- CAAs complete a bachelor's degree plus a two-year master's-level training program with 2,000+ clinical hours, and published research documents that both CAAs and CRNAs provide equally safe and effective care, without differences in cost, when working as part of the anesthesia care team model.

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Eyedrop Refills
2025 Adopted Policy Forum Topic

- Many patients rely on a variety of prescription eye medications for the preservation of sight. Those suffering from glaucoma and other degenerative eye diseases require prescription eye drops on a daily basis.
- The effectiveness of prescription eye drops relies heavily upon continuity of treatment, specifically consistent daily usage by the patient.
- Unfortunately, many patients are unable to utilize the entirety of the medication because of shaky hands or a defect in the product's dispensing mechanism.
- This bill corrects the problem by allowing for authorized refills of the product.

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Eyedrop Refills – *cont.*

29 states have passed early eye drop refill laws.

In addition, the Centers for Medicare and Medicaid Services (CMS) has issued guidance to Medicare Part D sponsors on the application of early eye drop refills for Medicare beneficiaries.

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Patient Recording
2025 Adopted Policy Forum Topic

- NDMA physicians have experienced patients recording their clinic visits, including some on Facebook Live.
- North Dakota is a single-party recording state, meaning only one party needs to consent to the recording.
- AMA has a model bill to ensure that the patient/physician relationship is maintained in these encounters.
- According to the AMA Code of Medical Ethics, physicians are ethically required to inform patients of any audio or visual recordings and must obtain their consent beforehand. In contrast, patients are not held to the same obligation and are not required to seek consent from physicians before recording.

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Preceptor Tax Credit

- UNDSMHS idea to reward physician instructors
- The current compensation model for physicians does not include adequate reimbursement for precepting and teaching students, even though clinical training relies heavily on the concept.
- Thus, the supply of preceptors has been shrinking as some are dropping out of the roles, and schools are unable to offer enough incentives for preceptors to stay.
- Preceptors deserve both professional and financial recognition for their precepting duties as they are fulfilling an important role.

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Gun Bills - Extreme Risk Protection Orders

- Proposed by Representative Karla Hanson
- Purpose: ERPOs save lives by enabling action before warning signs escalate into tragedies. Family members and law enforcement are often the first to see signs that a person in crisis is a threat to themselves or others. This allows them to petition a court to remove guns because of safety concerns.
- Civil Process: Family, law enforcement or states attorneys can petition the court to temporarily prohibit a person from buying or possessing a gun for up to 1 year if the court determines they are a danger to themselves or others. This is a civil legal process, like Domestic Violence Protection Orders, not a criminal legal process.

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Proposal #2 - Strengthen Safe Storage

- Because firearms are the most common and the most lethal means of suicide, safe and secure storage of guns can save lives.
- Putting time and distance between an at-risk person and lethal means can reduce suicide. This allows time for the suicidal risk to subside and to intervene with mental health support.
- Most people prevented from making a suicide attempt via one method typically do not go on to attempt with another method. If they do try another method, it will likely be less lethal.
- Kids at risk: Less than 1/3 of firearm-owning households with minors store firearms unloaded and locked.

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Interim Studies Approved

- **Prescription Drug Transparency Reporting** - Study establishing reporting requirements for covered entities in North Dakota which participate in the federal Drug Discount Program under 42 U.S.C. 256b, and how reported data could be used to develop public policy that directly benefits patients in North Dakota
- **Unmet Dental and Oral Health Needs of Children and Individuals with Disabilities** - Study the unmet dental and oral health care needs of low-income children, Native American children, and individuals with disabilities.

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More Interim studies

- **Historical Health Care Mandates** - The study must include an analysis of current health care mandates, including when the mandates were enacted, the purpose, effectiveness, and present applicability
- **Impact of Prior Authorization Requirements on Patient Care and Health Care Costs** - Study prior authorization requirements imposed by PERS uniform group insurance plans under Chapter 54-52.1 and the impact on patient care and health care costs.
- **Ability to Submit Prior Authorization Reviews for Nonurgent and Emergency Care by Electronic Means** - Study the ability for health care systems and providers to submit prior authorization reviews for nonurgent and emergency health care services by secure electronic means.

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Bills from Interim Committees

- Creation of a regulatory sandbox program
- Diagnostic breast examination and supplemental screening breast examination cost-sharing restrictions
- Public employee fertility health benefits
- Public employee fertility preservation benefits
- Several dental bills

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Expected Challenges

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Non-economic Damages

- North Dakota has a $500,000 non-economic damages cap in malpractice cases
- Trial Lawyers brought a bill to increase the cap to $3 million
- Amended to $1 million
- Received a DO PASS out of the House Judiciary Committee
- NDMA partnered with NDHA and NDLTC to defeat the bill 61-30



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Culture War Issues

- Vaccines
- Transgender
- Abortion
- Parental Rights

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NDMA Annual Meeting

- Partnered with ACP and SHM
- Policy Forum issues:
  - Certified Anesthesia Assistants
  - Fertility and Fertility Preservation support
  - North Dakota Emergency Medical Services for Children (EMSC)

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NDMA Annual Award Winners

Jacqueline Quisno, MD
Physician Community & Professional Service

Rajean Backman
Friend of Medicine

Missy Henke, MD
COPIC Humanitarian Award

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NORTH DAKOTA MULTI-PARTNER HEALTH COLLABORATIVE

MPHC

- A public-private collaborative built for action
- Chaired by Dr. Carlos Miranda

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MPHC – Public private collaborative

- **Executive Leadership** ensure SHIP alignment, provide governance
- **Steering Committee** guides the work
- **Goal Groups** focus the action



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Advocacy
Ways to Participate

Physician Day at the Capitol

March 9, 2027

Sign up now!

https://www.ndmed.org/advocacy/physician_day_at_the_capitol/

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Health Screenings at the Capitol

The event, courtesy of McKenzie Healthcare Systems and the North Dakota Medical Association's Doctor of the Day program, provided diagnostic screening throughout the day for legislators and anyone else who stopped by.





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Get to Know Your Legislators

- Get to know who represents you
- Be familiar with your district: some span vast swaths of area; some are concentrated
- Stay informed and stay involved! Many people are unaware of the impact that one email, phone call, or point of contact can have on a legislator as they decide how to vote
- During the session, on a weekly basis, NDMA members receive legislative updates, access to a revised "Bill Tracker", and notices of upcoming legislation

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NDMA NORTH DAKOTA MEDICAL ASSOCIATION
Doctor of the Day

- The program features its own exam room equipped with basic exam equipment and over-the-counter medication.
- ***You do not need to practice family medicine to volunteer.*** Many specialties, such as thoracic surgeons, urologists, orthopaedic surgeons, hospitalists, and more, volunteer for this service.
- Coverage is needed Monday through Friday, and hours are flexible
- ***This program is NOT LIMITED to a one-day event.*** Choose as many days as you want.

Sign up here!
https://www.ndmed.org/advocacy/doctor-of-the-day/

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- Physician Advisory Group (PAG)
  - Up-to-Date News on State-Level Issues
  - Up-to-Date Information on vaccine developments
  - Physician Support Group

NDMA NORTH DAKOTA MEDICAL ASSOCIATION
Physician Advisory Group

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Join Today!

Your membership helps us do our job, so you can do yours!

https://www.ndmed.org/membership/join-ndma/

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