

## Frequently Asked Questions – Health Care Providers

### 1. What are the laws established for the medical marijuana program?

- North Dakota Century Code (NDCC) Chapter 19-24.1
- North Dakota Administrative Code (NDAC) Chapter 33-44-01

[https://www.ndhealth.gov/mm/State\\_Laws\\_and\\_Administrative\\_Rules.aspx](https://www.ndhealth.gov/mm/State_Laws_and_Administrative_Rules.aspx)

### 2. Who is considered a health care provider?

Per NDCC 19-24.1, a health care provider is defined as:

- A physician licensed by the North Dakota Board of Medicine;
- A physician assistant licensed by the North Dakota Board of Medicine; or
- An advanced practice registered nurse licensed by the North Dakota Board of Nursing.

### 3. Does the health care provider write a prescription?

No. There are **no prescriptions** under the medical marijuana program. A health care provider will only complete a written certification.

### 4. What is a health care provider's role in the medical marijuana program?

Health care providers are vital to the Medical Marijuana Program. A patient applying for an ID card for the program, must have a written certification completed by their health care provider. The written certification is a mandatory part of the application, and the application will not be complete without it.

### 5. What is a written certification and how is it submitted?

When a patient starts an application in the registration system, they must enter their health care provider's name and email address. When the patient submits their application, the health care provider is notified (via the email address that was entered) that they have been requested to complete a written certification.

A link to the registration system can be found [here](#).

In the registration system, the health care provider completes the written certification by selecting the debilitating medical condition(s) that qualify the patient for the program and the time frame for which the certification is valid (one year or less than one year). In addition, the health care provider can enter comments pertaining to the patient's debilitating medical conditions.

Finally, the health care provider attests that:

- The certification is made in the course of a bona fide provider-patient relationship and;
- They completed an assessment of the patient's current medical condition, including presenting symptoms related to the debilitating medical condition they diagnosed or confirmed.

#### **6. What is a bona fide provider-patient relationship?**

A bona fide provider-patient relationship is a treatment or counseling relationship between a health care provider and patient in which all the following are present:

- The health care provider has reviewed the patient's relevant medical records and completed a full assessment of the patient's medical history and current medical condition, including a relevant, in-person, medical evaluation of the patient.
- The health care provider has created and maintained records of the patient's condition in accordance with medically accepted standards.
- The patient is under the health care provider's continued care for the debilitating medical condition that qualifies the patient for the medical use of marijuana.
- The health care provider has a reasonable expectation that they will continue to provide follow-up care to the patient to monitor the medical use of marijuana as a treatment of the patient's debilitating medical condition.
- The relationship is not for the sole purpose of providing written certification for the medical use of marijuana.

#### **7. Are there laws or rules regarding when a bona fide provider-patient relationship is in place?**

No, when a bona fide provider-patient relationship is in place is determined by the health care provider.

#### **8. What happens if the health care provider receives a request to complete a written certification but does not intend to do so for that patient?**

When the provider logs into the registration system and opens the written certification for that patient, they can enter a denial reason and click the red "deny"

button located at the bottom of the screen. This will remove that patient from the health care provider's pending list.

Denial Reason

**9. What are the qualifying debilitating medical conditions?**

For a full list of the debilitating medical conditions, click [here](#)

**10. What medical marijuana products are allowed under the program?**

- Dried leaves and flowers
- Concentrates
- Solutions
- Capsules
- Transdermal patches
- Topicals

For more detailed information, including exceptions and limits, click [here](#).

**11. Is information in the registration system kept confidential?**

Yes, the Division cannot and does not release information from the patient application. This includes health care provider information.

**12. Can minors participate in the medical marijuana program?**

Yes. A patient under the age of 19 is a minor under the Medical Marijuana Program. The minor's parent or individual with legal responsibility for making medical decisions for the minor must submit an application on behalf of the minor. The minor patient must have a designated caregiver who is responsible for purchasing, possessing, and administering products through the medical marijuana program.

**13. Does state law related to the medical marijuana program include any protections to health care providers?**

Yes. Under state law, a health care provider is not subject to arrest or prosecution or the denial of any right or privilege, including a civil penalty or disciplinary action by a court or occupational or professional regulating entity, solely for providing a written certification or for refusing to provide written certification.

The laws for the Medical Marijuana Program do not release a health care provider from the duty to exercise a professional standard of care for evaluating or treating a patient's medical condition.

**14. Does a health care provider have to sign a written certification when requested to do so by a patient?**

No. The decision to complete a written certification or not is that of the health care provider.

**15. Can a health care provider rescind a written certification after submitting one?**

Yes. If the health care provider determines that the bona fide provider-patient relationship no longer exists, they can notify the Division of Medical Marijuana to rescind the written certification.

When the health care provider rescinds the written certification, the Division will suspend the patient ID card. The patient will be notified that the written certification has been rescinded and that they will no longer be able to go to a dispensary and purchase product. In addition, the patient will have 15 days before they can no longer be in possession of any marijuana products that were purchased when their card was still valid.

**16. What if a health care provider holds a financial interest in a manufacturing facility or dispensary?**

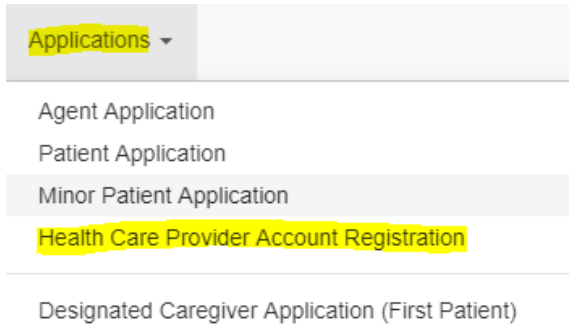
A health care provider who holds a financial interest in a compassion center may not knowingly:

- Refer a patient to a compassion center,
- Refer a patient to a registered designated caregiver,
- Advertise in a compassion center, or
- Issue a written certification.

State law requires a health care provider who violates this provision to be fined up to one thousand dollars.

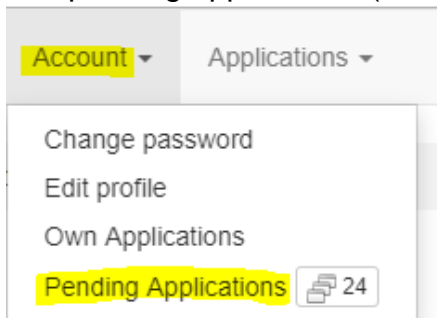
**17. Can a health care provider's information be saved in the registration system?**

Yes. To provide the most efficient process and to decrease duplicate data entry, the health care provider can complete what is called the **Health Care Provider Account Registration** under the applications tab (see snippet below). The health care provider only needs to do this one time.



**18. How does the health care provider know that they have completed all parts of the written certification?**

The health care provider can view all pending patient applications under the account tab; pending applications (see snippet below).



Once the health care provider has completed the required information, the patient application will move out of the pending application section. A list of patients the health care provider has completed a written certification for will show on the main screen when the provider logs into the system.