

## HEALTH CARE PROVIDER

### Determining a bona fide provider-patient relationship:

- 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.

Under the ND Medical Marijuana Program, health care provider is defined as: *a physician, advanced practice registered nurse (APRN) or physician assistant (PA).*

- Physicians and Physician Assistants must be licensed through the North Dakota Board of Medicine and have a license in good standing.
- APRN's must be licensed through the North Dakota Board of Nursing and have a license in good standing.

### Protections:

Under state law, a health care provider is not subject to arrest or prosecution or denial of any right or privilege solely for providing a written certification or for refusing to provide a written certification.

### Under State Law:

- ❖ A health care provider is not required to provide a written certification.
- ❖ A health care provider who holds a financial interest in a compassion center may not issue a written certification, refer a patient to a compassion center, refer a patient to a designated caregiver, or advertise in a compassion center.

***Patient information in the Medical Marijuana Program is confidential under state law.***

***A patient must sign a consent for release of medical information related to their debilitating medical condition:***

- ***The Medical Marijuana Program is required to perform verification work.***
- ***The Medical Marijuana Program will monitor information to ensure a bona fide provider-patient relationship exists.***

### Written Certification:

- ✓ Mandatory form that must be a part of a patient's application.
- ✓ Can only be signed if a bona fide provider-patient relationship exists.
- ✓ Signed by health care provider
- ✓ NOT a prescription.



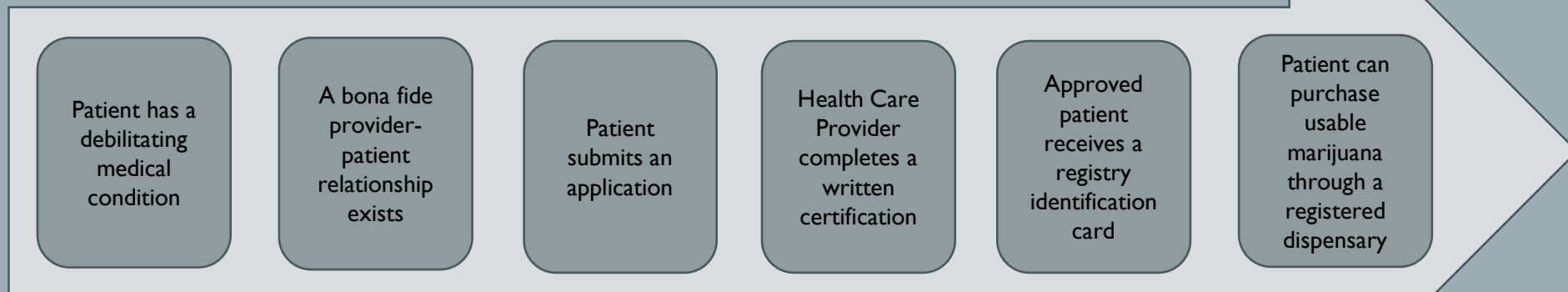
Registered dispensary staff will be the patient educators who will provide patients information regarding what usable marijuana product would work best for their debilitating medical condition.

## Debilitating Medical Conditions:

- A Terminal Illness
- AIDS
- Agitations of Alzheimer's Disease or related Dementia
- ALS
- Anxiety Disorder
- Anorexia Nervosa
- Autism Spectrum Disorder
- Brain Injury
- Bulimia Nervosa
- Cancer
- Crohn's Disease
- Decompensated cirrhosis caused by hepatitis C
- Ehlers-Danlos Syndrome
- Endometriosis
- Epilepsy
- Fibromyalgia
- Glaucoma
- Interstitial Cystitis
- Migraine
- Neuropathy
- Positive status for HIV
- PTSD
- Rheumatoid Arthritis
- Spinal stenosis or chronic back pain
- Tourette Syndrome
- A chronic or debilitating disease or medical condition or treatment for such disease or condition that produces one or more of the following:
  - Cachexia or wasting syndrome
  - Severe debilitating pain
  - Intractable nausea
  - Seizures
  - Severe persistent muscle spasms

For further details see NDCC Section 19-24.1-01 (15)

## Process Overview



### What does the written certification look like?

The written certification is an online form included in the Medical Marijuana Program's registration system. State law includes specific information regarding what is required on the form. For example, the form must include the health care provider's practice location, license number and specialty.



### What does the phrase medical use of marijuana mean?

Medical use of marijuana means the acquisition, use, and possession of usable marijuana to treat or alleviate a qualifying patient's debilitating medical condition.



### Can anybody use dried leaves and flowers?

All adult patients (those 19 years and older) are allowed to purchase and use dried leaves and flowers. In addition, health care providers can authorize an enhanced amount (up to 6 oz. in a 30-day period) for patients with the debilitating medical condition of cancer.



### Can a health care provider complete a written certification for a minor (under 19)?

Yes, but the health care provider must document on the written certification that they have explained to the parent or legal guardian with responsibility for health care decisions for the minor the potential risks and benefits of the use of pediatric medical marijuana to treat or alleviate the debilitating medical condition.

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For more information, visit [www.hhs.nd.gov/mm](http://www.hhs.nd.gov/mm)

# Q&A'S CONTINUED



## **Is there a special certification needed to participate in the program to certify patients?**

No, there is not a special certification. Health Care providers simply need to create an account in the registration system and complete a Health Care Provider Account Registration. Authorized providers under the law include physicians and PA's licensed through the ND Board of Medicine and APRN's licensed through the ND Board of Nursing. Medical Marijuana Program staff verify licenses with each patient application review.

## **Does the patient's primary provider have to be the one to certify the patient?**

No, any provider that meets the requirements in law, including the bona fide relationship, can certify the patient.

## **Can a provider rescind a written certification after the patient has received their ID card?**

Yes, a provider can rescind a written certification for reasons such as the patient no longer having the condition that originally qualified them for the program or the bona fide relationship is no longer in existence for one reason or another. Health care providers need to contact the Medical Marijuana Program in writing (email suffices) to rescind a written certification.

## **Can the health care provider restrict patients to non-smokable products only?**

For adult patients, no. Adult patients with an active card can purchase both dried leaves and flower (smokable) and other products (concentrates, solutions, capsules, patches, and ointments). The discussion of what the provider believes is best for the patient (i.e., not smoking) is not something that the Medical Marijuana Program is authorized under law to regulate. Minor patients are NOT allowed dried leaves and flower per NDCC Chapter 19-24.1



## **What does 'enhanced amount' mean?**

Providers who select the debilitating medical condition of cancer have the option to authorize an enhanced amount of dried leaves and flower for the patient (adult patients only). This enhanced amount means that patients would be able to purchase up to 6 ounces of dried leaves and flower in a 30-day period. The enhanced amount does not pertain to other products, which is 6,000 mg of THC in a 30-day period for all patients regardless of their debilitating medical condition(s).

## **A patient has submitted their application, but I can't see it on my pending list? Why?**

Most often, this happens when the patient has entered the provider's email address incorrectly on their application. It can also happen if the patient has only started an application, but not fully completed and submitted the application. Patients should be directed to review their application and verify all information is correct.

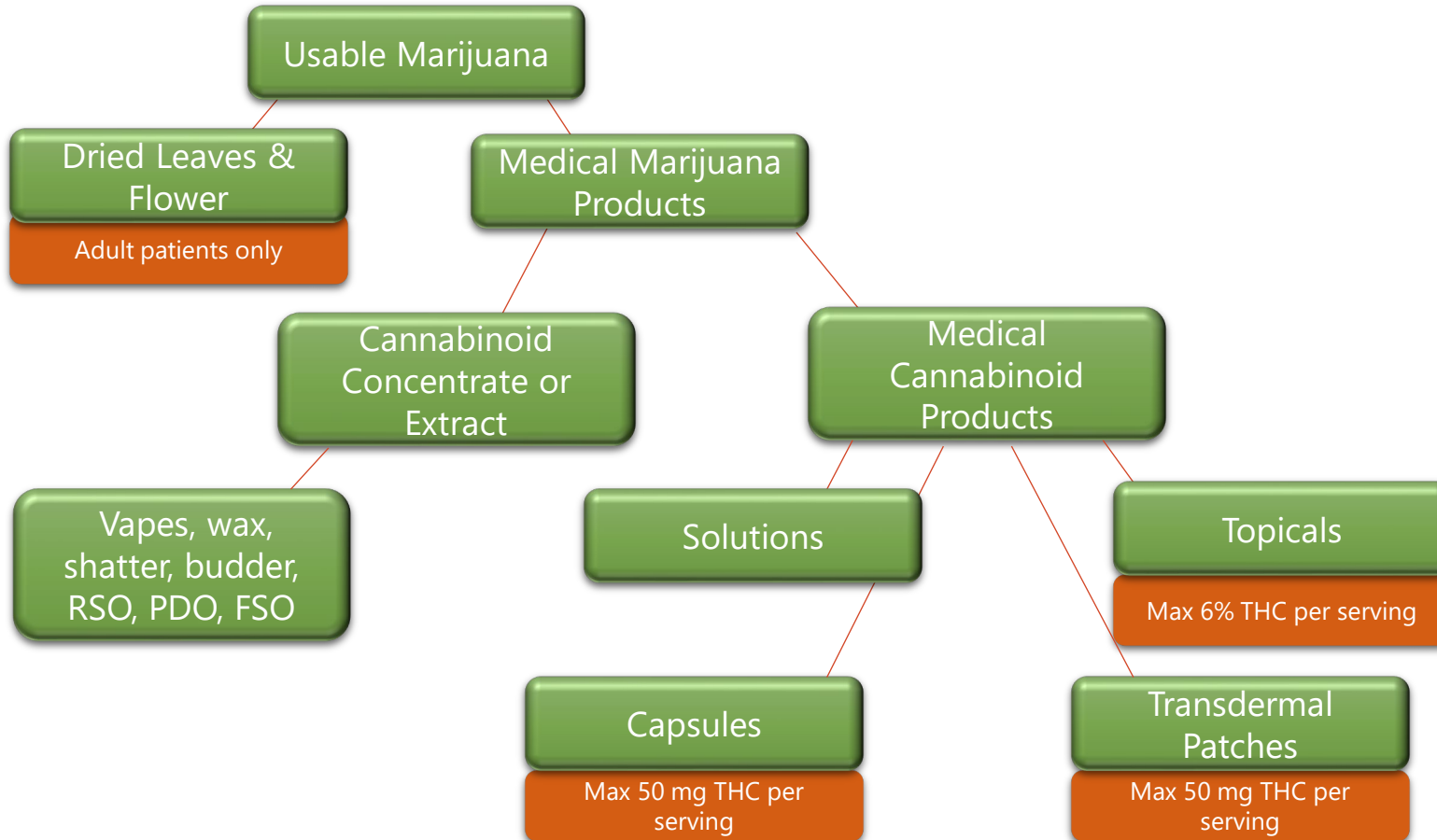
## **What happens when a certifying provider retires or for some reason is no longer able to provide follow up care for patients they have certified?**

Health care providers must notify the Medical Marijuana Program if they can no longer provide follow up care or monitor the patients that they have certified. The Medical Marijuana Program will notify patients that they will have 90 days to renew their application with a different provider who will certify them. After 90 days, patient cards will be moved to a withdrawn status unless a renewal has been completed.

## **Are there any instances where a health care provider does not have to complete a written certification for an application to be approved?**

There are two alternative application processes allowed in the law – 1) veteran patients who receive care through the VA and 2) patients enrolled in a hospice (end of life) care program. In both cases, other documents are required in lieu of a written certification. Medical Marijuana Program staff will work with applicants to ensure proper documentation is received.

# Types of Usable Marijuana



See NDCC Section 19-24.1-33 for more information regarding limitations  
[NDCC Chapter 19-24.1](#)

## Dried Leaves and Flower Purchase and Possession Limits

	Standard	Enhanced	0 (Zero)
<b>Who</b>	All patients 19 and older  Indicated on card as 'standard'	Patients with the condition of cancer; authorized by healthcare provider  Indicated on card as 'enhanced'	Minor patients (under 19 years old)  Indicated on card as 'no'
<b>Purchase Limit within 30 days</b>	2.5 ounces	6 ounces	Zero ounces
<b>Possession Limit</b>	3 ounces	7.5 ounces	Zero ounces

## Other product purchase and possession limit

Adult Patients 19 years and older	Minor Patients Under 19 years
Can purchase (within 30 days) up to 6,000 mg of THC  Possession: no limit	Designated caregiver can purchase on patient's behalf (within 30 days) up to 6,000 mg of THC. Pediatric product cannot be greater than 6% THC.  Possession: no limit