

3/13/13

Mr. Chairman and Members of the Committee, my name is Lezlie Link. I am a doctor of naturopathic medicine. I was appointed to represent Naturopathic Medicine within the North Dakota Board of Integrative Health Care. I currently serve as the Chairperson for the Board.

I will start by addressing the requested questions.

1. Whether the rules resulted from statutory changes made by the Legislative Assembly.

These are the initial rules for the Board. The Board has been operating directly under the statutes in chapters 43-57, 43-58 and 43-59.

2. Whether the rules are related to any federal statute or regulation. If so, please indicate whether the rules are mandated by federal law or explain any options your agency had in adopting the rules.

No, these rules are not mandated by federal law.

3. A description of the rulemaking procedure followed in adopting the rules, e.g., the type of public notice given and the extent of public hearings held on the rules.

We followed the rulemaking procedure outlined in chapter 28-32, the Administrative Agencies Practice Act.

4. Whether any person has presented a written or oral concern, objection, or complaint for agency consideration with regard to these rules. If so, describe the concern, objection, or complaint and the response of the agency, including any change made in the rules to address the concern, objection, or complaint. Please summarize the comments of any person who offered comments at the public hearings on these rules.

There were no comments received during the rulemaking process.

5. The approximate cost of giving public notice and holding any hearing on the rules and the approximate cost (not including staff time) of developing and adopting the rules.

The cost of giving public notice was \$1687.10 paid to ND Newspaper Association on December sixth, 2012.

6. An explanation of the subject matter of the rules and the reasons for adopting those rules.

The Board regulates two professions, naturopathic doctors and music therapists. The administrative rules outline the requirements for the application of licensure, responsibilities of the regulatory Board, and the responsibilities of the licensee to maintain a license in the state of North Dakota. Furthermore, the administrative rules explain the disciplinary actions to be taken against a licensee to protect the public against fraudulent or dangerous activity.

7. Whether a regulatory analysis was required by North Dakota Century Code (NDCC) Section 28-32-08 and whether that regulatory analysis was issued.

A regulatory analysis was not required because the rules are expected to have less than a \$50,000 economic impact and an analysis was not requested from the Board.

8. Whether a regulatory analysis or economic impact statement of impact on small entities was required by NDCC Section 28-32-08.1 and whether that regulatory analysis or impact statement was issued.

The Board is an occupational licensing board, and is exempt from this requirement under NDCC Section 28-32-08.1(5).

9. Whether these rules have a fiscal effect on state revenues and expenditures, including any effect on funds controlled by your agency. If so, please provide copies of a fiscal note.

These rules do have a fiscal effect on state revenues and expenditures. A copy of the fiscal note is the second document located after my testimony. Updates to the fiscal note include the pending licensure of 2 additional naturopathic doctors and 2 additional music therapists.

10. Whether a constitutional takings assessment was prepared as required by NDCC Section 28-32-09.

These rules do not affect the use of real property, and thus the Board did not prepare a takings assessment.

11. If these rules were adopted as emergency (interim final) rules under NDCC Section 28-32-03, provide the statutory grounds from that section for declaring the rules to be an emergency and the facts that support that declaration and provide a copy of the Governor's approval of the emergency status of the rules. If these rules were adopted as emergency (interim final) rules, what steps were taken to make the rules known to persons who can reasonably be expected to have a substantial interest in the rules?

These rules were not emergency rules.

Thank you for your attention. I will answer any and all questions to the best of my ability.

Board of Integrative Health Care

Fiscal Note 2012 Proposed Administrative Rules

State Fiscal Effect: Identify the fiscal effect on the state and agency appropriations compared to funding levels and appropriations anticipated under current law.

The Board of Integrative Health Care regulates two professions, naturopathic physicians and music therapists. It receives revenue from licensing fees and expends funds for regulatory purposes. The Board received a one-time general fund appropriation of \$4,000 for the 2011-13 biennium to support creation of this new board. See Section 6 of 2011 Senate Bill No. 2271. The Board will be supported entirely from special funds after this biennium is concluded.

Revenues: Estimate revenues for the next two bienniums.

Revenue from naturopathic physician licensure will provide the main source of funding for the Board. It is estimated that there may be between 10 and 18 naturopathic physicians by the conclusion of the 2013-15 biennium. The proposed fee for application and an initial two-year license is \$550. Therefore, initial licensure is predicted to produce revenues between \$5,500 and \$9,900 for naturopath licensure. Assuming that the number of licensees remains within the same range, the proposed renewal fee for a two-year active status license is \$400, resulting in license renewal fees between \$4,000 and \$7,200 for the 2015-17 biennium.

The other profession licensed by the Board is music therapists. At the present time, it is believed that a total of 7 music therapists will apply for initial licensure. The proposed fee for application and initial licensure is \$150 for a two-year time period. That will result in an estimated income of \$1,050 to the Board during the 2013-15 biennium. License renewal is also \$100, and if the licensure level remains the same, that would produce a revenue figure of \$700 for the 2015-17 biennium.

Thus, total revenues are expected as follows: 2013-15 biennium revenue between \$6,550 and \$10,950; 2015-17 biennium revenue between \$4,700 and \$7,900.

Expenditures: Estimate expenditures for the next two bienniums.

At the present time it is difficult to estimate expenditures because there is no history upon which an estimate may be based. The Board has had significant legal and publication costs in developing this set of proposed administrative rules which is not anticipated to be repeated in the near future. Going forward, it is estimated that the Board would only have regular meetings with fairly minimal expenses. Only in the event of a disciplinary complaint or other legal action would there be an extraordinary expenditure.