

## 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 or an advanced practice registered nurse (APRN).*

- Physicians 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 or otherwise recommend marijuana to a patient.
- ❖ 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 Division of Medical Marijuana is required to perform verification work.***
- ***The Division of Medical Marijuana 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.
- ✓ States that in the health care provider's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana.



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:

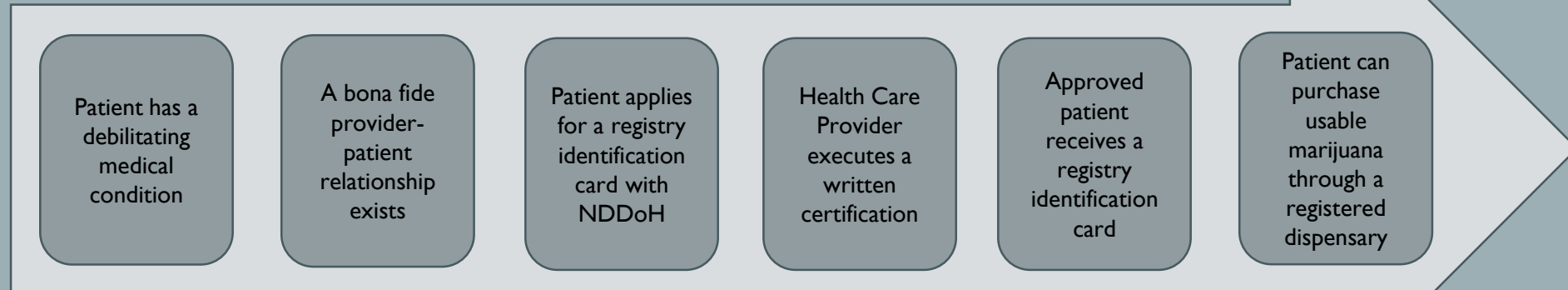
- Cancer
- Positive status for HIV
- AIDS
- Decompensated cirrhosis caused by hepatitis C
- ALS
- PTSD
- Agitation of Alzheimer's disease or related dementia
- Crohn's disease
- Fibromyalgia
- Spinal stenosis or chronic back pain
- Glaucoma
- Epilepsy
- A terminal illness
- A chronic or debilitating 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)



**NORTH DAKOTA**  
**DEPARTMENT of HEALTH**  
Division of Medical Marijuana

## Process Overview



### **Q: What does the written certification look like?**

A: The Division of Medical Marijuana is drafting a written certification form. State law includes specific information regarding what is to be included on the form. For example, the form must include information regarding the healthcare providers location, license number and specialty.



### **Q: What does the phrase medical use of marijuana mean?**

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



### **Q: Can anybody use dried leaves and flowers?**

A: No. Health care providers must specifically authorize the use of dried leaves and flowers.

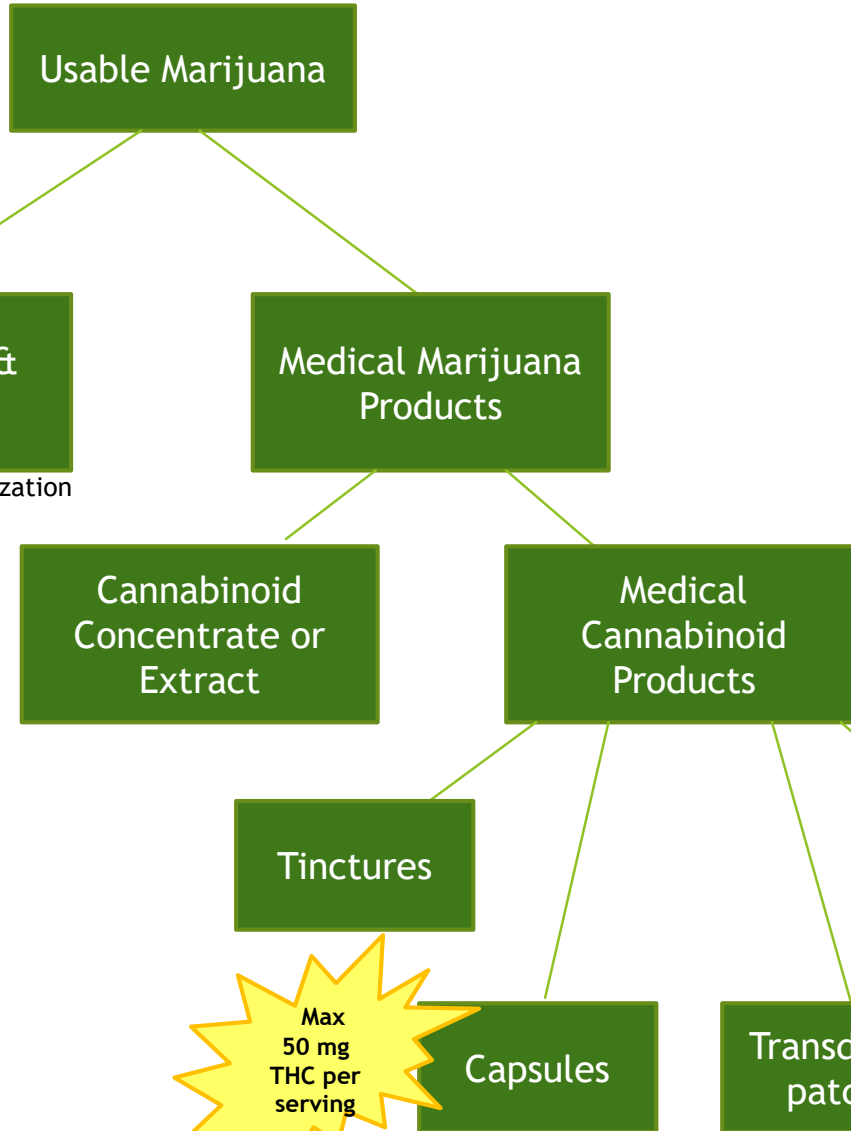


### **Q: Can a health care provider complete a written certification for a minor (under 19)?**

A: 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.

For more information, visit [www.ndhealth.gov/MM/](http://www.ndhealth.gov/MM/)

# Types of Usable Marijuana



Not for Minors! (under 19)

*\*Products with >6% THC*

*\*Smokable form*

Maximum purchase amounts per 30 days:

*\*2.5 ounces total—dried leaves and flowers;  
and*

*\*2000 mg THC total—other products*

Max 6%  
THC  
per  
serving

Max  
50 mg  
THC per  
serving

Max 50  
mg THC  
per  
serving