

61-04-13. Patient consultation requirements. Each prescription dispensed by a pharmacy serving patients in the state and each out-of-state pharmacy providing prescriptions by mail to patients in the state must provide the following in regard to consultation:

1. Provide consultation by a pharmacist or intern on each new prescription dispensed.
2. Provide consultation by a pharmacist or intern on each refill prescription dispensed. Pursuant to NDAC 61-02-07.1-05, screening a patient for consultation on a refilled prescription can be completed by a registered technician.
3. Counseling can be provided to the patient or their agent.
4. For a refilled prescription, when the patient or their agent is not available at the time of dispensing, the pharmacy must supply written or electronic materials and a toll free phone number for the patient or their agent to contact the pharmacist.
5. For a new prescription being dispensed by mail to a patient, the pharmacy must provide a consultation by telephone or supply written or electronic materials and a toll free phone number for the patient or their agent to contact the pharmacist
 - a. A pharmacist must assess whether it is appropriate to engage the patient or their agent through a telephone conversation or if written material accompanying the prescription is appropriate.
6. This section does not apply to prescriptions for patients exempted in NDCC 43-15-31.2
7. Failure to provide proper consultation under this section is considered unprofessional conduct by the pharmacy and pharmacist under NDAC 61-04-04-01(9) and is subject to disciplinary action

History: Effective October 1, 2017.

General Authority: NDCC 28-32-02, 43-15-10(1)(12), 43-15-31.2, 43-15-34, 43-15-35.

Law Implemented: NDCC 28-32-02, 43-15-10(1)(12), 43-15-31.2, 43-15-34, 43-15-35.