



State of North Dakota
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NDCC 28-32-08.1 – Small Entity Economic Impact and Regulatory Statement to adopt and amend rules in NDAC 61

- 61-02-07.1-07 Pharmacy Technician Registration Requirements – modifies administrative code based upon Senate Bill 2175 for a provisional registration for military members
- 61-03-01-04 Licensure Transfer - modifies administrative code based upon Senate Bill 2175 for a provisional license for Military members
- 61-04-04-01 Unprofessional conduct – adds provision for concerning marketing practices in pharmacies
- 61-04-11 Administration of Medications and Immunizations – implements Senate Bill 2279 providing operational standards for a registered pharmacy technician to assist a pharmacist in administering medications and immunizations
- 61-04-14 Limited Prescription Authority for Immunizations – creates administrative code according to Senate Bill 2221 to allow limited prescriptive authority for pharmacists for immunizations based on a statewide protocol
- 61-04-15 Limited Prescription Authority for Tobacco Cessation Therapies - creates administrative code according to Senate Bill 2221 to allow limited prescriptive authority for pharmacists for tobacco cessation medications based on a statewide protocol

Although the Board of Pharmacy, as a professional or regulatory Licensing Board authority is exempt from the sections on Small Entity Economic Impact and Regulatory Analysis, I believe it is prudent to describe some potential impacts, so the regulated parties will understand the implications of the rules identified above.

The Board of Pharmacy does not believe there will be any significant negative financial impact on small entities with these rule changes. Most of the proposed rules will actually ease regulatory conditions for pharmacies to operate within.

Rules relative to military members are meant to streamline the licensure and registration process for pharmacists and pharmacy technicians. While there will be a distinct process similar to the one created for a provisional licensure of military spouses under both professions, the impact will be minimal, with each individual situation dealt with independently. The Board will need to modify licensure applications to identify military members. We anticipate the number of military members to be just 1 or 2 annually.

Generally, we do not believe the addition under Unprofessional Conduct should impact many pharmacies in North Dakota. However, there have been a few pharmacies that have been identified that may have engaged in activities relating to marketing that may need to adjust business practices, with most of these instances being out-of-state pharmacy locations.

The allowance for pharmacists to utilize pharmacy technicians in the administration of medications, as authorized by Senate Bill 2279, will assist pharmacists in addressing the increasing demands for immunizations and other medication administration needs in their pharmacy models of care. A similar authorization was enacted Federally through a HHS Prep Act Memo, specifically related to the COVID pandemic. Many states have or will enact similar allowances for pharmacy technicians. Pharmacy Technicians in North Dakota are well educated and certified in order to carry their registration and are well positioned to take on this additional responsibility under the pharmacist's purview in each individual pharmacy location. The goal of this will be to free up pharmacists' time to further interact with patients and enhance their models of care.

Lastly, the ability for pharmacists to have limited prescriptive authority for immunizations and tobacco cessation therapies is enacting the authority in Senate Bill 2221. This authority is not new, and many states are leveraging the expertise of pharmacists to build innovative approaches to public health. A recent example in North Dakota is Pharmacist's ability to prescribe Naloxone. There is currently a requirement for pharmacists to get standing orders or individual prescriptions from practitioners for immunizations. This current approach is proving to be difficult to providers. It was determined by the Legislature that pharmacists should have prescriptive authority to streamline care for patients who desire their pharmacist to provide an immunization. The pharmacist's ability to prescribe tobacco cessation products could prove to be a very important public health initiative. We expect the pharmacist's ability to engage any individual at the counter and assist them with obtaining cessation therapies could uniquely help them quit tobacco products. Each one of these rules will have a comprehensive statewide protocol behind it, which the Board of Pharmacy will maintain and update for pharmacists to follow.



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