

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2173

Introduced by

Senators Klein, J. Lee, Murphy

Representatives Keiser, Oversen, Weisz

1 A BILL for an Act to amend and reenact section 43-15-31.4 of the North Dakota Century Code,
2 relating to the governance of prescriptive practices for pharmacists.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 43-15-31.4 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-15-31.4. Limited prescriptive practices.**

- 7 1. A licensed pharmacist ~~in an institutional setting~~ has limited prescriptive practices to
8 initiate or modify drug therapy following diagnosis ~~and initial patient assessment~~ by a
9 licensed physician or an advanced practice registered nurse, under the supervision of
10 the ~~same~~ licensed physician or advanced practice registered nurse, in accordance
11 with this section. ~~An institutional setting, for the purpose of this section, is a hospital, a~~
12 ~~physician clinic, a skilled nursing facility, or a swing-bed facility in which a patient's~~
13 ~~medical records are readily available to the licensed physician and the licensed~~
14 ~~pharmacist~~The licensed physician or the advanced practice registered nurse and the
15 pharmacist must have access to the patient's appropriate medical records. The care
16 provided to the patient by the pharmacist must be recorded in the patient's medical
17 records and communicated to the licensed physician or the advanced practice
18 registered nurse.
- 19 2. The licensed physician or the advanced practice registered nurse and the ~~licensed~~
20 pharmacist shall prepare a collaborative agreement concerning the scope of the
21 pharmacist's prescriptive practices and shall update the agreement at least every
22 ~~two~~four years or when they modify the scope of the pharmacist's prescriptive
23 practices. The collaborative agreement, or an amendment to the agreement, is

1 effective when approved by the board of medical examiners or board of nursing and
2 the board of pharmacy.

3 3. The collaborative agreement may be between a medical director and
4 pharmacist-in-charge. The medical director and pharmacist-in-charge shall report to
5 the respective board of any physician, advanced practice registered nurse, and
6 pharmacist covered under the agreement.

7 ~~3.4.~~ If there is a change in personnel under the collaborative agreement, a pharmacist,
8 physician, and advanced practice registered nurse under the collaborative agreement
9 shall send immediate notice of the change to the respective licensing board of that
10 individual. Unless necessary, a change in personnel does not necessitate board
11 approval of the collaborative agreement.

12 5. The collaborative agreement must include a provision that requires the licensed-
13 pharmacist to immediately notify the licensed physician or advanced practice
14 registered nurse when the licensed pharmacist initiates or modifies a drug therapy.

15 ~~4.6.~~ The board of medical examiners and the board of pharmacy shall jointly establish a
16 ~~prescriptive practices committee consisting of two physicians appointed by the board~~
17 ~~of medical examiners, one physician appointed by the North Dakota medical~~
18 ~~association, one pharmacist appointed by the board of pharmacy, and one pharmacist~~
19 ~~appointed by the North Dakota pharmaceutical association. The prescriptive practices~~
20 ~~committee shall develop and submit proposed rules concerning the implementation of~~
21 ~~this section to the board of medical examiners and the board of pharmacy. Any rules to~~
22 ~~implement this section must be jointly adopted by the board of medical examiners or~~
23 ~~the board of nursing and the board of pharmacy.~~