

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1388

Introduced by

Representatives Nottestad, Ekstrom, Gorder

Senators T. Mathern, Robinson, Sand

1 A BILL for an Act to create and enact two new sections to chapter 43-15 of the North Dakota
2 Century Code, relating to pharmacist education requirements and approved laboratory tests;
3 and to amend and reenact subsection 23 of section 43-15-01 of the North Dakota Century
4 Code, relating to the definition of practice of pharmacy.

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

6 **SECTION 1. AMENDMENT.** Subsection 23 of section 43-15-01 of the 1997
7 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8 23. "Practice of pharmacy" means the interpretation, evaluation, and monitoring of
9 prescription orders and patient drug therapy; the compounding, dispensing,
10 labeling of drugs and devices except labeling by a manufacturer, packer, or
11 distributor of nonprescription drugs and commercially packaged legend drugs and
12 devices; the participation in drug selection, drug monitoring, drug administration,
13 drug regimen review, the provision of these acts or services necessary as a
14 primary health care provider of pharmaceutical care, and drug utilization
15 evaluations; the proper and safe storage of drugs and devices and the
16 maintenance of proper records ~~therefor~~ for this storage; the responsibility for
17 advising, consulting, and educating ~~where~~ where if necessary or ~~where if regulated~~,
18 patients, public, and other health care providers on the rational, safe, and
19 cost-effective use of drugs including therapeutic values, content, hazards, and
20 appropriate use of drugs and devices; the participation in interpreting and applying
21 pharmacokinetic data and other pertinent laboratory data to design safe and
22 effective drug dosage regimens; ~~where if appropriate~~ and ~~where if regulated~~, the
23 participation in drug research either scientific or clinical as investigator or in
24 collaboration with other investigators for the purposes of studying the effects of

1 drugs on animals or human subjects, with other drugs or chemicals, and with drug
2 delivery devices; emergency pharmacy practice; prescriptive practices as limited
3 ~~herein~~ under this chapter; the performance of laboratory tests to provide
4 pharmaceutical care services which are waived under the Federal Clinical
5 Laboratory Improvement Act of 1988 [Pub. L. 100-578, section 2, 102 Stat. 2903;
6 42 U.S.C. 263a et seq.], as amended; and the offering or performing of those acts,
7 services, operations, or transactions necessary in the conduct, operation,
8 management, and control of pharmacy.

9 **SECTION 2.** A new section to chapter 43-15 of the North Dakota Century Code is
10 created and enacted as follows:

11 **Educational requirements - Rules.** The board shall adopt rules establishing the
12 educational requirements and quality control procedures for pharmacists who conduct
13 laboratory tests provided in subsection 23 of section 43-15-01. These rules must include a
14 requirement that pharmacists receive training for each specific test performed and a
15 requirement that pharmacists demonstrate proficiency for each test performed following
16 nationally recognized proficiency guidelines.

17 **SECTION 3.** A new section to chapter 43-15 of the North Dakota Century Code is
18 created and enacted as follows:

19 **Approved laboratory tests.** Approved laboratory tests are the following waived
20 screening tests: glucose monitoring devices (FDA cleared/home use) 9221, cholesterol 1020,
21 HDL cholesterol 2550, triglyceride 6118, and glycosylated hemoglobin (Hgb A1C) 2204.
22 Additional tests may be added to this list as jointly determined by the board and the board of
23 medical examiners.