

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~~ 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.