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**SB 2184 – Uniform Regulation of Occupational Boards**  
Senate Workforce Development Committee – Fort Lincoln Room  
10:00 AM - Friday – February 10, 2023

Chairman Wobbema and members of the Senate Workforce Development Committee, for the record I am Mark Hardy Executive Director of the North Dakota State Board of Pharmacy and I appear to you in opposition to Senate bill 2184 as it currently stands.

I have had the pleasure of working with Senator Lee who is the prime sponsor on amendments that would significantly change, but address, many of the issues that this bill is looking to accomplish, as well as provide meaningful provisions to help Boards improve efficiencies in operations. I would be happy to work with the committee on that amendment if desired.

As the bill is written, there are provisions in the bill that certainly are worthy of a conversation that would unify certain administrative activities of Occupational Boards, there are a number of the provisions in this bill that are not necessary or may cause additional burdens for Boards, including the Board of Pharmacy, and all the licensees underneath of them.

I will walk through just a few of the major challenges with the provisions of the bill. With Board Membership we do think it is worthwhile that the Governor has the power to remove a Board Member for cause or neglective duty. However, the removal of Board Members for such things as political reasons would be problematic. Furthermore, recruitment of Board members is often not easy and limiting the term to 3 years with a second term option really restricts the ability for a board member to fully engrain in the operations of the Board to make a meaningful impact. Most Boards have a per diem compensation set in their statutes. This per diem is often according to the budgets of the Board and constitutes a reasonable compensation depending on the occupation. Requiring a per diem of \$175 per day may actually prove to be financially burdensome for many of your small Boards in the state.

Unifying the renewal terms of all licensees under all the Boards would change many established processes. This will cause much confusion in the workforce in what is currently a stable process for an individual profession. Some Boards use a calendar year, others use an anniversary date of licensure and others use a selected date. This process is engrained in the profession and changing this makes little sense as it will be a burden for everyone to change. Many Boards, unlike ours, do not require proof of Continuing education upon licensure instead rely on audits throughout the year which, for our profession, is easily completed by an electronic profile each professional maintains and is accessible. Requiring this for our licensees upon renewal would be an unnecessary burden.

Regarding licensure of foreign practitioners and portability between states, the Board of Pharmacy has an electronic license transfer program operated by our National Association of Boards of Pharmacy that has been in place for many years. This provides a uniform process for pharmacists to become licensed when moving into the state. The section of the legislation would jeopardize our ability to use this streamlined approach and create a separate process for our licensees from other states to follow. Another example is our Pharmacy Technicians who are required to meet an educational qualification for the purposes of registration. This standard is seen as being more stringent than other states, however the reality is the Pharmacy Technicians in our state have an expanded role in which they can practice in pharmacies versus other applicants. This has actually been a positive for our workforce needs as it relates to Pharmacy Technicians keeping a stable workforce compared to other states where there is a higher turnover in the workforce. This has also allowed us to extend innovative models of care, such as Telepharmacy that have served our rural citizens by having well trained pharmacy technicians employed and practicing remotely with pharmacist supervision.

We believe Section 2 and Section 3 of the bill also are unnecessary with Boards like ours. Our operation is small like many boards and working with a private accounting firm, through standards set by the state auditor, to have an audit seems very appropriate. In our case we do a yearly audit even though we are required to conduct biennial audits. Having access to a private accountant has allowed us to leverage their expertise to ensure that we are operating our fiscal processes in the best manner possible given our limited staff size and ability to segregate duties. We believe there are other similar pieces of legislation that are working their way through the legislative body that may provide a better means for Licensing Boards that are unable to use a private accounting firm to utilize the services of the state auditor.

Lastly, Section 4 calls for a study. I think it is important to remind the Committee that there was a study recently on Occupational Boards that was completed by the Department of Commerce that addressed many of the issues that this section calls for. The study utilized a national entity that specializes in Licensing Boards, **Council on Licensure, Enforcement and Regulation [CLEAR]** to collect and evaluate the results to compare to their national experiences. Those results were overall quite complimentary of the efforts Board's in North Dakota. One important finding was that licenses are being timely processed in what was quoted as a "14 day turnaround time" on average.

Again, the Board of Pharmacy is not supportive of SB 2184 in this current version. However, we would be happy to work with the Committee on amendments that could be meaningfully used to enhance the operations of Licensing Boards to ensure they are as nimble as possible to respond to the workforce in the state of North Dakota

We appreciate the ability to testify in opposition to this bill and we thank you for your time. I would be happy to answer any questions you may have.