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**SB 2249 – Centralization of Administration of Boards**  
Senate Workforce Development Committee – Fort Lincoln Room  
9:00 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 appreciate the opportunity to be here with you today to discuss our deep concerns and opposition with the provisions of Senate Bill 2249.

This testimony is intended for the bill as it was introduced and amendments offered as we understand would likely change our position on the bill. While the bill sponsor's intention may be different, our read of Section 1 of this bill would move all administrative operations of the Boards, including the Board of Pharmacy underneath the Labor Commissioner control. This would cause extreme disruption for our licensees and the public at large that lean heavily on the efficient and reliable administrative services and programs provided by the Board of Pharmacy to deliver care in their communities.

To summarize just a few of the services that the labor commissioner would be responsible for duplicating if this bill were to pass include licensure of Pharmacists, Pharmacy Technicians, Technicians-in-Training, Interns, Veterinary Retail Facilities, Veterinary Dispensing Technicians, Pharmacies, Wholesale Drug distributors, manufacturers, outsourcing facilities, third party logistic providers and many that I am not including. The commissioner would need to organize and manage Inspections and Compliance Visitations of all the business facilities which are named above in the state. Complaints and formal disciplinary proceedings would also need to be managed by the labor commissioner. Programs in which you, the legislature has entrusted the Board of Pharmacy to manage and operate would all have to move over to the Labor Commissioner, including the State's Prescription Drug Monitoring Program, which collects the dispensing history of all controlled substances and provides ready access to clinicians and others making prescribing decisions, the North Dakota Drug Donation Program which provides access to medications that are donated for those in financial need of access, and the Drug Disposal Program which is collected over 24 tons of unused controlled substances at our participating pharmacies in the state. The Labor Commissioner would be responsible for administering the scheduling of controlled substances under 19-03.1 of the ND Century Code.

The stated goal in Section 2 of this bill is for the Labor Commissioner to centralize administration of Boards would be in our opinion very detrimental to the workforce. The continuing education and licensure of all state applicants in the profession of Pharmacy are both very time tested and uniform processes, which our licensees are accustomed to when moving between states. Our experiences in working with Boards of Pharmacy and other jurisdictions that have a centralization

model of Boards has been very troubling. What may seem a noble idea ends up being a bureaucracy that is very difficult to navigate for licensees and those trying to work with the Boards.

The current model in North Dakota of having independent Boards generally has allowed for and has proven to have nimble operations with very accessible offices that respond to licensees and the public needs in a very timely fashion.

That is not to discount the fact that there are issues in some Boards where supportive services may be needed. However, there are private companies that provide services to Boards in the State. That model of a public-private partnership is good and something we should be proud of in the state.

A study was conducted by the Department of Commerce that showed the average time to licensure was just 14 days from a completed application being provided. That includes professions that require background checks. I think that speaks very highly of the model of Boards that currently exist in the state. There may be small boards in the state that would benefit from a service model from a department given their small size or budgetary constraints but the approach that Senate bill 2249 sets forward is not the right approach in our opinion to improve the workforce needs in the state.

The highlights just a few of the concerns with the approach this bill sets forward from the Board of Pharmacy's perspective.

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 of me.