

CHAPTER 61-02-01 PHARMACY PERMITS

Section

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61-02-01-01. Permit required. No person, partnership, association, or corporation shall conduct a pharmacy in North Dakota without first obtaining a permit to do so from the board. A fee, set by the board but not to exceed that prescribed by statute, shall be charged for each permit.

- 1) Each physical location of a pharmacy shall have a separate pharmacy permit. A location is defined as being in the same building at the same physical address. Buildings connected by tunnels, skywalks, or other similar methods must be deemed separate physical locations.
- 2) Any pharmacy receiving a permit shall advise the board, when applying for the permit and when changes occur, of the name of the employees of the pharmacy who are:
 - a) The pharmacist-in-charge of the pharmacy, who shall be a licensed pharmacist in North Dakota in good standing;
 - b) All other licensed pharmacists who shall be licensed pharmacists in North Dakota in good standing;
 - c) All licensed pharmacy interns who shall be licensed pharmacy interns in North Dakota in good standing;
 - d) All registered pharmacy technicians who shall be registered pharmacy technicians in North Dakota in good standing; and
 - e) All supportive personnel permitted in the pharmacy area.
- 3) Nothing in this section prohibits a pharmacy with other than class F permit from delivering drugs or devices through the United States postal service or other parcel delivery service or hand delivery.
- 4) Classes of pharmacy permits are as follows:
 - a) Class A - Permit to conduct an outpatient pharmacy. These permits are issued to a pharmacy dispensing drugs or devices to the general public pursuant to a valid prescription.
 - b) Class B - Permit to conduct a hospital pharmacy. These permits are issued to a pharmacy dispensing drugs or devices to persons who are patients in a hospital, patients who are being discharged, or patients in emergency situations, pursuant to a valid prescription. These permits shall be issued to facilities licensed under North Dakota Century Code chapter 23-16 and shall be issued in the name of the facility.
 - c) Class C - Permit to conduct a home health care pharmacy. These permits are issued to a pharmacy dispensing sterile injectable drug products and devices to the general public who are not patients within a facility with a class B pharmacy permit pursuant to a valid prescription.
 - d) Class D - Permit to conduct a long-term care pharmacy. These permits are issued to a pharmacy dispensing drugs and devices to residents of facilities licensed under North Dakota Century Code chapters 23-09.3 and 23-16 pursuant to a valid prescription which are not physically accessed by the general public.
 - e) Class E - Permit to conduct a nuclear pharmacy. These permits are issued to a pharmacy dispensing or providing diagnostic or therapeutic radioactive drugs or devices for administration to an ultimate user.
 - f) Class F - Permit to conduct a mail-order pharmacy. These permits are issued to a pharmacy dispensing drugs and devices to the general public exclusively through the United States postal

- service or other parcel delivery service pursuant to a valid prescription but which are not physically accessed by the general public.
- g) Class G - Permit to conduct an out-of-state pharmacy. These permits are issued to any pharmacy operating outside the state of North Dakota which ships, mails, or delivers in any manner a dispensed prescription drug or legend device into North Dakota, which shall obtain and hold a pharmacy permit issued by the North Dakota state board of pharmacy and that part of the pharmacy operation dispensing the prescription for a North Dakota resident shall abide by state laws and rules of the board.
 - h) Class H - Permit to conduct a governmental agency pharmacy. This permit is issued to a pharmacy operated by the state of North Dakota, dispensing drugs and devices only to patients within correctional facilities or rehabilitation facilities, or for the purpose of teaching at institutions of higher learning, pursuant to a valid prescription.
 - i) Class I - Permit to conduct a research pharmacy. This permit is issued to a pharmacy in which scientific research is conducted under protocols established by an institutional review board meeting federal drug administration guidelines. Pharmaceuticals on hand are incident to the research being conducted. Security and storage for pharmaceuticals must meet United States Pharmacopeia and board of pharmacy requirements. A specific application for a pharmacy permit must be made delineating the specific physical facility to be utilized.
 - j) Class J - Permit to conduct an office practice pharmacy. Any licensed pharmacist may practice in an office pharmacy setting where prescriptions are not routinely dispensed. If legend drugs or devices are maintained, a permit must be obtained by making application to the board of pharmacy delineating specific practice intentions and assuring the board that security and storage requirements are met for any legend drugs or pharmaceuticals on hand.
 - k) Class K - Permit to conduct telepharmacy. A pharmacy staffed by a registered pharmacy technician with access to its main pharmacy and registered pharmacists by computer link, videolink, and audiolink while open.
 - l) Class L – Permit for a dispensing device in a long-term care facility, retirement care, mental care, or other facility or institution which provides extended health care to residents. The dispensing device must be located in a facility defined in NDCC Chapter 50-10.1, as any assisted living facility, any skilled nursing facility, basic care facility, nursing home as defined in subsection 3 of the NDCC section 43-34-01, or swing bed hospital approved to furnish long-term care services. The device must be under the control of a licensed Pharmacist in the state of North Dakota
- 5) Any applicable rule governing the practice of pharmacy shall apply to all permits under this section.
- 6) Operating in one class does not preclude permitting in another class. Pharmacies wishing to operate in more than one class shall apply on forms prescribed by the board, pay a fee set by the board, and comply with all rules for each class.

History: Effective October 1, 1999; amended effective January 1, 2004.

General Authority: NDCC 43-15-34

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