



BOARD OF PHARMACY
State of North Dakota

John Hoeven, Governor

OFFICE OF THE EXECUTIVE DIRECTOR
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Howard C. Anderson, Jr, R.Ph.
Executive Director

AUG 14 2008

Gary W. Dewhirst, R.Ph.
Hettinger, President
Rick L. Detwiller, R.Ph.
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Laurel Haroldson, R.Ph.
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Bonnie J. Thom, R.Ph.
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Gayle D. Ziegler, R.Ph.
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William J. Grosz, Sc.D., R.Ph.
Wahpeton, Treasurer

August 13, 2008

Mr. John Walstad
Code Revisor
ND Legislative Council
600 E Blvd – 2nd Floor
Bismarck ND 58505-0360

Dear Mr. Walstad:

The Notice of Intent to Adopt and Amend Administrative Rules and a copy of the proposed rule changes, amendments and additions to them are enclosed as required by NDCC 28-32-10 (1).

Sincerely,

A handwritten signature in black ink, appearing to read "Howard C. Anderson, Jr, R.Ph.", written in a cursive style.

Howard C. Anderson, Jr, R.Ph.
Executive Director

HCA/eh

Enclosure(s)

Full Notice

NOTICE OF INTENT TO ADOPT OR AMEND ADMINISTRATIVE RULES

TAKE NOTICE that the North Dakota State Board of Pharmacy, North Dakota State Board of Medical Examiners and the North Dakota State Board of Nursing will hold a joint public hearing at 10:00 AM on Wednesday, September 24th, 2008 in the Board of Pharmacy Office Conference Room – 1906 East Broadway in Bismarck, North Dakota. to address the proposed adoption of rules related to Expedited Partner Therapy in ND Admin. Code Chapter 61-04-04-01-(21); Title 50 and 54-05-03.1-10(8) respectively. This is intended to allow practitioners to prescribe and pharmacists to fill prescriptions for partners of those individuals diagnosed with some sexually transmitted diseases.

The North Dakota State Board of Pharmacy will also hold a hearing on the adoption of proposed new rules in NDAC 61-02-07.1-12 relating to Technicians Checking Technicians. This is intended to allow pharmacies to utilize their Registered Pharmacy Technicians to check each other when performing some routine and repetitive tasks.

None of these proposed rules, and amendments, is expected to have an impact on the regulated community in excess of \$50,000.

A copy of the proposed rules may be obtained by writing the North Dakota State Board of Pharmacy, P O Box 1354 in Bismarck ND 58502-1354 by calling 701-328-9535 or by emailing ndboph2@btinet.net. Also, written comments may be submitted to the ND Board of Pharmacy - P O Box 1354 in Bismarck ND 58502-1354 until October 24th, 2008. All comments will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the ND State Board of Pharmacy at the above telephone number or address at least two weeks (14 days) prior to the public hearing.

Dated this 13th day of August 2008.

Howard C. Anderson, Jr, RPh.
Executive Director

Expedited Partner Therapy

Board of Nursing NDAC 54-05-03.1-10(8)

Board of Medical Examiners

Board of Pharmacy NDAC 61-04-04-01(21)

Notwithstanding any other provision, a practitioner who diagnoses a sexually transmitted disease, such as Chlamydia, Gonorrhea, or any other sexually transmitted infection in an individual patient may prescribe, or dispense, and a pharmacist may dispense, prescription antibiotic drugs to that patient's sexual partner or partners, without there having been an examination of that patient's sexual partner or partners.



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NDCC 28-32-08.1 – Small Entity Regulatory Analysis and Small Entity Economic Impact Statement

Although the Boards of Pharmacy, Medical Examiners and Nursing are exempt from the sections on Small Entity Regulatory Analysis and Small Entity Economic Impact Statements, we will provide a few comments none the less.

Since most of the entities regulated by the respective Boards are either individuals or small entities, the Boards always consider the effect on these individuals or businesses when establishing rules.

The Section on Expedited Partner Therapy is intended to make it clear that the practitioners and pharmacists, prescribing and dispensing medications to treat partners of those diagnosed with sexually transmitted diseases, are not violating a rule or practice standard when doing this.

The Tech-Check-Tech rule is intended to give a clear authorization to pharmacies to utilize their Registered Pharmacy Technicians in the best possible manner in the service of their patients. We have discovered that although Technicians-Checking-Technicians can be used successfully, pharmacies are reluctant to implement this without a clear rule.

There should not be a cost or financial impact with either rule.

Sincerely,
Howard C. Anderson, Jr, R.Ph.
Executive Director
ND State Board of Pharmacy