



BOARD OF PHARMACY
State of North Dakota

John Hoeven, Governor

OFFICE OF THE EXECUTIVE DIRECTOR
1906 E Broadway Ave
Bismarck ND 58501-4700
Telephone (701) 328-9535
Fax (701) 328-9536

www.nodakpharmacy.com
E-mail= ndboph@btinet.net
Howard C. Anderson, Jr, R.Ph.
Executive Director

Gayle D. Ziegler, R.Ph.
Fargo, President
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Hettinger
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Wahpeton, Treasurer

Administrative Rules Committee
10:00 AM -Thursday – December 10th, 2009
Roughrider Room – State Capitol

Chairman Klein and Members of the Administrative Rules Committee, thank you for the opportunity to discuss the following rule changes with you.
Numerically:

1. The rules you have before you today, beginning on page 49 are a fairly simply change, made at the request of pharmacists and technicians to move the Continuing Education [CE] Requirements from a two-year accounting period to a one-year accounting period. To make this change House Bill #1091 was necessary to change the NDCC 43-15.1 Continuing Pharmaceutical Educational for pharmacists, a copy is attached. The requirement for Technician CE was entirely in the rule and thus did not require a statutory change.
2. These rules are not related to any federal statute or regulation.
3. As I indicated earlier, the impetus for these rule changes came from the profession, originating at the Pharmacist Association Convention in April 2008. The Board agreed to introduce the change and to also hold the Registered Pharmacy Technician Rule until both the pharmacists and the technicians could be accommodated at the same time. The required rule hearings were held, along with discussions at various Association meetings to clarify the intent.
4. The only comments received at the actual rule hearing were supportive of the rule change. During discussions prior to formulating the final draft, some pharmacists felt that the reporting period should be changed to a calendar year. However, since the State of North Dakota and the Board of Pharmacy operative on a fiscal year, and the renewal date for pharmacists and technicians is March 1st of each year, the Board thought it was more appropriate to match the CE reporting requirements to the renewal date for the license or registration of the individual.

5. The cost of public notice and holding the hearings was \$1,985.20 for publication, a copy of their bill is attached.
6. These rules deal with 15 hours of CE for pharmacists and 10 hours of CE for registered pharmacy technicians per year. The perception was that the annual reporting period matching the annual renewal cycle would be easier for the licentiates and registrants to keep track. So, rather than 30 hours for a two-year reporting period for pharmacists and 20 hours for registered pharmacy technicians, the same number of CE hours are required, they are just broken down to the annual renewal period for each year.
7. A regulatory analysis was not required by NDCC 28-32-08.1.
8. As stated, no regulatory analysis was required and this will have no economic impact on small entities or others, as there is no change in the number of CE hours required.
9. No constitutional taking assessment was needed for these rules.
10. There was no emergency in adopting these rules, as the requirements in place were working just fine.

Again, thank you for your time and this opportunity.



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

HCA/eh

Attachments [2]