



State of North Dakota
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Senate Bill No 2164 – Occupational Licensure in Case of Emergencies
House Industry, Business and Labor Committee – JW327C
9:00 AM - Monday – March 22nd, 2021

Chairman Lefor, members of the House Industry, Business and Labor Committee, for the record I am Mark J. Hardy, PharmD, Executive Director of the North Dakota State Board of Pharmacy. I appreciate the opportunity to be here to speak to you today about Senate Bill 2164 and offer our support of the provisions in this bill.

I believe the goal of this Bill is to allow licensing Boards to better respond to declared emergencies in the State of North Dakota. Clearly, this is a response to the lessons learned during the COVID pandemic to bolster areas in the Century Code which may need clarity to allow Licensing Boards to address and be nimble on issues related to professional practice.

As the pandemic came into fruition, there was a clear fear that there would be a shortage of health care professionals in the State of North Dakota to service the citizens. The legal decision was made that the pandemic did not represent a “disaster”, thus the provision in this Chapter enacted by the Legislature would not be allowed to be utilized by the various licensing Boards. Therefore, an Executive Order 2020-05 allowed the Department of Health to grant emergency licenses without the input or review of the professional Boards. The Department of Health has been very good about working with the Board of Pharmacy, in a few licensee cases, with individuals that were of particular concern.

The Board of Pharmacy, through the National Association of Boards of Pharmacy [NABP] had an emergency passport program which would have vet the licenses of the individuals to determine if the individual met the criteria of professional practice and attempt to eliminate those with disciplinary issues who could attempt to use the disaster to their own advantage. However, we were unable to use it based on the Executive Order and the granting of licensing power to the Department of Health.

We do approve of the provisions in Section 2 of the bill which allows the Board to utilize emergency rules during declared emergencies and disasters, to adopt standards specific to the pandemic for the profession and their practice, versus the alternative arrangement of having to look to advocate for Executive Orders to address barriers in care due to the precise emergency and variants in care due to the disaster. Having an expiration date on these rules is extremely important to ensure accountability.

As I previously said, the Board of Pharmacy supports Senate Bill 2164 and the provisions it contains to allow our Pharmacists and Pharmacies to - “Take Care of the Patient” as our citizens have come to expect.

If you have any questions, I would be happy to answer them.