OFFICE OF THE EXECUTIVE DIRECTOR
1838 E Interstate Ave Suite D
Bismarck   ND   58503
Telephone (701) 877- 2404
Fax (701) 877-2405
STATE BOARD OF PHARMACY

State of North Dakota   E-mail= **Mhardy@ndboard.pharmacy**
Doug Burgum, Governor   **www.ndboard.pharmacy**

Mark J. Hardy, PharmD
Executive Director

Senate Bill No 2296 – Agency Adjudications
Senate Judiciary Committee – Peace Garden Room
3:00 PM - Wednesday – February 1, 2023

Madam Chair Larson, Members of the Senate Judiciary Committee for the record I am Mark Hardy, Executive Director of the North Dakota State Board of Pharmacy.   Thank you for the opportunity to testify on this important legislation.

Our office does have concerns with the provisions of this Bill and the impacts it may have on our Board. I will admit that it is rare that the Board of Pharmacy has administrative hearings on complaints and most often can resolve them through an agreed upon stipulation with the parties involved. In that spirit, the existing model has functioned very well.

This legislation may lead to more administrative hearings, given the provisions would change the parameters involved in those hearings. Specifically, this legislation would not allow the Board of Pharmacy to assist a judge in looking at the proper statute or regulation involved. An increase in these hearings would come at a higher cost to all parties involved.

Another situational consequence that we see this legislation creatubg is judges being stricter than the administrative agency on a particular case. The Judge is likely not to have the expertise or understanding of the standard of care that may be applied in a particular matter and not have a way to meaningfully determine that from the appointed members or staff on the Board. It is important to note that any ruling of an administrative hearing can be appealed to a higher level for consideration.

We appreciate the opportunity to testify on this legislation and provide our concerns with the changes set forward in Senate Bill 2296.

I'd be happy to answer any questions.