

**SENATE BILL NO. 2173**

Introduced by

Senators Klein, J. Lee, Murphy

Representatives Keiser, Oversen, Weisz

1 A BILL for an Act to amend and reenact section 43-15-31.4 of the North Dakota Century Code,  
2 relating to the governance of prescriptive practices for pharmacists.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 43-15-31.4 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **43-15-31.4. Limited prescriptive practices.**

- 7 1. A licensed pharmacist ~~in an institutional setting~~ has limited prescriptive practices to  
8 initiate or modify drug therapy following diagnosis and initial patient assessment by a  
9 licensed physician or an advanced practice registered nurse, under the supervision of  
10 the ~~same~~ licensed physician or advanced practice registered nurse, in accordance  
11 with this section. ~~An institutional setting, for the purpose of this section, is a hospital, a~~  
12 ~~physician clinic, a skilled nursing facility, or a swing-bed facility in which a patient's~~  
13 ~~medical records are readily available to the licensed physician and the licensed~~  
14 ~~pharmacist~~ The licensed physician or the advanced practice registered nurse and the  
15 pharmacist must have access to the patient's appropriate medical records. The care  
16 provided to the patient by the pharmacist must be recorded in the patient's medical  
17 records and communicated to the licensed physician or the advanced practice  
18 registered nurse.
- 19 2. The licensed physician or the advanced practice registered nurse and the licensed-  
20 pharmacist shall prepare a collaborative agreement concerning the scope of the  
21 pharmacist's prescriptive practices and shall update the agreement at least every  
22 ~~two~~four years or when they modify the scope of the pharmacist's prescriptive  
23 practices. The collaborative agreement, or an amendment to the agreement, is

1 effective when approved by the board of medical examiners or board of nursing and  
2 the board of pharmacy.

3 3. The collaborative agreement may be between a medical director and  
4 pharmacist-in-charge. The medical director and pharmacist-in-charge shall report to  
5 each board which pharmacists and physicians are the respective board of any  
6 physician, advanced practice registered nurse, and pharmacist covered under the  
7 agreement. If there is a change or addition to which pharmacists or licensed  
8 physicians are included in the collaborative agreement, immediately the medical  
9 director and the pharmacist in charge shall send notice of the change or addition to  
10 the board of medical examiners and board of pharmacy.

11 3.4. If there is a change in personnel under the collaborative agreement, a pharmacist,  
12 physician, and advanced practice registered nurse under the collaborative agreement  
13 shall send immediate notice of the change to the respective licensing board of that  
14 individual. Unless necessary, a change in personnel does not necessitate board  
15 approval of the collaborative agreement.

16 5. The collaborative agreement must include a provision that requires the licensed-  
17 pharmacist to immediately notify the licensed physician or advanced practice  
18 registered nurse when the licensed pharmacist initiates or modifies a drug therapy.

19 4.5.6. The board of medical examiners and the board of pharmacy shall jointly establish a  
20 prescriptive practices committee consisting of two physicians appointed by the board  
21 of medical examiners, one physician appointed by the North Dakota medical  
22 association, one pharmacist appointed by the board of pharmacy, and one pharmacist  
23 appointed by the North Dakota pharmaceutical association. The prescriptive practices  
24 committee shall develop and submit proposed rules concerning the implementation of  
25 this section to the board of medical examiners and the board of pharmacy. Any rules to  
26 implement this section must be jointly adopted by the board of medical examiners or  
27 the board of nursing and the board of pharmacy.