



North Dakota

State-Specific Controlled Substance Requirements

Updated 6/25/23

Biennial Inventory (DEA):	<p>A physical inventory of all controlled substances on hand must be taken at least every <u>two years</u>. The biennial inventory may be taken on any date, which is within two years of the previous biennial or initial inventory. [21 CFR 1304.11]</p> <p>NOTE:</p> <ul style="list-style-type: none"> • Separate biennial inventories must be completed for schedule II and schedule III-V controlled substances. • Biennials may be conducted more frequently than every two years. As a recommendation, conduct your DEA biennial inventory at the same time you conduct your annual inventory for the state. • Biennial inventories must be conducted by the DEA registrant, or their designee who has been granted Power of Attorney, along with an authorized witness. <p>Biennial inventories must indicate whether they are conducted at the start or close of business.</p> <p>North Dakota follows the same biennial inventory guidelines as the DEA.</p>
CE:	<p><u>Veterinarian</u>: 24 hours every 2 years A maximum of 12 CE hours can be obtained online. 16 CE hours must be related to the practice of veterinary medicine and consist of evidence-based scientific material. No more than 8 CE hours can be related to practice management.</p> <p><u>Veterinarian Technician</u>: CE hours: 8 hours every 2 years General medicine topics: 8 hours if approved by national, state, and local associations Management topics: 2 hours allowed Online study: 2 hours allowed Other: Scientific pharmaceutical presentations allowed</p> <p>"veterinary technician" has the same meaning as "licensed veterinary technician" as defined in North Dakota Century Code section 43-29-01.1.</p> <p><u>Veterinary Dispensing Technician</u>: 8 hours of approved CE annually at least 4 hours of pharmacy technician CE approved by the ND Board of Pharmacy at least 4 hours must of Veterinary Technician CW approved by the State Board of Veterinary Medical Examiners.</p> <p>North Dakota does not currently require controlled substance CE.</p> <p>See Chapter 87-02-01 (pages 4-6) for board approved CE parameters.</p> <p>The licensees shall maintain their CE records for at least 4 years.</p>
Compounding:	<p>"8.2.10 Compounding of a controlled substance by a practitioner is permitted as long as the United States Pharmacopoeia (USP) 795 and 797 standards and guidelines are followed." 24 Del. Admin. Code § 8.0</p> <p><u>Compounding</u> is <u>any manipulation</u> of a drug beyond that stipulated on the drug label. Veterinary drugs should only be compounded based on a licensed veterinarian's prescription, and to meet the medical needs of a specific patient. Manipulation might include mixing, diluting, concentrating, flavoring, or changing a drug's dosage form. Examples of compounding include:</p> <ul style="list-style-type: none"> • Mixing two injectable drugs in the same syringe • Creating an oral suspension from crushed tablets or an injectable solution



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	<ul style="list-style-type: none"> • Adding flavoring to a commercially available drug • Creating a transdermal gel for a drug typically taken through other routes • Mixing two solutions for instilling into the ear <p>ND Compounding:</p> <ul style="list-style-type: none"> ▪ There is an allowance to compound veterinary products to provide to veterinarians for administration in their office setting to meet patient needs. ▪ As a reminder, compounding needs to only utilize FDA- approved substances and not substances that have been withdrawn from the market (deemed as unsafe or ineffective). A compounded medication cannot be essentially the same as a commercially available drug product. ▪ Should you have any questions regarding this or other topics related to compounding, please contact the Board office.
<p>Dispensing:</p>	<p>"<u>Dispensing</u>" means the delivery of a veterinary prescription drug pursuant to the lawful order of a licensed veterinarian and the associated recordkeeping that is relevant to that practice.</p> <p><u>Labeling</u>: 2. All veterinary prescription drugs must be properly labeled when dispensed. A complete label must include the information set forth in section 87-04-01-03. If that information is included in a manufacturer's drug label, it is unnecessary to repeat it in the veterinarian's label. If there is inadequate space on the label for complete instructions, the veterinarian must provide additional information to accompany the drug dispensed or prescribed.</p> <p>3. When veterinary prescription drugs are dispensed to companion animal owners, such drugs must be placed in child-resistant containers, unless otherwise requested by the client.</p> <p>4. After a valid veterinarian-client-patient relationship has been established, a veterinarian shall make available, upon request, and may assess a reasonable cost for, a prescription for a drug that has been determined by the veterinarian to be appropriate for the patient.</p> <p>5. Non-pharmacologic and non-opioid treatment must be given consideration before dispensing an opioid or other controlled substance.</p> <p>N.D. Admin. Code 87-04-01-02</p> <p>3. When veterinary prescription drugs are dispensed to companion animal owners, such drugs must be placed in child-resistant containers, unless otherwise requested by the client.</p> <p>43-29-19. Veterinary prescription drugs.</p> <p>1. Except as provided under subsection 2, a veterinary prescription drug must be dispensed, used, or prescribed within the context of a veterinarian-client-patient relationship.</p> <p>2. Other than a controlled substance, a licensed veterinarian may dispense a veterinary prescription drug without establishing a veterinarian-client-patient relationship if:</p> <p>a. The drug is prescribed by a licensed veterinarian or by a veterinarian licensed in another jurisdiction who has established a veterinarian-client-patient relationship;</p> <p>b. The prescribing veterinarian has an inadequate supply of the drug, failure to dispense the drug would interrupt a therapeutic regimen, or failure to dispense the drug would cause a n animal to suffer; and</p> <p>c. The dispensing veterinarian verifies the prescription with the prescribing veterinarian.</p>
<p>Diversion Reporting:</p>	<p>The registrant shall immediately, within one business day, notify the state board of pharmacy of any theft or significant loss of controlled substances. This report may be telephoned, faxed, or electronic mailed to the state board of pharmacy. In addition, significant loss has been further defined to include a list of factors that are relevant in deciding whether a loss was significant. This list is as follows:</p> <ol style="list-style-type: none"> 1. The actual quantity of controlled substances lost in relation to the type of business; 2. The specific controlled substances lost; 3. Whether the loss of the controlled substances can be associated with access to those controlled substances by specific individuals, or whether the loss can be attributed to unique activities that may take place involving the controlled substances;



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	<p>4. A pattern of losses over a specific time period, whether the losses appear to be random, and the results of efforts taken to resolve the losses; and, if known</p> <p>5. Whether specific controlled substances are likely candidates for diversion; and</p> <p>6. Local trends and other indicators of the diversion potential of the missing controlled substance.</p> <p>N.D. Cent. Code § 19-03.1-20.1</p>
Euthanasia:	Euthanasia may be performed by a licensed veterinarian.
Ownership:	Non-veterinarian ownership of a veterinary facility is inconclusive at this time.
Power of Attorney:	North Dakota Powers of Attorney require a notary public to oversee the signing of the document by the Principal and Agent.
Prescribing:	<p><u>2. Prescriptions must contain the:</u></p> <ul style="list-style-type: none"> a. Name, address, and telephone number of veterinarian. b. Name, address, and telephone number of client. c. Identification of animals or herds treated. d. Date of treatment, prescribing, or dispensing of drug. e. Name and quantity of the drug to be prescribed or dispensed. f. Dosage and duration directions for use. g. Number of refills authorized. h. Cautionary statements, as needed. i. Signature or equivalent. <p><u>3. Prescription labels must contain the:</u></p> <ul style="list-style-type: none"> a. Name, address, and telephone number of veterinarian. b. Name of client. c. Identification of animals or herds treated. d. Date of treatment, prescribing, or dispensing of drug. e. Name and quantity of the drug to be prescribed or dispensed. f. Dosage and duration directions for use. g. Cautionary statements, as needed. h. expiration date. <p>section 87-04-01-03.</p> <p>After a valid veterinarian-client-patient relationship has been established, a veterinarian shall make available, upon request, and may assess a reasonable cost for, a prescription for a drug that has been determined by the veterinarian to be appropriate for the patient. NDAC 87-04-01-02</p> <p>43-29-19. Veterinary prescription drugs.</p> <ul style="list-style-type: none"> 1. Except as provided under subsection 2, a veterinary prescription drug must be dispensed, used, or prescribed within the context of a veterinarian-client-patient relationship. <p><u>E-prescribing:</u> ND does not have mandated e-prescribing at this time.</p>
ND PDMP:	<p>For ND PDMP veterinary prescriptions, a separate patient account/profile is developed.</p> <p>All dispensers of Schedule II-V controlled substance prescriptions and designated drugs of concern and outpatient (take-home medications) are required to collect and report their dispensing information. "Dispenser" means an individual who delivers a controlled substance to the ultimate user but does not include:</p> <ul style="list-style-type: none"> a. A licensed hospital pharmacy that provides a controlled substance for the purpose of inpatient hospital care; or b. A licensed healthcare practitioner or other authorized individual in those instances when the practitioner administers a controlled substance to a patient. For purposes of this section, "administer" means the direct application of a controlled substance to the body of a



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	<p>patient and does not include the prescribing of a controlled substance for administration by the patient or someone other than the healthcare practitioner.</p> <p>Prescription information must be reported daily for the preceding 24 hours.</p> <p>Registration: https://pmpclearinghouse.net/registrations/new</p>
<p>Permits (Veterinary Retail Facility "VRF" License):</p>	<p>"Veterinary retail facility(VRF)" means an establishment registered by the board employing a registered veterinary dispensing technician authorized to dispense veterinary prescription drugs pursuant to bona fide orders of veterinarians.</p> <p>43-15.4-03. Veterinary retail facility - Permit required.</p> <p>A person, co-partnership, association, corporation, or limited liability company may not open, establish, operate, maintain, or do business in the state of North Dakota, a veterinary retail facility without first obtaining a permit to do so from the board. Application for a permit must be made upon a form prescribed and furnished by the board and must be accompanied by a fee set by the board not to exceed three hundred dollars. A like fee must be paid upon each annual renewal thereof. Separate applications must be made and separate permits required for each veterinary retail facility opened, established, operated, or maintained by the same owner and for the change of location, name, or ownership of an existing veterinary retail facility.</p> <p>A licensed veterinarian and a veterinarian's practice are exempt from the VRF License requirement.</p> <p>Renewals: Veterinary Retail Facility Licenses must be renewed annually by June 30th</p> <p>Fee: \$175</p> <p>Online Application</p>
<p>Recordkeeping:</p>	<p>Patient records: retain for three years from date of last visit.</p> <p>Controlled substance records: retain for three years.</p> <p>NDAC 87-04-01-02</p> <p>Legend drug records: Records of receipt and dispensing of legend drugs must be kept for three years and may be audited by the Board of Pharmacy at any time.</p>
<p>State-Scheduled CS's:</p>	<p>Gabapentin is a schedule V controlled substance.</p>
<p>State CS License:</p>	<p>North Dakota does not require DEA registrant practitioners to obtain a second state controlled substance license, just a DEA registration and an active Veterinary Medical Professional License to practice in North Dakota.</p>
<p>Supervision:</p>	<p>43-29-12.1. Veterinary technician services - Emergency services - Prohibited services.</p> <p>1. <u>A veterinary technician may perform the following services under the direction, supervision, and control of a licensed veterinarian, provided the licensed veterinarian performs a daily physical examination of the animal being treated:</u></p> <ol style="list-style-type: none"> 1. Venipuncture, including insertion of an indwelling catheter when required. 2. Catheterizing the urinary bladder. 3. Injection, including hypodermic injection and parenteral fluids, except when in conflict with a government regulation. 4. Immunization immediately after examination by a licensed veterinarian, except when in conflict with a government regulation. 5. Inducing, maintaining, and monitoring anesthesia under the direct supervision of the licensed veterinarian. 6. Exposing and developing radiographic film.



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	<ol style="list-style-type: none"> 7. Collecting and administering whole blood or plasma to an animal. 8. Assisting in surgery as directed by the licensed veterinarian. 9. Taking electrocardiogram and electroencephalogram tracings. 10. Performing routine laboratory procedures, including hematology, serology, microbiology, cytology, chemistry, urinalysis, fecal analysis, and skin scrapings. 11. Administering colonic irrigations and wound dressings. 12. Operating ultrasonic and polishing instruments for dental prophylaxis. 13. Preparing animals for surgery, including clipping, scrubbing, and disinfecting an operative site. 14. Preparing medicants for dispensing to clients on the direct or written order of the licensed veterinarian. 15. Maintaining surgery, x-ray, and laboratory logs and pharmacy records. <p>2. <u>Under emergency conditions, a veterinary technician may perform the following treatments:</u></p> <ol style="list-style-type: none"> 1. Applying tourniquets and pressure bandages to control hemorrhage. 2. Administering pharmacological agents and parenteral fluids only after direct communication with a licensed veterinarian, if the veterinarian is present or en route to the location of the distressed animal. 3. Performing resuscitative oxygen procedures. 4. Applying temporary splints or bandages to prevent further injury to bones or soft tissues. 5. Applying appropriate wound dressings and external supportive treatment in severe burn cases. 6. Providing external supportive treatment in heat prostration cases. <p>3. <u>A veterinary technician may not perform the following services unless the veterinary technician is acting as a surgical assistant to a licensed veterinarian under this chapter:</u></p> <ol style="list-style-type: none"> 7. Making a diagnosis. 8. Prescribing a treatment. 9. Performing surgery.
<p>Telemedicine:</p>	<p>No existing law. Where telemedicine occurs is not defined.</p>
<p>Veterinary Dispensing Technician (VDT):</p>	<p><u>"Veterinary Dispensing Technician"</u> a Veterinary Dispensing Technician (VDT) means a non-pharmacist registered by the ND Board of Pharmacy to dispense veterinary prescription drugs in a VRF pursuant to a valid prescription from a Veterinarian.</p> <p><u>VDT v. Veterinary Technician:</u> A VDT is only allowed to prepare and dispense prescriptions. A Veterinary Technician can work as a VDT in a VRF and would only need to register with the North Dakota Board of Pharmacy.</p> <p><u>Application Fee:</u> \$35</p> <p><u>VDT Registration card:</u> The Board will provide the licensed VDT an annual registration card and pocket identification card. The registration card should be displayed in a place visible to the public and should be kept updated. While working in a VRF, the VDT must wear a name badge that clearly identifies the person as a "Veterinary Dispensing Technician".</p> <p><u>VDT Tasks:</u></p> <p><u>Oral prescriptions:</u> Only a VDT may receive an orally transmitted new or refill prescription. When receiving an oral order from a Veterinarian or agent thereof, the VDT must document the following:</p>



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- Name of client
- Date of prescription
- Identification of animals or herds treated
- Name and quantity of drug to be dispensed
- Dosage and directions for use
- Name, address, and telephone number of prescribing Veterinarian
- Number of refill if any allowed on the prescription
- Name of individual who called and initials of VDT taking the prescription

The same information should be on any written or electronically transmitted prescription. If there are questions or incomplete information, they should be forwarded to and clarified by the prescribing Veterinarian before any medications are dispensed to a client.

Refills: A VDT may refill a prescription only if the initial prescription is issued indicating that a specific number of refills are authorized. A prescription may not be refilled twelve (12) or more months after the issue date of the initial order

Valid Prescriptions: A valid prescription to be dispensed by a VRF must come from a licensed Veterinarian or an agent of the Veterinarian. This includes a Veterinary Technician that works for a Veterinarian. If there is a question of if an individual is acting on behalf of the Veterinarian, the VDT should directly contact the Veterinarian. It is the responsibility of the VDT to make sure a corresponding prescription is only filled if there is a valid Vet-Client-Patient relationship.

Unauthorized VDT Dispensing Activities:

- Controlled substances should not be dispensed by or in the possession of a VDT.
- No prescriptions should be dispensed from a VRF for an off labeled use or extra-labeled use.
- VDTs may not repackage drug (*An exception is that a VDT may break down case lots of veterinary prescription drugs, provided the seals on the individual containers are not broken*).
- VDT may not open a container and count out or measure out any quantity of a veterinary prescription drug.
- **Any compounding of prescription products is not allowed for the dispensing of a prescription in a VRF.** A compound product is a preparation that has to be made by a pharmacist because it is not available from a manufacturer in the desired strength or containing the ingredients prescribed by a Veterinarian.

A VDT must file any prescription, or copy thereof, which has been dispensed in the VRF. Each prescription hard copy should be given a consecutive number in order of being filled. That number should also be on the prescription label for easy reference to the prescription if needed.

[VDT information](#)

Veterinary Professional Licenses:

Veterinarians:

- Renewal: **expire annually as of July first** but may be renewed by registration with the board and payment of the registration renewal fee established by the board.
On June 1st of each year, the board shall mail a notice to each licensed veterinarian that the licensee's license will expire as of July first and provide the licensee with a form for registration. The board shall issue a new certificate of registration to a person reregistering under this section.
- Fee: annual license renewal fee of **\$90 must be received by June 13th of each year.**

Renewals not received by the due date will be assessed a late fee of 50% of the license fee.

Licensed Veterinary Technician: annual license renewal fee of **\$20 must be received by December 31st of each year.**



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	<p><u>VDT</u>: annual license renewal fee of \$35 must be received before March 1st, or \$45 after March 1st</p> <p><u>Display</u>: A person may not practice veterinary medicine in the state of North Dakota without possessing and displaying prominently in the person's principal office a license and a current and valid certificate of renewal issued pursuant to the provisions of this chapter.</p> <p>License & Renewal Information</p>
VCPR:	<p>VCPR must be established in-person and only applies to one veterinarian.</p> <p><u>"Veterinarian-client-patient relationship"</u> means:</p> <p>a. A veterinarian has assumed the responsibility for making medical judgments regarding the health of an animal and the need for medical treatment, and the client, who is the owner or other caretaker, has agreed to follow the instructions of the veterinarian.</p> <p>b. There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal.</p> <p>c. The practicing veterinarian is readily available for follow-up in the case of adverse reactions or failure of the regimen of therapy. This relationship exists only when the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal and by medically appropriate and timely visits to the premises where the animal is kept.</p> <p>10. "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, chiropractic, acupuncture, and all other branches or specialties of veterinary medicine.</p>

Information and Resources

FEDERAL:

Drug Enforcement Administration, Omaha Division
 7300 World Communications Drive
 Omaha, NE 68122
 Phone: (402) 965-3600

Local DEA Offices

- Bismarck - (701) 250-4550
- Fargo -(701) 476-5500

Federal Law: www.deadiversion.usdoj.gov

Controlled Substances Act: [21 USC 801 – 904](#)

Code of Federal Regulations: [21 CFR Part 1300 – 1399](#)

NDC drug: www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829

Diversion Control Division: <https://www.deadiversion.usdoj.gov/schedules/>



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STATE:

North Dakota Board of Veterinary Medical Examiners website: <https://ndbvme.org/continuing-ed.shtml>

North Dakota Board of Pharmacy website: <https://www.nodakpharmacy.com>