

**CHAPTER 56-02-05**  
**CERTIFICATION - PHARMACEUTICAL AGENTS, CONTROLLED**  
**SUBSTANCES, AND TREATMENT OF GLAUCOMA**

Section	
56-02-05-01	Authority to Administer Pharmaceutical Agents
56-02-05-02	Examination and Course Requirements
56-02-05-03	Therapeutic Pharmaceutical Agents Examination Requirement
56-02-05-04	Prior Classroom and Clinical Experience
56-02-05-05	Oral or Written Examination or Both
56-02-05-06	Continuing Education Requirements
56-02-05-07	Fees [Repealed]
56-02-05-08	Prescribing Controlled Substances
56-02-05-09	Certification to Treat Glaucoma
56-02-05-10	Glaucoma Treatment Certification Requirements
56-02-05-11	Glaucoma Treatment Consultation [Repealed]

**56-02-05-01. Authority to administer pharmaceutical agents.** The board may authorize persons engaging in the practice of optometry to administer pharmaceutical agents. In issuing an original or renewal license to practice optometry, the board shall provide appropriate identification to be affixed in a prominent place on the license to practice optometry indicating whether the registered person has been certified to prescribe and use diagnostic or therapeutic pharmaceutical agents, or both.

**History:** Effective December 1, 1987; amended effective April 1, 1990.

**General Authority:** NDCC 43-13-13

**Law Implemented:** NDCC 43-13-13.2

**56-02-05-02. Examination and course requirements.** Only those optometrists who have duly applied to the board and satisfactorily passed an examination and completed courses prescribed by the board, including courses in general and ocular pharmacology, cardiopulmonary resuscitation, and first aid for adverse reactions, shall be permitted the use of diagnostic pharmaceutical agents. No course or courses in pharmacology may be approved by the board unless taught by an institution having the capability for both the didactic and clinical instruction in pharmacology, the institution is accredited by a regional or professional accrediting organization or the United States department of education, and unless transcript credit for the course or courses is certified to the board by the institution as being equivalent in both hours and content to those courses in pharmacology required of health professional students graduating after June 1972.

**History:** Effective December 1, 1987.

**General Authority:** NDCC 43-13-13

**Law Implemented:** NDCC 43-13-13.2

**56-02-05-03. Therapeutic pharmaceutical agents examination requirement.** In addition to section 56-02-05-02, an applicant for certification to

use therapeutic pharmaceutical agents shall be required to pass the "treatment and management of ocular disease" section of the optometrist examination approved by the international association of boards of examination in optometry, inc., and the national board of optometry examination in ocular therapy, or such other substituted courses as the board may approve.

**History:** Effective December 1, 1987.

**General Authority:** NDCC 43-13-13

**Law Implemented:** NDCC 43-13-13.2

**56-02-05-04. Prior classroom and clinical experience.** For the purpose of fulfilling the minimum educational statutory requirements for certification to prescribe and administer pharmaceutical agents, the board may approve prior classroom and clinical experience hours dealing with diagnosis, treatment, and management of ocular diseases. Clinical experience must be hours in the office or clinic of a licensed ophthalmologist or an optometrist certified to prescribe and administer diagnostic and therapeutic pharmaceutical agents in North Dakota.

**History:** Effective December 1, 1987.

**General Authority:** NDCC 43-13-13

**Law Implemented:** NDCC 43-13-13.2

**56-02-05-05. Oral or written examination or both.** The board may require an examination for administering or prescribing pharmaceutical agents which may be either written or oral, or both, and cover subjects in general pharmacology, ocular pharmacology, and ocular pharmacology applied to relevant clinical procedures.

**History:** Effective December 1, 1987.

**General Authority:** NDCC 43-13-13

**Law Implemented:** NDCC 43-13-13.2

**56-02-05-06. Continuing education requirements.** For those optometrists who are certified in the use of pharmaceutical agents, one-half of the total hours of continuing education required by this title shall have emphasis in the treatment and management of diseases of the eye and its adnexa.

**History:** Effective December 1, 1987.

**General Authority:** NDCC 43-13-13

**Law Implemented:** NDCC 43-13-13.2

**56-02-05-07. Fees.** Repealed effective April 1, 1990.

**56-02-05-08. Prescribing controlled substances.** The secretary of the board shall certify to the federal drug enforcement agency each licensed optometrist authorized by the board to prescribe controlled substances. When used in this chapter, the term "controlled substances" means only those controlled pharmaceutical agents specifically authorized by North Dakota Century Code chapter 43-13 to be prescribed by optometrists.

1. Optometrists desiring to prescribe controlled substances must obtain and have a current drug enforcement agency registration number for schedule 3 as required for mid-level practitioners prior to prescribing controlled substances.
2. Optometrists desiring to prescribe controlled substances must comply with all federal, state, and local laws and regulations governing controlled substances, including the definition of controlled substances as found in North Dakota Century Code chapter 43-13. Violation of any such controlled substance laws or regulations may be grounds for criminal or civil prosecution under applicable law as well as disciplinary action by the board.
3. Optometrists are prohibited from possessing or dispensing any controlled substance as part of their practice. An optometrist may possess a controlled substance only when being treated for a legitimate medical condition and when such substance is administered or prescribed by a person licensed and authorized to do so.
4. Optometrists who are authorized by the board to prescribe controlled substances and registered with the drug enforcement agency may only issue a prescription for a controlled substance listed in schedule 3 while acting in the normal course of the accepted standard of practice. The issuance of each such prescription must be for a legitimate medical purpose.
5. Optometrists who are authorized by the board to prescribe controlled substances and registered with the drug enforcement agency are prohibited from prescribing controlled substances for themselves.
6. Optometrists who are authorized by the board to prescribe controlled substances and registered with the drug enforcement agency are prohibited from prescribing controlled substances to persons known or suspected to be addicted to controlled substances.
7. The refill section of a prescription order issued by an authorized optometrist for a controlled substance must have the word "NO" written in it. The numeral "0" in this section or leaving the section blank is prohibited.
8. All controlled substance prescription orders issued by an authorized optometrist must have the number of dosage units (tablets) written out in the English language and, in addition, Arabic numbers must be recorded (e.g., "three" and in addition "3").
9. The controlled substance prescription order must be signed only by the issuing licensed optometrist authorized by the board to prescribe controlled substances and registered with the drug enforcement agency.

10. All prescription orders for controlled substances issued by an optometrist must be dated on and signed on the day when issued and must contain the full name and address of the patient, drug name, strength, dosage form, quantity prescribed, and directions for use and the name, address, and drug enforcement agency registration number of the licensed optometrist.
11. The licensed optometrist must maintain a separate written log of each controlled substance prescription issued. The log must be made available to the board upon request and must contain the patient's name, address, and date of prescription; the drug name, strength, and dosage form; and the quantity of controlled substances prescribed. The log must be made available to the drug enforcement agency or other law enforcement agencies as required by law.

**History:** Effective November 1, 1997.

**General Authority:** NDCC 43-13-13

**Law Implemented:** NDCC 43-13-01, 43-13-22

**56-02-05-09. Certification to treat glaucoma.** No optometrist may treat glaucoma until certified to do so as a therapeutically certified optometrist by the North Dakota state board of optometry.

**History:** Effective November 1, 1997.

**General Authority:** NDCC 43-13-13

**Law Implemented:** NDCC 43-13-01, 43-13-13.3

**56-02-05-10. Glaucoma treatment certification requirements.** Before being certified to treat glaucoma an optometrist must have:

1. Received a passing score on the clinical science part (part II) of the comprehensive examination given by the national board of examiners in optometry;
2. Received a passing score dated after January 1, 1992, on the treatment and management of ocular disease special examination given by the national board of examiners in optometry; or
3. Received a passing score in a course of study approved by the board equivalent to either the treatment and management of ocular disease or part II.

**History:** Effective November 1, 1997.

**General Authority:** NDCC 43-13-13

**Law Implemented:** NDCC 43-13-01, 43-13-13.3

**56-02-05-11. Glaucoma treatment consultation.** Determined repealed by the office of the Legislative Council pursuant to North Dakota Century Code section

28-32-06 because the statutory basis for the rules was eliminated by S.L. 2001, ch. 374, § 1.