

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Alabama State Board of Pharmacy
Rule No. 680-X-2-.12

Rule Title: Supervising Pharmacist

_____ New Amendment _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer *Dorinda C. Yeatman*
Date 11/15/18

(STAMP)

Alabama State Board of Pharmacy

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Pharmacy

RULE NO. & TITLE:

680-X-2-.12 Supervising Pharmacist

INTENDED ACTION:

Amend Rule

SUBSTANCE OF PROPOSED ACTION:

Ensure compliance with current statutes and rules

TIME, PLACE, MANNER OF PRESENTING VIEWS:

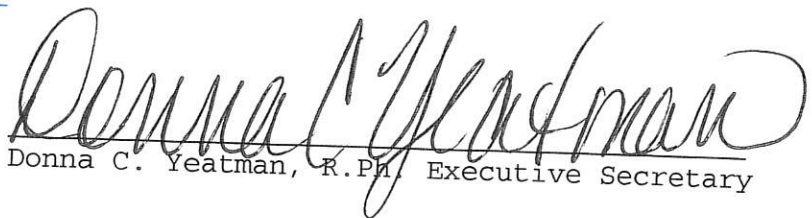
Oppositions can be submitted to the Alabama State Board of Pharmacy, 111 Village Street, Birmingham Alabama 35242. Office business hours are 8:00am - 4:00pm Monday through Friday. Please present your views in writing, fax or email. Public hearing will be January 16, 2019 at 9:00am

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Comments concerning this change must be received by the Alabama State Board of Pharmacy no later than January 10, 2019

CONTACT PERSON AT AGENCY:

Wendy Passmore, Operations Manager
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Donna C. Yeatman, R.Ph, Executive Secretary

Supervising Pharmacist

(1) Every Pharmacy shall be under direct supervision and control of a registered Pharmacist who shall be designated the supervising pharmacist. The supervising pharmacist shall be responsible for no more than one Pharmacy and in which Pharmacy he/she practices. With the approval of the Board, it shall not be deemed to be supervising more than (1) pharmacy when a pharmacist is supervising a pharmacy and, also, an institutional pharmacy that is open less than fifteen (15) hours per week, or a pharmacy that is not an institutional pharmacy that is open no more than the minimum number of hours allowed by the Board. The supervising pharmacist shall be on duty a minimum of 50% of the hours the pharmacy is in operation or at least thirty (30) hours per week, whichever is less.

(2) Whenever a registered Pharmacist assumes the duties of a supervising pharmacist, he/she shall, within (10) days, so advise the Board by completing the "Notice of Change of Supervising Pharmacist" form provided by the Board. The name of the supervising pharmacist shall be placed in a conspicuous place in the prescription department so that it is clearly visible to the public.

(3) Whenever there is a new supervising pharmacist, he/she shall be required to take an inventory of all controlled substances as defined in Title 20, Chapter 2, Code of Ala. 1975, within fifteen (15) days.

(4) The supervising pharmacist shall be responsible for the following:

(a) Supervising of personnel in the prescription department to include ensuring that all licenses and registrations of pharmacists and technicians working in the pharmacy are current and in good standing with the Board.

(b) Maintenance of accurate records of all prescription medication received and dispensed.

(c) Maintaining the security of the prescription department and its contents.

(d) Ensuring that only pharmacists registered with the Board of Pharmacy provide professional consultation with patients and/or physicians.

(e) Ensuring that only pharmacists registered with the Board of Pharmacy accept telephone prescriptions.

(f) Operating the prescription department in a clean and orderly manner.

(g) Maintenance of inspection records provided by the Board or its staff, and where discrepancies are noted, within fifteen (15) days of receiving notice of such discrepancy, submit in writing to the Board, the steps taken or proposed to eliminate the discrepancy. Failure to submit such report to eliminate discrepancies is grounds for disciplinary action by the Board.

(h) Ensuring that the prescription department is operated at all times with good pharmaceutical practices.

(i) Ensuring compliance with the provisions for the Pharmacy Practice Act, Rules of the Alabama State Board of Pharmacy and the Controlled Substances Act.

(j) Notifying the Board by letter, e-mail or facsimile within ten (10) days when duties as a supervising pharmacist are terminated.

(5) Nothing in this rule shall diminish the corresponding responsibility that all pharmacists have to perform their professional duties including proper recordkeeping.

(6) If the actions of the permit holder have deemed to contribute to or cause a violation of any provision of this section, the Board may hold the permit holder responsible and/or absolve the supervising pharmacist from the responsibility of that action. In addition, it is a violation of this rule for any person to subvert the authority of the supervising pharmacist by impeding the management of any pharmacy in relation to compliance with federal and state drug or pharmacy laws and regulations. Any such act(s) may result in charges being filed against the permit holder.

(7) The permit holder is responsible and accountable for assuring the supervising pharmacist is working the designated hours set by the Board and for the renewal of the pharmacy permit.

(8) If the permit holder is unable to maintain a designated supervising pharmacist, the permit holder shall notify the Board within ten (10) days with an action plan to designate another pharmacist as supervising pharmacist. This plan can be for a period not to exceed ninety (90) days before the permit is in violation for operating without a supervising pharmacist.

(9) A permit holder without a designated supervising pharmacist after the ninety (90) day period may be asked to close until such time as a designated supervising pharmacist can assume the duties.

Author: ~~Herb Bebe~~, Brenda Denson, Pharm D R.Ph., ~~Secretary~~

Statutory Authority: Code of Ala. 1975, §34-23-92.

History: Filed June 1, 1982. **Amended:** Filed June 8, 1989; effective July 31, 1989; September 29, 1992. **Amended:** Filed July 26, 1996; operative August 30, 1996; effective January 1, 1997.

Amended: Filed November 29, 2007; effective January 3, 2008.