

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE LEGISLATIVE SERVICES AGENCY  
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Thursday, October 19, 2023, and filed with the agency secretary on Monday, November 20, 2023.

**AGENCY NAME:** Alabama Board of Medical Examiners

**INTENDED ACTION:** Amend

**RULE NO.:** 540-X-26-.01

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **(1) (q)**

**RULE TITLE:** Definitions

**ACTION TAKEN:** State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

**Adopted without changes.** A comment was received urging a less broad definition of "uncomplicated illness or injury" due to the possibilities of incorrect diagnoses, missed diagnoses, or illnesses more complicated than it may appear solely through testing.

The Board states that the Board of Medical Examiners and the Board of Pharmacy will develop detailed protocols that will be required for pharmacists testing to treat influenza and streptococcus that address the possible diagnosis and illness complications that are the concern of the public comment.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLI, ISSUE NO. 11, AAM,  
DATED THURSDAY, AUGUST 31, 2023.

**STATUTORY RULEMAKING AUTHORITY:** 34-23-77

**REC'D & FILED**  
NOV 20, 2023  
**LEGISLATIVE SVC AGENCY**  
(Date Filed)  
(For LRS Use Only)

*William M. Perkins*

William M Perkins

Certifying Officer or his or her  
Deputy

**APA-3**

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

**540-X-26-.01      Definitions.**

(1) The following definitions are applicable to collaborative drug therapy management:

(a) "Agreement" means the Collaborative Drug Therapy Management Agreement.

(b) "Board of Medical Examiners" means the State Board of Medical Examiners established pursuant to Ala. Code §34-24-53.

(c) "Board of Pharmacy" means the State Board of Pharmacy established pursuant to Ala. Code §34-23-90.

(d) "Collaborative Drug Therapy Management" means the practice of pharmacy whereby an individual pharmacist licensed in this state jointly and voluntarily works with an individual physician licensed in this state under a Collaborative Drug Therapy Management Agreement to provide a range of services to a patient of the Collaborating Physician and the Collaborating Pharmacist intended to optimize therapeutic outcomes; detect and prevent adverse medication interactions and side effects; provide education on the patient's medications used to treat the disease state so that medications are taken correctly; monitor, modify, and discontinue drug therapy as directed by the physician; provide education on managing medication side effects; communicate with third party payors and insurers regarding prior authorization for prescription medications; and any other activity or service specified in a protocol approved by both the Board of Medical Examiners and the Board of Pharmacy, or otherwise authorized by this Chapter.

(e) "Collaborating Pharmacist" means a pharmacist who is licensed to practice pharmacy in Alabama, who is a party to a Collaborative Drug Therapy Management Agreement, and who has a direct pharmacist-patient relationship with the patient served by the Agreement.

(f) "Collaborating Physician" means a doctor of medicine or a doctor of osteopathy licensed to practice medicine in Alabama who is a party to a Collaborative Drug Therapy Management Agreement, who has a direct physician-patient relationship, or otherwise authorized by this Chapter, with the patient served by the Agreement, and who has prepared the patient-specific, drug or drug class-specific, disease-specific, and condition-specific plan of care based on a physical examination of the patient where required under this Chapter.

(g) "Covering Pharmacist" means a pharmacist licensed to practice pharmacy in Alabama who agrees in writing to be readily available to fulfill the duties of a Collaborating Pharmacist pursuant to a Collaborative Drug Therapy Management Agreement during the absence of the Collaborating Pharmacist. The Covering Pharmacist shall be an employee of

the same pharmacy practice as the Collaborating Pharmacist, demonstrate the ability to provide the services listed in the Agreement, and abide by the rules and regulations of the Board of Medical Examiners and Board of Pharmacy.

(h) "Covering Physician" means a doctor of medicine or a doctor of osteopathy licensed to practice medicine in Alabama who agrees in writing to be readily available to fulfill the duties of a Collaborating Physician pursuant to a Collaborative Drug Therapy Management Agreement during the absence of the Collaborating Physician. The covering physician shall be either a member of the same medical practice, practice group, or multidisciplinary medical team, or of the same or similar practice specialty as the Collaborating Physician and shall abide by the rules and regulations adopted by the Board of Medical Examiners and Board of Pharmacy.

(i) "Formulary" means a list of legend drugs or drug classes that may be utilized under a Collaborative Drug Therapy Management Agreement.

(j) "Joint Committee" means the Joint Committee on Pharmacy Collaborative Practice, established for the purpose of enabling a mechanism for the exchange of information between the Board of Medical Examiners and the Board of Pharmacy on matters related to physician-pharmacist collaboration.

(k) "Licensed Healthcare Facility" means a hospital, as defined in Ala. Code §22-21-20(1), licensed by the Alabama Department of Public Health, or a Federally Qualified Health Center, as defined by Ala. Admin. Code r. 560-X-48-.01(1).

(l) "Patient Care Services" means services rendered by Collaborating Physicians and Collaborating Pharmacists for the benefit of the patient and which must be within the professional training and experience of the Collaborating Physician and Collaborating Pharmacist and be covered by the Collaborative Drug Therapy Management Agreement.

(m) "Protocol" means a document approved by the Board of Medical Examiners and Board of Pharmacy establishing the permissible functions and activities to be performed by a Collaborating Pharmacist and signed by the parties to the Collaborative Drug Therapy Management Agreement.

(n) "Quality Assurance" means documented evaluation by the Collaborating Physician of the parties' adherence to the Agreement and patient outcomes against defined quality outcome measures, using a selected, meaningful sample of patient records, which will identify outcomes needing improvement, set performance goals, and assess progress towards meeting established goals, with a summary of findings, conclusions, and, if indicated, recommendations for change. The physician's signature on the patient record does not constitute quality assurance monitoring.

(o) "Routine Scope of Practice and Services" means any patient care service provided by the Collaborating Physician and his or her practice in compliance with his or her medical education, training, experience, and the Board of Medical Examiners' laws, rules, policies, and procedures, and that of the collaborating pharmacist and his or her practice in compliance with his or her pharmacy education, training, experience, and the Board of Pharmacy's laws, rules, policies, and procedures.

(p) "Unrestricted," for the purpose of this Chapter, means an active pharmacy permit, pharmacy Drug Enforcement Administration (DEA) registration, pharmacist license, medical license, and Alabama Controlled Substances Certificate that is not revoked, suspended, or on probation at the time of application and is not subject to any conditions, restrictions, or limitations imposed by the applicable licensing board which relate directly to the delivery of health care services. A condition, restriction, or limitation directly relates to the delivery of health care services when it prevents a provider from treating certain types of patients or certain types of ailments or injuries, or otherwise limits a provider from fully engaging in the practice which would otherwise be authorized pursuant to his or her license.

(q) "Acute, uncomplicated illness or injury" means a recent or new short-term problem with low risk of morbidity for which treatment is considered and full recovery without functional impairment is expected. For the purposes of this section, and acute, uncomplicated illness or injury includes:

(a) Influenza.

(b) Streptococcus.

(c) Any other condition as recommended by the Joint Committee.

Under this definition, a pharmacist may use any tests which the Centers for Medicare and Medicaid Services has determined qualifies for a waiver under the federal Clinical Laboratory Improvement Amendments of 1988, or the federal rules adopted thereunder, or any established screening procedures that can safely be performed by a pharmacist.

**Author:** Alabama Board of Medical Examiners

**Statutory Authority:** Code of Ala. 1975, §34-24-53; Act 2019-368 (Code of Ala. 1975, §34-23-77).

**History: New Rule:** Published August 31, 2021; effective October 15, 2021. **Amended:** Published November 30, 2023; effective January 14, 2024.