

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 680
Department or Agency: Alabama State Board of Pharmacy
Rule No.: 680-X-2-.27
Rule Title: Private Consultation Areas For Pharmacies
Intended Action: Repeal and Replace

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making 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

Anne Marie Nolen
Anne Nolen

Date

Wednesday, June 12, 2024

REC'D & FILED
JUN 12, 2024
LEGISLATIVE SVC AGENCY

ALABAMA STATE BOARD OF PHARMACY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Pharmacy

RULE NO. & TITLE: 680-X-2-.27 Private Consultation Areas For Pharmacies

INTENDED ACTION: Repeal and Replace

SUBSTANCE OF PROPOSED ACTION:

This Rule will be repealed and replaced to clarify that only those pharmacies and facilities open to the public are required to have a private consultation area.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Public hearing will be August 21, 2024 at 9:00 am CST.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, August 20, 2024

CONTACT PERSON AT AGENCY:

Anne Marie Nolen  
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*Anne Marie Nolen*

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Anne Nolen

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

~~680-X-2-.27      Private Consultation Areas For Pharmacies.~~

~~(1) Since the implementation of patient consultation requirements as a result of OBRA '90 guidelines, it has become evident that the current setup in pharmacies is not conducive to proper communication with patients by pharmacists. Research shows that private consultation areas will facilitate proper consultation with patients by pharmacists and the resultant patient outcomes will be enhanced. Therefore, in order to protect the health of the public and enhance their medication outcomes, private consultation areas must be furnished by pharmacy owners.~~

~~(2) The size of the consultation areas must be large enough to accommodate the participants and must be entirely devoted to enhancing patient outcomes and not a storage room for merchandise or other non-related items. The area must be accessible by the patient from outside of the pharmacy area without having to traverse a stock room or pharmacy area and must have the capability of being private to both sounds and viewing by unauthorized parties. The area must be away from checkout areas and flows of traffic that would present a barrier to patient communication.~~

~~(3) All new pharmacies that open after January 1, 1997, must be compliance before a permit is issued. All pharmacies that are relocated after January 1, 1997, shall be in compliance. All existing pharmacies must be in compliance on or before January 1, 2005.~~

~~**Author:** Jerry Moore, R.Ph., Executive Secretary~~

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

~~**History: New Rule:** Filed August 1, 1995; operative September 5, 1995, effective January 1, 1996.~~

680-X-2-.27

Private Consultation Areas For Pharmacies  
(Repealed).

(Repealed)

(1) All pharmacies and facilities, as defined in Code of Ala. §34-23-1, that are open to the public shall have a private consultation area.

(2) The private consultation area shall:

(a) be large enough to accommodate the participants

(b) be devoted to enhancing patient outcomes

(c) be accessible by the patient from outside the pharmacy area without traversing the pharmacy or stock room

(d) be private to both viewing and sound by unauthorized parties

(3) The private consultation area shall not be used for storage or other non-related items.

Author: Alabama State Board of Pharmacy

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

History: New Rule: Filed August 1, 1995; operative September 5, 1995, effective January 1, 1996. Repealed: Published \_\_\_\_\_; effective \_\_\_\_\_.