

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 680

Department or Agency: Alabama State Board of Pharmacy

Rule No.: 680-X-2-.40

Rule Title: Non-Disciplinary Penalty For Late Renewal Of License, Permit, Registration, Certification, Or Any Similar Document Issued

Intended Action Amend

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

Thursday, September 19, 2024

REC'D & FILED
SEP 19, 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-.40 Non-Disciplinary Penalty For Late
Renewal Of License, Permit, Registration,
Certification, Or Any Similar Document Issued

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Amend 680-X-2-.40 to clarify late renewal non-disciplinary penalty for intern/
extern permit, as well as outline non-disciplinary administrative penalty
agreements for contested cases.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

The public hearing will take place during the Board meeting November 20, 2024
beginning at 9:00 am CST. Comments may be submitted via email to anolen@albop.com

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, November 20, 2024

CONTACT PERSON AT AGENCY:

Anne Marie Nolen
anolen@albop.com

Anne Marie Nolen

Anne Nolen

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

Non-Disciplinary Penalty For Late Renewal Of License, Permit, Registration, Certification, Or Any Similar Document Issued Penalties.

(1) In the event an application for renewal of any type of license, permit, registration, certification or any similar document issued and required by the Alabama Pharmacy Practice Act, the Alabama Uniform Controlled Substances Act or any applicable Rule and the appropriate renewal fee is not received in the Board's office by December 31 of the applicable year, but is received in the Board's office no later than January 31 of the following year and activities requiring renewal were ongoing, a non-disciplinary administrative penalty as indicated below shall be received in the Board Office within fourteen (14) days of the Board's receipt of the renewal and if not, the opportunity to avoid discipline shall no longer be available, rather the Board shall initiate appropriate disciplinary actions. This penalty shall be in addition to the prevailing renewal fee.

(a) Pharmacy permits to include retail, institutional, non-resident pharmacies, and pharmacy services permits - \$1,000.00.

(b) Pharmacist license - \$1,000.00

(c) Technician Registration - \$250.00

(d) Intern/extern permit - \$250.00

(e) Pharmacist controlled substance permits - \$500.00

~~(e)~~ (f) Pharmacy controlled substance permits to include retail, institutional, and non-resident pharmacies - \$500.00

~~(f)~~ (g) Drug manufacturers; Wholesale Distributors; Private Label Distributors, Repackagers, Third-Party Logistics, 503B Outsourcers, Retail Oxygen Supplier, Oxygen Manufacturer, and any entities which may be regulated in the future - \$1,000.00.

~~(g)~~ (h) Controlled Substance permits for Drug manufacturers; Wholesale Distributors; Private Label Distributors, Repackagers, Third-Party Logistics, 503B Outsourcers - \$500

~~(h)~~ (i) This Rule is adopted pursuant to the Board's authority set forth in Code of Ala. 1975, §34-23-33(b) and is in lieu of formal disciplinary proceedings.

(2) The Board may offer non-disciplinary administrative penalty agreements for any contested case.

(a) Informal settlement negotiations may be initiated by either party to the contested case in writing, provided that neither party is obligated to use informal procedures.

(b) If the Board approves participation in a non-disciplinary administrative penalty agreement, it shall negotiate terms it believes to be in the best

interest of the Board and the public health, safety,
and welfare of the people of Alabama.

Author: Donna Yeatman, R.Ph., Executive Secretary

Statutory Authority: Code of Ala. 1975, §34-23-~~92~~.33

History: New Rule: Filed July 8, 2010; effective August 12, 2010; operative September 1, 2010. **Amended:** Filed August 26, 2011; effective September 30, 2011; operative October 3, 2011.

Amended: Filed July 6, 2016; effective August 20, 2016.

Amended: Published May 28, 2021; effective July 12, 2021.

Amended: Published October 29, 2021; effective December 13, 2021. **Amended:** Published March 31, 2022; effective May 15, 2022. **Amended:** Published ; effective .