

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 680
Department or Agency: Alabama State Board of Pharmacy
Rule No.: 680-X-2-.49
Rule Title: Remote Work by Pharmacists
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, December 26, 2024

REC'D & FILED
DEC 30, 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-.49 Remote Work by Pharmacists

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The following amendment is proposed to align with regulations set forth in 680-X-2-.39 Off-site Order Entry.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

The public hearing will be March 26, 2025 during the Business meeting beginning at 9:00 am CST. Comments may be submitted to Anne Marie Nolen via email to anolen@albop.com by no later than March 21, 2025 at 4:00 pm CST.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, March 21, 2025

CONTACT PERSON AT AGENCY:

Anne Marie Nolen

Donna C Yeatman

Donna Yeatman

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

(1) Definitions

(a) ~~"Final product verification" means the process by which a pharmacist validates the accuracy of a final prescription product prior to providing to a patient or patient representative~~

~~(b)~~ "Remote pharmacy work" means performing the practice of pharmacy while not physically located within a permitted pharmacy or facility

~~(e)~~ (b) "Physical acts in the dispensing process" means:

1. the storing, packaging, and/or labeling of prescription drugs

~~2. final product verification~~

(2) General Requirements

(a) Remote pharmacy work may be performed by a pharmacist who is an employee of one of the following:

1. A pharmacy or facility permitted by the Alabama Board of Pharmacy;

2. A facility regulated by the Alabama Department of Public Health;

3. A facility regulated by the Alabama Department of Insurance; or

4. A physician's office

(b) Pharmacists are allowed to perform remote pharmacy work in a location that is equipped with secure access to the above entity's information system. A remote site does not include a site outside the United States/United States territories.

(c) Remote pharmacists shall establish controls to protect the confidentiality and integrity of protected health information by complying with both the Health Insurance Portability and Accountability Act (HIPAA) and Health Information Technology for Economic and Clinical Health (HITECH) Act

(d) Remote pharmacists shall ensure that they are able to perform at the same level of competence, attention, and proficiency as if they were physically present in the above entity and comply with all applicable state and federal laws, rules, and regulations.

(e) If a pharmacist is no longer an employee of the entity as listed in subsection 2(a), he/she shall no longer have access to the entity's information system or be able to perform remote pharmacy work for that employer.

(3) Prohibited Activities

(a) Nothing in this subsection shall be construed to authorize ~~final product verification or~~ dispensing of a prescription from a location outside of or other than a permitted pharmacy with the exception of immunizations.

(b) Nothing in this subsection shall be construed to authorize a pharmacist to perform physical acts in the dispensing process from a location outside of or other than a permitted pharmacy.

(c) Nothing in this subsection permits hard copy prescriptions to be received outside of the premises of a permitted pharmacy.

(d) No part of the facility's database may be physically or electronically duplicated, downloaded, transferred, or removed from the electronic database.

(e) Nothing in this subsection shall permit a pharmacist to perform remote pharmacy work for more than one location of a permitted pharmacy, facility, or entity without prior compliance with Board Rule 680-X-2-.39.

(f) Nothing in this subsection permits any pharmacy personnel other than a licensed pharmacist to assist or engage in the practice of pharmacy outside of a permitted facility.

Author: Alabama State Board of Pharmacy

Statutory Authority: Code of Ala. 1975, §34-23-30.

History: New Rule: Published September 29, 2023, effective November 13, 2023. **Amended:** Published _____ ; effective _____ .