ALABAMA STATE BOARD OF PHARMACY
ADMINISTRATIVE CODE

CHAPTER 680-X-2
PRACTICE OF PHARMACY

680-X-2-.40 Non-Disciplinary Penalties.

(1) Pursuant to the requirements set forth in Code of Ala. 1975, §34-23-33(b), this Rule adopts an administrative fine penalty schedule for non-disciplinary violations.

(2) The Board has the discretion to impose an administrative fine for any violation listed in the non-disciplinary penalty schedule. If the Board elects to issue an administrative fine, that individual or permittee may not receive another administrative fine for the same violation within a five (5) year period. Any subsequent occurrence of that same violation within five (5) years shall be treated as a disciplinary matter, unless otherwise specified in the schedule.

(3) The procedure for imposition of an administrative fine pursuant to this Rule shall be as follows:

(a) The decision to initiate imposition of an administrative fine, and the amount of the proposed administrative fine, shall be made by the Board in a public meeting.

(b) When considering the amount of an administrative fine for a specific violation, the Board shall consider the statutorily prescribed factors of (i) the level and scope of misconduct, (ii) the level of risk to public health and safety, and (iii) the compliance history of the violator.

(c) Upon direction by the Board, the Executive Secretary shall issue a written "Notice of Proposed Administrative Fine" to the licensee, which shall include at least the following information:

(i) An identification of the statute or rule allegedly violated by the licensee;

(ii) A short and plain statement of the facts substantiating the alleged violation;

(iii) The proposed dollar amount of the administrative fine;

(iv) A notice that, if the licensee wishes to contest the administrative fine, the licensee may request a public

hearing before the Board, including instructions on how to contest the administrative fine;

(v) A notice that, if the licensee does not contest the proposed administrative fine within thirty (30) days of service, then the proposed administrative fine will be assessed and will be deemed final and non-appealable; and

(vi) A notice to the license holder to review this Rule 680-X-2-.40.

(d) If the licensee does not contest the proposed administrative fine within thirty (30) days of services of the Notice of Proposed Administrative Fine, then the proposed administrative fine will be assessed and will be deemed final and non-appealable.

(e) If the licensee contests the administrative fine within thirty (30) days of service of the Notice of Proposed Administrative Fine, then the matter shall be heard in a public hearing as a contested case before the Board, including the right of judicial review. Provided, however, that if the matter is heard and determined by the Board as a contested case hearing, that shall not change the administrative and non-disciplinary character of the fine, and the amount of the administrative fine imposed after the hearing shall not exceed the amount initially proposed by the Board in the Notice of Proposed Administrative Fine.

(4) The Board's classification of the violations scheduled below is designed and intended to correspond generally to the categories of non-reportable administrative citations described on page E-64 of the National Practitioner Data Bank ("NPDB") Guidebook. Accordingly, administrative fines assessed under this Rule are generally regarded as non-reportable to the NPDB. Practitioners are advised, however, that other factors may cause an administrative fine to be reportable. In all cases, the Board will follow the requirements of federal law with respect to NPDB reporting.

(5) If a non-disciplinary violation occurs alongside a disciplinary violation, the disciplinary violation shall proceed through the formal disciplinary process, while the non-disciplinary violation will be addressed pursuant to this Rule.

(6) The tables below set forth each non-disciplinary violation, the individual or permittee eligible for a non-disciplinary penalty, and the associated administrative fine. For the purposes of the table below, the term "license" refers to any license, permit, certificate, or registration issued by the Board.

Administrative Fines for Pharmacy Technicians

Description	Fine
Failure to Complete Required Continuing Education	First violation: $0-$100 Second violation: $0-$100 + $10/hr short of requirement
Failure to complete technician training program in compliance with Rule 680-X-2-.14	$0-$200
Failure to Submit Documentation of Training Within 10 Days	$0-$25
Failure to Report Employment Within 10 Days	First violation: Warning Letter, no fine Second violation: $0-$500
Failure to wear name tag	$0-$25

Administrative Fines for Interns/Externs

Description	Fine
Failure to Report Employment Within 10 Days	First violation: Warning Letter, no fine Second violation: $0-$500

Administrative Fines for Pharmacists

Description	Fine
Failure to Complete Required Continuing Education	First violation: $0-$250 Second violation: $0-$250 + $25/hr short of requirement
Failure to Report Employment Within 10 Days	First violation: Warning Letter, no fine Second violation: $0-$1,000

Unauthorized Presence Inside the Pharmacy excluding: 1. Cashiers 2. Shadowing in compliance with Board Policy 23-006 3. Individuals authorized under applicable statue, rule, or policy	$0-250
Failure to Renew Collaborative Practice Agreement	$0-$100
Exceeding Technician to Pharmacist or Intern to Pharmacist Ratio	$0-$250 per technician or intern over ratio
Violation of Code of Professional Conduct where, in the Board's judgement, the violation does not: • Impact public safety or direct patient care, and • Cause the Board to expend Board resources to evaluate and/or correct	$0-$2,000

Administrative Fines for Supervising Pharmacists

Description	Fine
Allowing a technician to work without completing training	$0-$100
Failure to provide notice of change of Supervising Pharmacist within 10 days for incoming and/or outgoing Supervising Pharmacist	$0-$1,000
Failure to maintain required records	$0-$500
Failure to display all required licenses	$0-$500
Exceeding Technician to Pharmacist or Intern to Pharmacist Ratio	$0-$250 per technician or intern over ratio

Administrative Fines for Chain Pharmacies

Description	Fine
	$0-$100

Allowing a technician to work without completing training	
Failure to Submit Action Plan Within 10 Days of Outgoing Supervising Pharmacist Departure (No Incoming Supervising Pharmacist)	$0-$1,000
Failure to Identify New Supervising Pharmacist Within 90 Days of Initiating an Action Plan	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Unauthorized Presence Inside the Pharmacy excluding: 1. Cashiers 2. Shadowing in compliance with Board Policy 23-006 3. Individuals authorized under applicable statue, rule, or policy	First violation: Warning Letter, no fine Second violation: $0-$500
Failure to Maintain Required Records	$0-$500
Failure to display all required licenses	$0-$500
Failure to Notify Board of Authorization to be a DEA Drug Collector	$0-$250
Violation of Code of Professional Conduct where, in the Board's judgement, the violation does not: 1. Impact public safety or direct patient care, and 2. Cause the Board to expend Board resources to evaluate and/or correct	$0-$2,000

Administrative Fines for Independent Pharmacies

Description	Fine

Allowing a technician to work without completing training	$0-$100
Failure to Submit Action Plan Within 10 Days of Outgoing Supervising Pharmacist Departure (No Incoming Supervising Pharmacist)	$0-$1,000
Failure to Identify New Supervising Pharmacist Within 90 Days of Initiating an Action Plan	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Unauthorized Presence Inside the Pharmacy excluding: 1. Cashiers 2. Shadowing in compliance with Board Policy 23-006 3. Individuals authorized under applicable statue, rule, or policy	First violation: Warning Letter, no fine Second violation: $0-$500
Failure to Maintain Required Records	$0-$500
Failure to display all required licenses	$0-$500
Failure to Notify Board of Authorization to be a DEA Drug Collector	$0-$250
Violation of Code of Professional Conduct where, in the Board's judgement, the violation does not: 1. Impact public safety or direct patient care, and 2. Cause the Board to expend Board resources to evaluate and/or correct	$0-$2,000

Administrative Fines for Institutional Pharmacies

Description	Fine

Allowing a technician to work without completing training	$0-$100
Failure to Submit Action Plan Within 10 Days of Outgoing Supervising Pharmacist Departure (No Incoming Supervising Pharmacist)	$0-$1,000
Failure to Identify New Supervising Pharmacist Within 90 Days of Initiating an Action Plan	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Unauthorized Presence Inside the Pharmacy excluding: 1. Cashiers 2. Shadowing in compliance with Board Policy 23-006 3. Individuals authorized under applicable statue, rule, or policy	First violation: Warning Letter, no fine Second violation: $0-$500
Failure to Maintain Required Records	$0-$500
Failure to display all required licenses	$0-$500
Failure to Notify Board of Authorization to be a DEA Drug Collector	$0-$250
Violation of Code of Professional Conduct where, in the Board's judgement, the violation does not: 1. Impact public safety or direct patient care, and 2. Cause the Board to expend Board resources to evaluate and/or correct	$0-$2,000

Administrative Fines for Non-Resident Pharmacies

Description	Fine

Failure to Submit Action Plan Within 10 Days of Outgoing Supervising Pharmacist Departure (No Incoming Supervising Pharmacist)	$0-$1,000
Failure to Identify New Supervising Pharmacist Within 90 Days of Initiating an Action Plan	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Unauthorized Presence Inside the Pharmacy excluding: 1. Cashiers 2. Shadowing in compliance with Board Policy 23-006 3. Individuals authorized under applicable statue, rule, or policy	First violation: Warning Letter, no fine Second violation: $0-$500
Failure to Maintain Required Records	$0-$500
Failure to display all required licenses	$0-$500
Failure to Notify Board of Authorization to be a DEA Drug Collector	$0-$250
Violation of Code of Professional Conduct where, in the Board's judgement, the violation does not: 1. Impact public safety or direct patient care, and 2. Cause the Board to expend Board resources to evaluate and/or correct	$0-$2,000

Administrative Fines for Pharmacy Services Permits

Description	Fine
Allowing a technician to work without completing training	$0-$100

Failure to Submit Action Plan Within 10 Days of Outgoing Supervising Pharmacist Departure (No Incoming Supervising Pharmacist)	$0-$1,000
Failure to Identify New Supervising Pharmacist Within 90 Days of Initiating an Action Plan	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Unauthorized Presence Inside the Pharmacy excluding: 1. Cashiers 2. Shadowing in compliance with Board Policy 23-006 3. Individuals authorized under applicable statue, rule, or policy	First violation: Warning Letter, no fine Second violation: $0-$500
Failure to Maintain Required Records	$0-$500
Failure to display all required licenses	$0-$500
Violation of Code of Professional Conduct where the violation does not: 1. In the Board's judgement does not impact public safety or direct patient care, and 2. Cause the Board to expend Board resources to evaluate and/or correct	$0-$2,000

Administrative Fines for Retail Medical Oxygen Suppliers

Description	Fine
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000

Failure to Maintain Required Records	$0-$500
Failure to display all required licenses	$0-$500

Administrative Fines for Medical Oxygen Manufacturers and Wholesalers

Description	Fine
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Maintain Required Records	$0-$500
Failure to display all required licenses	$0-$500

Administrative Fines for 503B Outsourcing Facilities

Description	Fine
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Maintain Required Records	$0-$500
Failure to Display the License	$0-$500

Administrative Fines for Third Party Logistics Providers

Description	Fine
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Provide Notice of New Designated Representative Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
	< 30 days: $0-$500

Failure to submit an action plan Within 10 Days of outgoing Designated Representative (no incoming DR)	30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Identify Incoming Designated Representative Within 90 Days of Initiating an Action Plan	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Maintain Required Records	$0-$500
Failure to Display the License	$0-$500

Administrative Fines for Precursors

Description	Fine
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Maintain Required Records	$0-$500
Failure to Display the License	$0-$500

Administrative Fines for Manufacturers

Description	Fine
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Provide Notice of New Designated Representative Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to submit an action plan Within 10 Days of outgoing Designated Representative (no incoming DR)	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000

Failure to Identify Incoming Designated Representative Within 90 Days of Initiating an Action Plan	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Maintain Required Records	$0-$500
Failure to Display the License	$0-$500

Administrative Fines for Distributors

Description	Fine
Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Provide Notice of New Designated Representative Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to submit an action plan Within 10 Days of outgoing Designated Representative (no incoming DR)	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Identify Incoming Designated Representative Within 90 Days of Initiating an Action Plan	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Maintain Required Records	$0-$500
Failure to Display the License	$0-$500

Administrative Fines for ALL Other Drug Facility Permit Holders

Description	Fine

Failure to Provide Notice of Change of Ownership Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Provide Notice of New Designated Representative Within 10 Days	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to submit an action plan Within 10 Days of outgoing Designated Representative (no incoming DR)	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Identify Incoming Designated Representative Within 90 Days of Initiating an Action Plan	< 30 days: $0-$500 30-100 days: $500-$750 >100 days: $750-$1,000
Failure to Maintain Required Records	$0-$500
Failure to Display the License	$0-$500

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