

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.
New ☒ Amendment ☐ Repeal ☐ Adopt by Reference ☐

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?

Is there another, less restrictive method of regulation available that could adequately protect the public?

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

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

Are all facets of the rulemaking 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.

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

Date _____

JAN 21 2022

Alabama State Board of Pharmacy

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama 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 Rule

SUBSTANCE OF PROPOSED ACTION:

The Alabama State Board of Pharmacy proposes to amend Rule No. **680-X-2-.40** Non-Disciplinary Penalty for Late Renewal Of License, Permit, Registration, Certification, Or Any Similar Document Issued to add clarity to the entities

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Oppositions can be submitted to the Alabama State Board of Pharmacy office. Business hours are 8:00am - 4:00pm Monday through Friday. Please present your views in writing, fax or email. Public hearing will be held March 16, 2022 at 9:00am

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Comments concerning this change must be received by the Alabama State Board of Pharmacy no later than March 8, 2022

CONTACT PERSON AT AGENCY:

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Donna C. Yeatman, R.Ph. Executive Secretary

680-X-2-.40 Non-Disciplinary Penalty for Late Renewal Of License, Permit, Registration, Certification, Or Any Similar Document Issued.

(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) Pharmacist controlled substance permits - \$500.00

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

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

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

(h) 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.

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

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

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:** Filed February 18, 2021; effective July 12, 2021. **Amended** Filed August 18, 2021. **Effective;** December 13, 2021. **Amended: Filed January 20, 2022**