

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

X 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? 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 and, if so, to what degree? No

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? No

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.

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

Date 7/10/23

Donna C. [Signature]

REC'D & FILED

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APA-2

Alabama State Board of Pharmacy

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Board of Pharmacy

RULE NO. & TITLE:

680-X-2-.49 Remote Work by Pharmacists

INTENDED ACTION:

Adopt a new rule.

SUBSTANCE OF PROPOSED ACTION:

The Alabama State Board of Pharmacy proposes to adopt a new rule 680-X-2-.49 Remote Work by Pharmacists to comply with §34-23-30(a), thereby improving access to care and promoting patient health, safety, and welfare.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

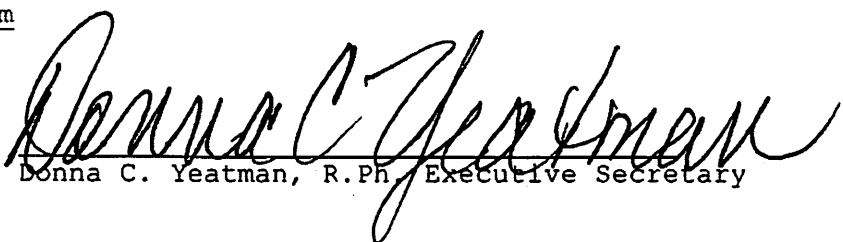
Comments can be submitted to the Alabama State Board of Pharmacy office. Business hours are 8:00am - 4:00pm Monday through Friday. Please present your views in writing, fax or email. Public hearing will be held September 20, 2023, at 9:00am

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 September 4, 2023.

CONTACT PERSON AT AGENCY:

Wendy Passmore, Operations Manager
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Donna C. Yeatman, R.Ph., Executive Secretary

(1) Definitions

- a. "Final product verification" means the process by which a pharmacist validates the accuracy of a final prescription/medication order 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
- c. "Physical acts in the dispensing process" means:
 - i. the storing, packaging, and/or labeling of prescription drugs
 - ii. 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:
 - i. An Alabama Board of Pharmacy permitted pharmacy or facility;
 - ii. A facility regulated by the Alabama Department of Health;
 - iii. A facility regulated by the Alabama Department of Insurance; or
 - iv. A physician's office
- b. Pharmacists are allowed to perform remote pharmacy work in a location that is equipped with secure access to the pharmacy's information system. A remote site does not include a site outside the United States.
- 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 pharmacy and comply with all applicable state and federal laws, rules, and regulations.
- e. If a pharmacist is no longer an employee of the facility as listed in subsection 2(a), he/she shall no longer have access to the pharmacy'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 and dispensing of a prescription from a location outside of or other than a permitted pharmacy.
- 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.

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

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

History: New Rule: