

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 Penalties
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

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? Yes

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

Jon M Linna
Jon Linna

Date

Wednesday, May 20, 2026

REC'D & FILED
MAY 20, 2026
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 Penalties

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The purpose of this amendment is to develop an administrative fine schedule for non-disciplinary penalties.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

The public hearing will take place during the Board meeting July 15, 2026 beginning at 9:00 am CT. Comments may be submitted via email to anolen@albop.com.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, July 10, 2026

CONTACT PERSON AT AGENCY:

Anne Marie Nolen  
anolen@albop.com

*Jon M Linna*

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Jon Linna

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

Non-Disciplinary Penalties.

(1) Pursuant to the ~~Board's authority~~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 following provisions apply to administrative fines (non-disciplinary penalties):~~

~~(a) 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 ~~ten~~ ~~(10)~~five (5) year period. Any subsequent occurrence of that same violation within ~~ten (10)~~five (5) years shall be treated as a disciplinary matter, unless otherwise specified in the schedule. ~~The Board retains the authority to reclassify any violation as disciplinary if evidence suggests a higher~~~~

(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, ~~intent, or patient harm.~~ 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;

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

(iii) The proposed dollar amount of the administrative fine ~~must be received by the Board within ninety (90) days of notice. Failure to pay or otherwise comply with the terms of any imposed corrective action plan within~~

~~the timeframe shall be considered grounds for a civil penalty, unless a written request for an extension is approved by the Executive Secretary.~~

~~(c) If the person or permittee;~~

(iv) A notice that, if the licensee wishes to contest the violation or administrative fine, they shall notify the licensee may request a public hearing before the Board in writing, 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. In such 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 shall issue a Notice of Hearing and Statement of Charges, and the matter shall proceed in accordance with the Alabama Administrative Procedures Act. Following the hearing, the

~~administrative fine may be dismissed, upheld, modified, or replaced with disciplinary action.~~

~~(d) Payment of an administrative fine shall not be considered an admission of wrongdoing and shall not be reported to national disciplinary databases or licensing jurisdictions unless required by the National Practitioner Databank. will follow the requirements of federal law with respect to NPDB reporting.~~

~~(e) (5) If a non-disciplinary violation occurs alongside a disciplinary violation, ~~both violations will be reviewed together.~~ the disciplinary violation shall proceed through the formal disciplinary process, while the non-disciplinary violation ~~may be included in the disciplinary case or~~ will be addressed separately depending on whether it directly relates to the underlying conduct. ~~The Board shall determine the most effective approach based on the nature and severity of the violations~~pursuant to this Rule.~~

~~(f) When considering the amount of a administrative fine for a specific violation, the Board shall consider the level and scope of misconduct, the level of risk to public health and safety, and the compliance history of the violator.~~

~~(3) (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:  <ol style="list-style-type: none"> <li>1. Cashiers</li> <li>2. Shadowing in compliance with Board Policy 23-006</li> <li>3. Individuals authorized under applicable statute, rule, or policy</li> </ol>	\$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:  <ul style="list-style-type: none"> <li>• Impact public safety or direct patient care, and</li> </ul>	\$0-\$2,000

<ul style="list-style-type: none"> <li>• Cause the Board to expend Board resources to evaluate and/or correct</li> </ul>	
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**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
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	First violation: Warning Letter, no fine  Second violation: \$0-\$500

<p>2. Shadowing in compliance with Board Policy 23-006</p> <p>3. Individuals authorized under applicable statute, rule, or policy</p>	
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
<p>Violation of Code of Professional Conduct where, in the Board's judgement, the violation does not:</p> <ol style="list-style-type: none"> <li>1. Impact public safety or direct patient care, and</li> <li>2. Cause the Board to expend Board resources to evaluate and/or correct</li> </ol>	\$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	<p>&lt; 30 days: \$0-\$500</p> <p>30-100 days: \$500-\$750</p> <p>&gt;100 days: \$750-\$1,000</p>
Failure to Provide Notice of Change of Ownership Within 10 Days	<p>&lt; 30 days: \$0-\$500</p> <p>30-100 days: \$500-\$750</p> <p>&gt;100 days: \$750-\$1,000</p>
	<p>First violation: Warning Letter, no fine</p> <p>Second violation: \$0-\$500</p>

Unauthorized Presence Inside the Pharmacy excluding:  1. Cashiers 2. Shadowing in compliance with Board Policy 23-006 3. Individuals authorized under applicable statute, rule, or policy	
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

<p>Unauthorized Presence Inside the Pharmacy excluding:</p> <ol style="list-style-type: none"> <li>1. Cashiers</li> <li>2. Shadowing in compliance with Board Policy 23-006</li> <li>3. Individuals authorized under applicable statute, rule, or policy</li> </ol>	<p>First violation: Warning Letter, no fine</p> <p>Second violation: \$0-\$500</p>
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
<p>Violation of Code of Professional Conduct where, in the Board's judgement, the violation does not:</p> <ol style="list-style-type: none"> <li>1. Impact public safety or direct patient care, and</li> <li>2. Cause the Board to expend Board resources to evaluate and/or correct</li> </ol>	\$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	<p>&lt; 30 days: \$0-\$500</p> <p>30-100 days: \$500-\$750</p> <p>&gt;100 days: \$750-\$1,000</p>
Failure to Provide Notice of Change of Ownership Within 10 Days	<p>&lt; 30 days: \$0-\$500</p> <p>30-100 days: \$500-\$750</p> <p>&gt;100 days: \$750-\$1,000</p>
	<p>First violation: Warning Letter, no fine</p> <p>Second violation: \$0-\$500</p>

Unauthorized Presence Inside the Pharmacy excluding: <ol style="list-style-type: none"> <li>1. Cashiers</li> <li>2. Shadowing in compliance with Board Policy 23-006</li> <li>3. Individuals authorized under applicable statute, rule, or policy</li> </ol>	
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: <ol style="list-style-type: none"> <li>1. Impact public safety or direct patient care, and</li> <li>2. Cause the Board to expend Board resources to evaluate and/or correct</li> </ol>	\$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: <ol style="list-style-type: none"> <li>1. Cashiers</li> <li>2. Shadowing in compliance with Board Policy 23-006</li> <li>3. Individuals authorized under applicable statute, rule, or policy</li> </ol>	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: <ol style="list-style-type: none"> <li>1. In the Board's judgement does not impact public safety or direct patient care, and</li> <li>2. Cause the Board to expend Board resources to evaluate and/or correct</li> </ol>	\$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
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**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
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 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
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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

**Author:** Alabama State Board of Pharmacy

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

**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 December 31, 2024; effective February 14,

2025. **Amended:** Published February 27, 2026; effective April 13,

2026. **Amended:** Published \_\_\_\_\_ ; effective \_\_\_\_\_ .