APA-4
Revised 1/2018

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, INTERIM DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the **25** day of **MARCH 2020**.

AGENCY NAME: **Alabama State Board of Pharmacy**

RULE NO. AND TITLE: **680-X-2-.14 .01ER The Role of Technicians In Pharmacies In Alabama**

EFFECTIVE DATE OF RULE: **March 25, 2020**

EXPIRATION DATE (If less than 120 days):**July 23, 2020**

NATURE OF EMERGENCY: **COVID - 19 State of Emergency**

STATUTORY AUTHORITY: Code of Ala 1975 §34-23-92

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS ____ YES **X** NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Wendy Passmore, Operations Manager
111 Village Street, Birmingham, AL 35242
Phone : 205-981-4764
Email: wpassmore@albop.com

Donna C. Yeatman
Signature of officer authorized to promulgate and adopt rules and regulations or his or her deputy

FILING DATE
(For APA Use Only)

RECD & FILED
MAR 25 2020
LEGISLATIVE SVC AGENCY

Alabama State Board of Pharmacy

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Board of Pharmacy

RULE NO. & TITLE:

680-X-2-.14 The Role of Technicians In Pharmacies In Alabama

INTENDED ACTION:

Amend rule for State of Emergency

SUBSTANCE OF PROPOSED ACTION:

The Alabama State Board of Pharmacy proposes to amend rule 680-X-2-.14 to maintain continuity of care during COVID 19 State of Emergency.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Not Applicable - Emergency Submission

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Not Applicable - Emergency Submission

CONTACT PERSON AT AGENCY:

Wendy Passmore, Operations Manager
111 Village Street, Birmingham, Al 35242
Phone 205-981-4764 Fax 205-803-6481
Email - wpassmore@albop.com

Donna C. Yeatman, R.Ph. Executive Secretary

680-X-2-.14 .01ER The Role Of Technicians In Pharmacies In Alabama.

(1) Title 34, Chapter 23, Code of Ala. 1975, specifies that only persons licensed by the Board of Pharmacy may practice pharmacy. The practice of pharmacy shall mean the interpretation and evaluation of prescription orders; the compounding, dispensing, administering and labeling of drugs and devices; the participation in drug selection and drug utilization reviews and drug therapy management; the proper and safe storage of drugs and devices and the maintenance of proper records; the responsibility for advising, where necessary or where regulated, of therapeutic values, content, hazards and use of drugs and devices; and the offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of pharmacy.

(2) The only other persons who may perform the above tasks other than a licensed pharmacist, and then only under the immediate direct supervision of a pharmacist, are the following:

(a) A person serving an internship who holds a professional degree in pharmacy from a school of pharmacy recognized by the Board.

(b) A person serving an externship who is enrolled in a school of pharmacy recognized by the Board.

(c) A person who hold an assistant's license.

(3) It is ruled by the Board of Pharmacy that three (3) technicians, one of which shall be certified by any credentialing organization approved by the Board, on duty are sufficient in the prescription area of a retail pharmacy or an institutional pharmacy for each full-time licensed pharmacist on duty. Nothing in this rule shall prevent a pharmacy from employing technicians to perform supervised tasks not requiring professional judgment.

(4) In order to adequately protect the public health, technicians shall not:

(a) Communicate, orally or in writing, any medical, therapeutic, clinical or drug information, or communicate any information recorded on a patient profile that requires professional judgment.

(b) Document the receipt of a controlled substance into inventory.

(c) Accept by oral communication a new prescription of any nature.

(d) Prepare a copy of a prescription or read a

prescription to another person.

(e) Provide a prescription or medication to a patient without a pharmacist's verification as to the correctness of the prescription or medication. For the purpose of this rule, verification shall mean that the licensed pharmacist shall be aware of the patient profile, DUR, computer overrides and drug interactions as well as the correctness of the selected medication and labeling.

(f) Counsel a patient on medications or perform a drug utilization review.

(g) Perform any task that requires the professional judgment of a pharmacist.

(h) Perform any task that is in violation of any federal, state or local pharmacy regulations.

(5) Written control procedures and guidelines for supervision of technicians by a licensed pharmacist and for performance of tasks by technicians shall be established and made available for review by the Board of Pharmacy.

(6) In order to be registered as a pharmacy technician in this state, an applicant shall:

(a) Have submitted a written application on a form provided by the Board of Pharmacy.

(b) Have attained the age of seventeen (17).

(7) No pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes shall be eligible to be registered as a pharmacy technician.

(8) All technicians shall wear a nametag, identifying them as such, while on duty.

(9) Each technician registered by the Board shall notify the board in writing within 10 days on change of employment. The notice shall contain his/he name, registration number, the name of the pharmacy where formerly employed, and the name of the pharmacy where currently employed.

(10) All pharmacy technicians shall register with the Alabama State Board of Pharmacy. This registration shall expire on December 31 of odd numbered years. Effective January 1, 2006, the initial registration fee and renewal fee shall be sixty dollars ($60). All pharmacy technicians shall pay the renewal fee biennially with this fee being due on October 31 and delinquent after December 31 of odd numbered years. All pharmacy technician registrations shall expire on December 31 biennially in odd-numbered years. The payment of the renewal fee shall entitle the

registrants to renewal of their registrations at the discretion of the Board. If any pharmacy technician shall fail to pay a renewal fee on or before December 31 of any year, such registration shall become null and void, and the holder of such registration may be reinstated as a pharmacy technician only upon payment of a penalty of Twenty Dollars ($20.00)for each lapsed year and all lapsed fees for each lapsed year, up to a maximum of 5 years of total penalties and lapsed fees.

(a) All technicians receiving their initial registration on or after January 1, 2020, shall complete a Board-approved training program within the first six months after their registration and submit evidence of completion to the board within 10 days of completion. The technician and the employing pharmacy shall keep documentation of this training for a period of two years from the completion of the training. The passage of a Board-recognized pharmacy technician certification examination shall be accepted as a training program. The training program shall be the responsibility of the technician and the pharmacy employing the technician. The Board of Pharmacy may issue a fine of up to one thousand ($1,000) to the pharmacy and revocation of the registration of a technician for violation of this rule.

(i) In response to the State of Emergency as declared by the Governor of the State of Alabama relating to the COVID-19 virus, the Alabama Board of Pharmacy will allow any technician who initially registered on or after January 1, 2020 through the end of the state of emergency, an extension on completion of the required training until December 31, 2020.

(b) Every pharmacy technician registered by the Alabama State Board of Pharmacy shall, prior to reregistration, complete three (3) hours of continuing education annually, one hour of which shall be 'live' presentation.

(11) The Alabama State Board of Pharmacy shall refuse to issue a pharmacy technician registration whenever the Board finds by the preponderance of the evidence any of the following:

(a) That the applicant does not possess good moral character.

(b) That the applicant has willfully violated any of the provisions of Code of Ala. 1975, §34-24-1 et seq., or the Alabama Uniform Controlled Substances Act.

(c) That the applicant has willfully violated any rule or regulation promulgated in accordance with the provisions of Code of Ala. 1975, §34-24-1 et seq., or in accordance with the Alabama Uniform Controlled Substances Act.

(d) That the applicant has engaged in conduct which threatens the public health, safety or welfare.

(e) That the applicant has been convicted of a felony or a misdemeanor involving moral turpitude. A copy of the record of the conviction, certified by the Clerk of the Court entering the conviction shall be conclusive evidence of the conviction.

(f) That the applicant has been convicted of a felony or misdemeanor involving a drug related offense of a legend drug of controlled substance. A copy of the record of the conviction, certified by the Clerk of the Court entering the conviction, shall be conclusive evidence of the conviction.

(g) That the applicant has been convicted of any crime or offense that reflects the inability of the applicant to engage in the performance of pharmacy technician functions with due regard for the health and safety to the public. A copy of the record of the conviction, certified by the Clerk of the Court entering the conviction, shall be conclusive evidence of the conviction.

(h) That the applicant has attempted to obtain a pharmacy technician registration by fraudulent means.

(i) That the applicant has violated any of the laws regulating the sale or dispensing of narcotics, exempt narcotics or drugs bearing the label "caution, federal law prohibits dispensing without prescription" or similar wording which causes the drugs to be classified as a prescription legend drugs.

(j) That the applicant is unable to engage in the performance of pharmacy technician functions with reasonable skill and safety by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals or any other substance, or as a result of any mental or physical condition.

(k) The suspension, revocation or probation by another state of the applicant's license, permit or registration to practice as a pharmacy technician. A certified copy of the record of suspension, revocation or probation of the State making such suspension, revocation or probation shall be conclusive evidence of the suspension, revocation or probation.

(l) That the applicant refused to appear before the Board after having been ordered to do so in writing by the Executive Officer or President of the Board.

(m) That the applicant made any fraudulent or untrue statement to the Board.

(12) In addition to all other applicable requirements for registration as a pharmacy technician and a prerequisite for consideration of an application for registration as a pharmacy technician, each individual seeking registration as a pharmacy

technician shall consent and be subject to a Board approved criminal background check, the cost of which to be paid by the applicant. The information received as a result of the background check shall be relied upon in determining whether the applicant meets the applicable qualifications to obtain the referenced registration.

Author: Donna C. Yeatman, R.Ph. Executive Secretary **Statutory Authority:** Code of Ala. 1975, §34-23-92.
History: Adopted: October 5, 1993; effective November 25, 1993.
Emergency Amendment March 25, 2020 effective until July 23, 2020