

APA-1  
11/96

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control 680 Department of Agency: Alabama State Board of Pharmacy

Rule No. 680-X-2-.32

Rule Title: **PRESCRIPTIONS BY ELECTRONIC MEANS**

    New      xx Amend          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

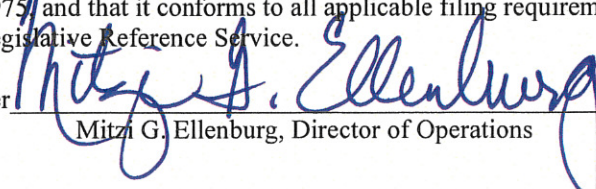
Are all facets of the rule making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

\*\*\*\*\*  
Does the proposed 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 Reference Service.

Signature of certifying officer:   
Mitzi G. Ellenburg, Director of Operations

Date: February 18, 2016

(DATE FILED)  
(STAMP)

**ALABAMA STATE BOARD OF PHARMACY  
NOTICE OF INTENDED ACTION**

**AGENCY NAME:** ALABAMA STATE BOARD OF PHARMACY

**RULE NO. AND TITLE:** 680-X-2-.32 PRESCRIPTIONS BY ELECTRONIC  
MEANS

**INTENDED ACTION:** AMENDED

**SUBSTANCE OF PROPOSED ACTION:**

The Alabama State Board of Pharmacy proposes to amend this rule to allow a prescription transmitted by electronic means to be considered a written prescription.

**TIME, PLACE, MANNER OR PRESENTING VIEW:**

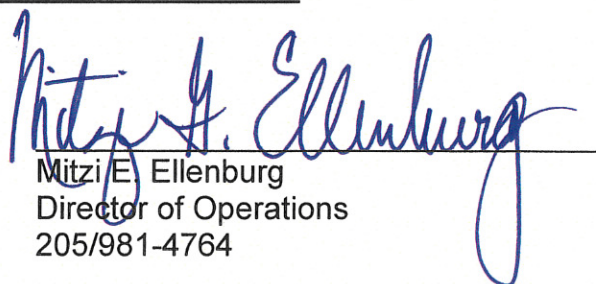
Comments can be presented at the public hearing scheduled at 9:00 a.m. on March 16, 2016 at the Alabama State Board of Pharmacy located at 111 Village Street, Birmingham, Alabama 35242. Additionally, written comments may be addressed to Mitzi Ellenburg, Director of Operations, Alabama State Board of Pharmacy, at the same address. Written comments must be received in the Board Office no later than 4:00 p.m. on April 5, 2016.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

April 5, 2016

**CONTACT PERSON AT AGENCY:**

Mitzi Ellenburg  
Director of Operations  
205/981-4764

  
Mitzi E. Ellenburg  
Director of Operations  
205/981-4764

## **680-X-2-.32 PRESCRIPTIONS BY ELECTRONIC MEANS.**

(1) The following requirements shall apply to any prescription, as that term is defined in Code of Alabama (1975) §34-23-1(21), for non-controlled legend drugs transmitted by electronic means.

(a) The prescription must include the patient's name and address, the drug prescribed, strength per dosage unit, directions for use, and the name of the prescriber or authorized agent. To the extent not include above, the prescription must comply with any applicable provisions of the Alabama Pharmacy Practice Act or Board Rule now existing or later amended or changed.

(b) Prescriptions may be transmitted directly to the pharmacy or transmitted over an e-prescription network approved by the Board. All such transmissions must ensure appropriate security and authenticity to include the following:

1. An electronic signature process enabling the pharmacy to ensure the identity of the prescriber;
2. Date and time stamp;
3. Transmitting system identifier;
4. Prescriber internal sender identification; and
5. Pharmacy internal receiver identification.

(c) Any pharmacy receiving a prescription shall comply with all requirements for record keeping and prescription information mandated by the provisions of the Alabama Pharmacy Practice Act or Board Rule now existing or later amended or changed ~~except that for the purpose of the substitution of drugs or brands of drugs as set forth in Code of Alabama (1975) §34-23-8, a prescription transmitted by electronic means shall not be considered a written prescription.~~

(d) Prescriptions for controlled substances, whether scheduled pursuant to state or federal law shall not be authorized until the Drug Enforcement Agency has adopted applicable regulations, at which time all prescriptions for controlled substances must comply with the provisions of any such regulation or any later amendments or changes thereto.

Author: ~~James S. Ward~~ Timothy Martin PharmD, President  
Statutory Authority: Code of Alabama 1975, §34-23-1 (21) and §34-23-92(6)  
History: New: Filed October 20, 2005; Effective February 17, 2006:  
Filed May 22, 2006; Amended July 18, 2006; Effective  
August 25, 2006; Amended.

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**ECONOMIC IMPACT STATEMENT  
FOR APA RULE  
(Section 41-22-23(f))**

Control No. 680 Department of Agency: Alabama State Board of Pharmacy

Rule No.: 680-X-2-.32

Rule Title: **PRESCRIPTIONS BY ELECTRONIC MEANS**

       New   XX   Amend        Repeal        Adopt by Reference

  X   This rule has no economic impact.

       This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
  
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
  
3. EFFECT OF THIS RULE ON COMPETITION:
  
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
  
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
  
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
  
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
  
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:
  
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

**\*\* Additional pages may be used if needed.**