

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-.41

Rule Title: **PHARMACY SERVICES PERMIT**

XX New    \_\_\_ 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: JULY 18, 2012

(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-.41 PHARMACY SERVICES PERMITS

**INTENDED ACTION:** NEW

**SUBSTANCE OF PROPOSED ACTION:**

The Alabama State Board of Pharmacy proposes to adopt a new rule subject to HB 393 passed by the 2012 Legislature to issue a Pharmacy Services Permit for a customer care call center for incoming patient calls.

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

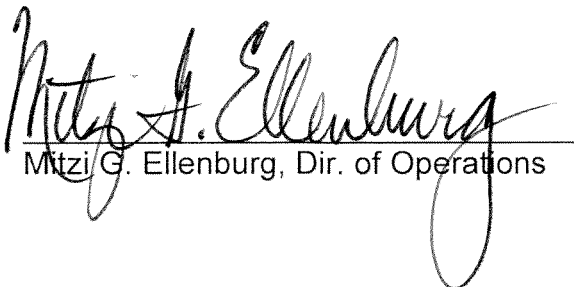
Comments can be presented at the public hearing scheduled at 7:30 a.m. on August 16, 2012 at the Alabama State Board of Pharmacy located at 111 Village Street, Hoover, Alabama 35242. Additionally, written comments may be addressed to Herb Bobo, Secretary, Alabama State Board of Pharmacy, P. O. Box 381988, Birmingham, Alabama 35238-1988. Written comments must be received in the Board Office no later than 4:00 p.m. on September 5, 2012.

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

September 5, 2012

**CONTACT PERSON AT AGENCY:**

Herb Bobo, R.Ph., Secretary  
205/981-2280

  
Mitzi G. Ellenburg, Dir. of Operations

## 680-X-2-.41 PHARMACY SERVICES PERMITS

(1) The Board may issue on a case by case basis a Pharmacy Service Permit for the limited purpose of allowing pharmacists and pharmacy technicians to provide pharmacy services to patients and clients. Nothing in this rule shall limit the board's ability to issue any Pharmacy Service Permit the Board deems appropriate.

(2) The Board has determined that, at a minimum, the holder of a Pharmacy Service Permit must designate a Supervising Pharmacist, on site, who is responsible for ensuring that the processes and compliance standards are maintained within limits set by the Board for the permit holder.

(3) Nothing in this rule restricts the Board from setting pharmacist and technician ratios.

(4) The following items pertain to a permit issued for a customer care call center services for incoming patient calls.

(a) The following functions are not authorized under this permit

1. Consulting patients on medication issues,
2. Correcting a medication error,
3. Generating a prescription, or
4. The marketing of prescription drug products or services.
5. Receiving prescription

Author: Herb Bobo, R.Ph., Secretary  
Statutory Authority: Code of Alabama 1975, § 34-23-92.  
History: Adopted:

APA-6

**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-.41

Rule Title: PHARMACY SERVICES PERMITS

XX New        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.**