

APA-1  
11/96

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-4-1-.15

Rule Title Dispensing of Legend Drugs by Alabama Department of Public Health Registered Nurses

XXX 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? n/a

Are all facts 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 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 §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been 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 Jalicia Shie Date 3/19/2014

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**FORM APA2**  
**11/96**

**STATE BOARD OF HEALTH**  
**NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-4-1-.15, Dispensing of Legend Drugs by Alabama Department of Public Health Registered Nurses

INTENDED ACTION: New Rule 420-4-1-.15.

SUBSTANCE OF PROPOSED ACTION: To authorize the agency to establish protocol for ADPH nurses to utilize patient delivered partner therapy through which they will dispense legend drugs to patients diagnosed with Chlamydia trachomatis or Trichomoniasis for delivery to their sexual partners, without testing, performing an examination, or establishing a nurse-patient relationship with partners. The proposed rule also reflects the Board of Pharmacy's previous approval for ADPH nurses to dispense legend drugs for the treatment of meningitis and pertussis.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held at 9:00 a.m. on April 17, 2014, at the Alabama Department of Public Health, RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on May 5, 2014. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Harrison Wallace, Director of the Bureau of Communicable Disease, Department of Public Health, 201 Monroe Street, Suite 1460, Montgomery, Alabama 36104. Telephone number (334) 206-5325.

  
Patricia E. Ivie, Agency Secretary

**420-4-1-.15 Dispensing of Legend Drugs by Alabama Department of Public Health Registered Nurses.**

1) Registered nurses in the employment of the State Health Department or a county health department may dispense legend drugs for diseases and programs approved by the State Board of Pharmacy.

2) Registered nurses may dispense legend drugs for the treatment of tuberculosis, sexually transmitted diseases, family planning, hypertension, meningitis and pertussis.

3) Registered nurses may use the patient delivered partner therapy program, to dispense legend drugs to the sex partners of patients infected with Chlamydia trachomatis or Trichomoniasis without testing, performing an examination, or establishing a nurse-patient relationship.

4) When a patient that is diagnosed with Chlamydia trachomatis or Trichomoniasis indicates that their sex partners are unlikely to seek evaluation and treatment, ADPH registered nurses may dispense legend drugs for partners by providing the legend drugs to patients for delivery to the patient's sexual partners.

5) Registered nurses shall not use the patient delivered partner therapy program to dispense legend drugs to sex partners that are or might be pregnant or less than 12 years of age.

**Author:** Anthony Merriweather, M.S.P.H.

**Statutory Authority:** Code of Ala. 1975, § 34-23-11

**History:** New Rule: Filed \_\_\_\_\_, 2014; effective \_\_\_\_\_, 2014