



# Alabama State Board of Pharmacy

*Published to promote compliance of pharmacy and drug law*

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## **Pharmacist Oversight Responsibility**

Over the past several months, the Alabama State Board of Pharmacy has received numerous complaints from pharmacists related to technician ratio and workload.

The Board is charged with upholding the Alabama Practice of Pharmacy Act and the rules that apply. With respect to the complaints that have been received, the Board wants to make all pharmacists and technicians very aware of their responsibilities.

### **680-X-2-12 Supervising Pharmacist**

Before assuming the responsibility of a supervising pharmacist, a pharmacist should read and ensure a complete understanding of this rule. For those already serving as a supervising pharmacist, it is prudent to make sure you are aware of the responsibilities imposed upon you by this rule.

Section (4)(i) states that the supervising pharmacist shall be responsible for “[e]nsuring compliance with the provisions for the Pharmacy Practice Act, Rules of the Alabama State Board of Pharmacy and the Controlled Substances Act.”

Section (6) states, “. . . In addition, it is a violation of this rule for any person to subvert the authority of the supervising pharmacist by impeding the management of any pharmacy in relation to compliance with federal and state drug or pharmacy laws and regulations. Any such act(s) may result in charges being filed against the permit holder.”

As a practicing pharmacist, you are responsible for your professional practice. As a supervising pharmacist, you are responsible for every action and/or practice occurring within the pharmacy that you are supervising. The role of the supervising pharmacist is not just a title. The Board places a great deal of accountability on the professional who agrees to assume that responsibility. As such, any pharmacist taking on this role should be careful to educate all staff of the statutes and rules governing their particular practice setting. The supervising pharmacist should observe, verify, and address actions to ensure compliance with state regulations. Any violations for the pharmacy may be held as violations of the supervising pharmacist and in most

instances, the pharmacist on duty when an offense occurs, in addition to the supervising pharmacist.

### **680-X-2-14 The Role of Technicians in Alabama**

This rule is currently under review for revision to remove the “Alabama” stipulation. If approved, the rules would more clearly define the Board’s view that all pharmacies, within or outside of Alabama, should follow the same rules for technician oversight.

Section (3) states, “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.”

It should not be surprising, based on the earlier rule, that the Board expects all pharmacists, with emphasis on the supervising pharmacist, to uphold the three technicians (including one who is certified) to one pharmacist ratio.

The Board is receiving numerous complaints of facilities operating outside the 3:1 ratio. Please be mindful that as a pharmacist, if you are working in an environment where the ratio is being abused, you may be at risk of disciplinary action on your license.

### **680-X-2-22 Code of Professional Conduct**

Section(2)(d) states, “A pharmacist has the duty to observe the law, to uphold the dignity and honor of the profession, and to accept its ethical principles. A pharmacist and a pharmacy should not engage in any activity that will bring discredit to the profession and should expose, without fear or favor, illegal or unethical conduct in the profession.”

Simply stated, all pharmacists must do what is required to ensure that no matter what the circumstance or working environment, the pharmacist is diligently engaged in following statutes and rules and conducting himself or herself in a moral and ethical manner. It is important to recognize

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that based on this rule, it is the pharmacist's responsibility to know the law and rules that govern the practice of pharmacy. Ignorance of the law is never an excuse for failure to comply.

In addition, sections (2)(a) and (2)(f) stipulate respectively:

“(a) A pharmacist and a pharmacy should hold the health and safety of patients to be of first consideration and should render to each patient the full measure of professional ability as an essential health practitioner.”

“(f) A pharmacist and a pharmacy should not agree to practice under terms or conditions that interfere with or impair the proper exercise of professional judgment and skill, that cause a deterioration of the quality of professional services, or that require consent to unethical conduct.”

As the pharmacy environment becomes increasingly demanding, it is imperative that pharmacists do not lose sight of their ethical and legal responsibilities. Statutes and rules are in place to aid pharmacists in practicing pharmacy in a safe and ethical manner. Failure to follow the rules as required may lead to patient harm and professional disaster.

If you feel you are practicing in an unsafe environment, it is your responsibility to speak up and take action. The Board cannot inject itself into the operations of a business unless those operations are illegal, unethical, or fraudulent.

It is a privilege to practice pharmacy and to have the opportunity to make an impact in our patients' lives. But this privilege requires great responsibility. No one is accountable for your license but you. Pharmacists must remember that they are held to a higher standard than non-licensed individuals involved in the pharmacy business. As the health care professional, the pharmacist must ensure that he or she is practicing in a safe environment, that there is compliance with all applicable statutes and rules, and that patients are the priority.

### **Regulatory Update**

The Board has several rules in the amendment process. These rules may be viewed on the [Board's website](#) under the Statutes/Rules tab. Once in the Statutes/Rules tab, choose [Proposed Amended Rules Submitted](#) and then select the year. Any rules that have been submitted for revision will be listed.

In particular, the Board is in the process of amending the following rules:

#### **680-X-2-.14 The Role of Technicians in Alabama**

This proposed change would more clearly articulate the Board's view on technician oversight relative to all entities holding an Alabama permit.

#### **680-X-2-.44 Collaborative Practice**

This proposed rule would outline the requirements for pharmacists and physicians to engage in collaborative practice.

#### **680-X-2-.12 Supervising Pharmacist**

Sections (8) and (9) became effective on August 9, 2019.

(8) If the permit holder's supervising pharmacist will be or is no longer employed or no longer desires to act as a supervising pharmacist, the permit holder shall notify the Board within ten (10) days by the submission of an action plan for the designation of another supervising pharmacist. This plan shall not exceed ninety (90) days before the permit holder is in violation of operating a pharmacy without a supervising pharmacist at which time the Board may require closure of the pharmacy until such time as a supervising pharmacist assumes his/her duties.

(9) In the event of a temporary absence by supervising pharmacist of greater than 30 days, the permit holder shall designate a temporary supervising pharmacist with notification to the Board of the name of the temporary supervising pharmacist and the period of time during which he/she shall act as such. The permit holder must notify the Board of the assignment of the temporary supervising pharmacist prior to the time the temporary supervising pharmacist begins to act as such. The permit holder will inform the board of the date of the original supervising pharmacist's return from his/her absence.

### **Reminder**

As a reminder, gabapentin will be rescheduled to Schedule V effective November 18, 2019.

The reclassification of gabapentin will require an inventory of all gabapentin products at the close of business on November 17, 2019, or prior to the open of business on November 18, 2019. This inventory must be documented and retained for two years. All gabapentin products must be included in any future inventories as required by law.

All Alabama-permitted entities with activities involving gabapentin products (or any other state-controlled substance) must obtain and/or maintain an Alabama controlled substance permit.

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