



ALABAMA STATE BOARD OF PHARMACY

newsletter to promote pharmacy and drug law compliance

Reminders From the Board of Pharmacy

In the past several months, the Alabama State Board of Pharmacy has been made aware of concerns by pharmacists regarding their workplace and their ability to practice pharmacy in a manner that is deemed to be most effective, safe, and responsible for their patients.

It is important for practitioners to understand the Board has no authority to instruct companies/owners about how to run or operate their business. However, the Board does have rules to address the professional responsibilities of pharmacists and pharmacies in the practice of pharmacy in this state.

As a licensed pharmacist practicing in the state of Alabama or outside the state but caring for patients in the state of Alabama, you have a professional responsibility to ensure the safe and effective care of your patients. These responsibilities are stipulated in statute and rule.

680-X-2-.22 Code of Professional Conduct

- (1) Pharmacists and pharmacies are expected to conduct themselves in a professional manner at all times. The following code provides principles of professional conduct for pharmacists and pharmacies to guide them in their relationship with patients, fellow practitioners, other health professionals and the public.**
- (2) Violations of any provisions of this rule shall be deemed grounds for disciplinary action whenever the Board shall find a preponderance of evidence to such violations.
 - (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.**
 - (b) A pharmacist and a pharmacy should never knowingly condone the dispensing, promoting, or distributing of drugs or medical devices, or assist therein, that are not of good quality, that do not meet standards required by law, or that lack therapeutic value for the patient.

- (c) A pharmacist and a pharmacy should always strive to perfect and enlarge professional knowledge. A pharmacist and a pharmacy should utilize and make available this knowledge as may be required in accordance with the best professional judgment.
- (d) 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.
- (e) A pharmacist and a pharmacy should respect the confidential and personal nature of professional records; except where the best interest of the patient requires or the law demands, a pharmacist and a pharmacy should not disclose such information to anyone without proper patient authorization.
- (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.**
- (g) A pharmacist and a pharmacy should strive to provide information to patients regarding professional services truthfully, accurately, and fully** and should avoid misleading patients regarding the nature, cost or value of these professional services.
- (h) A pharmacist and a pharmacy should never offer or participate in the offering a financial award or benefit, not related to competitive retail pricing of any drug, to induce or encourage any individual to transfer a prescription from one pharmacy to another. (emphasis added)

It is the professional responsibility of the practicing pharmacist to ensure that they provide the best care to their patients. This includes, but is not limited to, providing proper medications and offering counseling (see Board Rule 680-X-2-.21). Ensuring that the medication dispensed to the patient is labeled correctly with the exact medication and that the patient is properly counseled to enable accurate utilization is imperative and should never be compromised. The counseling should also include informing the patient of significant side effects and potential interactions. The pharmacist holds the license and, therefore, has the responsibility to care for the patients who choose to utilize the pharmacy in which the pharmacist is employed.

Pharmacists must recognize their importance as part of the health care team and the impact they have on the overall health and well-being of patients. In 1887, the Alabama Legislature identified the need to regulate the practice of pharmacy and established the Alabama State Board of Pharmacy. The Board is charged with holding pharmacists and pharmacies accountable

for protecting the public. In 1966, the following was passed by the legislature in the Alabama Pharmacy Practice Act.

Section 34-23-2. Objects and purposes of chapter.

The practice of pharmacy and the management and operation of pharmacies are hereby declared to affect the public health, safety and welfare of the people of Alabama, and thereby subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that only qualified persons compound or dispense prescription drugs and medicines, and that **pharmacies be managed in such a manner as to protect the public,** and all provisions of this chapter shall be liberally construed to carry out these objects and purposes. (emphasis added)

Additionally, if serving as a supervising pharmacist, the pharmacist has increased responsibilities. The supervising pharmacist, by rule, has the ultimate responsibility to ensure the safe and effective practice of pharmacy within their practice setting. Specifically, those pertinent responsibilities are outlined below:

680-X-2-.12 Supervising Pharmacist

- (1) Every Pharmacy shall be under direct supervision and control of a registered Pharmacist who shall be designated the supervising pharmacist . . .
- (4)(i) Ensuring compliance with the provisions for the Pharmacy Practice Act, Rules of the Alabama State Board of Pharmacy and the Controlled Substances Act.
- (5) Nothing in this rule shall diminish the corresponding responsibility that all pharmacists have to perform their professional duties including proper recordkeeping.
- (6) If the actions of the permit holder have deemed to contribute to or cause a violation of any provision of this section, the Board may hold the permit holder responsible and/or absolve the supervising pharmacist from the responsibility of that action. 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.** (emphasis added)

Any supervising pharmacist practicing in an environment that they deem to be unsafe or does not allow for the effective care of patients has a professional responsibility to address the environment and ensure that changes are made to comply with Section 680-X-2-.12 and any applicable provisions of the Alabama Pharmacy Practice Act. As stated in (6) above, if actions by the permit holder impede the pharmacist's ability to comply with the rules as laid out by the Alabama Pharmacy Practice Act, the permit holder may have charges filed against them.

However, the Board cannot take action on an alleged violation if the Board is not aware of the violation. If pharmacists practice in an environment that they feel is not compliant with statutes or rules, and the pharmacist feels that they are unable to make necessary changes, the Board should be made aware. The Board is required by statute to investigate any complaint or concern that is brought to the Board's attention. To be clear, the Board is authorized to address failures to comply with the applicable provisions of the Alabama Pharmacy Practice Act and Board Rules. General work satisfaction is not under the purview of the Board.

The Board has also been made aware that pharmacists are concerned about the ability to take breaks. Your attention is directed to the rule below.

680-X-2-.28 Temporary Absences of Pharmacists During Break and Meal Period

- (1) This rule is to allow pharmacists to have breaks and meal periods without unreasonably impairing the ability of a pharmacy to remain open.
- (2) In any pharmacy that is staffed by a single pharmacist, the pharmacist may leave the pharmacy area or department, temporarily, for breaks and meal periods without closing the pharmacy and removing interns/externs and technicians from the pharmacy, if the pharmacist reasonably believes that the security of the controlled substances will be maintained in his or her absence.
 - (a) If, in the professional judgment of the pharmacist, the pharmacist determines that the pharmacy should be closed during his or her absence, then the pharmacist shall close the pharmacy area or department and remove all interns/externs and technicians from the pharmacy during his or her absence.
- (3) During the pharmacist's temporary absence, no prescription medication may be provided to a patient or to a patient's agent unless the prescription medication is a new or refill medication that the pharmacist has checked, released for furnishing to the patient and was determined not to require the consultation of a pharmacist.
- (4) During such times that the pharmacist is temporarily absent from the pharmacy area or department, the interns/externs and technicians may continue to perform the non-discretionary duties authorized to them by any applicable law or rule. However, any duty performed by an intern/extern or technician shall be reviewed by a pharmacist upon his or her return to the pharmacy.
- (5) The temporary absence authorized by this rule shall be limited to thirty (30) minutes. The pharmacist shall remain within the facility during the break period and be available to handle all emergency situations.
- (6) The pharmacy shall have written policies and procedures regarding the operations of the pharmacy area or department during the temporary absence of the pharmacist for breaks and meal periods. The policies and procedures shall

include the authorized duties of interns/externs and technicians, the pharmacist's responsibility for maintaining the security of the pharmacy. The policies and procedures shall be open to inspection by the Board or its designee at all times during business hours.

This rule allows for a pharmacist to leave the pharmacy department to take a break at any point determined appropriate by the pharmacist. The pharmacist may not leave the physical premises of the permitted entity but may leave the pharmacy department. During the absence of the pharmacist, technicians may continue to engage in those activities in the manner set out in paragraph (6) above. This would include data entry and production of prescriptions as long as these activities are held for the pharmacist to review prior to providing to the patient or patient representative. In addition, the technician or cashier may provide a prescription previously checked and approved by the pharmacist through point-of-sale activity. If the patient requests counseling or an emergent issue arises, the pharmacist must return to the pharmacy to address the issue.

In the past, pharmacists had been the most trusted professionals in America according to a yearly Gallup poll. Pharmacists have now slipped to 4 behind nurses (1), doctors (2), and grade schoolteachers (3). As pharmacists allow their practice to be determined by others, they not only put their profession at risk but also the health and well-being of their patients.

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