



ALABAMA STATE BOARD OF PHARMACY

newsletter to promote pharmacy and drug law compliance

Legislative Update

This legislative session, the Alabama State Board of Pharmacy initiated and enacted three changes to the Alabama Pharmacy Practice Act. The first change was to Article 2, Licenses and Permits, Division 1 – General Provisions; specifically, Section 34-23-34 Revocation or suspension of licenses to practice pharmacy and pharmacy permits – Statement of charges and notice of hearing. The change authorizes the delivery of statements of charges by a recognized delivery or courier service selected by the Board rather than specifically requiring certified mail. In recent months, the Board has had a challenge in ensuring delivery of correspondence due to issues with the United States Postal Service (USPS) certified mail. With the change to Section 34-23-34, the Board may now utilize USPS, FedEx, UPS, or any other recognized delivery or courier service. This will ensure proper and more timely judicial processing for persons or entities charged with violations of the Alabama Practice Act.

The second change made was to Article 4, Board of Pharmacy; specifically, Section 34-23-90, Authority; composition. The change authorizes the ballot for non-designated Board member positions to be delivered in a manner to be determined by the Board. In the past, the Board was required to mail paper ballots to every pharmacist holding a license to practice pharmacy in the state. After the pharmacist cast their manual vote, the pharmacist would have to mail the ballot back to the Board for tabulation by hand by a canvassing committee.

The Board has historically only received approximately 20% of ballots returned for tabulation. Most recently, with continued issues with mail service, the voting process became more challenging. With this change, the bill deletes provisions for the canvassing committee and authorizes the Board to provide

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tabulation of the ballots by a third-party entity. The third-party entity will provide certified and audited results. The results of the tabulation and audit shall be made available to any candidate and to the nominating body upon request. This will allow for a secure electronic voting system and encourage greater voter participation and electronic tabulation of votes.

The third and final change was to Article 2, Licenses and Permits, Division 2 – Pharmacists’ Licenses; specifically, Section 34-23-50 Required. These changes allow the Board to perform background screening for all intern/extern applicants, as well as provide for permit processing and payment commiserate with all other permits, licenses, and registrations. The amendment would also require biannual renewal. The Board has seen a rise in interns/externs having an issue in their background that is unknown to the Board until the time of licensure as a pharmacist. To address these issues in advance and provide the intern/extern with any support or treatment prior to licensure, the Board will require interns/externs to file an application with a background check at a cost of \$50 for the application and \$49 for the background check. The intern/extern permit will require renewal every odd-numbered year at a renewal cost of \$50.

The changes to the Alabama Practice Act were signed by the governor on March 10, 2022, and will become effective June 1, 2022.

Collaborative Practice Update

The Board of Pharmacy has been working diligently with the Alabama State Board of Medical Examiners to create a joint rule on collaborative practice between a pharmacist and a physician. To be compliant with the laws surrounding collaborative pharmacy practice, the collaborative practice agreement (CPA) must be approved by both the Board of Pharmacy and the Board of Medical Examiners. Rule 680-X-2-.44 Collaborative Practice provides guidelines for submitting a CPA and became enforceable on May 1, 2022. Together, both boards developed a standard protocol and standard formulary establishing the patient care services that may be rendered under a CPA.

The overall submission process begins with mailing the physical application to the Board of Pharmacy, as well as the fees to each respective board. The Board of Pharmacy will then electronically send the CPA to the Board of Medical Examiners to begin the review process.

If the scope of services listed in the CPA submitted falls within the standard protocol and formulary, the application will be reviewed by the collaborative practice manager employed by each board. If the CPA submitted falls outside the standard protocol and formulary, the CPA will then be sent to the joint committee for review. The joint committee is comprised of four voting members: two Board of Pharmacy members and two Board of Medical Examiners members. The joint committee will review the CPA submitted and recommend that both boards either approve or deny the CPA. In the event of a denial, the applicant(s) can appeal the decision, which would then result in a hearing in front of both boards.

For those interested in collaborating with a physician, please visit the Pharmacist tab on the Board of Pharmacy [website](#) for more information about collaborative practice. There, you will find the statutes and rules, standard protocol, standard formulary, application process, and more. For any specific questions, please contact the Board of Pharmacy's collaborative practice manager, Dr Anne Marie Nolen, at anolen@albop.com.

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