



Alabama State Board of Pharmacy

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Published to promote voluntary compliance of pharmacy and drug law.

Board Mourns Loss of James William (J. W.) McLane, Jr

On February 1, 2002, the pharmacy profession lost a true advocate of pharmacy. Originally licensed June 28, 1949, Mr McLane was a graduate of Howard College (Samford University). He owned and operated Dewberry Drug Company and retired from the Alabama State Board of Pharmacy after nineteen (19) years of dedicated service as executive secretary. While secretary of the Board, he diligently worked to bring pharmacy in Alabama to a nationally recognized level.

Colonel J. W. McLane was a decorated veteran of World War II (31st Infantry Division) who landed on Utah Beach on D-Day and served one year in combat in Europe – advancing US military forces from English to German soil. He also served during the Korean Conflict. His military career began at age 17 and lasted for 34 years. He was commander of the 167th Infantry – National Guard Unit in Birmingham.

He is survived by his wife Floretta (Flo), four children, James S., his wife (Carol), Patsy L., Terry M., his wife (Linda), Jerry T., his wife (Becky), and 11 grandchildren.

New Drug Inspector

On March 1, 2002, an additional drug inspector began working with the Alabama State Board of Pharmacy. He will be located in Birmingham and will work out of the Board office. Mark A. Delk, Sr, was previously employed with the City of Pelham Police Department serving as a lieutenant for the criminal investigations division. He lives in Pelham with his wife, Cindy, and two children, Mark, Jr, 18, and Matthew, 14.

Supervising Pharmacist

When one accepts the responsibility of supervising pharmacist, it should not be taken lightly. The supervising pharmacist accepts the responsibility for the prescription department, personnel, records, and security. He or she is also responsible for ensuring good pharmacy practice, maintaining the security of the prescription department and its contents, and compliance with all laws and regulations.

When a pharmacist assumes the duties of the supervising pharmacist, he or she must notify the Board within ten (10) days. **Also, the new supervising pharmacist must take an inventory of all controlled substances to establish a baseline of responsibility for these drugs.**

It is the responsibility of the supervising pharmacist to ensure that all pharmacy personnel (pharmacists, intern/externs, and technicians) are licensed with the Alabama State Board of Pharmacy and that their licenses are current and displayed in a conspicuous place in the pharmacy department.

Board of Pharmacy rules do not allow a period of work as a technician-in-training without being registered with the Board. Just as in the case of pharmacist-interns, pharmacy technicians must register with the Board before they begin to perform any technician functions. **There is no allowance for individuals to work as a “technician-in-training” without being registered.**

A pharmacist, intern/extern, or technician shall not perform functions or be present in the prescription department unless he or she is registered by the Board.

Effective January 1, 2002, in addition to penalties assessed against pharmacists, interns/externs, and technicians who do not hold a current registration and are allowed to work, the Board will also hold the supervising pharmacist and the permit holder responsible and subject to disciplinary action.

Substitution of Drugs

The Board of Pharmacy continues to receive complaints from physicians who write prescriptions and sign them “**dispense as written**” but find their patients are dispensed generic drugs.

Complaints have been received from an ophthalmologist who performs corneal transplants. On numerous occasions, his patients have returned to his office after surgery with more edema that he felt they should have. After checking the patient’s prescription bottle, he continually finds that although he wrote a prescription for Pred Forte i: “dispense as written,” the prescription is being filled with generic 1% prednisolone acetate. Several “warning” notices have been issued regarding substitu-

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tion, but, unfortunately, this has not resolved the problem. **Therefore, the only alternative is to file administrative charges against the pharmacist(s), who will be required to appear before the Board at an administrative hearing.**

Disciplinary Actions

From February 2001 through February 2002, the Board heard a total of ninety-one (91) charges. These included 44 technicians; four candidates for technicians; three interns/externs; 30 pharmacists; one reciprocity candidate; one manufacturer, wholesaler, distributor; one ephedrine distributor; and seven pharmacy permits. Twenty-five (25) cases involved diversion of controlled substances for self-administration. The following are examples of cases that have come before the Board in the past year.

- ◆ Technicians obtaining controlled substances without a prescription. Action – Revoked.
- ◆ Pharmacist failing to satisfy continuing education requirements. Action – Additional continuing education hours and a \$250 monetary fine.
- ◆ Technician obtaining legend drugs, without a prescription, for self-administration. Action – Probation and monetary fine of \$300.
- ◆ Technician was submitting fraudulent insurance claims and receiving payment and generating false refunds in pharmacy and keeping money. Action – Revoked.
- ◆ By failing as a supervising pharmacist and allowing someone other than a licensed pharmacist to have possession of a key to the pharmacy. Action – License placed on one year probation and \$1,000 fine.
- ◆ Intern dispensing Schedule III and IV drugs without a prescription and conviction in circuit court of a felony. Action – Revoked.
- ◆ Pharmacist convicted in circuit court of illegal failure to maintain records; dispensing Schedules III and IV without a prescription and failing to maintain inventories and records. Action – Suspended five years, may apply for reinstatement after that time and \$7,000 monetary fine.

- ◆ Pharmacist was enabling or assisting individual to perform duties as an intern when no registration was issued by Board and permitting prescriptions to be compounded and/or dispensed by unauthorized person. Action – Pharmacist given letter of reprimand and \$1,200 fine; two stores where individual worked fined \$1,200 each; individual fined \$250 and granted extern/intern permit when other requirements are met.

Scheduled Board Meetings for Remainder 2002

- ◆ May 14 - 15 (Administrative Hearings)
- ◆ June 19
- ◆ July 23 - 24 (Administrative Hearings)
- ◆ August 28
- ◆ September 24 - 25 (Administrative Hearings)
- ◆ October 30
- ◆ November 19 - 20 (Administrative Hearings)
- ◆ December 18

All the meetings will be held in Birmingham

Alabama State Board of Pharmacy's Web Site

The Alabama State Board of Pharmacy's Web site contains all the pharmacy laws, forms for registration, and other pertinent information, which we hope will be useful to pharmacists. Our Web site address is: www.albop.com.

Do You Know a Pharmacist Who Needs Help?

Call the Committee on Rehabilitating Impaired Pharmacists (CORIP) help line at the confidential voice mail for **Steve Moore** at 205/975-8548. All calls are confidential.

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