

Alabama State Board of Pharmacy

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Published to promote voluntary compliance of pharmacy and drug law.

Amended Rule Effective January 1, 2002

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

- (1) Title 34 Chapter 23 of the Code of Alabama specifies that only persons licensed by the Alabama State Board of Pharmacy may practice pharmacy. The practice of pharmacy shall mean the interpretation and evaluation of prescription orders; the compounding, dispensing, administering, and labeling of drugs and devices; the participation in drug selection and drug utilization reviews and drug therapy management; the proper and safe storage of drugs and devices and the maintenance of proper records; the responsibility for advising, where necessary or where regulated, of therapeutic values, content, hazards, and use of drugs and devices; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of pharmacy.
- (2) The only other persons who may perform the above tasks other than a licensed pharmacist, and then only under the immediate direct supervision of a pharmacist, are the following:
 - (a) A person serving an internship who holds a professional degree in pharmacy from a school of pharmacy recognized by the Board.
 - (b) A person serving an externship who is enrolled in a school of pharmacy recognized by the Board.
 - (c) A person who holds an assistant's license.
- (3) It is ruled by the Board of Pharmacy that two (2) technicians 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.
- (4) In order to adequately protect the public health, technicians shall not:
 - (a) Communicate, orally or in writing, any medical, therapeutic, clinical or drug information; or communicate any information recorded on a patient profile that requires professional judgment.
 - (b) Document the receipt of a controlled substance into inventory.
 - (c) Accept by oral communication a new prescription of any nature.
 - (d) Prepare a copy of a prescription or read a prescription to another person.
 - (e) Provide a prescription or medication for a patient without a pharmacist's verification as to the correct prescription or medication. For the purpose of this rule, verification shall mean that the licensed pharmacist shall be aware of the patient profile, drug utilization review (DUR), computer overrides, and drug interactions as well as the correct selected medication and labeling.
 - (f) Counsel a patient on medications or perform a DUR.
 - (g) Perform any task that requires the professional judgment of a pharmacist.
 - (h) Perform any task that is in violation of any federal, state, or local pharmacy regulations.
- (5) Written control procedures and guidelines for supervision of technicians by a licensed pharmacist and for performance of tasks by technicians shall be established and made available for review by the Board of Pharmacy.
- (6) In order to be registered as a pharmacy technician in this state an applicant shall:
 - (a) Submit a written application form provided by the Board of Pharmacy.
 - (b) Attain the age of seventeen (17).
- (7) No pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes shall be eligible to be registered as a pharmacy technician.
- (8) All technicians shall wear a nametag, identifying them as such, while on duty.
- (9) Each technician registered by the Board shall notify the Board in writing within 10 days on change of employment. The notice shall contain his or her name, registration number, the name of the pharmacy where he or she was formerly employed, and the name of the pharmacy where he or she is currently employed.
- (10) Effective January 1, 1997, all pharmacy technicians shall register with the Board of Pharmacy and pay a \$20 annual fee. The fee is due on January 1 each year and is delinquent after the last day of February of each year. All pharmacy technician registrations shall expire on December 31 following the date of issue. The payment of the renewal fee shall entitle the registrants to renew their registrations at the discretion of the Board. If any pharmacy technician shall fail to pay a renewal fee on or before the last day of February of any year, such registration shall become null and void, and the holder of such registration may be reinstated as a pharmacy technician only upon payment of a penalty of \$10 for each lapsed year and all lapsed fees for each lapsed year, provided the lapsed time of registration shall not exceed five (5) years, in which case reinstatement may be had only upon satisfactory examination by the Board.
- (11) The Alabama State Board of Pharmacy shall refuse to issue a pharmacy technician registration whenever the Board finds by the preponderance of the evidence any of the following:
 - (a) That the applicant does not possess good moral character.
 - (b) That the applicant has willfully violated any of the provisions of Code of Alabama (1975), §34-23-1 et seq., or the Alabama Uniform Controlled Substances Act.
 - (c) That the applicant has willfully violated any rule or regulation promulgated in accordance with the provisions of Code of Alabama (1975), §34-23-1 et seq., or in accordance with the Alabama Uniform Controlled Substances Act.
 - (d) The applicant has engaged in conduct which threatens the public health, safety, or welfare.
 - (e) The applicant has been convicted of a felony or a misdemeanor involving moral turpitude. A copy of the record of the conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

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- (f) The applicant has been convicted of a felony or misdemeanor involving a drug-related offense of a legend drug of controlled substance. A copy of the record of the conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.
- (g) The applicant has been convicted of any crime or offense that reflects the inability of the applicant to engage in the performance of pharmacy technician functions with due regard for the health and safety of the public. A copy of the record of the conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.
- (h) The applicant has attempted to obtain a pharmacy technician registration by fraudulent means.
- (i) The applicant has violated any of the laws regulating the sale or dispensing of narcotics, exempt narcotics or drugs bearing the label "caution, federal law prohibits dispensing without prescription" or similar wording which causes the drugs to be classified as prescription legend drugs.
- (j) The applicant is unable to engage in the performance of pharmacy technician functions with reasonable skill and safety by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.
- (k) The suspension, revocation, or probation by another state of the applicant's license, permit, or registration to practice as a pharmacy technician. A certified copy of the record of suspension, revocation or probation of the state making such suspension, revocation, or probation shall be conclusive evidence of the suspension, revocation, or probation.
- (l) The applicant refused to appear before the Board after having been ordered to do so in writing by the executive officer or president of the Board.
- (m) The applicant made a fraudulent or untrue statement to the Board.

Author: Jerry Moore, RPh, JD executive director, Alabama State Board of Pharmacy. Statutory Authority: Section 34-23-92 Code of Alabama 1975. History: Replaces repealed rule (The Role of Ancillary Personnel in Pharmacies in Alabama/ filed March 28, 1990; effective September 1, 1990); Adopted July 5, 1996; Effective January 1, 1997; Amended February 4, 1997; Effective April 4, 1997 ; Amended September 4, 1999; Effective November 1, 1999; Amended April 6, 2001; Effective January 1, 2002.

New Rule Effective June 1, 2001

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 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 or 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 or 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 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 or 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 or 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.

Author: Jerry Moore, RPh, JD, executive director, Alabama State Board of Pharmacy. Statutory Authority: *Code of Alabama 1975*, §34-23-92. History: Adopted April 6, 2001; Effective June 1, 2001

Reminder: A cashier in a pharmacy who only receives payment from a patient for a filled prescription and/or accepts the prescription(s) or prescription bottle(s) to be refilled and then hands it to the pharmacist or technician, would **not** have to register as a pharmacy technician. Registration as a pharmacy technician is required when the person is actually assisting in the process of filling a prescription as outlined in Rule 680-X-2-.14, *The Role of Technicians in Pharmacies in Alabama*.

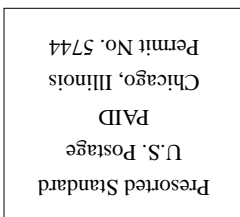
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