

1 SB331
2 174926-1
3 By Senator Ward
4 RFD: Health and Human Services
5 First Read: 08-MAR-16

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, certain specified
9 federally qualified health care centers are
10 authorized to compound and dispense prescriptions,
11 excluding controlled substances, at one location
12 and courier the medication to clinics for patient
13 pick-up.

14 This bill would allow any entity that meets
15 the definition of a federally qualified health
16 center under the Social Security Act to compound
17 and dispense prescriptions, excluding controlled
18 substances, at one location and courier the
19 medication to clinics for patient pick-up.
20

21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Relating to prescription drugs; to amend Section
26 34-23-70, Code of Alabama 1975, to allow an entity that meets
27 the definition of a federally qualified health center under

1 the Social Security Act to compound and dispense
2 prescriptions, excluding controlled substances, at one
3 location and courier the medication to clinics for patient
4 pick-up.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 34-23-70, Code of Alabama 1975,
7 is amended to read as follows:

8 "§34-23-70.

9 "(a) Every pharmacy when opened for business shall
10 be under the personal supervision of a duly licensed
11 pharmacist who shall have personal supervision of not more
12 than one pharmacy at the same time. During temporary absences
13 of the licensed pharmacist, not to exceed three hours daily or
14 more than one and one-half hours at any one time, nor more
15 than one week for temporary illness, the prescription
16 department shall be closed, and no prescriptions are to be
17 filled. During the temporary absence of a pharmacist, a sign
18 shall be placed on the prescription counter in a prominent
19 location easily seen by the public stating, "Prescription
20 Department Closed, No Pharmacist on Duty."

21 "(b) The permit issued to each pharmacist by the
22 board and the licensure certificates issued to the licensed
23 pharmacist employed by each pharmacy must be prominently and
24 conspicuously displayed in the pharmacy. The name of the
25 licensed pharmacist on duty must be conspicuously displayed in
26 the prescription department in a place readily observable by
27 the public.

1 "(c) (1) No licensed pharmacist or pharmacy operating
2 within this state shall accept for refund purposes or
3 otherwise any unused portion of any dispensed prescription.

4 "(2) The prohibition in subdivision (1) shall not
5 apply to any unused or expired dispensed medication returned
6 solely for the purpose of destruction in compliance with
7 applicable law or rules of the board.

8 "(d) The sale of poisons is restricted to the
9 immediate supervision of a licensed pharmacist, and such
10 poison shall not be displayed in a pharmacy in such a manner
11 that a customer may obtain possession of such poisons when
12 standing in an area allocated for customer use. No sale of a
13 poison shall be made or delivered to any minor under 12 years
14 of age or to any person known to be of unsound mind or under
15 the influence of alcohol.

16 "(e) No pharmacy shall authorize any person, firm,
17 or business establishment to serve as a pick-up station or
18 intermediary for the purpose of having prescriptions filled or
19 delivered, whether for profit or gratuitously. Except with
20 respect to controlled substances, ~~the following federally~~
21 ~~qualified health care centers are~~ any facility recognized as a
22 federally qualified health center, as defined in 42 U.S.C.
23 §1396d(1) (2) (B), operating health care practices and providing
24 pharmacy services in the state is expressly exempt from this
25 subsection. ~~• Birmingham Health Care, Inc., Central Alabama~~
26 ~~Comprehensive Health, Inc., Health Services, Inc., Family~~
27 ~~Oriented Primary Health Care Clinic/Mobile County Health~~

1 Department, ~~Franklin Primary Health Center, Quality of Life~~
2 ~~Health Services, Inc., and Whatley Health Services, Inc.~~ Each
3 ~~named~~ eligible federally qualified health center is authorized
4 to fill certain prescriptions at one location and deliver
5 medications to clinics for patient pick-up subject to the
6 review of the Board of Pharmacy.

7 "(f) No prescription blank supplied by a pharmacy or
8 pharmacist to a practitioner shall bear the imprint thereon of
9 the name or address of any pharmacy or bear the name or
10 address of any person registered under this chapter.

11 "(g) No person shall fill or compound a prescription
12 or drug order in an institution unless he or she is a duly
13 licensed pharmacist or otherwise permitted to do so under the
14 provisions of this chapter. The act of filling or compounding
15 prescriptions or drug orders in an institution shall be as
16 defined in the rules and regulations adopted by the Board of
17 Pharmacy.

18 "However, such rules and regulations shall not apply
19 to the reading, interpreting, and writing or verifying the
20 writing of adequate directions as are necessary to assure
21 patient's understanding of the prescriber's intentions by a
22 duly qualified nurse practicing ~~her/his~~ his or her profession
23 in a licensed hospital or similar institution.

24 "Nothing in this chapter shall authorize the Board
25 of Pharmacy to promulgate or to enforce any rule or regulation
26 which governs, regulates, or restricts the professional
27 practice of a physician licensed to practice medicine in this

1 state. No provision of this chapter, or any rule promulgated
2 under the authority of this chapter shall be interpreted to
3 amend, alter, or modify the provisions of Section 34-23-11.

4 "(h) Only a licensed pharmacist or registered intern
5 may accept an oral prescription of any nature. Upon so
6 accepting such oral prescription, it must immediately be
7 reduced to writing, and only a licensed pharmacist or an
8 intern supervised by a licensed pharmacist may prepare a copy
9 of a prescription or read a prescription to any person for
10 purposes of providing reference concerning treatment of the
11 person or animal for whom the prescription was written; and,
12 when the copy is given, a notation shall be made upon the
13 prescription that a copy has been given, the date given, and
14 to whom given.

15 "(i) If a prescription is refilled, a record of the
16 date upon which the prescription is refilled must appear on
17 the prescription or in a permanent prescription record book.
18 On prescriptions which may be refilled, written or oral
19 authorization must be received before refilling unless the
20 number of refills is indicated on the original prescription.
21 Those prescriptions marked "refill prn" or equivalent
22 designation shall be refilled only in quantities commensurate
23 with the dosage scheduled.

24 "(j) Each prescription must be written in a manner
25 so that it can be compounded by any registered pharmacist. The
26 coding of any prescription is in violation of this chapter. No
27 prescription shall be written in any characters, figures, or

1 ciphers, other than in the English or Latin language,
2 generally in use among medical and pharmaceutical
3 practitioners.

4 "(k) A prescription file or files shall be kept by
5 every pharmacy for a period of not less than two years in
6 which the original of every prescription compounded or
7 dispensed shall be filed in the order of compounding with
8 number and date of dispensing placed on each prescription.
9 Each pharmacy shall produce any prescription file whenever
10 legally required to do so. Such prescription file shall at all
11 times be open for inspection by the prescriber, the Board of
12 Pharmacy, or its inspectors.

13 "(l) All drugs or drug preparations bearing upon the
14 package the words, "caution, federal law prohibits dispensing
15 without prescription" or words to the same effect, otherwise
16 known as "legend drugs," shall be stored within the confines
17 of the prescription department or the prescription department
18 storage room of each pharmacy. Such drugs shall be sold or
19 dispensed only on the prescription of a licensed practitioner
20 authorized to prescribe such drugs and shall not be sold or
21 dispensed as a refilled prescription except upon the express
22 authorization of the prescriber. This shall not be construed
23 to prohibit return to authorized suppliers or sale or transfer
24 to others licensed to possess legend drugs.

25 "(m) Any person who violates any of the provisions
26 of this section shall be guilty of a misdemeanor."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.