

1 HB566  
2 139383-1  
3 By Representative Buskey  
4 RFD: Health  
5 First Read: 20-MAR-12

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

14 This bill would authorize another named  
15 federally qualified health care center and public  
16 health facility to compound and dispense  
17 prescriptions, excluding controlled substances, at  
18 one location and courier the medication to clinics  
19 for patient pick-up.

20  
21 A BILL  
22 TO BE ENTITLED  
23 AN ACT

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25 To amend Section 34-23-70, Code of Alabama 1975,  
26 relating to prescription drugs; to allow a named federally  
27 qualified health care center and public health facility to

1 compound and dispense non-controlled substances at one  
2 location and deliver the medications to clinics for patient  
3 pick-up.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

7 "§34-23-70.

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

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

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

12           "(e) No pharmacy shall authorize any person, firm,  
13 or business establishment to serve as a pick-up station or  
14 intermediary for the purpose of having prescriptions filled or  
15 delivered, whether for profit or gratuitously. Except with  
16 respect to controlled substances, the following federally  
17 qualified health care centers are expressly exempt from this  
18 subsection: Birmingham Health Care, Inc., Central Alabama  
19 Comprehensive Health, Inc., Health Services, Inc., Family  
20 Oriented Primary Health Care Clinic/Mobile County Health  
21 Department, Franklin Primary Health Center, Quality of Life  
22 Health Services, Inc., ~~and~~ Whatley Health Services, Inc., and  
23 Central North Alabama Health Services. Each named federally  
24 qualified health center is authorized to fill certain  
25 prescriptions at one location and deliver medications to  
26 clinics for patient pick-up subject to the review of the Board  
27 of Pharmacy.

1           "(f) No prescription blank supplied by a pharmacy or  
2 pharmacist to a practitioner shall bear the imprint thereon of  
3 the name or address of any pharmacy or bear the name or  
4 address of any person registered under this chapter.

5           "(g) No person shall fill or compound a prescription  
6 or drug order in an institution unless he is a duly licensed  
7 pharmacist or otherwise permitted to do so under the  
8 provisions of this chapter. The act of filling or compounding  
9 prescriptions or drug orders in an institution shall be as  
10 defined in the rules and regulations adopted by the board of  
11 pharmacy.

12           "However, such rules and regulations shall not apply  
13 to the reading, interpreting, and writing or verifying the  
14 writing of adequate directions as are necessary to assure  
15 patient's understanding of the prescriber's intentions by a  
16 duly qualified nurse practicing her/his profession in a  
17 licensed hospital or similar institution.

18           "Nothing in this chapter shall authorize the Board  
19 of Pharmacy to promulgate or to enforce any rule or regulation  
20 which governs, regulates, or restricts the professional  
21 practice of a physician licensed to practice medicine in this  
22 state. No provision of this chapter, or any rule promulgated  
23 under the authority of this chapter shall be interpreted to  
24 amend, alter, or modify the provisions of Section 34-23-11.

25           "(h) Only a licensed pharmacist or registered intern  
26 may accept an oral prescription of any nature. Upon so  
27 accepting such oral prescription, it must immediately be

1 reduced to writing, and only a licensed pharmacist or an  
2 intern supervised by a licensed pharmacist may prepare a copy  
3 of a prescription or read a prescription to any person for  
4 purposes of providing reference concerning treatment of the  
5 person or animal for whom the prescription was written; and,  
6 when the copy is given, a notation shall be made upon the  
7 prescription that a copy has been given, the date given, and  
8 to whom given.

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

18 "(j) Each prescription must be written in a manner  
19 so that it can be compounded by any registered pharmacist. The  
20 coding of any prescription is in violation of this chapter. No  
21 prescription shall be written in any characters, figures, or  
22 ciphers, other than in the English or Latin language,  
23 generally in use among medical and pharmaceutical  
24 practitioners.

25 "(k) A prescription file or files shall be kept by  
26 every pharmacy for a period of not less than two years in  
27 which the original of every prescription compounded or

1 dispensed shall be filed in the order of compounding with  
2 number and date of dispensing placed on each prescription.  
3 Each pharmacy shall produce any prescription file whenever  
4 legally required to do so. Such prescription file shall at all  
5 times be open for inspection by the prescriber, the board of  
6 pharmacy, or its inspectors.

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

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

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