



## NOTICE OF TEXT [Authority G.S. 150B-21.2(c)]

### OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

Notice with a scheduled hearing

Notice without a scheduled hearing

Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.

Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [Board of Pharmacy](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): [www.ncbop.org/rulemakings.htm](http://www.ncbop.org/rulemakings.htm)

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

ADOPTION:

AMENDMENT: [21 NCAC 46 .1317](#)

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [09/01/2022](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location
<a href="#">06/20/2022</a>	<a href="#">9:00 a.m.</a>	<a href="#">North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina 27517</a>

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

**7. Explain Reason For Proposed Rule(s):**

The Board of Pharmacy proposes to amend its definition section to reflect a change in terminology announced by the Accreditation Council for Pharmacy Education (“ACPE”). The Board has different processes for graduates of pharmacy schools who are regulated by the U.S. Department of Education (which have previously been referred to as “accredited” by ACPE) and for graduates of foreign pharmacy schools (which have previously been referred to as “certified” by ACPE). ACPE has announced that, beginning January 1, 2023, it will refer to foreign pharmacy schools as “international-accredited.” There is no pertinent change in either the ACPE process or the Board’s process for either type of school -- merely a terminology change. The current rule defines an “approved school or college of pharmacy” as one “accredited by the American Council on Pharmaceutical Education.” The Board proposes to amend the rule to avoid any potential confusion that might be caused by ACPE’s change in terminology. In addition, the rule is proposed for amendment to reflect a change in ACPE’s name from “American Council on Pharmaceutical Education” to “Accreditation Council for Pharmacy Education.” The actual organization has not changed.

**8. Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

**Rule(s) is automatically subject to legislative review. Cite statutory reference:**

**9. The person to whom written comments may be submitted on the proposed rule(s):**

Name: Jay Campbell  
Address: 6015 Farrington Rd, Suite 201  
Chapel Hill, NC 27517  
Phone (optional):  
Fax (optional):  
EMail (optional) ncboprulmaking@ncbop.org

**10. Comment Period Ends: 06/20/2022**

**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

No fiscal note required

**12. Rule-making Coordinator:**

Name: Clinton R. Pinyan  
336-271-3157  
cpinyan@brookspierce.com

**Agency contact, if any:**

Name: Jay Campbell  
Phone: 919-246-1050  
Email: ncboprulmaking@ncbop.org

**13. The Agency formally proposed the text of this rule(s) on**

**Date: 03/08/2022**

1 21 NCAC 46 .1317 is proposed for amendment as follows:

2  
3 **21 NCAC 46 .1317 DEFINITIONS**

4 Terms used in this Chapter and G.S. 90, Article 4A, are defined as follows, unless otherwise defined in G.S. 90,  
5 Article 4A:

- 6 (1) Ambulation assistance equipment. Devices that aid in walking, excluding canes, crutches, and  
7 walkers.
- 8 (2) Approved school or college of pharmacy. A school or college of pharmacy accredited by the  
9 ~~American Accreditation Council for Pharmacy Education on Pharmaceutical Education~~. (“ACPE”)  
10 through its PharmD Program Accreditation Standards. It does not include any accreditation,  
11 certification or other designation through the ACPE’s International Services Program.
- 12 (3) Diagnostic equipment. Equipment used to record physiological information while a person goes  
13 about normal daily living or while asleep in order to document a disease process. Early pregnancy  
14 tests (EPTs), thermometers, glucose meters, and cholesterol equipment are not included as  
15 diagnostic equipment.
- 16 (4) Drug regimen review or drug use review. A review of a patient's record by a licensed pharmacist  
17 that involves interpretation and evaluation of the drug therapy and other pharmaceutical care  
18 services to achieve intended medication outcomes and minimize negative effects of drug therapy.
- 19 (5) Employee. A person who is or would be considered an employee under the North Carolina  
20 Workers' Compensation Act. This definition applies to locations both within and outside of this  
21 State holding pharmacy or device and medical equipment permits and without regard to the  
22 number of persons employed by the permit holder.
- 23 (6) Graduate of an approved school of college of pharmacy. A person who has received an  
24 undergraduate professional degree in pharmacy from an approved school or college of pharmacy.
- 25 (7) Health Care Facility. One of the following organizations whose primary purpose is to provide a  
26 physical environment for patients to obtain health care services:
- 27 (a) a hospital;
- 28 (b) a long-term care facility;
- 29 (c) a mental health facility;
- 30 (d) a drug abuse treatment center;
- 31 (e) an assisted living facility;
- 32 (f) an ambulatory surgical center;
- 33 (g) a penal institution; or
- 34 (h) a hospice.
- 35 (8) Health Care Facility Pharmacy. A pharmacy permitted by the Board that provides services to  
36 patients of a Health Care Facility.
- 37 (9) Internet pharmacy.

- 1 (a) A pharmacy that maintains an Internet web site for the purpose of selling or distributing  
2 prescription drugs; or  
3 (b) A pharmacy that uses the Internet, either itself, or through agreement with a third party,  
4 to communicate with or obtain information from patients; uses such communication or  
5 information, in whole or in part, to solicit, fill or refill prescriptions; or otherwise uses  
6 such communication or information, in whole or in part, to engage in the practice of  
7 pharmacy.

8 Notwithstanding Sub-items (a) and (b) above, a pharmacy shall not be deemed an Internet  
9 pharmacy if it maintains each Internet web site for the following purposes only:

- 10 (i) To post advertisements that do not attempt to facilitate, directly or through  
11 agreement with a third party, an actual transaction involving a prescription drug;  
12 (ii) To allow a patient to communicate a request for a refill of a valid prescription  
13 originally filled by the pharmacy that maintains the Internet web site;  
14 (iii) To allow a customer to research drug interactions and clinical pharmacology  
15 information; or  
16 (iv) To allow a patient to send an electronic mail message to a pharmacist licensed in  
17 North Carolina.
- 18 (10) Medication Order. An order for a drug, device, or medical equipment for a patient from a person  
19 authorized by law to prescribe them.
- 20 (11) Mobility equipment. Devices that aid a person in self-movement other than walking, including  
21 manual or power wheelchairs and scooters.
- 22 (12) North Carolina resident or resident of North Carolina. Any patient who is a temporary or  
23 permanent resident of the State of North Carolina or present in the State of North Carolina at the  
24 time a drug, device, or medical equipment is dispensed to that person.
- 25 (13) Oxygen and respiratory care equipment. Equipment or devices used to administer oxygen or other  
26 legend drugs, maintain viable airways, or monitor cardio-respiratory conditions or events,  
27 including the following:
- 28 (a) compressed medical gases;  
29 (b) oxygen concentrators;  
30 (c) liquid oxygen;  
31 (d) nebulizers;  
32 (e) compressors;  
33 (f) aerosol therapy devices;  
34 (g) portable suction machines;  
35 (h) nasal continuous positive airway pressure (CPAP) machines;  
36 (i) Bi-phasic positive pressure devices (BiPAP);  
37 (j) infant monitors, such as apnea monitors and cardio-respiratory monitors;

- 1 (k) positive and negative pressure mechanical ventilators; and  
2 (l) pulse oximeters.
- 3 (14) Patient medication profile, patient profile, or pharmacy profile. A list of all medications prescribed  
4 for or dispensed to a patient.
- 5 (15) Pharmacist-Manager. The person who accepts responsibility for the operation of a pharmacy in  
6 conformance with all statutes and rules pertinent to the practice of pharmacy and distribution of  
7 drugs by signing the permit application, its renewal, or addenda thereto.
- 8 (16) Pharmacy Intern. Any person who is registered with the Board under the internship program of the  
9 Board to acquire pharmacy experience or enrolled in approved academic internship programs. A  
10 pharmacy intern working under a pharmacist preceptor or supervising pharmacist may, while  
11 under supervision, perform all acts constituting the practice of pharmacy.
- 12 (17) Rehabilitation environmental control equipment. Equipment or devices that permit a person with  
13 disabilities to control his or her immediate surroundings.
- 14 (18) Undergraduate professional degree in pharmacy. A Bachelor of Science in Pharmacy or a Doctor  
15 of Pharmacy degree.

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17 *Authority G.S. 90-85.3; 90-85.6; 90-85.13; 90-85.14; 90-85.15; 90-85.21; 90-85.21A; 90-85.22; 90-85.26; 90-*  
18 *85.32; 90-85.33; 90-85.34; 90-85.38; 90-85.40*