

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 46 – BOARD OF PHARMACY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Pharmacy intends to adopt the rule cited as 21 NCAC 46 .2515.

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

Proposed Effective Date: April 1, 2022

Public Hearing:

Date: February 8, 2022

Time: 10:00 a.m.

Location: The public hearing will be held remotely. The public can participate on Teams at <https://tinyurl.com/jsuk4bjk> or may call 336-604-5350, conference ID 903 191 899#.

Reason for Proposed Action: During the COVID public health emergency, North Carolina pharmacy personnel have been able to perform certain work outside the pharmacy under a Board of Pharmacy Emergency Services Waiver. Further, some other states' laws permit pharmacy personnel to perform remote work. During a recent notice and comment period for other Board rules, many commenters requested that the Board adopt the proposed rule, in order to provide for permitted pharmacy locations in North Carolina to allow remote work (other than physical acts in the dispensing process) on a permanent basis and to approve out-of-state permitted pharmacy locations to provide similar services for North Carolina patients to the extent permitted by their home states. The Board believes that the proposed rule will permit alternative work environments while ensuring processes and systems for patient safety.

Comments may be submitted to: Jay Campbell, 6015 Farrington Road, Suite 201, Chapel Hill, NC 27517; fax (919) 246-1056; email ncboprulemaking@ncbop.org

Comment period ends: February 14, 2022

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 after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule 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 facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

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

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

SECTION .2500 - MISCELLANEOUS PROVISIONS

21 NCAC 46 .2515 REMOTE WORK BY PHARMACY PERSONNEL

(a) Pharmacy personnel may perform pharmacy practice (other than any physical acts in the dispensing process) remotely with respect to drugs, devices, or medical equipment dispensed by the permitted pharmacy location by which they are employed. The pharmacist-manager must ensure that pharmacy personnel are able to perform at the same level of competence, attention, and proficiency as if the personnel were physically present in the pharmacy, including having secure access to the pharmacy's information system, and that all applicable state and federal laws and regulations are followed.

(b) Out-of-state permit holders may permit remote pharmacy practice by their own employees with respect to drugs, devices, or medical equipment dispensed by those pharmacy locations only to the extent permitted by the laws of the states in which they are located.

(c) This Rule does not include services provided by someone who is not an employee of the permitted pharmacy location that is dispensing the drug, device or medical equipment. Any such remote medication order entry services are governed by Rule .1816 of this Chapter.

Authority G.S. 90-85.6; 90-85.21; 90-85.21A; 90-85.26; 90-85.32; 90-85.34.