

## **TEMPORARY PHARMACY CLOSURE NOTICE AND NOTIFICATION REQUIREMENTS**

Unforeseen circumstances can, and do, arise that require a pharmacy to temporarily cease operations. Unexpected closures create hardships for patients, who may suddenly find themselves without access to pharmacy care and without direction to alternatives. [Board Rule .2516](#), effective August 1, 2024, sets forth patient protection requirements that pharmacies must meet when a temporary closure occurs.

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### **Q. Who has the authority to temporarily close a pharmacy?**

A. The pharmacist-manager is the person to whom a pharmacy permit is issued and who is responsible for a pharmacy's legal and safe operation. NCGS 90-85.21; 21 NCAC 46.1317(15). Accordingly, the pharmacist-manager has the responsibility and authority to cease some or all of the pharmacy's operations when necessary to ensure the pharmacy's safe, lawful, and secure operation or to ensure that adequate qualified personnel are in place to render pharmacy services safely and competently. 21 NCAC 46.2516(a).

### **Q. If the pharmacist-manager is unavailable to exercise the authority to temporarily close the pharmacy, who may?**

A. When the pharmacist-manager is unavailable to close a pharmacy to prevent unsafe practice, a pharmacist who is on duty at the time has the responsibility and authority to do so – and to fulfill the Rule's notice and patient assistance requirements. 21 NCAC 46.2516(c).

If, due to an emergency, neither the pharmacist-manager nor any other pharmacist is available to fulfill the notification and patient assistance responsibilities described below, non-compliance shall be excused until such time as an employee authorized by the pharmacist-manager or permit holder can exercise them. 21 NCAC 46.2516(e). The pharmacist-manager or permit holder are expected, however, to diligently and timely designate another employee to comply with these responsibilities.

### **Q. When does a decision to temporarily close the pharmacy trigger the requirements in Rule .2516?**

A. When the pharmacist-manager (or, in the absence of the pharmacist-manager, staff pharmacist) anticipates that the pharmacy will be closed for more than two hours during its posted business hours, Rule .2516's requirements are triggered. 21 NCAC 46.2516(b).

Rule .2516's requirements do not apply if:

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- (1) The pharmacy will be closed permanently or for more than 14 days. In these circumstances, notification and other requirements found in [Rules .2502\(h\) and \(i\)](#) apply.
- (2) The pharmacy is located outside of North Carolina, in which case the pharmacy must follow any home-state closure rules.
- (3) The pharmacy is closed due to a declaration of emergency in the pharmacy's location by the Governor or any county or municipality.

21 NCAC 46.2516(d).

**Q. What notification must the pharmacy post on-location in the event of a temporary closure?**

- A. The pharmacy must post a notice to the public in a conspicuous location stating: (a) which services the pharmacy has ceased providing, and (b) the date and time the pharmacy anticipates resuming these services. The pharmacist-manager must update this notice whenever its content is no longer accurate. 21 NCAC 46.2516(b)(1).

**Q. Must the pharmacist-manager also notify the Board of Pharmacy?**

- A. Yes. The pharmacist-manager must provide the same closure information (and updates as necessary) described above to the Board of Pharmacy by email to [emergencyclosure@ncbop.org](mailto:emergencyclosure@ncbop.org).

**Q. What steps must the pharmacy take to assist patients in obtaining their prescription drugs elsewhere?**

- A. The pharmacy must offer to transfer any prescriptions – including prescriptions that have already been filled but not picked up by, or delivered to, the patient – at the patient's request during the time of closure. The conspicuously posted notice of closure must inform the public of the process for requesting a transfer.

If there is no pharmacist or certified technician available to transfer prescriptions, then a transfer does not have to take place. A pharmacist or certified technician is considered available to transfer if: (a) present at the pharmacy; or (b) has remote access to the pharmacy's systems, either because that person is employed by the closed pharmacy or is employed by a pharmacy with a remote medication order processing services arrangement with the closed pharmacy.