

21 NCAC 46 .1317 is amended **with changes** as published in 36:19 NCR 1557 as follows:

21 NCAC 46 .1317 DEFINITIONS

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

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

1 (8) ~~Health~~ ~~Health~~ Care Facility ~~Pharmacy~~. ~~A Pharmacy~~ means a pharmacy permitted by the Board
2 that provides services to patients of a Health Care Facility.

3 (9) ~~Internet pharmacy~~. ~~Internet pharmacy~~ means:

4 (a) A pharmacy that maintains an Internet web site for the purpose of selling or distributing
5 prescription drugs; or

6 (b) A pharmacy that uses the Internet, either itself, or through agreement with a third party,
7 to communicate with or obtain information from patients; uses such communication or
8 information, in whole or in part, to solicit, fill or refill prescriptions; or otherwise uses
9 such communication or information, in whole or in part, to engage in the practice of
10 pharmacy.

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

13 (i) To post advertisements that do not attempt to facilitate, directly or through
14 agreement with a third party, an actual transaction involving a prescription drug;

15 (ii) To allow a patient to communicate a request for a refill of a valid prescription
16 originally filled by the pharmacy that maintains the Internet web site;

17 (iii) To allow a customer to research drug interactions and clinical pharmacology
18 information; or

19 (iv) To allow a patient to send an electronic mail message to a pharmacist licensed in
20 North Carolina.

21 (10) ~~Medication Order~~. ~~An~~ ~~Medication Order~~ means an order for a drug, device, or medical
22 equipment for a patient from a person authorized by law to prescribe them.

23 (11) ~~Mobility equipment~~. ~~Devices~~ ~~Mobility equipment~~ means devices that aid a person in self-
24 movement other than walking, including manual or power wheelchairs and scooters.

25 (12) ~~North~~ ~~North~~ Carolina resident resident or resident ~~resident~~ of North ~~Carolina~~. ~~Any Carolina~~
26 ~~includes not just any~~ patient who is ~~a temporary or permanent resident of domiciled in~~ the State of
27 North ~~Carolina~~ ~~or Carolina~~, but also any patient who is present in the State of North Carolina at
28 the time a drug, device, or medical equipment is dispensed to that person.

29 (13) ~~Oxygen~~ ~~Oxygen~~ and respiratory care ~~equipment~~. ~~Equipment~~ ~~equipment~~ means equipment or
30 devices used to administer oxygen or other legend drugs, maintain viable airways, or monitor
31 cardio-respiratory conditions or events, including the following:

32 (a) compressed medical gases;

33 (b) oxygen concentrators;

34 (c) liquid oxygen;

35 (d) nebulizers;

36 (e) compressors;

37 (f) aerosol therapy devices;

- (g) portable suction machines;
- (h) nasal continuous positive airway pressure (CPAP) machines;
- (i) Bi-phasic positive pressure devices (BiPAP);
- (j) infant monitors, such as apnea monitors and cardio-respiratory monitors;
- (k) positive and negative pressure mechanical ventilators; and
- (l) pulse oximeters.

(14) ~~Patient~~ **“Patient medication profile,” “patient profile,” profile, patient profile, or pharmacy profile.**

A “pharmacy profile” means a list of all medications prescribed for or dispensed to a patient.

(15) ~~Pharmacist Manager. The~~ **“Pharmacist-Manager” means the** person who accepts responsibility for the operation of a pharmacy in conformance with all statutes and rules pertinent to the practice of pharmacy and distribution of drugs by signing the permit application, its renewal, or addenda thereto.

(16) ~~Pharmacy Intern. Any~~ **“Pharmacy Intern” means any** person who is registered with the Board under the internship program of the Board to acquire pharmacy experience or enrolled in approved academic internship programs. A pharmacy intern working under a pharmacist preceptor or supervising pharmacist may, while under supervision, perform all acts constituting the practice of pharmacy.

(17) ~~Rehabilitation~~ **“Rehabilitation environmental control equipment. Equipment. Equipment” means equipment** or devices that permit a person with disabilities to control his or her immediate surroundings.

(18) ~~Undergraduate~~ **“Undergraduate professional degree in pharmacy. A pharmacy” means a** Bachelor of Science in Pharmacy or a Doctor of Pharmacy degree.

History Note: 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; 90-85.32; 90-85.33; 90-85.34; 90-85.38; 90-85.40; Eff. May 1, 1989; Amended Eff. March 1, 2013; February 1, 2007; March 1, 2004; April 1, 1999; May 1, 1997; September 1, 1995; September 1, 1993; October 1, 1990; January 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017; Amended Eff. [September 1, 2022;] October 1, 2022; November 1, 2021.

1 21 NCAC 46 .2403 is repealed **with changes** as published in 36:19 NCR 1559 as follows:

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3 **21 NCAC 46 .2403 DRUGS AND DEVICES TO BE DISPENSED**

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5 *History Note: Authority G.S. 90-12.7; 90-85.6; 90-85.34A; 115C-375.2A;*

6 *Eff. March 1, 1987;*

7 *Amended Eff. September 1, 2016; January 1, 2015; August 1, 2014; May 1, 1989;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,*
9 *2017;*

10 *Amended Eff. March 1, ~~2019~~ 2019;*

11 *Repealed Eff. **October 1, 2022.**~~September 1, 2022.~~*