

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Pharmacy

RULE CITATION: 21 NCAC 46 .2401

DEADLINE FOR RECEIPT: Thursday, August 11, 2016

NOTE WELL: *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Since you are ending Items (1) through (4) with semicolons, rather than periods, I believe you should insert an "and" at the end of the sentence on line 16, because I assume you are requiring all of the Items (1) through (5). If you don't, please insert "or"

In Item (5), line 17, by "rules" do you mean the rules of the Section? If so, state that "the rules of this Section." Or you can say "these Rules"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 28, 2016

26 NCAC 46 .2401 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

21 NCAC 46 .2401 MEDICATION IN HEALTH DEPARTMENTS

A registered nurse employed by a local health department may dispense prescription drugs or devices under the following conditions:

- (1) Drugs or devices may be dispensed only to health department patients, with the exception of:
 - (a) opioid antagonists, which may be dispensed either to health department patients or to others as permitted by G.S. 90-12.7; ~~90-106.2~~; and
 - (b) epinephrine auto-injectors, which may be dispensed either to health department patients or to school personnel as permitted by G.S. 115C-375.2A;
- (2) No drugs or devices may be dispensed except at health department clinics;
- (3) The health department shall secure the services of a pharmacist-manager who shall be responsible for compliance with all statutes, rules, and regulations governing the practice of pharmacy and dispensing of drugs at the health department;
- (4) Only the general categories of drugs or devices listed in Rule .2403 of this Section may be dispensed by a health department registered nurse;
- (5) All drugs or devices dispensed pursuant to G.S. 90-85.34A and these rules shall be packaged, labeled, and otherwise dispensed in compliance with state and federal law, and records of dispensing shall be kept in compliance with state and federal law. The pharmacist-manager shall verify the accuracy of the records at least weekly, and where health department personnel dispense to 30 or more patients in a 24-hour period per dispensing site, the pharmacist-manager shall verify the accuracy of the records within 24 hours after dispensing occurs.

*History Note: Authority G.S. 90-12.7; 90-85.6; 90-85.34A; ~~90-106.2~~; 115C-375.2A;
Eff. March 1, 1987;
Amended Eff. September 1, 2016; January 1, 2015; August 1, 2014; May 1, 1989.*

26 NCAC 46 .2403 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

21 NCAC 46 .2403 DRUGS AND DEVICES TO BE DISPENSED

(a) Pursuant to the provisions of G.S. 90-85.34A(a)(3), prescription drugs and devices included in the following general categories may be dispensed by registered nurses in local health department clinics when prescribed for the indicated conditions:

- (1) Anti-tuberculosis drugs, as recommended by the North Carolina Department of Health and Human Services in the North Carolina Tuberculosis Policy Manual (available at www.ncdhhs.gov), when used for the treatment and control of tuberculosis;
- (2) Anti-infective agents used in the control of sexually-transmitted diseases as recommended by the United States Centers for Disease Control in the Sexually Transmitted Diseases Treatment Guidelines (available at www.cdc.gov);
- (3) Natural or synthetic hormones and contraceptive devices when used for the prevention of pregnancy;
- (4) Topical preparations for the treatment of lice, scabies, impetigo, diaper rash, vaginitis, and related skin conditions;
- (5) Vitamin and mineral supplements;
- (6) Opioid antagonists prescribed pursuant to G.S. 90-12.7; ~~90-106.2~~; and
- (7) Epinephrine auto-injectors prescribed pursuant to G.S. 115C-375.2A.

(b) Regardless of the provisions set out in this Rule, no drug defined as a controlled substance by the United States Controlled Substances Act, 21 U.S. Code 801 through 904, or regulations enacted pursuant to that Act, 21 CFR 1300 through 1308, or by the North Carolina Controlled Substances Act, G.S. 90-86 through 90-113.8, may be dispensed by registered nurses pursuant to G.S. 90-85.34A.

History Note: Authority G.S. 90-12.7; 90-85.6; 90-85.34A; ~~90-106.2~~; 115C-375.2A;

Eff. March 1, 1987;

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