

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. _____ Department or Agency: Alabama State Board of Veterinary Medical Examiners
Rule No. 930-X-1-.11
Rule Title: Prescribing and Dispensing Drugs.
____ New Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's
Police power and the protection of the public health,
Safety, or welfare? Yes

Is there another, less restrictive method of regulation
Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or
Indirectly increasing the costs of any goods or services
Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule? No

Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by
a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama,
1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the
requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all
applicable filing requirements of the Administrative Procedure Division of the Legislative
Reference Service.

Signature of certifying officer Tamm J. Wallace

Date: August 7, 2012

(DATE FILED)
(STAMP)

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07/04

Alabama State Board of Veterinary Medical Examiners

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Veterinary Medical Examiners

RULE NO. & TITLE: 930-X-1-.11 Prescribing and Dispensing Drugs.

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to correct site statutory authority and clarify language.


TIME, PLACE, MANNER OF PRESENTING VIEW: Written comments, views, or arguments will be received by the Alabama State Board of Veterinary Medical Examiners at 9:00 a.m. on October 10, 2012. Comments should be directed to Tammy Wallace, Executive Director, at 8 Commerce Street, Suite 910, Montgomery, AL 36130-5330, or via fax at 334-262-8716. A public hearing will be held at 9:00 a.m. on October 10, 2012 at 8 Commerce Street, Suite 910, Montgomery, AL 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

October 10, 2012

CONTACT PERSON AT AGENCY:

Tammy Wallace, Executive Director
8 Commerce Street – Suite 910
Montgomery, AL 36130-5330
(334) 262-8068


Tammy Wallace, Executive Director
Alabama State Board of Veterinary Medical
Examiners

Alabama State Board of Veterinary Medical Examiners

NOTICE OF INTENDED ACTION

RULE NUMBER: 930-X-1-.11

TITLE OF RULE: PRESCRIBING AND DISPENSING DRUGS.

- (1) A licensed veterinarian shall not prescribe or dispense, deliver or ordered delivered:
 - (a) Any drug or medicinal agent carrying the legend "Federal (USFDA) law restricts this drug to the use by or on the order of a licensed veterinarian" to be administered to animals with which he or she has not established a ~~patient-veterinarian~~ veterinary-client-patient relationship, or as defined by the United States Food and Drug Administration.
 - (b) Any controlled substance as defined by the U.S. Food and Drug Administration without first having established a ~~patient-veterinarian~~ veterinary-client-patient relationship by having personally established the individual animal, herd or representative segment or consignment lot thereof and determined that such controlled substance is therapeutically indicated following said examination.
- (2) ~~Patient-veterinarian~~ Veterinary-client-patient relationship as used in this rule shall be defined as a relationship created by actual examination by the veterinarian of the animal or a representative segment of a consignment or herd.
- (3) Any veterinarian who violates this rule shall be guilty of unprofessional conduct within the meaning of this section.
- (4) Veterinarians retiring from or otherwise discontinuing the practice of veterinary medicine shall voluntarily surrender their Alabama State Controlled Substance Registration Number immediately and shall notify the Federal Drug Enforcement Agency of license status change, retirement or discontinuance of practice for instructions regarding their federal DEA Registration.
- (5) To protect children from serious personal injury or serious illness resulting from handling, using, or ingesting controlled substances, legend drugs and other potentially harmful medicinal agents dispensed for animal use that is in a dosage form intended for oral administration shall be dispensed in childproof containers by all practitioners of veterinary medicine. The containers are to be designed and constructed to be significantly difficult for children under 5 years of age to open or obtain a toxic or harmful amount of the substance contained therein.

If the substance is dispensed to elderly or handicapped clients in households where young children are not present, containers must be of impervious nature and must contain the following additional labeling statement, "This Package for Households without Young Children".
- (6) All veterinarians must comply with Prescription Drug Monitoring Program (PDMP) requirements.
- (7) All veterinarians providing veterinary drugs and medicines for resale to veterinary practitioners and other veterinary wholesalers must obtain an Alabama Board of Pharmacy's Wholesale Veterinary Drug Distributor's Permit.

Author: Alabama State Board of Veterinary Medical Examiners
Statutory Authority: Code of Alabama 1975, §34-29-69