

APA-1  
11/96

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control 680 Department of Agency: Alabama State Board of Pharmacy  
Rule No. 680-X-2-.22  
Rule Title: CODE OF PROFESSIONAL CONDUCT

     New        XX   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 rule making 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   
Mitzi G. Ellenburg, Director of Operations

Date: September 19, 2011

(DATE FILED)  
(STAMP)

**ALABAMA STATE BOARD OF PHARMACY  
NOTICE OF INTENDED ACTION**

**AGENCY NAME:** ALABAMA STATE BOARD OF PHARMACY

**RULE NO. AND TITLE:** 680-X-2-.22 CODE OF PROFESSIONAL CONDUCT

**INTENDED ACTION:** AMENDMENT

**SUBSTANCE OF PROPOSED ACTION:**

The Alabama State Board of Pharmacy proposes to amend Rule 680-X-2-.22 CODE OF PROFESSIONAL CONDUCT to include pharmacy(ies).

**TIME, PLACE, MANNER OR PRESENTING VIEW:**

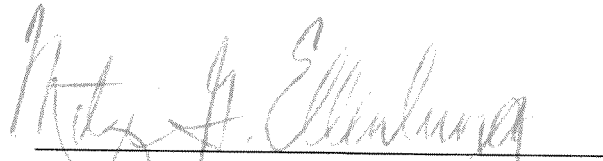
Comments can be presented at the public hearing scheduled at 7:30 a.m. on October 19, 2011 at the Alabama State Board of Pharmacy located at 111 Village Street, Hoover, Alabama 35242. Additionally, written comments may be addressed to Herb Bobo, Secretary, Alabama State Board of Pharmacy, P. O. Box 381988, Birmingham, Alabama 35238-1988. Written comments must be received in the Board Office no later than 4:00 p.m. on November 28, 2011.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

November 28, 2011

**CONTACT PERSON AT AGENCY:**

Herb Bobo, R.Ph., Secretary  
205/981-2280

  
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Mitzi G. Ellenburg, Dir. of Operations

**680-X-2-.22. CODE OF PROFESSIONAL CONDUCT.**

(1) Pharmacists and pharmacies are expected to conduct themselves in a professional manner at all times. The following code provides principles of professional conduct for pharmacists and pharmacies to guide them in their relationship with patients, fellow practitioners, other health professionals and the public.

(2) Violations of any provisions of this rule shall be deemed grounds for disciplinary action whenever the Board shall find a preponderance of evidence to such violations.

(a) A pharmacist and a pharmacy should hold the health and safety of patients to be of first consideration and should render to each patient the full measure of professional ability as an essential health practitioner.

(b) A pharmacist and a pharmacy should never knowingly condone the dispensing, promoting, or distributing of drugs or medical devices, or assist therein, that are not of good quality, that do not meet standards required by law, or that lack therapeutic value for the patient.

(c) A pharmacist and a pharmacy should always strive to perfect and enlarge professional knowledge. A pharmacist and a pharmacy should utilize and make available this knowledge as may be required in accordance with the best professional judgment.

(d) A pharmacist and a pharmacy has the duty to observe the law, to uphold the dignity and honor of the profession, and to accept its ethical principles. A pharmacist and a pharmacy should not engage in any activity that will bring discredit to the profession and should expose, without fear or favor, illegal or unethical conduct in the profession.

(e) A pharmacist and a pharmacy should respect the confidential and personal nature of professional records; except where the best interest of the patient requires or the law demands, a pharmacist and a pharmacy should not disclose such information to anyone without proper patient authorization.

(f) A pharmacist and a pharmacy should not agree to practice under terms or conditions that interfere with or impair the proper exercise of professional judgment and skill, that cause a deterioration of the quality of professional services, or that require consent to unethical conduct.

(g) A pharmacist and a pharmacy should strive to provide information to patients regarding professional services truthfully, accurately, and fully and should avoid misleading patients regarding the nature, cost or value of these professional services.

(h) A pharmacist and a pharmacy should never offer or participate in the offering a financial award or benefit, not related to competitive retail pricing of any drug, to induce or encourage any individual to transfer a prescription from one pharmacy to another.

Author: Herb Bobo, R.Ph. Secretary  
Statutory Authority: Code of Alabama 1975; §34-23-92.

History: Original rule filed: May 30, 1990; Effective July 30, 1991; Amended: April 21, 2011; Effective June 6, 2011; Amended.

**Editor's Note:** This new rule was disapproved by the Joint Committee on Administrative Regulation Review on July 17, 1990. The full Legislature failed to sustain the suspension by the Joint Committee, (HJR 43), at the 1991 Regular Session. (See Code of Alabama 1975, §§41-22-23, 41-22-24.)