

1 21 NCAC 46 .2502 is proposed for amendment as follows:

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3 **21 NCAC 46 .2502 RESPONSIBILITIES OF PHARMACIST-MANAGER**

4 (a) The pharmacist-manager shall assure that prescription legend drugs and controlled substances are safe and secure
5 within the pharmacy.

6 (b) The pharmacist-manager employed or otherwise engaged to supply pharmaceutical services may have a flexible
7 schedule of attendance but shall be present for at least one-half the hours the pharmacy is open or 32 hours a week,
8 whichever is less. A pharmacist employee not meeting this requirement may serve as pharmacist-manager of the
9 permit holder temporarily for a period not to exceed 90 days from the departure date of the previous pharmacist-
10 manager, if the pharmacist employee is present at least 20 hours per week in the pharmacy.

11 (c) Whenever a change of ownership or change of pharmacist-manager occurs, the successor pharmacist-manager
12 shall complete an inventory of all controlled substances in the pharmacy within 10 days. A written record of such
13 inventory, signed and dated by the successor pharmacist-manager, shall be maintained in the pharmacy with other
14 controlled substances records for a period of three years.

15 (d) The pharmacist-manager shall develop and implement a system of inventory record-keeping and control which
16 will enable that pharmacist-manager to detect any shortage or discrepancy in the inventories of controlled substances
17 at that pharmacy at the earliest practicable time.

18 (e) The pharmacist-manager shall maintain authority and control over any and all keys to the pharmacy and shall be
19 responsible for the security of the pharmacy. A pharmacy shall be secured to prohibit unauthorized entry if no
20 pharmacist will be present in the pharmacy for a period of 90 minutes or more.

21 (f) These duties are in addition to the specific duties of pharmacist-managers at institutional pharmacies and
22 pharmacies in health departments as set forth in the Rules in this Chapter.

23 (g) A person shall not simultaneously serve as pharmacist-manager at more than one pharmacy, unless: pharmacy at
24 any one time except for

25 (1) the person is serving simultaneously as pharmacist-manager at pharmacies holding a limited service
26 permit; or pharmacies.

27 (2) the person is serving simultaneously as pharmacist-manager at two pharmacies holding full service
28 permits, one of which is a newly permitted pharmacy that has not yet begun providing pharmacy
29 services to patients. When the newly permitted pharmacy begins providing pharmacy services to
30 patients or six months from the issuance of the new pharmacy permit, whichever comes sooner, the
31 person must relinquish the other pharmacist-manager position and notify the Board of having done
32 so.

33 (h) When a pharmacy is to be closed permanently, the pharmacist-manager shall inform the Board and the United
34 States Drug Enforcement Administration of the closing, arrange for the proper disposition of the pharmaceuticals and
35 return the pharmacy permit to the Board's offices within 10 days of the closing date. If possible, notice of the closing
36 shall be given to the public by posted notice at the pharmacy at least 30 days prior to the closing date and 15 days after
37 the closing date. Such notice shall notify the public that prescription files may be transferred to a pharmacy of the

1 patient's or customer's choice during the 30 day period prior to the closing date. During the 30 day period prior to the
2 closing date, the pharmacist-manager, and the pharmacy's owner (if the owner is other than the pharmacist-manager),
3 shall transfer prescription files to another pharmacy chosen by the patient or customer, upon request. Absent specific
4 instructions from the patient or customer, the pharmacist-manager, and the pharmacy's owner (if the owner is other
5 than the pharmacist-manager), shall transfer prescription files to another pharmacy for maintenance of patient therapy
6 and shall inform the public of such transfer by posted notice at the pharmacy for 15 days after the closing date, if
7 possible. Controlled substance records shall be retained for the period of time required by law.

8 (i) If possible, the pharmacist-manager shall ensure that notice of the temporary closing of any pharmacy for more
9 than 14 consecutive days is given to the public by posted notice at the pharmacy at least 30 days prior to the closing
10 date, and 15 days after the closing date. Such notice shall notify the public that prescription files may be transferred
11 to a pharmacy of the patient's or customer's choice during the 30 day period prior to the closing date. During the 30
12 day period prior to the closing date, the pharmacist-manager, and the pharmacy's owner (if the owner is other than the
13 pharmacist-manager), shall transfer prescription files to another pharmacy chosen by the patient or customer, upon
14 request.

15 (j) The pharmacist-manager shall prepare a plan to safeguard prescription records and pharmaceuticals and minimize
16 the interruption of pharmacy services in the event of a natural disaster such as hurricane or flood.

17 (k) The pharmacist-manager shall separate from the dispensing stock all drug products more than six months out of
18 date.

19 (l) The pharmacist-manager shall report to the Board of Pharmacy information that reasonably suggests that there is
20 a probability that a prescription drug or device dispensed from a location holding a permit has caused or contributed
21 to the death of a patient or customer. This report shall be filed in writing on a form provided by the Board within 14
22 days of the owner representative or pharmacist-manager's becoming aware of the event. The pharmacist-manager shall
23 retain all documents, labels, vials, supplies, substances and internal investigative reports relating to the event. All such
24 items shall be made available to the Board upon request.

25 (m) The Board shall not disclose the identity of a pharmacist-manager who makes a report under Paragraph (l) of this
26 Rule, except as required by law. No report made under Paragraph (l) of this Rule shall not be released except as
27 required by law.

28 (n) In any Board proceeding, the Board shall consider compliance with Paragraph (l) of this Rule as a mitigating
29 factor and noncompliance with Paragraph (l) of this Rule as an aggravating factor.

30 (o) The pharmacist-manager shall ensure that all starter doses of medication supplied to doctors' offices from the
31 pharmacy are accompanied by written materials advising the patient that such doses of medication may be supplied
32 by any pharmacy. Starter doses shall be limited to a 24 hour dose supply per patient.

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34 *Authority G.S. 90-85.6; 90-85.21; 90-85.25; 90-85.26; 90-85.32.*