



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

Notice with a scheduled hearing

Notice without a scheduled hearing

Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.

Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [Board of Pharmacy](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): www.ncbop.org/rulemakings.htm

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

ADOPTION: [21 NCAC 46 .1613](#)

AMENDMENT:

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [05/01/2024](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location
01/08/2024	10:00 a.m.	North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina 27517

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s):

S.L. 2023-129 gave optometrists the authority to dispense certain drugs to their patients, and required any dispensing optometrists to register with the Board of Pharmacy. In order to satisfy NCGS 93B-15, the Board has proposed adding dispensing optometrists to the list of registrants who are entitled to an extension of time to renew their registrations in the event of military deployment.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Jay Campbell
Address: 6015 Farrington Rd Ste 201
Chapel Hill, NC 27517
Phone (optional):
Fax (optional):
EMail (optional) ncboprulemaking@ncbop.org

10. Comment Period Ends: 02/13/2024

11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

No fiscal note required

12. Rule-making Coordinator:

Name: Clinton R. Pinyan
336-271-3157
cpinyan@brookspierce.com

Agency contact, if any:

Name: Jay Campbell
Phone: 919-246-1050
Email: ncboprulemaking@ncbop.org

13. The Agency formally proposed the text of this rule(s) on

Date: 11/14/2023

1 21 NCAC 46 .1613 is proposed for amendment as follows:

2
3 **21 NCAC 46 .1613 EXTENSION PERIOD FOR CERTAIN MEMBERS OF THE ARMED FORCES**

4 (a) Definitions:

- 5 (1) "Eligible licensee" means a pharmacist who holds a license in good standing from the Board of
6 Pharmacy, who serves the armed forces of the United States, and who is eligible for an extension
7 of time in which to file a tax return pursuant to G.S. 105-249.2. "Eligible licensee" includes a
8 pharmacist who holds a Clinical Pharmacist Practitioner credential or who is an immunizing
9 pharmacist.
- 10 (2) "Eligible registrant" means a pharmacy intern, pharmacy technician, dispensing physician,
11 dispensing optometrist, dispensing nurse practitioner or dispensing physician assistant who holds a
12 registration in good standing from the Board of Pharmacy, who serves the armed forces of the
13 United States, and who is eligible for an extension of time in which to file a tax return pursuant to
14 G.S. 105-249.2.
- 15 (3) "Extension period" means the time period specified in 26 U.S.C. 7508.
- 16 (4) "Good standing" means a license or registration that is not suspended, revoked, or subject to a
17 current disciplinary order.

18 (b) Extension of time to pay license or registration renewal fees and waiver of continuing education requirements:

- 19 (1) An eligible licensee or registrant shall notify the Board of eligibility for the extension period
20 before his or her current license or registration expires. Upon such notification, the Board shall
21 maintain the license or registration in active status through the extension period.
- 22 (2) If an eligible licensee or registrant fails to notify the Board of eligibility for the extension period
23 before his or her current license or registration expires, upon receipt and acceptance of a renewal
24 application within the extension period and presentation of proof that the licensee or registrant was
25 an eligible licensee or registrant on the date that is the deadline for renewal, the expired license or
26 registration shall be deemed retroactively to have not expired.
- 27 (3) Notwithstanding 21 NCAC 46 .1612(a) and .3301(a), an eligible licensee or registrant who
28 submits a renewal application and pays the renewal fee required by the Board within the extension
29 period shall not be deemed to hold a lapsed license or registration subject to reinstatement fees.
- 30 (4) Notwithstanding 21 NCAC 46 .2201, .3101(d) and .2507(d), an eligible licensee may renew his or
31 her license within the extension period despite failing to complete the specified continuing
32 education requirements.
- 33 (5) A licensee or registrant shall provide proof of eligibility for the extension period when the licensee
34 or registrant submits the renewal application.

35
36 *History Note:* Authority G.S. 90-18.1; 90-18.2; 90-85.6; 90-85.15A; 90-85.15B; 90-85.17; 90-85.21(b); 90-
37 85.24; 90-85.26A; 90-85.26 B; 93B-15;

1 *Eff. April 1, 2010;*
2 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,*
3 *2017;*
4 *Amended Eff. May 1, 2022; May 1, 2024. ~~2022~~.*