

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Pharmacy

RULE CITATION: 21 NCAC 46 .1207

DEADLINE FOR RECEIPT: Friday, March 6, 2020

PLEASE NOTE: This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

I take it your regulated public knows who the individuals in (a)(1) through (3) are?

In (b), so that I'm clear – what is the purpose of this committee? Will it assist in the permitting in G.S. 90-85.22? If not, then why are you citing to that statute in your History Note?

In (b), lines 9-10, why do you need “and serve at its pleasure.”?

On line 10, do you mean the Board “shall” seek input? If not, then under what circumstances will the Board not seek the input during the appointments? That needs to be in the Rule.

On line 11, I suggest you delete “particular”

And on lines 11-12, why do you need the language “but need not practice exclusively in that area.”?

On line 12, please insert a comma after “resignation”

On line 12, please correct the spelling of “representative” As it was published correctly in the Register, do not show it as a change – simply do it.

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: February 21, 2020

1 21 NCAC 46 .1207 is adopted as published
2 in 34:12 NCR 1146 as follows:

3

4 **21 NCAC 46 .1207 DEVICE AND MEDICAL EQUIPMENT COMMITTEE**

5 (a) The device and medical equipment committee shall consist of the following:

6 (1) a representative of the medical equipment suppliers;

7 (2) a representative of the medical oxygen suppliers;

8 (3) a representative of the rehabilitation technology suppliers; and

9 (4) two Board members.

10 (b) Each of the members of the device and medical equipment committee shall be appointed by the Board and serve at its
11 pleasure. The Board may seek the input of device and medical equipment permit holders in these appointments. The
12 representative must practice in the particular area for which he or she is nominated, but need not practice exclusively in that
13 area. In case of death, resignation or removal from the committee, the Board shall fill the vacancy with a representative who
14 meets the criteria for the position.

15

16 History Note: Authority G.S. 90-85.6; 90-85.22;

17 Eff. April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Pharmacy

RULE CITATION: 21 NCAC 46 .2102

DEADLINE FOR RECEIPT: Friday, March 6, 2020

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Now that you are deleting Paragraph (b), the only difference between this Rule and G.S. 90-85.7(a) is a requirement for October 31. So, do you still need this Rule?

Assuming that you do, please correct the spelling of the date in the History Note, line 14.

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: February 21, 2020

1 21 NCAC 46 .2102 is amended as published in 34:12 NCR 1146 as follows:

2

3 **21 NCAC 46 .2102 ELIGIBILITY TO VOTE**

4 ~~(a)~~ Eligible voters for Board members shall be the pharmacists licensed in North Carolina and residing in North Carolina on
5 October 31 of the year the election begins.

6 ~~(b) Eligible voters for the device and medical equipment subcommittee shall be all device and medical equipment permit~~
7 ~~holders in North Carolina and residing in North Carolina on October 31 of the year the election begins.~~

8

9 *History Note: Authority G.S. 90-85.7; 90-85.22;*

10 *Eff. April 1, 1983;*

11 *Amended Eff. May 1, 2017; September 1, 1995; May 1, 1989;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;*

13 *2017.*

14 *Amended Eff. April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Pharmacy

RULE CITATION: 21 NCAC 46 .2104

DEADLINE FOR RECEIPT: Friday, March 6, 2020

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please sign the Submission for Permanent Rule form in Box 11.

In the Rule, line 4, you say the Board "may" appoint the committee. Under what circumstances will the committee not be appointed?

In the History Note, line 13, please correct the spelling of the date.

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: February 21, 2020

1 21 NCAC 46 .2104 is amended as published in 34:12 NCR 1146 as follows:

2

3 **21 NCAC 46 .2104 COMMITTEE ON NOMINATIONS**

4 The Board may appoint an advisory committee on nominations in September of each year that an election for Board
5 position(s) begins. Members of this committee shall submit at least two names of eligible candidates for each position to be
6 filled on the Board ~~and on the device and medical equipment subcommittee~~ by October 1 for the next election.

7

8 *History Note: Authority G.S. 90-85.7;*

9 *Eff. April 1, 1983;*

10 *Amended Eff. May 1, 2017; July 1, 1996; May 1, 1989;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;*

12 *2017.*

13 *Amended Eff. April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Pharmacy

RULE CITATION: 21 NCAC 46 .2109

DEADLINE FOR RECEIPT: Friday, March 6, 2020

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In the History Note, line 10, please correct the spelling of the date.

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: February 21, 2020

1 21 NCAC 46 .2109 is repealed as published in 34:12 NCR 1146 as follows:

2

3 **21 NCAC 46 .2109 DEVICE AND MEDICAL EQUIPMENT COMMITTEE REPRESENTATIVES**

4

5 *History Note: Authority G.S. 90-85.6; 90-85.22;*

6 *Eff. September 1, 1995;*

7 *Amended Eff. April 1, 2003;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;*

9 *~~2017.~~*

10 *Repealed Eff. Apri 1, 2020.*