

PHARMACY BOARD[657]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 124.301 and 147.76, the Board of Pharmacy hereby amends Chapter 10, “Controlled Substances,” Iowa Administrative Code.

The amendments provide pharmacies with flexibility in the date on which the required annual inventory of controlled substances may be completed and clarify when a controlled substances inventory must be completed upon a change of ownership of a pharmacy. The amendments also amend the implementation clause at the end of the chapter to remove references to sections of the Iowa Code that have been repealed.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Notice of Intended Action was published in the April 2, 2014, Iowa Administrative Bulletin as **ARC 1407C**. The Board received one written comment regarding the proposed amendments. The commenter suggested that the Board authorize that the annual inventory may be completed any time before the last day of the month in which the prior inventory was completed. The Board determined that such a provision would not provide the flexibility that the amendment in Item 1 is intended to address. Following discussion at the Board meeting on July 2, 2014, the Board approved a change in Item 1 to authorize the timing of the annual inventory for any date within one year and up to seven days after the date of the previous inventory.

The amendments were approved during the July 2, 2014, meeting of the Board of Pharmacy.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 124.301, 124.306, and 155A.13.

These amendments will become effective on September 24, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 10.35(3) as follows:

10.35(3) Annual inventory. After the initial inventory is taken, a registrant shall take a new inventory of all stocks of controlled substances on hand at least annually. The annual inventory may be taken on any date that is within one year or seven days after the date of the previous annual inventory date.

ITEM 2. Amend subrule 10.35(4) as follows:

10.35(4) Change of ownership. Both the current owner and the prospective owner shall be responsible for ensuring that an inventory of all controlled substances is timely completed whenever there is a change of ownership of any pharmacy or drug wholesaler licensed pursuant to Iowa Code section 155A.13 or 155A.17, respectively. The inventory shall be taken following the close of business the last day under terminating ownership and prior to opening for business the first day under the new ownership. The inventory shall serve as the ending inventory for the terminating owner as well as a record of beginning inventory for the new owner.

ITEM 3. Amend **657—Chapter 10**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 124.201, 124.301 to 124.308, 124.402, 124.403, 124.501, 126.2, 126.11, 147.88, ~~147.95, 147.99~~, 155A.13, 155A.17, 155A.26, 155A.37, and 205.3.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/20/14.