

The Georgia State Board of Pharmacy met via teleconference on July 7, 2006 at the Professional Licensing Boards Office, 237 Coliseum Drive, Macon, GA.

Members Present:

- Bill Prather, President
- Judy Gardner, Vice-President
- Charles Palmer
- Robbie Dial
- Fred Barber
- Eddie Madden

Members Absent:

- Mickey Tatum
- Pat McPherson

Staff Present:

- Rick Allen, Deputy Director, Georgia Drugs and Narcotics Agency
- Janet Wray, Board Attorney
- Sylvia Bond, Executive Director
- Dianne W. Patterson, Administrative Assistant

Staff Absent:

- Bill Atkins, Director, Georgia Drugs and Narcotic Agency

Mr. Prather established that a quorum was present, and called the meeting to order at 11:05 A.M.

The motion was seconded by Mr. Madden and it carried unanimously.

Proposed amendments to the Georgia State Board of Pharmacy Rules Chapter 480-27, requirements of a prescription drug order when utilizing a computer or other electronic mean, and Chapter 480-32, Electronic transfer of prescriptions: Mr. Madden made a motion to approve posting rules with changes noted based on public comments and Board discussion that began in April 2006 at the Public Hearing. Mr. Barber seconded the motion and it carried unanimously.

**SYNOPSIS OF PROPOSED AMENDMENTS OF
GEORGIA STATE BOARD OF PHARMACY
RULE 480-27-.01 DEFINITIONS.**

Purpose: The purpose of this rule revision is to provide definitions for issuance of digital and electronic prescription drug orders.

Main Features: The main feature of this rule allows for the definitions used concerning digital and electronic prescription drug orders.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED NEW
RULE TO THE GEORGIA STATE BOARD OF PHARMACY RULES RULE 480-27-
.01, DEFINITIONS**

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

480-27-.01 Definitions.

For purposes of these Rules and Regulations, the following definitions apply:

(a) Authentication. Any process by which the identities of the parties sending and receiving electronic prescription data are verified.

(a) (b) Automated Electronic Data Processing System. A system utilizing computer software and hardware for the purpose of record-keeping and/or receiving prescription drug orders. Any and all such systems that are compatible and capable of interacting with, and electronically transferring prescription drug data with any other system must be in compliance with the rules of the Board for use in electronic prescription monitoring.

(b) (c) Board. The Georgia State Board of Pharmacy.

(c) (d) Computer. Programmable electronic device capable of multifunctions including but not limited to storage, retrieval and processing of information.

(d) (e) Controlled Substances. Those drug items regulated by federal law and/or the Georgia Controlled Substances Act.

(e) (f) Dangerous Drugs. Those drug items and devices regulated by the Georgia Dangerous Drug Act.

(f) (g) Digital ID. An authenticated identifiable signature than can be attached to an electronic e-mail and is tamper proof.

(g) (h) Downtime. That period of time when a computer is not operable.

(h) (i) Electronic Means. An electronic device used to send, receive, and/or store prescription drug order information, including computers, facsimile machines, etc.

(i) (j) Electronic Signature. An electronic visual image signature or an electronic data signature of a practitioner, which appears on, is attached to or is logically associated with an electronic prescription drug order.

(j) (k) Facsimile. A hard copy prescription drug order sent via a facsimile machine.

(k) (l) Hard Copy. A fileable prescription drug order which is written or printed via electronic means.

(l) (m) Hardware. The fixed component parts of a computer.

(m) (n) HIPPA. The Health Insurance and Portability and Accountability Act and the associated security standards for the protection of electronic protected health information.

(n) (o) Intervening Electronic Formatter. An entity that is not prohibited under O.C.G.A. Section 26-4-80 (c)(1) and (5), and that provides the infrastructure that connects a computer or automated electronic data processing system or other electronic device used by a prescribing practitioner with a computer or automated electronic data processing system or another electronic device used by the pharmacy to facilitate the secure transmission of :

1. An electronic prescription drug order;

2. A refill authorization request;

3. A communication; and

4. Other patient care information between a practitioner and pharmacy.

(o) (p) NPI. National Provider Standard Identifier.

(p) (q) Practitioner Drug Order. A drug order written in an institutional practice/setting in a patient's chart for a specific patient. It is not necessary to reduce to writing as required for a prescription drug order.

(q) (r) Prescriber. A practitioner authorized to prescribe and acting within the scope of this authorization.

(r) (s) Prescription Drug Order. A written lawful order from a practitioner, ~~authorized to prescribe and acting within the scope of this authorization (other terminology: prescription order)– his or her license to practice, for a drug or device for a specific patient.~~ Such order includes a written order from the practitioner, a telephone order reduced to writing by the pharmacist, and electronic image prescription drug order and an electronic data prescription drug order. ~~or a telephone order reduced to writing by the pharmacist.~~

(s) (t) Print-out. A hard copy document generated by computer or other electronic means

that is readable without the aid of any special device.

(~~u~~) (u) Regulatory Agency. Any federal or state agency charged with enforcement of pharmacy or drug laws and regulations, i.e., the Georgia Drugs and Narcotics Agency (GDNA), the Drug Enforcement Administration (DEA), or the Georgia Department of Medical Assistance (Medicaid).

(v) Security Paper. Paper with security features on which the electronic visual image prescription drug order of a practitioner is printed and presented to a patient so as to ensure that a prescription drug order is not subject to any form of copying, reproduction, or alteration, and may include a watermark produced by the electronic digital process when a prescription is printed that clearly shows if a prescription has been reproduced or copied in an unauthorized manner. Such security paper shall include, at a minimum, but not limited to, the following security features:

1. A latent, repetitive pattern shall be visible across the entire front of the prescription blank if the prescription is scanned or photocopied; and

2. A chemical void protection that prevents alteration by chemical washing.

(~~w~~) (w) Software. Programs, procedures and systems for receipt and/or storage of required information data.

(~~x~~) (x) Stop Date. In institutional settings, the practitioner normally indicates on his/her drug order, the length of time to administer the medication. In absence of such a notation, a committee will have determined by policy, the length of time to administer the medication by category.

Authority O.C.G.A. §§ 26-4-5, 26-4-27, 26-4-28, 26-4-29, 26-4-80, and 26-4-83.

**SYNOPSIS OF PROPOSED AMENDMENT OF
GEORGIA STATE BOARD OF PHARMACY
RULE 480-27-.02 PRESCRIPTION DRUG ORDER REQUIREMENTS.**

Purpose: The purpose of this rule revision is to provide the contact information required and signature requirements for digital and electronic prescription drug orders.

Main Features: The main feature of this rule revision outlines the requirements for signatures for digital and electronic prescription drug orders.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED NEW
RULE TO THE GEORGIA STATE BOARD OF PHARMACY RULES RULE 480-27-
.02, PRESCRIPTION DRUG ORDER REQUIREMENTS.**

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added

480-27-.02 Prescription Drug Order Requirements.

(1) Prescription drug orders shall include, but not be limited to, the following information:

(a) Date of issue;

(b) Name and address of patient (or patient location if in an institution);

(c) Name and address of prescriber, telephone number, and NPI as assigned under federal law;

(d) DEA registration number of the prescriber in the case of controlled substances;

(e) Name, strength, dosage form and quantity of drug prescribed;

(f) Number of authorized refills;

(g) Directions for use by patient;

(h) If a written prescription drug order, the signature of the prescribing practitioner; and

(i) Any cautionary statements as may be required or necessary.

(2) Electronically transmitted prescription drug orders shall contain all information required for written prescriptions above and required by state and federal law including the prescriber's name, address, and phone number, except the signature may be an electronic signature and the electronically transmitted prescription must include the time and date of transmission.. Such electronically transmitted prescription may not be for controlled substances except as may be allowed by federal law.

(3) The pharmacist shall exercise professional judgment regarding the accuracy and authenticity of prescriptions consistent with federal and state statutes and regulations. In the absence of unusual circumstances requiring further inquiry, the pharmacy and each of its associated pharmacists is entitled to rely on the accuracy and authenticity of electronically transmitted prescriptions from an intervening electronic formatter that comply with this rule.

(4) Electronically generated prescriptions containing an electronically reproduced signature of a practitioner that is presented, as a prescription order to the patient shall be printed on security paper.

(5) Pharmacies are prohibited from receiving electronic data from intervening electronic formatters that do not meet all of the following requirements:

(a) Utilize recognized encrypted technology and secure servers.

(b) Maintain HIPAA compliance.

(c) Maintain a combination of technical and administrative security measures, such as, but not limited to those listed in Security Standards for the Protection of Electronic Protected health Information (HIPAA), to ensure a reasonable and appropriate level of:

1. Practitioner and dispenser authentication

2. Content integrity; and

3. Confidentiality.

(d) Refrain from collecting and disseminating patient and/or prescriber data to sources other than the originating prescriber and the receiving pharmacy.

Authority O.C.G.A. §§ 16-13-41, 16-13-73, 16-13-74, 26-4-5, 26-4-27, 26-4-28, 26-4-37, 26-4-80, 26-4-83, and 42 C.F.R. Part 423.

**SYNOPSIS OF PROPOSED AMENDMENT OF
GEORGIA STATE BOARD OF PHARMACY
RULE 480-27-.04 USE OF FASCIMILE MACHINE OR OTHER ELECTRONIC MEANS TO TRANSMIT
OR RECEIVE PRESCRIPTION DRUG ORDERS.**

Purpose: The purpose of this rule amendment provides guidelines and regulation for the transmission or receipt of prescription drug orders.

Main Features: The main feature of this rule amendment provides regulations for the transmission or receipt of prescription drug orders.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED NEW RULE TO THE GEORGIA STATE BOARD OF PHARMACY RULES RULE 480-27-.04, USE OF FACSIMILE MACHINE OR OTHER ELECTRONIC MEANS TO TRANSMIT OR RECEIVE PRESCRIPTION DRUG ORDERS.

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

480-27-.04 Use of Facsimile Machine or Other Electronic Means to Transmit or Receive Prescription Drug Orders.

(1) All prescription drug orders sent via facsimile or other electronic means must meet the requirements of O.C.G.A. § 26-4-80 and Chapter 480- 22 of the Board Rules and the requirements for electronically transmitted prescriptions or drug orders.

~~(a)~~ (2) All persons engaged in the practice of pharmacy in this state, which includes accepting or receiving a prescription drug order, must be licensed by the Board.

~~(b)~~ (3) All dangerous drugs and controlled substances must be dispensed pursuant only to a valid prescription drug order. A pharmacist shall not dispense a prescription drug order which the pharmacist knows or should know is not a valid prescription drug order.

~~(c)~~ (4) A prescription drug order may be accepted by a licensed pharmacist, a pharmacy intern or extern, acting under the direct supervision of a registered pharmacist, in written form, orally, via facsimile, or electronically as set forth in O.C.G.A. § 26-4-80 and the Rules of the Board. Provisions for accepting a prescription drug order for a schedule II controlled substance are set forth in Chapter 480-22.

(5) Prescription drug orders transmitted either electronically or via facsimile shall meet the following requirements:

~~1.~~ (a) Electronically transmitted prescription drug orders shall be transmitted directly by the prescribing practitioner or indirectly utilizing intervening electronic formatters as permitted under Georgia law, except in the case of a prescription drug order sent via facsimile equipment by the practitioner or the practitioner's agent acting under the direct supervision of the practitioner, to the pharmacy of the patient's choice with no other intervening person or intermediary having access to or retaining information contained in the prescription drug order. No patient or agent for a patient may transmit a prescription drug order to a pharmacy.

~~2.~~ (b) Prescription drug orders transmitted by facsimile or other electronic means shall include:

~~(i)~~ 1. In the case of a prescription drug order for a dangerous drug, the complete name, address and telephone number of the prescribing practitioner;

~~(ii)~~ 2. In the case of a prescription drug order for a controlled substance when authorized by federal law, the complete name, address, telephone number, and DEA registration number of the prescribing practitioner;

~~(iii)~~ 3. The complete name and address of the patient;

~~(iv)~~ 4. The time and date of transmission, ~~and~~

~~(v)~~ 5. The complete name of the person transmitting the prescription drug order and a telephone number for verbal confirmation, ~~and~~

6. The NPI for the prescriber as assigned under federal law.

~~3.~~ (c) An electronically transmitted prescription drug order which meets the requirements of this Chapter shall be deemed sufficient to serve as the original prescription drug order for the pharmacy;

(d) Electronically generated prescriptions may be transmitted directly or indirectly thru one or more Intervening Electronic Formatters to a pharmacy's computer or other similar electronic device;

(e) Intervening electronic formatters not compliant with the requirements of this chapter will be considered an invalid source and are prohibited;

(f) Electronically generated prescriptions as e-mails directly from the prescriber to a pharmacy of the patients choice shall be encrypted and accompanied by a digital ID for authentication purposes. The pharmacist shall exercise
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professional judgment regarding the accuracy and authenticity of prescriptions consistent with federal and state statutes and regulations. In the absence of unusual circumstances requiring further inquiry, the pharmacy and each of its associated pharmacists is entitled to rely on the accuracy and authenticity of electronically transmitted prescriptions. E-mail prescriptions should comply with the following:

1. E-mails shall be reduced to hard copy and maintained as a prescription order record and maintained as required by rules and statute for all other prescription orders; and

2. The prescription may not be for a controlled substance unless allowed by federal law.

~~4-~~(6) The pharmacist or pharmacy intern or extern acting under the direct supervision of a licensed pharmacist shall exercise professional judgment regarding the accuracy and authenticity of the transmitted prescription drug order consistent with Federal and State Laws and rules and regulations adopted pursuant to same; ~~and~~.

~~5-~~ (7) A prescription drug order electronically transmitted from a prescriber or a prescriber's agent acting under the direct supervision of the prescriber, shall be considered a highly confidential transaction and said transmission shall not be compromised by interventions, control, change, altering, or manipulation by any other person or party in any manner whatsoever except by an intervening electronic formatter as permitted by law and these rules; ~~and~~.

6- (8) Any pharmacist or pharmacy intern or extern acting under the direct supervision of a licensed pharmacist that transmits, receives, or maintains any prescription or prescription refill either orally, in writing, or electronically shall ensure the security, integrity, and confidentiality of the prescription drug order and any information contained therein; ~~and~~.

7- (9) The Board may provide exceptions to this Rule by establishing policies for institutional settings such as hospital pharmacies, nursing home pharmacies, outpatient clinic pharmacies, opioid treatment program clinic pharmacies, or pharmacies owned and operated directly by health maintenance organizations.

(10) Receiving computers or other similar electronic devices used to view the prescription shall be located within the pharmacy or pharmacy department with only authorized personnel having access.

(11) Transmission of prescriptions to answering machines and electronic voice recording devices by an authorized practitioner or approved agent shall be retrieved by a licensed pharmacist, intern, or extern and is considered to be a direct transmission of a prescription order.

Authority O.C.G.A. §§ 16-13-41, 16-13-72, 26-4-27, 26-4-5, 26-4-27, 26-4-28, 26-4-80, 26-4-82, 26-4-83, and 43-34-26.1.

**SYNOPSIS OF PROPOSED AMENDMENT OF
GEORGIA STATE BOARD OF PHARMACY
RULE 480-27-.05 RECORD-KEEPING WHEN UTILIZING AN AUTOMATED ELECTRONIC DATA
PROCESSING SYSTEM.**

Purpose: The purpose of this rule revision is to provide the record-keeping specifications when utilizing an automated data processing system.

Main Features: The main feature of this rule revision outlines the record-keeping requirements when utilizing an automated data processing system.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED NEW
RULE TO THE GEORGIA STATE BOARD OF PHARMACY RULES RULE 480-27-
.05, RECORD-KEEPING WHEN UTILIZING AN AUTOMATED
ELECTRONIC DATA PROCESSING SYSTEM.**

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

**480-27-.05 Record-Keeping When Utilizing an Automated Electronic Data
Processing System.**

In order to comply with the record keeping requirements of this Chapter, an automated electronic data processing system may be utilized for the record keeping system if the following conditions have been met:

(a) Except as otherwise provided herein, all original prescriptions, those hard copies written by a practitioner, telephoned to the pharmacist by a practitioner and reduced to writing, or sent via facsimile machine or other electronic means must be retained as a permanent record for two years in the usual consecutively serial numbered prescription file. Any refill information subsequently authorized by a practitioner must be maintained in the manner required by O.C.G.A. § 26-4-80(e).

(b) The system shall at a minimum produce sight-readable printouts for all dangerous drug and controlled substance prescriptions for each 24 hour period. The term sight-readable means that a regulatory agent a representative of the Board or GDNA shall be able to readily retrieve and examine the record and read the information during any on-site visit to the pharmacy. These print-outs must be generated at least once weekly by the pharmacy and maintained for at least two years after the last date on which the prescription was filled or refilled. If not readily retrievable, any such printouts shall be generated as soon as possible upon the verbal request from the Board or GDNA representative.

(c) The information maintained by the automated electronic data processing system shall include, but not be limited to the following:

1. Date of dispensing;
2. Prescription number;
3. Patient's name;
4. Patient's address;
5. Drug name, strength and dosage form;
6. Quantity prescribed, and if the quantity dispensed is different from the quantity prescribed, the quantity dispensed;
7. Prescriber's name;
8. Identification of dispensing pharmacist;
9. Indication whether drugs are being dispensed pursuant to a new prescription or for a refill order-;
10. In case of a controlled substance as allowed by federal law, the name, address and DEA registration of the practitioner and the schedule of the drug;
11. Directions for administration of the prescription to the patient;
12. Total number of refills authorized; and
13. NPI of the prescriber as assigned under federal law.

(d) Permanent records of electronic prescriptions do not have to be reduced to hard copy provided the following requirements are met:

1. Electronic prescription data must be maintained in the original format received for a minimum of two years; and
2. Reliable backup copies of the information are readily retrievable and stored in a secure and fireproof (minimum 1hr UL approved) container, stored in a secured offsite location or backed up to a documented offsite secure storage device within 48 hours following each work day.

(4) (e) The individual pharmacist responsible for completeness and accuracy of the entries to the system, must provide documentation that prescription information entered into the computer is correct, by dating and signing the print-out in the same manner as signing a check or legal document (e.g. Mary A. Smith or M. A. Smith).

(e) ~~(f)~~ An auxiliary record-keeping system shall be established for the documentation of filling new prescriptions, refills, and transfers if the automated electronic data processing system is inoperative for any reason. The auxiliary system shall insure that all refills are authorized by the original prescription and that the maximum number of refills is not exceeded. When this automated electronic data processing system is restored to operation, the information regarding prescriptions filled and refilled during the inoperative period shall be entered into the automated electronic data processing system as soon as possible. However, nothing in this section shall preclude the pharmacist from using his/her professional judgment for the benefit of a patient's health and safety.

(f) ~~(g)~~ Any pharmacy using an automated electronic data processing system must comply with all applicable State and Federal laws and regulations.

~~(g)~~ ~~(h)~~ A pharmacy shall make arrangements with the supplier of data processing services or materials to insure that the pharmacy continues to have adequate and complete prescription and dispensing records if the relationship with such supplier terminates for any reason. A pharmacy shall insure continuity in the maintenance of records.

Authority O.C.G.A. §§ 16-13-39, 26-4-5, 26-4-27, 26-4-28, 26-4-37, 26-4-80, 26-4-83.

**SYNOPSIS OF PROPOSED AMENDMENT OF
GEORGIA STATE BOARD OF PHARMACY
RULE 480-27-.07 DANGEROUS PRESCRIPTION DRUG ORDER TRANSFER.**

Purpose: The purpose of this rule revision is to provide the same requirements for the electronic transfer of a prescription drug order as for the manual transfer of said order.

Main Features: The main feature of this rule revision outlines the transfer requirements for an electronic prescription drug order.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED NEW
RULE TO THE GEORGIA STATE BOARD OF PHARMACY RULES RULE 480-27-
.07, DANGEROUS PRESCRIPTION DRUG ORDER TRANSFER**

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

480-27-.07 Dangerous Prescription Drug Order Transfer.

A pharmacy utilizing an automated electronic data processing system must satisfy all the information requirements as that used in a manual mode when transferring an original dangerous drug prescription drug order. The transfer of original prescription drug information for the purpose of refill dispensing is permissible between pharmacies subject to the following requirements:

(a) The prescription drug order is transmitted directly to the pharmacy of the patient's choice.

(b) The transfer is communicated directly between licensed pharmacists or licensed interns or externs under the direct supervision of a licensed pharmacist and the transferring pharmacist or intern or extern records the following information:

1. The word "VOID" is written on the face of the invalidated prescription drug order, and/or indicate in the pharmacy's electronic data system this prescription is void;

2. Record on the reverse of the invalidated prescription drug order the name and address of the pharmacy to which it was transferred and the name of the pharmacist or intern or extern under the direct supervision of a licensed pharmacist receiving the prescription drug order information, or have the electronic data system reflect the fact that the prescription drug order has been transferred, the name and address of the pharmacy to which it was transferred and the name of the pharmacist or intern or extern under the direct supervision of a licensed pharmacist to which it was transferred, and the date of the transfer; and

3. Record the date of the transfer and the name of the pharmacist or intern or extern under direct supervision of a licensed pharmacist transferring the information;

4. ~~The computer record shall reflect the fact that the prescription drug order has been transferred, the name of the pharmacy to which it was transferred, and the date of the transfer.~~

(c) The pharmacist or intern or extern under the direct supervision of a licensed pharmacist receiving the transferred prescription drug order shall reduce to writing, or cause the computer to reduce to writing, the following information which shall be filed as required by O.C.G.A. Title 16, Chapter 13 and Title 25, Chapter 4:

1. The word "TRANSFER" shall be written on the face of the transferred prescription and/or indicate in the pharmacy's electronic data system this prescription was a transfer;

2. All information required to be included on the prescription drug order pursuant to all State and Federal laws and regulations shall be provided which shall include at a minimum the following:

- (i) Date of issuance of the original prescription drug order;
- (ii) Original number of refills authorized on the original prescription drug order;
- (iii) Date of original dispensing;
- (iv) Number of valid refills remaining and date of last refill;
- (v) The pharmacy's name, address, and original prescription serial number from which the prescription drug order information was transferred; and
- (vi) Name of transferring pharmacist.

3. Both the original and transferred prescription must be maintained for a period of two years from the date of last refill.

~~4. Pharmacies utilizing automated data processing systems must satisfy all information requirements of a manual mode for prescription transfers, except as follows:~~

~~(d) Pharmacies accessing a common electronic file or database used to maintain required dispensing information are not required to record on the original hard copy prescription drug order any information ~~on the hard copy prescription drug order being transferred~~ when transferring or refilling prescription drug orders as required for pharmacies not utilizing a common electronic file as noted in this Chapter. However, a hard copy of the prescription drug order must be generated and maintained by the pharmacist refilling or receiving the electronically transferred prescription drug order information. The common database must contain complete records of each prescription drug order transferred.~~

Authority O.C.G.A. §§ 26-4-5, 26-4-27, 26-4-28, 26-4-80, 26-4-83, and 16-13-39.

SYNOPSIS OF PROPOSED AMENDMENT OF GEORGIA STATE BOARD OF PHARMACY RULE 480-27-.10 OTHER CONSIDERATIONS.

Purpose: The purpose of this rule revision is to provides guidelines for other matters (DEA rules and regulations, Georgia Pharmacy Practice Act, etc.) not covered in the other sections of Rule 480-27.

Main Features: The main feature of this rule revision provides guidelines for other matters (DEA rules and regulations, Georgia Pharmacy Practice Act, etc.) not covered in the other sections of Rule 480-27.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED NEW RULE TO THE GEORGIA STATE BOARD OF PHARMACY RULES RULE 480-27- .10, OTHER CONSIDERATIONS.

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added

480-27-.10 Other Considerations.

(1) All prescription drug orders lawfully authorized to be received via facsimile or other electronic means are allowed to serve as the original prescription drug order for the receiving pharmacy.

~~(2) Licensees are prohibited from supplying facsimile equipment or supplies to prescribing practitioners or in any other manner restricting trade. No person or firm licensed under O.C.G.A. Title 26, Chapter 4 (the Georgia Pharmacy Practice Act) nor any other entity shall be permitted to provide facsimile machines or equipment, computer software, technology hardware, digital or electronic prescription drug order systems or supplies related to the transmission of prescription drug orders by electronic means to any practitioner which restricts such practitioner from issuing prescription drug orders for certain prescription drugs or restricts a patient from choosing the retail pharmacy to which an electronic prescription drug order maybe transmitted.~~

(3) A pharmacist or a pharmacy owner and/or manager that participates in any process which restricts the patient's freedom of choice is considered to have engaged in unprofessional conduct as defined by the Board's Rules.

~~(4) Hospitals may utilize facsimile for transfer of prescription drug orders for the admission of patients to the hospital and for the transfer of inpatient orders in the hospital.~~

~~(5) Dispensing in any manner other than as set forth in these regulations shall be considered a violation of Board Rules and Regulations.~~

~~(6) (4) In compliance with O.C.G.A. Title 26, Chapter 4, no pharmacy or pharmacist may surrender copies of any patient's prescription drug order information or patient profile except under the following conditions:~~

~~(a) Written authority from the patient, the patient's caretaker, or a person with power of attorney for the patient;~~

~~(b) A subpoena or court order signed and issued by a government official or court;~~

~~(c) Any other person as authorized by O.C.G.A. § 26-4-80(d) to have access to the prescription; or~~

~~(d) A forged prescription drug order, which is a forgery does not fall under the protection of this Rule or O.C.G.A. Title 26, Chapter 4 concerning the confidentiality of patient information. Such forged prescription is considered evidence of a crime and should be surrendered to the proper law enforcement authority investigating such forgery. When~~

~~turning over a forged prescription drug order to law enforcement officers, the officer should provide the pharmacy with a signed photocopy of the forged prescription drug order along with the name of the officer, his/her agency and telephone number.~~

~~(5) The receipt of, maintenance of, and dispensing pursuant to digital and electronic prescription drug orders in any manner other than as set forth in this chapter shall be considered a violation of the Board rules and regulations.~~

(6) Nothing in this rule is meant to supercede any U.S. Drug Enforcement Administration (DEA) laws or rules concerning the legality of transmission of or dispensing of controlled substance prescription drug orders bearing electronic or digital signatures.

~~(7) Nothin in this rule is meant to restrict compliance with e-prescribing as permitted under the Medicare Prescription Drug Improvement and Modernization Act of 2003.~~

Authority: O.C.G.A. §§ 16-13-34, 16-13-39, 26-4-5, 26-4-27, 26-4-28, 26-4-60, 26-4-80, 43-1-19, and 42 C.F.R. Part 423.

SYNOPSIS OF PROPOSED REPEAL OF
GEORGIA STATE BOARD OF PHARMACY
CHAPTER 480-32, ELECTRONIC TRANSFER OF PRESCRIPTIONS

Purpose: This chapter is being deleted.

Main Features: The provisions of this chapter have been incorporated into Chapter 480-27, Requirements of a Prescription Drug Order, and this chapter is now superfluous.

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

~~480-32-.01 Electronic Transfer of Prescriptions.~~

~~(1) Prescription Drug Orders. A Prescription Drug Order (defined as "lawful order of a Practitioner for a drug or device for a specific patient") shall contain the following information at a minimum:~~

- ~~(a) Full name and address of the patient;~~
- ~~(b) Name and address of the prescribing practitioner and DEA registration number in the case of controlled substances;~~
- ~~(c) Date of issuance;~~
- ~~(d) Name, strength, dosage form and quantity of drug prescribed;~~
- ~~(e) Directions for use by the patient;~~
- ~~(f) Refills authorized, if any;~~
- ~~(g) If a written Prescription Drug Order, prescriber's signature; and~~
- ~~(h) A serial number affixed by the pharmacist so that prescriptions may be filed in numerical sequence.~~

~~(2) Manner of Issuance of a Prescription Drug Order. A prescription drug order, to be effective, must be issued for a legitimate medical purpose by a prescriber acting within the course of legitimate professional practice.~~

~~(a) A Prescription Drug Order may be transmitted to a pharmacy in the following format: written, oral or electronically. If transmitted orally or electronically, the Prescription Drug Order shall be immediately reduced to written form by the pharmacist.~~

~~1. A facsimile copy of a Controlled Substance Prescription Drug Order written and signed by an authorized practitioner for Controlled Substances in Schedule III, IV and V and transmitted directly by the prescribing practitioner to the pharmacy can serve as a written prescription.~~

~~2. For Schedule II Controlled Substance Prescription Drug Orders, the original written prescription must be presented and verified against the facsimile at the time the substances are actually dispensed and the original document must be properly annotated and retained for filing. There are two exceptions to this requirement:~~

~~(i) The facsimile copy of a prescription for a Schedule II narcotic substance to be compounded for direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion transmitted by the practitioner or the practitioner's agent to the home infusion pharmacy may be considered to be a written prescription. For purposes of this rule, a home infusion pharmacy shall be a pharmacy which compounds solutions for direct administration to a patient in a private residence, long term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion. The facsimile copy of the prescription is to be retained in the pharmacy's files as an original prescription and must contain all the information required.~~

~~(ii) The facsimile copy of a Schedule II prescription transmitted by the practitioner or the practitioner's agent for a patient who is a resident in a long-term care facility which is filled and delivered to the facility by a dispensing pharmacy shall be considered to be a written prescription. The facsimile copy of the prescription is to be retained in the pharmacy's files as an original prescription and must contain all the information required.~~

~~3. The pharmacist bears the responsibility for ensuring that prescriptions for controlled substances have been issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice pursuant to 21~~

~~CFR 1306.04(a).~~

~~4. An electronically transmitted Prescription Drug Order shall be sent to the Pharmacy of the patient's choice;~~

~~5. Prescription Drug Orders transmitted by facsimile or computer shall include the name and address of the practitioner, the phone number for verbal confirmation, the time and date of transmission and the name of the Pharmacy intended to receive the transmission as well as any other information required by Federal or State Law;~~

~~6. A pharmacist may dispense Prescription Drug Orders transmitted electronically only when transmitted by an authorized prescriber or his designated agent;~~

~~7. The Pharmacist shall exercise professional judgment regarding the accuracy or authenticity of the transmitted Prescription Drug Order consistent with existing Federal or State Laws and Rules;~~

~~8. The prescriber may authorize his agent to transmit a Prescription orally or electronically to the Pharmacy, provided that the identity of the transmitting agent is included in the order.~~

~~(3) Transfer of a Prescription by Manual and Electronic Mode. Pharmacies utilizing data processing systems shall satisfy all information requirements of a manual mode for Prescription Drug Order transferal, except as noted in subsection 4. below. The transfer of original Prescription Drug Order information for the purpose of refill dispensing is permissible between pharmacies subject to the following requirements:~~

~~(a) The information is communicated directly between two Pharmacists and the transferring Pharmacist records the following information:~~

1. Write the word "VOID" on the face of the invalidated Prescription Drug Order;
 2. Record on the reverse side of the invalidated Prescription Drug Order the name and address of the Pharmacy to which it was transferred and the name of the Pharmacist receiving the Prescription Drug Order;
 3. Record the date of the transfer and the name of the Pharmacist transferring the information; and
 4. The computer record shall reflect the fact that the Prescription Drug Order has been transferred, the name of the Pharmacy to which it was transferred, the date of transfer and that any remaining refills are canceled.
- (b) The pharmacist receiving the transferred Prescription Drug Order shall reduce to writing the following:
1. Write the word "TRANSFER" on the face of the transferred Prescription;
 2. Provide all information required to be on a Prescription Drug Order pursuant to State and Federal Laws and Rules and include:
 - (i) date of issuance of original Prescription Drug Order;
 - (ii) original number of refills authorized on original Prescription Drug Order;
 - (iii) date of original dispensing;
 - (iv) number of valid refills remaining and date of last refill;
 - (v) Pharmacy's name, address, and original prescription number from which the Prescription Drug Order information was transferred; and
 - (vi) name of transferring Pharmacist.
3. Systems providing for the electronic transfer of information shall not infringe on a patient's freedom of choice as to the provider of Pharmaceutical Care.
- (e) Both the original and transferred Prescription Drug Order shall be maintained for a period of two years from the date of the last refill.
- (d) Pharmacies accessing a common electronic file or database used to maintain required dispensing information are not required to record on the original Prescription Drug Order any information when transferring or refilling Prescription Drug Orders as required for pharmacies not utilizing a common electronic file as noted in subsection ~~[(3)(a)(b)]~~ above. A hard copy of the Prescription Drug Order must be generated and maintained by the pharmacist refilling the electronic transferred Prescription Drug Order. The common electronic file or database must contain complete records of each Prescription Drug Order transferred.
- (4) Other Considerations:
- (a) Facsimile transfers of Prescription Drug Orders are permitted for purposes of prescribed information only, and which prescription drug order dispensing shall be allowed only upon receipt, review and verification of original signed or verbal prescription drug order by the dispensing pharmacist.
 - (b) Licensees are prohibited from supplying facsimile equipment or supplies to medical practitioners or in any other manner restricting trade.
 - (e) A pharmacist that participates in any process which restricts the patient's freedom of choice is considered to have engaged in unprofessional conduct.
 - (d) Hospitals may utilize facsimile for transfer of Prescription Drug Orders for admission of patients to hospitals. Nothing in this policy shall prohibit the transfer of inpatient orders in hospitals.
 - (e) A pharmacist may dispense prescription drug orders received by fax from a Nursing Home provided that the original prescription drug order is verified by the pharmacist within 24 hours. f) Dispensing in any manner other than that set forth in these regulations shall be considered a violation of Pharmacy regulations.

Authority: O.C.G.A. §§26-4-27, 26-4-28, and 50-13-2.

There being no further business to be discussed, the meeting was adjourned at 11:45 A.M.

Bill Prather, President

**Sandy L. Bond, Executive Director
Professional Licensing Boards Division**

**Minutes Prepared By: Dianne W. Patterson
Reviewed By: Sylvia L. Bond, Executive Director**

Minutes approved by the Board at its August 16, 2006 Board Meeting.