

GEORGIA STATE BOARD OF PHARMACY

Board Meeting

Conference Call

Thursday, September 30, 2011

9:00 a.m.

Members Present:

Steve Wilson, President
Bill Prather, Vice President
Judy Gardner
Al McConnell
Fred Barber
Ronnie Wallace, Consumer Member

Members Absent:

Pat McPherson
Tony Moye

Staff Present:

Janet Wray, Board Attorney
Rick Allen, GDNA
Lisa Durden, Director
Eric Lacefield, Executive Director
Melanie Bradley, Board Support Specialist
Annie Ruth Parks, Licensing Analyst

OPEN SESSION

Steve Wilson established a quorum was present and called the meeting to order at 9:04 a.m.

Ronnie Wallace made a motion to post Rule 480-22-.12 as amended; Al McConnell seconded the motion. The Board voted unanimously to post Rule 480-22-.12 as follows:

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

480-22-.12 Requirements of Prescription Drug Orders as Issued by a Physician's Assistant (PA) or an Advanced Practice Registered Nurse (APRN) Licensed to Practice in the State of Georgia.

(1) Under O.C.G.A. § 43-34-103(e.1), a physician's assistant (PA) licensed by the ~~Georgia Composite Board of Medical Examiners~~ Georgia Composite Medical Board is permitted to issue a prescription drug order or orders for any dangerous drugs, as defined in O.C.G.A. § 16-13-71, or for any Schedule III, IV, or V controlled substance without the co-signature of a supervising physician pursuant to the authority delegated by the PA's supervising physician and contained in the PA's job description. under the following conditions:

(a) The supervising physician has delegated the authority to prescribe dangerous drugs and/or controlled substances in the PA's job description on file with the Georgia Composite Medical Board. A PA cannot issue a prescription for any C-II, III, IV, or V controlled substance without having such prescription co-signed by his or her supervising physician, unless such PA has his/her own DEA number.

- ~~(b) Delegation of such authority shall be contained in the job description required by O.C.G.A. § 43-34-103(e.1). The delegating physician shall remain responsible for the medical acts of the PA. If the prescription is for controlled substances, the PA has a DEA number.~~
- (c) The prescription drug order must be on security paper and include the following:
- (i) The name, address, and telephone number of the supervising physician and the PA;
 - (ii) The patient's name and address;
 - (iii) The drug name, strength and quantity prescribed;
 - (iv) The directions to the patient with regard to taking the drug;
 - (v) The number of authorized refills, if any;
 - (vi) A NPI number; and
 - (vii) If applicable, the DEA permit number of the PA.
- (d) If the prescription is transmitted by facsimile or computer, the prescription shall include:
- (i) The complete name and address of the supervising physician and the PA;
 - (ii) In the case of a prescription drug order for a controlled substance, the DEA registration number of the PA;
 - (iii) The telephone number of the PA for verbal confirmation;
 - (iv) The name and address of the patient;
 - (v) The time and date of the transmission;
 - (vi) The full name of the person transmitting the order; and
 - (vii) The drug name, strength and quantity prescribed;
 - (viii) The directions to the patient with regard to taking the drug;
 - (ix) The number of authorized refills, if any;
 - (x) A NPI number; and
 - (xi) The signature of the PA as provided in Rule 480-27-.02(2) or, in the case of a controlled substances prescription, in accordance with 21 C.F.R. 1301.22.
- (e) No prescription drug order issued by a PA can be used to authorized refills more than twelve (12) months past the date of the original drug order.

(2) Under O.C.G.A. § 43-34-25, an advanced practice registered nurse (APRN) who is recognized by the Georgia Board of Nursing as having met the requirements to engage in advanced nursing practice, and whose registered nurse license and advanced practice registered nurse license are in good standing with the Georgia Board of Nursing, is permitted to issue a prescription drug order or orders for any dangerous drugs, O.C.G.A. § 16-13-71 except for drugs intended to cause an abortion to occur pharmacologically, or for any Schedule III, IV, or V controlled substance without the co-signature of a delegating physician under the following conditions:

- (a) The APRN has been delegated the authority to issue prescription for the dangerous drugs and controlled substances by a physician licensed by the Georgia Composite Medical Board in a nurse protocol agreement and that agreement has been filed with the Georgia Composite Medical Board..
- (b) If the prescription is for controlled substances, the APRN has a DEA number.
- (c) The prescription drug order must be on security paper and include the following:
 - (i) The name, address, and telephone number of the delegating physician and the APRN;
 - (ii) The patient's name and address;
 - (iii) The drug name, strength and quantity prescribed;
 - (iv) The directions to the patient with regard to taking the drug;
 - (v) The number of authorized refills, if any;
 - (vi) A NPI number; and
 - (vii) If applicable, the DEA permit number of the APRN.
- (d) If the prescription is transmitted by facsimile or computer, the prescription shall include:
 - (i) The complete name and address of the delegating physician and the APRN;
 - (ii) In the case of a prescription drug order for a controlled substance, the DEA registration number of

the APRN;

(iii) The telephone number of the APRN for verbal confirmation;

(iv) The name and address of the patient;

(v) The time and date of the transmission;

(vi) The full name of the person transmitting the order; and

(vii) The drug name, strength and quantity prescribed;

(viii) The directions to the patient with regard to taking the drug;

(ix) The number of authorized refills, if any;

(x) A NPI number; and

(xi) The signature of the APRN as provided in Rule 480-27-.02(2) or, in the case of a controlled substances prescription, in accordance with 21 C.F.R. 1301.22.

(e) No prescription drug order issued by a APRN can be used to authorize refills more than twelve (12) months past the date of the original drug order unless the prescription drug order is for oral contraceptives, hormone replacement, or prenatal vitamins. Oral contraceptives, hormone replacement and prenatal vitamins may be refilled up to twenty-four (24) months from the date of the original drug order.

~~(2)~~ (3) Nothing in this Rule, Title 16, Chapter 13 or Title 43, Chapter 34, shall be construed to create a presumption of liability, either civil or criminal, on the part of a pharmacist who in good faith fills a prescription drug order presented by a patient that had been issued by a PA or an APRN consistent with this Rule pursuant to this Rule.

(a) A pharmacist shall presume that a prescription drug order issued by a PA or APRN was issued by a PA or APRN duly licensed and qualified under Title 43, Chapter 34 to prescribe pharmaceutical agents.

(b) A pharmacist shall presume that the drug prescribed by the PA is a drug approved by the supervising physician in the PA's job description and that the drug prescribed by an APRN is a drug authorized by the delegating physician in the APRN's nurse protocol agreement, unless the pharmacist has actual or constructive knowledge to the contrary.

~~(3) The PA shall only be authorized to exercise the rights granted by O.C.G.A. § 43-34-103(e.1) using a prescription drug order which includes the following:~~

~~(a) The name, address, and telephone number of the prescribing physician;~~

~~(b) The patient's name and address;~~

~~(c) The drug name, strength and quantity prescribed;~~

~~(d) The directions to the patient with regard to taking the drug;~~

~~(e) The number of authorized refills, if any;~~

~~(f) The DEA permit number of the supervising physician or, if applicable, the DEA number of the PA; and~~

~~(g) Such prescription drug order form shall be valid only if signed by the physician's assistant and the following terminology appears on the prescription drug order: "This prescription authorized through (pre-printed name of the prescribing supervising physician, M.D. or D.O.) by (pre-printed name of the PA printed below the signature line, with such line bearing the signature of the PA), PHYSICIAN'S ASSISTANT"~~

~~(Physician's Assistant must be spelled out, not abbreviated as PA).~~

~~1. An example, which satisfies the requirements for both Controlled Substance and Dangerous Drug prescription drug order, is as follows: "This prescription authorized through O.C. Cornwallis, M.D. by, Physician's Assistant Jane Doe (pre-printed).~~

(4) Any prescription drug order form containing less information than that described in this subsection Rule shall not be offered to or accepted by any pharmacist.

(5) Under O.C.G.A. § 43-34-26.3(e.1), an advanced practice registered nurse (APRN) who is recognized by the Georgia Board of Nursing as having met the requirements established by the Georgia Board of

Nursing to engage in advanced nursing practice, is in good standing with the Georgia Board of Nursing, and who has entered into a nurse protocol agreement, approved by the Composite Board of State Medical Examiners, with a delegating physician is permitted to issue a prescription drug order or orders for any dangerous drug, as defined in O.C.G.A. § 16-13-71 without the co-signature of a delegating physician pursuant to the authority delegated by the APRN's delegating physician and contained in the APRN's nurse protocol.

(a) An APRN can issue a prescription drug order for any Schedule III, IV, or V controlled substance without having such prescription co-signed by his or her delegating physician, if such APRN has his or her own Federal Drug Enforcement Administration (DEA) number; An APRN has no authority to issue a Schedule I or II controlled substance prescription. If an APRN does not have their own federal DEA number, the prescription must be signed by the delegating physician.

(b) An APRN is not authorized to issue refills of any dangerous drug for more than 12 months from the date of the original order, except in the case of oral contraceptives, hormone replacement therapy, or prenatal vitamins which may be refilled for a period of 24 months. An APRN is not authorized to issue more than five (5) refills of any Schedule III, IV, or V controlled substance for more than six (6) months from the date of the original order.

(c) Delegation of such authority shall be contained in the nurse protocol required by O.C.G.A. § 43-34-26.3. The delegating physician shall remain responsible for the medical acts of the APRN.

(6) Nothing in this Rule, Title 16, Chapter 13 or Title 43, Chapter 34, shall be construed to create a presumption of liability, either civil or criminal, on the part of a pharmacist duly licensed under Chapter 4 of Title 26, who in good faith fills a prescription drug order presented by a patient pursuant to this Rule which was issued by an APRN pursuant to an approved nurse protocol agreement.

(a) A pharmacist shall presume that the prescription drug order was issued by an APRN duly licensed and qualified under Title 43, Chapter 34 to prescribe pharmaceutical agents.

(b) A pharmacist shall presume that the drug prescribed by the APRN is a drug approved by the delegating physician in the APRN's nurse protocol, unless the pharmacist has actual or constructive knowledge to the contrary.

(7) The APRN shall only be authorized to exercise the rights granted by O.C.G.A. § 43-34-26.3 using a prescription drug order which includes the following:

(a) The name, address, NPI number, and telephone number of the delegating physician, and the DEA number of the delegating physician if applicable;

(b) The name, address, NPI number, and telephone number of the APRN, and the APRN's DEA number if applicable;

(c) The name and address of the patient;

(d) The drug name, strength and quantity prescribed;

(e) The directions to the patient with regard to how the medication is to be administered;

(f) The number of authorized refills, if any;

(g) Such prescription drug order form shall be valid only if signed by the APRN;

(h) A prescription drug order which is transmitted either electronically or via facsimile shall conform to the requirements set out in paragraphs (1) and (2) of subsection (c) of Code Section 26-4-80, respectively.

(8) Any prescription drug order containing less information than that described in this subsection shall not be considered a legal prescription.

Authority: O.C.G.A. Sections 16-13-21, 16-13-41, 16-13-70.1, 16-13-72, 26-4-5, 26-4-27, 26-4-28, 26-4-80, 43-34-25, 43-34-103, 21 C.F.R. 1301.22, and 45 C.F.R. Part 162.

Bill Prather made a motion to authorize Executive Director, Eric Lacefield to verify prescription security paper vendors meet Georgia requirements and process the submission of prescription security paper vendors. Judy Gardner seconded the motion, and the Board voted unanimously to authorize Executive

Director, Eric Lacefield to verify prescription security paper vendors meet Georgia requirements and process the submission of prescription security paper vendors.

Ronnie Wallace suggested that vendors who submit security paper for Board approval should be required to certify upon submission.

Bill Prather made a motion to require prescription security paper vendors to certify upon submission. Judy Gardner seconded the motion, and the Board voted to require prescription security paper vendors to certify upon submission.

Executive Director, Eric Lacefield presented a list of prescription security paper vendors for approval. Eric Lacefield prefaced the list with a statement from the Board which reads "The Georgia Board of Pharmacy does not endorse or otherwise certify any printer or supplier of tamper resistant paper. The Board simply reviews and approves paper that meets the security features in the law and authorizes the application of the Board's seal to the approved paper. Board of Pharmacy approved tamper resistant prescription paper should be widely available from manufacturers once they have completed the steps for approval. Prescribers should check with their current paper or prescription supplier."

All Board Members were in agreement with the written statement prepared by Executive Director, Eric Lacefield.

Judy Gardner made a motion to approve the list of prescription security paper vendors and written statement prepared by Executive Director, Eric Lacefield; and post. Bill Prather seconded the motion, and the Board voted unanimously to approve the list of prescription security paper vendors and written statement prepared by Executive Director, Eric Lacefield; and post.

The Board approved prescription security paper vendors are Micro Format, Inc.; Rx Security, Inc.; Paris Business Products; Southeastern Printing; POS Professional Office Services, Inc.; Standard Register; PrintCo, Incorporated; Wilmer; Printegra; Wise; Pyramid Checks & Printing; Zapco, Inc.; and RR Donnelley.

The meeting adjourned at 9:32 a.m.

The next Pharmacy Board meeting will be Wednesday, November 9, 2011 at 10:00 a.m. at the Office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

Steve Wilson, President
The Georgia State Board of Pharmacy

Date

Eric Lacefield, Executive Director
The Georgia State Board of Pharmacy

Date