

BOARD OF PHARMACY STATEMENT ON EMERGENCY PRESCRIPTION REFILLS DUE TO DECLARED STATE OF EMERGENCY FOR HURRICANE HELENE

The Georgia Board of Pharmacy (“Board”) seeks to remind pharmacy licensees in this time of emergency that Georgia Law and the Board’s Policy #14 provide for the refill of certain medications for up to 30 days for persons in the areas covered by the State of Emergency declared by Governor Kemp. This policy is consistent with O.C.G.A. §§ 26-4-80(f), & 26-4-80(j), and the Governor’s Emergency Declaration. This statement is consistent with previous hurricane and severe weather emergency statements issued by the Board.

O.C.G.A. § 26-4-80(f)(1) provides, that when filling or refilling a prescription, in an area for which “the Governor has issued an executive order or proclamation declaring a state of emergency or the National Weather Service has issued a hurricane warning, the pharmacist may dispense up to a 30 day supply in the counties or areas affected by such order, proclamation, or warning,” provided:

1. The prescription is not for a Schedule II controlled substance as set out in Code Section 16-13-26;
2. In the pharmacist’s professional judgment, the prescription is essential to the maintenance of life or to the continuation of therapy for a chronic condition;
3. In the pharmacist’s professional judgment, the interruption of such therapy might reasonably produce undesirable health consequences or cause physical or mental discomfort;
4. The dispensing pharmacist creates and signs a written order containing all of the prescription information required by this article and by Chapter 13 of Title 16; and
5. The dispensing pharmacist notifies the prescriber of the emergency dispensing within 48 hours after such dispensing and each such dispensing thereafter.

Additionally, persons who are evacuated from those emergency areas may also receive a 30-day refill of medication by a Georgia pharmacy or pharmacist without risk of disciplinary action by the Board, provided:

1. The refill is not for a controlled substance;
2. In the pharmacist’s professional judgment, the prescription drug is essential to the maintenance of the patient’s life or to the continuation of therapy;
3. The pharmacist makes a good faith effort to reduce the information to a form that may be maintained for the time required by law or rule, indicates it is an “emergency refill prescription,” and maintains the records as required by state and federal law and as required by state and federal disaster agencies for consideration for possible reimbursement programs implemented to ensure continued provision of care during a disaster or emergency;
4. The pharmacist informs the patient or the patient’s agent at the time of dispensing that the prescription drug is being provided without the practitioner’s authorization and that authorization of the practitioner is required for future refills; and
5. As emergency conditions permit, the pharmacist notifies the practitioner that the refill occurred.

THE TEXT OF POLICY 14 FOLLOWS THIS NOTICE

Policy #14: Public Emergencies

Section 1. Purpose and Scope

The primary purpose of this policy is to enable pharmacists and pharmacies to assist in the management and containment of a public emergency or similar crisis within the confines of a regulatory framework that serves to protect the welfare and health of the public. The Board will consider petitions for rule waivers or variances regarding record-keeping, minimum physical area, and minimal equipment requirements related to the state of emergency in the declared disaster areas and affected areas on an emergency basis, pursuant to a written request in a manner consistent with the Board's authority under state law and/or the Governor's State of Emergency.

Section 2. Definitions.

For the purposes of this policy, the following definitions apply:

- (a) "Affected Areas" include areas covered by the state of emergency.
- (b) "Declared Disaster Areas" are areas designated by state or federal authorities as those that have been adversely affected by a natural or man-made disaster and require extraordinary measures to provide adequate, safe, and effective health care for the affected population.
- (c) "Mobile Pharmacy" means a pharmacy that is self-propelled or movable by another vehicle that is self-propelled.
- (d) "State of Emergency" means a governmental declaration issued by the Governor of the State of Georgia or the President of the United States which may suspend certain normal functions of government, alert citizens to alter their normal behaviors, and/or direct government agencies to implement emergency preparedness plans.
- (e) "Temporary Pharmacy Facility" means a facility established as a result of a state of emergency to temporarily provide pharmacy services within or adjacent to declared disaster areas.

Section 3. Emergency Refill Dispensing

- (a) For the duration of the state of emergency issued in the affected area and consistent with O.C.G.A. §26-4-80(j), a pharmacist may dispense a 72 hour refill supply of a prescription drug repeatedly to a patient, but in total not more than a thirty (30) day supply, without practitioner authorization if:
 - (1) The refill is not for a controlled substance;
 - (2) In the pharmacist's professional judgment, the prescription drug is essential to the maintenance of the patient's life or to the continuation of therapy;
 - (3) The pharmacist makes a good faith effort to reduce the information to a form that may be maintained for the time required by law or rule, indicates it is an "emergency refill prescription," and maintains the record as required by state and federal law and as required by state and federal disaster agencies for consideration for possible reimbursement programs

- implemented to ensure continued provision of care during a disaster or emergency;
- (4) The pharmacist informs the patient or the patient's agent at the time of dispensing that the prescription drug is being provided without the practitioner's authorization and that authorization of the practitioner is required for future refills; and
 - (5) When emergency conditions permit, the pharmacist notifies the practitioner that the refill occurred.

Section 4. Temporary Recognition of Non-Resident Licensure

- (a) When a state of emergency is declared and consistent with O.C.G.A. §26-4-43:
 - (1) A pharmacist not licensed in this state, but currently licensed in another state, may obtain a temporary license to dispense prescription drugs in areas affected by the declared disaster during the time that the state of emergency exists if:
 - (i) The Board can verify current licensure in good standing of the pharmacist directly with the state or indirectly via a third-party verification system; and
 - (ii) The pharmacist is engaged in a documented relief effort.
 - (2) A pharmacy technician or pharmacy intern not registered or licensed in this State, but currently registered or licensed in another state, may assist the pharmacist in dispensing prescription drugs in affected disaster areas during the time that the state of emergency exists if:
 - (i) The Board can verify current registration or licensure in good standing of the pharmacy technician or pharmacy intern directly with the state or indirectly via a third-party verification system; and
 - (ii) The pharmacy technician or pharmacy intern is engaged in a documented relief effort.
- (b) The temporary recognition of non-resident pharmacist licensure and pharmacy intern licensure shall cease at end of the month following the third board meeting conducted after the issuance of such license and shall not be renewed. The temporary recognition of non-resident pharmacy technician registration shall registration shall cease with the termination of the state of emergency.

Section 5. Temporary Pharmacy Facilities or Mobile Pharmacies

- (a) Consistent with the authority in O.C.G.A. §26-4-110, and if necessary to provide pharmacy services during a state of emergency, pharmacies located in declared disaster areas and non-resident pharmacies may arrange to temporarily locate or relocate to a temporary pharmacy facility or mobile pharmacy if the temporary pharmacy facility or mobile pharmacy:
 - (1) Is under the control and management of the pharmacist-in charge or designated supervising pharmacist;
 - (2) Is located within the declared disaster area or affected areas;
 - (3) Notifies the Board of its location, subject to approval by the Board in accordance with (b);
 - (4) Is properly secured to prevent theft and diversion of drugs;

- (5) Maintains records in accordance with laws and regulations of the state in which the disaster occurred; and
 - (6) Ceases the provision of services with the termination of the state of emergency, unless it is successfully licensed by the Board of Pharmacy in accordance with the Georgia Pharmacy Practice Act and applicable rules.
- (b) The Board shall have the authority to approve or disapprove temporary pharmacy facilities and mobile pharmacies and shall make arrangements for appropriate monitoring and inspection of the temporary pharmacy facilities and mobile pharmacies on a case-by-case basis. Approval of temporary pharmacy facilities and mobile pharmacies will be based on the need, type, and scope of the state of emergency, as well as the ability of the temporary pharmacy facilities or mobile pharmacies to comply with state and federal drug law.
 - (c) A temporary pharmacy facility wishing to permanently operate at its temporary site must be licensed by the Board in accordance with the Georgia Pharmacy Practice Act and applicable Board rules.
 - (d) Mobile pharmacies, placed in operation during a state of emergency, may not operate permanently, unless approved by the Board.