

GEORGIA BOARD OF PHARMACY
Emergency Conference Call
2 Peachtree St., N.W., 6th Floor
Atlanta, GA 30303
March 30, 2020
3:30 p.m.

The following Board members were present:

Lisa Harris, President
Mike Faulk, Vice-President
Michael Azzolin
Michael Brinson
Hal Henderson
Bill Prather
Dean Stone

Staff present:

Tanja Battle, Executive Director
Eric Lacefield, Deputy Executive Director
Dennis Troughton, Director, GDNA
Michael Karnbach, Deputy Director, GDNA
Max Changus, Assistant Attorney General
Kimberly Emm, Attorney

Open Session

President Harris established that a quorum was present and called the meeting to order at 3:30 p.m.

Oral Schedule II Prescriptions: The Board discussed a memo received from the Drug Enforcement Administration (DEA) regarding the issuance of oral schedule II prescriptions in light of the nationwide public health emergency. President Harris stated that the DEA is granting practitioners 15 days within which to provide the follow-up paper prescription to the pharmacy. President Harris added that for the duration of the public health emergency, the DEA is also allowing the practitioner to send the follow-up prescription to the pharmacy via facsimile, or to take a photograph or scan of the follow-up prescription and send the photograph or scan to the pharmacy in place of the paper prescription. President Harris asked if the hardcopy has to be mailed. Director Troughton stated there are several options other than just mailing. He stated that either by facsimile, photograph or scan would suffice is the way he read it. President Harris commented that she thinks this is something the Board of Pharmacy has to agree to. Director Troughton responded that the Board's rule is distinctly different from this and in order to avoid pharmacists panicking, the Board should say that it is in agreement with the DEA. Ms. Emm stated that the Board has been provided a copy of the emergency rule regarding such. Mr. Azzolin asked if it is permissible for a physician to fax the hardcopy in lieu of calling. Director Troughton responded that the way he interprets it is that the follow up still has to happen; however, a fax, a photograph or scan to the pharmacy are all acceptable.

Michael Brinson made a motion to adopt Rule 480-22-0.XX-.16 Emergency Schedule II Prescription Drug Order. Mike Faulk seconded and the Board voted unanimously in favor of the motion.

Rule 480-22-0.XX-.16 Emergency Schedule II Prescription Drug Order

(1) As a response to the current state of emergency as declared by the Governor, the Georgia State Board of Pharmacy finds the potential for imminent peril to the public health, safety, or welfare of Georgia citizens. This emergency rule shall go into effect based on O.C.G.A. 50-13-4(b) and shall be effective for the duration of the emergency or a period of not more than 120 days, whichever is shorter. During the time this rule is effective, it shall replace Georgia State Board of Pharmacy Rule 480-22-.04(3) only, the remainder of 480-22-.04 shall remain unaltered and in full effect.

(2) In the case of an emergency situation, a pharmacist may dispense a schedule II (C-II) controlled substance only upon receiving oral authorization of the prescribing practitioner. For purposes of this paragraph, an emergency situation means a situation in which the prescribing practitioner determines that immediate administration of a schedule II (C-II) controlled drug is necessary, there is no appropriate alternative treatment or drug in a schedule less than CII, and it is not reasonably possible for the practitioner to provide a written prescription drug order for the pharmacist dispensing the drug prior to issuance. Such emergency prescription drug order is permissible provided that:

(a) The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period. Dispensing beyond the emergency period must be pursuant to an additional written prescription drug order signed by the prescribing practitioner;

(b) The prescription drug order shall be immediately reduced to writing by the pharmacist or pharmacy intern/extern working under the direct supervision of a licensed pharmacist and shall contain all information required in Rule 480-22-.03, except for the signature of the prescribing practitioner;

(c) If the prescribing practitioner is not known to the pharmacist, the pharmacist must make reasonable effort to determine that the oral authorization came from a licensed practitioner, such effort may include a callback to the prescribing individual using his or her telephone number and/or other good faith efforts to insure the practitioner's identity; and

(d) Within 15 days after authorizing an emergency oral prescription drug order, the prescribing practitioner shall cause a written prescription drug order to be delivered to the dispensing pharmacist for the emergency quantity prescribed via one of the permissible means listed below. In addition to conforming to the requirements of Rule 480-22-.03, the prescription shall have written on its face "Authorization for Emergency Dispensing," and the date of the oral emergency order.

1. The permissible delivery methods include:

i. Delivery by mail - must be postmarked within the 15 day period;

ii. Facsimile; or

iii. Photograph or digital scan of the written follow-up prescription drug order sent to pharmacy in place of paper prescription.

2. Upon receipt, the dispensing pharmacist shall attach this prescription drug order to the emergency oral prescription drug order, which had earlier been reduced to writing. The pharmacist shall notify the Georgia Drugs and Narcotics Agency, if the prescribing practitioner fails to provide a written emergency prescription drug order to the dispensing pharmacist.

Pharmacy Technician Registration: President Harris stated that she and Ms. Battle have received numerous phone calls about technicians who are already in the process of completing their registration; however, the individual is not able to complete the registration due to being unable to obtain fingerprints. President Harris continued by suggesting giving the technician 30-60 days from the end of the emergency period to complete his/her fingerprints. Ms. Battle stated that the way this came about is individuals are calling saying they could not get fingerprints done. She stated the vendor was called and they did acknowledge some locations could not do scans anymore. Previously, the applicant was given the option to have fingerprints taken by their local law enforcement agency. However, several law enforcement agencies are now saying they cannot take fingerprints for external individuals. Ms. Battle stated there are a number of applicants that cannot get registered. She asked the Board if it wants to do something to remedy the situation or not? President Harris commented that she had two technicians out sick and feels we are not in the worst of this crisis yet. Mr. Prather stated that he understands that the Board will not have any way of knowing if someone has a criminal history without the background check. He asked what the

individual will do at the end of the 30-60 days. Mr. Azzolin asked if the Board would have a record once the 60 days was up? He suggested the Board revoking the registration at the end of that time period. Mr. Prather questioned what will happen if scans are not resumed within 60 or 120 days. Mr. Azzolin responded that he would hate for pharmacies to not have the resources they need. Mr. Prather agreed, but expressed his concerns regarding the amount of theft the Board has seen. Mr. Stone agrees that we have not hit the worst of the crisis yet. He added that he feels the Board has to have some way to get technicians into the pharmacy to help alleviate the situation. The Board discussed giving 60 days for the applicant to complete the registration process. Ms. Battle commented that if the individual is only applying for a temporary registration, it will have a finite date. She added that if the person wants to continue to work in Georgia, he/she will have to apply for the standard technician registration. Mr. Faulk stated that the Board would be allowing someone to have done nothing. He added that, while the pharmacist knows about the individual, the Board would allow them to work without even knowing where the technician is working. Ms. Battle responded that the individual still has to submit an application for temporary licensure. She added that other boards are waiving the fees for the temporary licensure. She continued by stating that if an individual wants to continue as a registered technician in Georgia, they will have to apply and meet the requirements of the standard application. She stated that the managing these temporary registrations will be administratively daunting unless we streamline the process.

Ms. Battle discussed the Board's current emergency policy. She stated that it only speaks to out-of-state technicians for temporary licenses. She asked Mr. Changus if the Board's desire is to waive the fingerprint process for in-state applicants, if an emergency rule would be required. Mr. Changus responded by stating that he thinks the clearest thing to do would be to pass an emergency rule allowing registration for individuals who wish to apply as pharmacy technicians that will extend through the state of emergency. He continued by stating at the end of the emergency, the individual would no longer be registered. Mr. Azzolin commented that it sounds like a simpler way to solve the same problem. He stated that it allows for a temporary registration that will stop after the emergency declaration is over and then the individual would have to apply for permanent registration.

The Board discussed in state and out of state applicants. President Harris asked if these are two separate issues. Ms. Battle responded by stating that they are two separate issues because of the way the Board is addressing the process. She commented that out-of-state applicants are handled by the Board's emergency policy. President Harris asked if out of state applicants have to complete a background check. Ms. Battle responded that they do; however, the Board was not ready to waive the requirement when we initially spoke about it. She added that those conversations took place before the applicants were unable to get scans done. Ms. Battle stated since these are two different issues because they are addressed differently. President Harris then asked if both would be emergency rules. Mr. Changus commented that the emergency policy talks about the Board recognizing someone who has already been through this process in another state. He added that this is to address those who are not licensed in another state. Ms. Emm stated that the Board would be looking to suspend Rule 480-15-.02 Registration of Pharmacy Technicians and replace it with whatever emergency rule they come up with for in state techs. Mr. Lacefield stated section (4) of Rule 480-15-.02 would not be applicable. Ms. Emm agreed and stated to change section (4) and add language stating the registration would automatically expire at the end of 30-60 days if the applicant does not get in all of his/her documentation. President Harris asked if the Board would do that separately than out of state applicants covered by the emergency rule. Ms. Emm confirmed and stated the Board needs to make decision to not require the background check. President Harris recommended Ms. Emm come up with language for the rule. Ms. Battle stated that once the rule is drafted, the Board will need to meet again to adopt it. The Board recommended holding another emergency conference call on Tuesday, March 31, 2020 at noon.

April Meeting: Ms. Battle stated that she anticipates social distancing/teleworking will be extended through the end of April. She stated that the Board needs to consider holding the April 15th meeting as a video conference call. Ms. Battle explained that the board office is using Microsoft Teams with the Dental Board for its April meeting. She stated that she will email the board to let them know what they will need to so it can be tested and make sure it is functional prior to the meeting. Mr. Brinson asked about the Executive Session portion of the meeting. Ms. Battle responded that the board office is looking at providing the public a separate line to call in for the Open Session portion of the meeting. Mr. Brinson asked if any interviews were scheduled for the April meeting. Ms. Battle stated that none were scheduled at this juncture. Mr. Brinson asked if the April meeting could be postponed until May. Ms. Battle responded that the Board can always postpone the meeting; however, then a number of applicants cannot be licensed/registered to work if the Board is not approving/reviewing applications.

Facility Licensure: Director Troughton discussed places that are wanting to open bed space and have pharmacy services. He stated that GDNA, in working with the DEA, was able to get a facility a DEA permit and pharmacy license in about three days. Director Troughton stated that a hospital just used an additional building to set up. He stated that if any members hear of these things popping up, GDNA can walk them through the process and make sure it we are serving hospitals as quickly as possible.

Pursuant to O.C.G.A. § 50-14-1(3), the Board declares that special circumstances exist warranting the holding of this meeting on less than 24 hours' notice, those circumstances being the COVID-19 pandemic.

There being no further business to discuss, the meeting was adjourned at 4:06 p.m.

The next scheduled meeting of the Georgia Board of Pharmacy will be held via conference call on Wednesday, April 15, 2020 at 9:00 a.m. at the Department of Community Health's office located at 2 Peachtree Street, N.W., 6th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Support Analyst I
Minutes edited by Tanja D. Battle, Executive Director