

**NOTICE OF INTENT TO AMEND RULE IN THE GEORGIA STATE BOARD OF
PHARMACY RULES,
RULE 480-15-.03 USE OF REGISTERED PHARMACY TECHNICIANS AND OTHER
PHARMACY PERSONNEL, AND NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Pharmacy (hereinafter "Board") proposes amendments to the Georgia Board of Pharmacy Rules, Rule 480-15-.03 USE OF REGISTERED PHARMACY TECHNICIANS AND OTHER PHARMACY PERSONNEL (hereinafter "proposed amendments").

This notice, together with an exact copy of the proposed amendments and a synopsis of the proposed amendments, is being forwarded to all persons who have requested, in writing, that they be placed on an interested parties list. A copy of this notice, an exact copy of the rule including the proposed amendments, and a synopsis of the rule including the proposed amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Department of Community Health at 2 Peachtree Street NW, Atlanta, Georgia, 30303. These documents will also be available for review on the Georgia State Board of Pharmacy's web page at www.gbp.georgia.gov.

A public hearing is scheduled to begin at 9:00 AM on January 19, 2022 at South University, 709 Mall Blvd., Rooms 306/308, Savannah, GA 31406 to provide the public an opportunity to comment upon and provide input into the proposed amendments. At the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received prior to January 12, 2022. Written comments should be addressed to the Executive Director of the Georgia State Board of Pharmacy at 2 Peachtree Street NW, 6th Floor, Atlanta, Georgia 30303. You may email your comments to elacefield@dch.ga.gov.

The proposed amendments will be considered for adoption by the Georgia State Board of Pharmacy at its meeting scheduled to begin at 9:05 AM on January 19, 2022 at South University, 709 Mall Blvd., Rooms 306/308, Savannah, GA 31406. According to the Department of Law, State of Georgia, the Georgia State Board of Pharmacy has the authority to adopt the proposed amendments pursuant to authority contained in O.C.G.A. §§ 26-4-27, 26-4-28, and 26-4-82.


At its meeting on January 19, 2022, the Board voted that the formulation and adoption of these rule amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 26-4-27, 26-4-28, 16-13-22.

Also, at its meeting on January 19, 2022, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 26-4-27, 26-4-28, 16-13-22 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner, and each licensee is independently licensed, owned and operated and dominant in the field of pharmacy.

For further information, contact the Board office at 404-651-8000.

This notice is given in compliance with O.C.G.A. §50-13-4.

This 14th day of December, 2021.



Eric R. Lacefield
Executive Director
Georgia Board of Pharmacy

Posted: December 14, 2021

**SYNOPSIS OF PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF PHARMACY RULE
RULE 480-15-.03 USE OF REGISTERED PHARMACY TECHNICIANS AND OTHER
PHARMACY PERSONNEL**

Purpose of Rule: The purpose of this amendment is to make some clean up edits and bring the rule into alignment with the law, specifically O.C.G.A. § 26-4-82(d).

Main Feature: The main feature of this amendment is to update the registered pharmacy technician to pharmacist ratio.

**DIFFERENCES OF THE PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF PHARMACY RULE
RULE 480-15-.03 USE OF REGISTERED PHARMACY TECHNICIANS AND OTHER
PHARMACY PERSONNEL**

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

480-15-.03 Use of Registered Pharmacy Technicians and Other Pharmacy Personnel

- (a) In dispensing drugs, no individual other than a licensed pharmacist, intern or extern working under direct supervision of a licensed pharmacist shall perform or conduct those duties or functions which require professional judgment. It shall be the responsibility of the supervising pharmacist to ensure that no other employee of the pharmacy, excluding pharmacy interns or externs, performs or conducts those duties or functions which require professional judgment.
- (b) For all prescription drug orders, it shall be the responsibility of the Pharmacist on duty at a facility to ensure that only a pharmacist or a pharmacy intern and/or extern under the direct supervision of a ~~registered~~ pharmacist provides professional consultation and counseling with patients or other licensed health care professionals and that only a pharmacist or a pharmacy intern or an extern under the direct supervision of a ~~registered~~ pharmacist accepts telephoned oral prescription drug orders or provides or receives information in any manner relative to prescriptions or prescription drugs.
- (c) Registered pharmacy technicians and other pharmacy personnel, i.e. clerks, cashiers, observers, etc., in the prescription department shall be easily identifiable by use of a name badge or other similar means which prominently displays their name and the job function in which the personnel are engaging at that time. Any pharmacy personnel or other person present in the pharmacy department must be under the direct supervision of a licensed pharmacist.
- (d) In the dispensing of all prescription drug orders:
 - (1.) The pharmacist shall be responsible for all activities of any registered pharmacy technician in the preparation of the drug for delivery to the patient.
 - (2.) The pharmacist shall be present and personally supervising the activities of any registered pharmacy technician at all times.
 - (3.) When electronic systems are employed within the pharmacy, registered pharmacy technicians may enter information into the system and prepare labels; provided, however, that it shall be the responsibility of the pharmacist to verify the accuracy if the information entered and the label produced in conjunction with the prescription drug order.

- (4.) When a prescription drug order is presented for filling or refilling, it shall be the responsibility of the pharmacist to review all appropriate information and make the determination as to whether to fill the prescription drug order, and
- (5.) Any other function deemed by the Board to require professional judgment.
- (e) The pharmacist to registered pharmacy technician ratio shall not exceed one pharmacist providing direct supervision of ~~three~~ four registered pharmacy technicians in accordance with the certification requirements below. ~~One of the three technicians must:~~
1. Any time during which a pharmacist is directly supervising one or two technicians, no certification is required.
 2. Any time during which a pharmacist is directly supervising three technicians, at least one must be certified as outlined below in subsections i-iii.
 3. Any time during which a pharmacist is directly supervising four technicians, at least two must be certified as outlined below in subsections i-iii.
 - (1) ~~(i)~~ Have successfully passed a certification program approved by the Board of Pharmacy;
 - (2) ~~(ii)~~ Have successfully passed an employer's training and assessment program which has been approved by the Board of Pharmacy; or
 - (3) ~~(iii)~~ Have been certified by the Pharmacy Technician Certification Board.
- (f) In addition to the utilization of ~~three~~ ~~(3)~~ four (4) registered pharmacy technicians as outlined in subsection (e), ~~if one is certified,~~ a pharmacist may be assisted by and directly supervise at the same time one (1) pharmacy intern, ~~as well as~~ one (1) pharmacy extern, and one (1) pharmacy observer.
- (g) The board may consider and approve an application to increase the ratio in a pharmacy located in a licensed hospital. Such application must be made in writing and may be submitted to the Board by the pharmacist in charge of a specific hospital pharmacy in this state.
- (h) No completed prescription drug order shall be given to the patient requesting the same unless the contents and ~~the~~ label thereof ~~shall~~ have been verified by a registered pharmacist.
- (i) The Board of Pharmacy may revoke or suspend the registration of a pharmacy technician for any of the grounds set forth in O.C.G.A. Sections 43-1-19 or 26-40-60. The revocation or suspension of the registration of a pharmacy technician is not a contested case under the Georgia Administrative Procedures Act, O.C.G.A.T. 50, Ch.13, and the technician is not entitled to a hearing, but the technician may be entitled to an appearance before the Board.

Authority: O.C.G.A. §§ 26-4-27, 26-4-28, 26-4-60, 26-4-80, 26-4-82, 26-4-83, 26-4-84, 26-4-85, 26-4-88, 26-4-110, 26-4-111, 43-1-19.