

**NOTICE OF INTENT TO ADOPT RULE IN THE GEORGIA STATE BOARD OF
PHARMACY RULES,
RULE 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, 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 adoption of new Georgia Board of Pharmacy Rules, Rule 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 (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 Martin Luther King, Jr. Drive SE, East Tower, 11th Floor, Atlanta, GA 30334. 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 April 10, 2024 at Department of Community Health, 2 Martin Luther King, Jr. Drive SE, East Tower, 11th Floor, Atlanta, Georgia 30334 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 April 5, 2024. Written comments should be addressed to the Executive Director of the Georgia State Board of Pharmacy at 2 Martin Luther King, Jr. Drive SE, East Tower, 11th Floor, Atlanta, GA 30334. You may email your comments to james.joiner@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 9:00 AM on April 10, 2024 at Department of Community Health, 2 Martin Luther King, Jr. Drive SE, East Tower, 11th Floor, Atlanta, Georgia 30334. 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. §§ 16-13-41, 16-13-70.1, 16-13-72, 26-4-5, 26-4-27, 26-4-80, 43-1-25, & 43-34-25.

At its meeting on February 14, 2024, 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 February 14, 2024, 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 11 day of March, 2024.



Eric R. Lacefield
Executive Director
Georgia Board of Pharmacy

Posted: March 11, 2024.

**SYNOPSIS OF PROPOSED GEORGIA STATE BOARD OF PHARMACY RULE
RULE 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**

Purpose: To remove barriers to care and to streamline the pharmacy care process for patients in Georgia. To amend the numbering of the Rule to comply with the Secretary of State's Rule 590-2-1-.02.

Main Features: Amend the numbering of various sections throughout the rule to bring this Rule into compliance with the Secretary of State's Rule 590-2-1-.02. Removal of language requiring the name, address, and telephone number of the supervising physician to be noted on the face of a prescription drug order by a physician's assistant or an advanced practice registered nurse.

**TEXT OF PROPOSED GEORGIA STATE BOARD OF PHARMACY RULE
RULE 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**

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

Text of the proposed rule is attached hereto.

Rule 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 assistant (PA) licensed by the 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 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.
- (b) If the prescription is for controlled substances, the PA has a DEA number.
- (c) If the prescription is a hard-copy of an electronic visual image prescription drug order given directly to the patient or his/her agent, the hard copy must be printed on security paper with the wording that indicates the signature was electronically generated.
- (d) The prescription drug order must include the following:
 1. ~~(i)~~ The name, address, and telephone number of the ~~supervising physician and the~~ PA;
 2. ~~(ii)~~ The patient's name and address;
 3. ~~(iii)~~ The drug name, strength and quantity prescribed;
 4. ~~(iv)~~ The directions to the patient with regard to taking the drug;
 5. ~~(v)~~ The number of authorized refills, if any; and
 6. ~~(vi)~~ If applicable, the DEA permit number of the PA.
- (e) If the prescription is transmitted by facsimile or computer, the prescription shall include:
 1. ~~(i)~~ The complete name and address of the ~~supervising physician and the~~ PA;
 2. ~~(ii)~~ In the case of a prescription drug order for a controlled substance, the DEA registration number of the PA;
 3. ~~(iii)~~ The telephone number of the PA for verbal confirmation;
 4. ~~(iv)~~ The name and address of the patient;
 5. ~~(v)~~ The time and date of the transmission;
 6. ~~(vi)~~ The full name of the person transmitting the order;

7. ~~(vii)~~—The drug name, strength and quantity prescribed;
8. ~~(viii)~~—The directions to the patient with regard to taking the drug;
9. ~~(ix)~~The number of authorized refills, if any; and
10. ~~(x)~~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.

(f) No prescription drug order issued by a PA can be used to authorize 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) If the prescription is a hard-copy of an electronic visual image prescription drug order given directly to the patient or his/her agent, the hard copy must be printed on security paper with the wording that indicates the signature was electronically generated.
- (d) The prescription drug order must include the following:
 1. ~~(i)~~ The name, address, and telephone number of the ~~delegating physician and the~~ APRN;
 2. ~~(ii)~~ The patient's name and address;
 3. ~~(iii)~~ The drug name, strength and quantity prescribed;
 4. ~~(iv)~~ The directions to the patient with regard to taking the drug;
 5. ~~(v)~~ The number of authorized refills, if any; and
 6. ~~(vi)~~ If applicable, the DEA permit number of the APRN.

(e) If the prescription is transmitted by facsimile or computer, the prescription shall include:

1. ~~(i)~~ The complete name and address of the ~~delegating physician and the~~ APRN;
2. ~~(ii)~~ In the case of a prescription drug order for a controlled substance, the DEA registration number of the APRN;
3. ~~(iii)~~ The telephone number of the APRN for verbal confirmation;
4. ~~(iv)~~ The name and address of the patient;
5. ~~(v)~~ The time and date of the transmission;
6. ~~(vi)~~ The full name of the person transmitting the order;
7. ~~(vii)~~ — The drug name, strength and quantity prescribed;
8. ~~(viii)~~ — The directions to the patient with regard to taking the drug;
9. ~~(ix)~~ The number of authorized refills, if any; and
10. ~~(x)~~ 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.

(f) No prescription drug order issued by an 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.

(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.

(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.

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

Authority: O.C.G.A. §§ 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, 45 C.F.R. Part 162.