

**NOTICE OF INTENT TO AMEND RULE IN THE GEORGIA STATE BOARD OF  
PHARMACY RULES,  
RULE 480-27-.04 USE OF FACSIMILE MACHINE TO TRANSMIT OR RECEIVE  
PRESCRIPTION DRUG ORDER, 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 480-27-.04 USE OF FACSIMILE MACHINE TO TRANSMIT OR RECEIVE PRESCRIPTION DRUG ORDER (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](http://www.gbp.georgia.gov).

A public hearing is scheduled to begin at 9:00 AM on October 12, 2022 at Department of Community Health at 2 Peachtree Street, NW, 6th Floor, Atlanta, Georgia, 30308 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 October 5, 2022. Written comments should be addressed to the Executive Director of the Georgia State Board of Pharmacy at 2 Peachtree Street NW, 6<sup>th</sup> Floor, Atlanta, Georgia 30303. You may email your comments to [elacefield@dch.ga.gov](mailto: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 9:00 AM on October 12, 2022 at Department of Community Health at 2 Peachtree Street, NW, 6th Floor, Atlanta, Georgia, 30308. 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 26-4-80.

At its meeting on February 16, 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 February 16, 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 6 day of September, 2022.



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Eric R. Lacefield  
Executive Director  
Georgia Board of Pharmacy

Posted: September 6, 2022

**SYNOPSIS OF PROPOSED AMENDMENTS TO THE  
GEORGIA STATE BOARD OF PHARMACY RULE 480-27-.04 USE OF FACSIMILE  
MACHINE TO TRANSMIT OR RECEIVE PRESCRIPTION DRUG ORDER**

- Purpose:** To eliminate the requirement that a prescription drug order contain a National Practitioner Identifier.
- Main Features:** Elimination of the requirement that a prescription drug order contain a National Provider Identifier ("NPI") with regard to the use of a facsimile machine in processing the order.

**DIFFERENCES OF THE PROPOSED AMENDMENTS TO THE  
GEORGIA STATE BOARD OF PHARMACY RULE 480-27-.04 USE OF FACSIMILE  
MACHINE TO TRANSMIT OR RECEIVE PRESCRIPTION DRUG ORDER**

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

**480-27-.04. Use of Facsimile Machine to Transmit or Receive Prescription Drug Order**

- (1) All prescription drug orders sent via facsimile or other electronic means must meet the requirements of O.C.G.A. § 26-4-80 and Chapter 480-22 of the Board Rules and the requirements for electronically transmitted prescriptions or drug orders.
- (2) All persons engaged in the practice of pharmacy in this state, which includes accepting or receiving a prescription drug order, must be licensed by the Board.
- (3) All dangerous drugs and controlled substances must be dispensed pursuant only to a valid prescription drug order. A pharmacist shall not dispense a prescription drug order which the pharmacist knows or should know is not a valid prescription drug order.
- (4) A prescription drug order may be accepted by a licensed pharmacist, a pharmacy intern or extern, acting under the direct supervision of a registered pharmacist, in written form, orally, via facsimile, or electronically as set forth in O.C.G.A. § 26-4-80 and the Rules of the Board. Provisions for accepting a prescription drug order for a schedule II controlled substance are set forth in Chapter 480-22.
- (5) Prescription drug orders transmitted either electronically or via facsimile shall include the following requirements:
  - (a) Electronically transmitted prescription drug orders shall be transmitted directly by the prescribing practitioner or indirectly utilizing intervening electronic formatters as permitted under Georgia law, except in the case of a prescription drug order sent via facsimile equipment by the practitioner or the practitioner's agent acting under the direct supervision of the practitioner, to the pharmacy of the patient's choice with no other intervening person or intermediary having access to or retaining information contained in the prescription drug order. No patient or agent for a patient may transmit a prescription drug order to a pharmacy.
  - (b) Prescription drug orders transmitted or received by facsimile or other electronic means shall include:
    1. In the case of a prescription drug order for a dangerous drug, the complete name, address and telephone number of the prescribing practitioner;



2. In the case of a prescription drug order for a controlled substance when authorized by federal law, the complete name, address, telephone number, and DEA registration number of the prescribing practitioner;
  3. The complete name and address of the patient;
  4. The time and date of transmission;
  5. The complete name of the person transmitting the prescription drug order and a telephone number for verbal confirmation; and
  - ~~6. The NPI for the prescriber as assigned under federal law; and~~
  76. The practitioner's signature in the manner required in 480-27-.02(2).
- (c) An electronically transmitted prescription drug order which meets the requirements of this Chapter shall be deemed sufficient to serve as the original prescription drug order for the pharmacy;
  - (d) Electronically generated prescriptions may be transmitted directly or indirectly thru one or more Intervening Electronic Formatters to a pharmacy's computer or other similar electronic device;
  - (e) Intervening electronic formatters not compliant with the requirements of this chapter will be considered an invalid source and are prohibited;
  - (f) Electronically generated prescriptions as e-mails directly from the prescriber to a pharmacy of the patient's choice shall be encrypted and accompanied by a digital ID for authentication purposes. The pharmacist shall exercise professional judgment regarding the accuracy and authenticity of prescriptions consistent with federal and state statutes and regulations. In the absence of unusual circumstances requiring further inquiry, the pharmacy and each of its associated pharmacists is entitled to rely on the accuracy and authenticity of electronically transmitted prescriptions. E-mail prescriptions should comply with the following:
    1. E-mails shall be reduced to hard copy and maintained as a prescription order record and maintained as required by rules and statute for all other prescription orders; and
    2. The prescription may not be for a controlled substance unless allowed by federal law.
- (6) The pharmacist or pharmacy intern or extern acting under the direct supervision of a licensed pharmacist shall exercise professional judgment regarding the accuracy and authenticity of the transmitted prescription drug order consistent with Federal and State Laws and rules and regulations adopted pursuant to same.
  - (7) A prescription drug order electronically transmitted from a prescriber or a prescriber's agent acting under the direct supervision of the prescriber, shall be considered a highly confidential transaction, and said transmission shall not be compromised by interventions, control, change, altering, or manipulation by any other person or party in any manner whatsoever except by an intervening electronic formatter as permitted by law and these rules.
  - (8) Any pharmacist or pharmacy intern or extern acting under the direct supervision of a licensed pharmacist that transmits, receives, or maintains any prescription or prescription refill either orally, in writing, or electronically shall ensure the security, integrity, and confidentiality of the prescription drug order and any information contained therein.
  - (9) The Board may provide exceptions to this Rule by establishing policies for institutional settings such as hospital pharmacies, nursing home pharmacies, outpatient clinic

pharmacies, opioid treatment program clinic pharmacies, or pharmacies owned and operated directly by health maintenance organizations.

- (10) Receiving computers or other similar electronic devices used to view the prescription shall be located within the pharmacy or pharmacy department with only authorized personnel having access.
- (11) Transmission of prescriptions to answering machines and electronic voice recording devices by an authorized practitioner or approved agent shall be retrieved by a licensed pharmacist, intern, or extern and is considered to be a direct transmission of a prescription order.

Authority: O.C.G.A. §§ 16-13-41, 16-13-72, 26-4-5, 26-4-27, 26-4-28, 26-4-37, 26-4-40, 26-4-78, 26-4-80, 26-4-82, 26-4-83, 43-34-26.1.