

**NOTICE OF INTENT TO AMEND RULE IN THE GEORGIA STATE BOARD OF
PHARMACY RULES,
RULE 480-28-.10 LOSS OR THEFT OF CONTROLLED SUBSTANCES, 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 480-28-.10 LOSS OR THEFT OF CONTROLLED SUBSTANCES (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 September 14, 2022 at the Georgia Pharmacy Association, 6065 Barfield Road NE, Suite 100, Sandy Springs, GA 30328 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 September 7, 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 9:00 AM on September 14, 2022 at the Georgia Pharmacy Association, 6065 Barfield Road NE, Suite 100, Sandy Springs, GA 30328. 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; 26-4-112; 26-4-130.

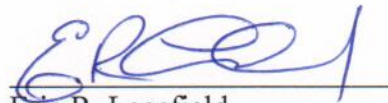
At its meeting on December 15, 2021, the Board voted that the formulation and adoption of these rule amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 26-4-27, 26-4-28, 16-13-22.

Also, at its meeting on December 15, 2021, 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 10th day of August, 2022.



Eric R. Lacefield
Executive Director
Georgia Board of Pharmacy

Posted: August 10, 2022

**SYNOPSIS OF PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF PHARMACY RULE
RULE 480-28-.10 LOSS OR THEFT OF CONTROLLED SUBSTANCES**

- Purpose of Rule:** The purpose of this amendment is to address the obligation of dispensing practitioners and to better align the requirements of this rule with those of Rule 480-16-.06 and O.C.G.A. § 26-4-112.
- Main Feature:** The proposed amendment addresses the obligation of dispensing practitioners to notify the Georgia Drugs and Narcotics Agency in the event of loss or theft of controlled substances out of a pharmacy.

**DIFFERENCES OF THE PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF PHARMACY RULE
RULE 480-28-.10 LOSS OR THEFT OF CONTROLLED SUBSTANCES**

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

480-28-.10. Loss or Theft of Controlled Substances

- (1) A loss or theft of any controlled substance drugs must, within 48 hours of discovery, be reported to ~~the Board, Drug Enforcement Administration and the GDNA. A written report on DEA Form 106 must be made regarding any theft or loss of any controlled substances. The original and one copy of the report must be sent to the Board, Drug Enforcement Administration and one copy must be sent to the GDNA (40 Pryor Street, #2000, Atlanta, GA 30303) within ten (10) days of the initial receipt of DEA Form 106. The report shall include the following information:~~
 - (a) ~~Full name and address of practitioner;~~
 - (b) ~~The practitioner's DEA registration number;~~
 - (c) ~~The date of theft;~~
 - (d) ~~The type of theft;~~
 - (e) ~~A list of cost codes, or identification symbols on package(s) stolen; and~~
 - (f) ~~A list of controlled substances missing.~~
- (2) A written report must be made regarding any theft or significant loss, as defined under 21 C.F.R. 1301.76, of controlled substances by completing a DEA Form 106 and submitted to the Drug Enforcement Administration, with a copy to the GDNA.
- (3) The report shall include the following information:
 - (a) Full name and address of practitioner;
 - (b) The practitioner's DEA registration number;
 - (c) The date of theft;
 - (d) The type of theft;
 - (e) A list of cost codes, or identification symbols on package(s) stolen; and
 - (f) A list of controlled substances missing.

Authority: O.C.G.A. Secs. 16-13-34, 26-4-4, 26-4-27, 26-4-28, 26-4-37, 26-4-112, 26-4-130.