

**NOTICE OF INTENT TO ADOPT RULE IN THE GEORGIA STATE BOARD OF
PHARMACY RULES,
RULE 480-5-.03 CODE OF PROFESSIONAL CONDUCT, 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 480-5-.03 CODE OF PROFESSIONAL CONDUCT (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 9, 2025 at South University, School of Pharmacy, 709 Mall Blvd., 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 April 8, 2025. 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 9, 2025 at South University, School of Pharmacy, 709 Mall Blvd., 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, 26-4-60, 26-4-80, 26-4-82, 26-4-110, 26-4-113, 26-4-115, 43-1-19, and 43-1-25.

At its meeting on December 18, 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 December 18, 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 5th day of March, 2025.



J. Clinton Joiner, II
Executive Director
Georgia State Board of Pharmacy

Posted: March 5, 2025.

**SYNOPSIS OF PROPOSED GEORGIA STATE BOARD OF PHARMACY RULE
RULE 480-5-.03 CODE OF PROFESSIONAL CONDUCT**

Purpose: With this amendment, the Board intends to clarify and modernize the language in Rule 480-5-.03. Additionally, the Board identified the need for the addition of an element of intention to its rules pertaining to false or misleading advertising.

Main Features: This amendment renumbers the sections of the rule to accord with Ga. Comp. R. & Regs. R. 590-2-1-.02. The amendment removes language with ambiguous or otherwise indefinite meaning. This amendment adds an element of intention to the prohibition on false or misleading advertising. This amendment removes language which could potentially form the basis of an ignorance of the rule defense against infractions thereof.

**TEXT OF PROPOSED GEORGIA STATE BOARD OF PHARMACY RULE
RULE 480-5-.03 CODE OF PROFESSIONAL CONDUCT**

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 480-5-.03. Code of Professional Conduct

The Board is authorized to take disciplinary action for unprofessional conduct. Consistent with the authority to assure that licensees operate in a professional manner and the Board's responsibility to protect the public health with a safe, dependable and sufficient supply of medication, the Board establishes a Code of Professional Conduct which shall apply to and be observed by all persons engaged in the practice of pharmacy in the State of Georgia.

- (1) ~~(a)~~ Ethics. No pharmacist, intern, extern, technician, or pharmacy owner shall engage in ~~any~~ conduct in the practice of pharmacy or in the operation of a pharmacy which ~~tends to reduce the public confidence in the ability and integrity of the profession of pharmacy, or~~ endangers the public health, safety and welfare, or have been guilty of any fraud, misrepresentation, culpable negligence, concealment, dishonest dealings, fix, scheme or device, or breach of trust in the practice of pharmacy or in the conduction of business related to prescriptions, drugs or devices.
- (2) ~~(b)~~ Patient Self-Referral. No pharmacist, employee or agent thereof acting on his/her behalf, shall offer, agree to accept, or receive compensation in any form for the referral of professional services to or from another health care provider or entity. This prohibition includes any form of fee division or charging of fees for the referral of patients.
- (3) ~~(c)~~ Error or Uncertain Prescriptions. No pharmacist or pharmacy intern/extern shall compound or dispense any prescription, which, in his/her professional opinion, contains any error omission, irregularity or ambiguity. Upon receipt of such prescription, the pharmacist, pharmacy intern/extern shall contact the prescriber and confer with him/her before dispensing the prescription. No pharmacist or intern/extern shall dispense any medication by virtue of a prescription if said pharmacist or intern has any doubt existing in his mind that such prescription is not legitimate.
- ~~(4)~~ (d) Betrayal of Confidence. A pharmacist shall not discuss with the patient or representative such matters that should be discussed only with the prescriber.
- ~~(5)~~(4) (e) — Diagnosis or Treatment. No pharmacist or employee of a pharmacy shall diagnose, treat, prescribe for, or attempt to do so, any disease, illness, or organic disorder. This limitation shall not be construed to prevent a licensed pharmacist from advising individuals on matters concerning simple ailments, first aid measures, sanitary matters, or the merits and qualities of medicines, nor shall it prevent the full practice of pharmacy as provided in O.C.G.A. Section 26-4-4.
- ~~(6)~~(5) (f) — Coded Prescriptions. No pharmacist, pharmacy intern, or extern shall compound or dispense any prescription that is coded. A "coded" prescription is one which bears letters, numbers, words or symbols, or any other device used in lieu of the name, quantity, strength and directions for its use, other than normal letters, numbers, words, symbols or other media recognized by the profession of pharmacy as a means for conveying information by prescription. No symbol, word or any other device shall be used in lieu of the name of said preparation.
- ~~(7)~~(6) (g) — False or Misleading Advertising. No pharmacist or licensed pharmacy shall intentionally disseminate through any communication media any false, misleading or fraudulent advertising.

(8)(7) (h) — Changes in Prescriptions. No pharmacist, pharmacy intern or extern shall supply medications or devices which contain an ingredient or article different in any manner from the medication or device that is prescribed upon a prescription unless prior approval has been obtained from the prescriber thereof. Such difference shall immediately be recorded upon said prescription after being approved by said prescriber, showing the date, time and method of ascertaining the said approval.

(9)(8) (i) — Prescription Sub-Stations. No pharmacist, employer or employee of a licensed pharmacy shall maintain a location, other than a pharmacy for which a permit has been issued by the Board, from which to solicit, accept or dispense prescriptions.

(10)(9) (j) — Physician Agreements. No pharmacist or licensed pharmacy, or employee or agent thereof, shall enter into or engage in any agreement or arrangement with an physician or other practitioner for the payment or acceptance of compensation in any form or type for the recommending of the professional services of either; or enter into a rebate or percentage rental agreement if any kind, whereby in any way a patient's free choice of a pharmacist or licensed pharmacy is or may be limited.

(11)(10) (k) — Independent Judgment and Practices. No pharmacist shall offer or engage in professional pharmaceutical services under any terms and conditions that shall tend to interfere with or impair the free and complete exercise of professional judgment and skill of a pharmacist or enter into any agreement that denies the public the right of free choice of pharmacists or pharmacies.

(12)(11) (l) — Return of Prescriptions. Except as authorized by Rule 480-10-.17, no pharmacist or employer or employee of a pharmacy may knowingly place in the stock of any pharmacy any part of any prescription dispensed to, or compounded for, any patient of any pharmacy and returned by said patient.

(13)(12) (m) — Evasion of Code of Professional Conduct. No pharmacist, licensed pharmacy or employee or agent thereof, shall act in any way to evade the rules and regulations of the Board and the laws applying to licensed pharmacies and pharmacists, interns, externs and technicians, but may apply methods of their own to enhance compliance with said laws, rules and regulations. Said persons shall be responsible for being acquainted with said laws, rules and regulations, and ignorance of said laws, rules, regulations shall not be a valid defense of the same.

(14)(13) (n) — Refusal to Fill Prescription. It shall not be considered unprofessional conduct for any pharmacist to refuse to fill any prescription based on his/her professional judgment or ethical or moral beliefs.

(15)(14) (o) — Valid Prescription Drug Orders. Prescription drugs shall be dispensed only pursuant to a valid prescription drug order. A pharmacist shall not dispense a prescription which the pharmacist knows or should know is not a valid prescription. A pharmacist shall have the same corresponding liability for prescriptions as an issuing practitioner as set forth in 21 C.F.R. as such regulation exists on January 1, 2013. Valid prescription drug orders shall include those issued by a physician, dentist, podiatrist, veterinarian, or other person licensed, registered, or otherwise authorized under the laws of this state, or of any state or territory of the United States, to prescribe dangerous drugs or controlled substances or both.

(16)(15) _____ (p) — Violations of the Code of Professional Conduct. The above set out Code of Professional Conduct is expressly adopted by the Board and shall govern the conduct of all those admitted to practice pharmacy in their capacities as pharmacists, all those issued licenses as a pharmacy in their capacities as licensees and all pharmacy interns/externs in their capacities as pharmacy interns/externs. A license to practice pharmacy or a permit to operate a licensed pharmacy confers to vested right to the holder thereof, but is a conditional privilege revocable for cause. The primary purpose of this Code of Professional Conduct is the protection of the profession of pharmacy and the public health, safety and welfare. It is the responsibility of the Board to ~~purge the profession~~ maintain quality, accountability, and integrity within the profession, and to remove ~~of those unworthy to practice pharmacy or operate pharmacies in this state.~~ It is the obligation of every licensed pharmacy holder and every licensed pharmacist to give unlimited cooperation and assistance to the Board in the discharge of this responsibility. Violation of this code may subject the violator to suspension or revocation of any license issued to him/her by the Board and/or public reprimand, fines, probation, letters of concern or other disciplinary actions deemed appropriate by the Board.

Authority: O.C.G.A. §§ 43-1-19, 26-4-4, 26-4-28, 26-4-60, 26-4-80, 26-4-82, 26-4-110, 26-4-113, and 26-4-115.