

**NOTICE OF INTENT TO REPEAL RULE IN THE GEORGIA STATE BOARD OF  
PHARMACY RULES,  
RULE 480-49-.01 FEDERAL STUDENT LOAN DEFAULT, 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 a repeal to the Georgia Board of Pharmacy Rules, Rule 480-49-.01 FEDERAL STUDENT LOAN DEFAULT (hereinafter “proposed repeal”).

This notice, together with an exact copy of the proposed repeal and a synopsis of the proposed repeal, 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 repeal, and a synopsis of the rule including the proposed repeal 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 August 18, 2021 at The University of Georgia College of Pharmacy, Pharmacy South Building, Room 303, 240 W. Green Street, Athens, GA 30602 to provide the public an opportunity to comment upon and provide input into the proposed repeal. 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 August 11, 2021. 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 repeal will be considered for adoption by the Georgia State Board of Pharmacy at its meeting scheduled to begin at 9:05 AM on August 18, 2021 The University of Georgia College of Pharmacy, Pharmacy South Building, Room 303, 240 W. Green Street, Athens, GA 30602. According to the Department of Law, State of Georgia, the Georgia State Board of Pharmacy has the authority to adopt the proposed repeal pursuant to authority contained in O.C.G.A. §§ 26-4-60 and 43-1-29.

At its meeting on July 15, 2020, the Board voted that the formulation and adoption of these rule repeal do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed repeal 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 July 15, 2020, 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

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 13<sup>th</sup> day of July, 2021.



Eric R. Lacefield  
Executive Director  
Georgia Board of Pharmacy

Posted: July 13, 2021

**SYNOPSIS OF PROPOSED REPEAL TO THE  
GEORGIA STATE BOARD OF PHARMACY RULE  
RULE 480-49-.01 FEDERAL STUDENT LOAN DEFAULT**

Purpose of Rule: The purpose of this amendment is to repeal the entire rule in accordance with the law changes to O.C.G.A. §§ 26-4-60 and 43-1-29 which removed the authority to suspend a professional license due to student loan default issues.

Main Feature: The main feature of this amendment is to repeal the entire rule as the Board no longer has the authority to suspend a license for student loan default issues.

**DIFFERENCES OF THE PROPOSED REPEAL TO THE  
GEORGIA STATE BOARD OF PHARMACY RULE  
RULE 480-49-.01 FEDERAL STUDENT LOAN DEFAULT**

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

**480-49-.01     Federal Student Loan Default Repealed**

- ~~(1) A person holding a current license issued by the Georgia Board of Pharmacy ("Board") may have his/her license indefinitely suspended if s/he is found to be in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program in accordance with the procedures set forth herein.~~
- ~~(2) After receiving a certification from a federal agency that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program, the Board shall provide written notice to the licensee via certified or registered mail at the licensee's address of record. The notice shall contain the following:
  - ~~(a) The Board's intended action to suspend the license;~~
  - ~~(b) The licensee's right to request an appearance before the Board;~~
  - ~~(c) Notification that the request for an appearance must be in writing and must be received by the board within thirty (30) days of service of notice; and~~
  - ~~(d) The address and telephone number of the Board.~~~~
- ~~(3) If the licensee does not request an appearance before the Board within thirty (30) days, the licensee waives the right for an appearance before the Board, and the license shall be suspended.~~
- ~~(4) If a request to appear is timely received by the Board, the suspension of the license shall be stayed pending the licensee's appearance before the Board.~~
- ~~(5) Upon receipt of the request for an appearance before the Board, the Board shall notify the licensee in writing of the date and time of the appearance via certified or registered mail sent to the licensee's address of record. At this appearance, the licensee may present evidence only on the following issues:
  - ~~(a) Whether the licensee is a party named in a federal educational loan agreement, service conditional loan repayment agreement, or service conditional scholarship agreement;~~
  - ~~(b) Whether the licensee is in default of the loan obligation, service conditional loan repayment or scholarship obligation;~~
  - ~~(c) Whether the licensee is repaying the loan obligation, service conditional loan repayment or scholarship obligation, in a manner satisfactory to the federal agency involved.~~~~

- ~~(6) Within fourteen (14) working days after the licensee's appearance before the Board, the Board will issue its decision. The Board will mail a copy of its decision to the licensee by certified mail or registered mail to the licensee's address of record.~~
- ~~(7) If the license is suspended, the licensee shall not practice during the period of suspension.~~
- ~~(8) A person whose license was suspended for being in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program may apply to have the suspension lifted. In order to have the suspension lifted, the licensee must:~~
- ~~(a) Request in writing to the Board that the suspension be lifted;~~
  - ~~(b) Provide the Board a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program;
    - ~~1. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency.~~~~
  - ~~(c) Demonstrate to the satisfaction of the Board that the license has been timely renewed, where applicable, and, other than the suspension provided by this rule, is otherwise in good standing; and~~
  - ~~(d) Submit a notarized declaration that all continuing education requirements, if any, for the entire suspension period have been met.~~
- ~~(9) Upon compliance with paragraph (8), the Board shall lift the suspension on the license. However, the Board may impose any conditions on the lifting of the suspension that it deems necessary to protect the public.~~
- ~~(10) If the licensee fails to timely renew his/her license during the period of suspension, the license shall be considered to be revoked by operation of law and subject to reinstatement in the sole discretion of the Board. The person who held the lapsed suspended license must comply with the Board's rules for reinstatement, pay any reinstatement fee, and provide the Board with a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan service conditional loan repayment program or service conditional scholarship program. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency. It will be within the discretion of the Board whether to reinstate the license.~~

Authority: O.C.G.A. Secs. 26-4-60 and 43-1-29.