

**GEORGIA BOARD OF PHARMACY**  
**Board Meeting**  
**South University School of Pharmacy**  
**709 Mall Blvd**  
**Savannah, GA 31406**  
**August 21, 2013 @ 9:30 a.m.**

**The following Board members were present:**

Al McConnell, Chairperson  
Tony Moye, Vice-Chairperson  
Mike Faulk  
Chris Jones  
Pat McPherson  
Laird Miller  
Bill Prather  
Ronnie Wallace

**Staff present:**

Tanja Battle, Executive Director  
Rick Allen, GDNA  
Janet Wray, Senior Assistant Attorney General  
Brandi Howell, Licensure Analyst

**Visitors:**

William Barker  
Lin Hodges  
Jessica Dixon  
Roy Gaskins  
Nirmal Patel  
Brooke Call  
Matt Wilson  
Melvin Smith

Chairperson McConnell established that a quorum was present and called the meeting to order at 9:41 a.m.

Tony Moye made a motion and Bill Prather seconded, and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. § 43-1-19(h)(2) and § 43-1-2(k) to deliberate and to receive information on applications, investigative reports and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Al McConnell, Tony Moye, Mike Faulk, Chris Jones, Pat McPherson, Laird Miller, Bill Prather and Ronnie Wallace.

**Executive Session**

**Appearances**

- G.H.
- J.L.D.

No votes were taken in Executive Session. Chairperson McConnell declared the meeting back in Open Session.

**Open Session**

**Approval of Minutes**

Tony Moye made a motion to approve the Public and Executive Session minutes for the July 17, 2013 full Board meeting. Ronnie Wallace seconded and the Board voted unanimously in favor of the motion.

**Ratifications**

Chris Jones made a motion to ratify the list of issued licenses. Laird Miller seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Alissa Rich**

The Board considered this correspondence and directed staff to respond to Ms. Rich by stating that if she wishes the Board to consider this issue, please submit additional information as “nutraceuticals” is not a recognized term.

**Correspondence from Sarah L. Pallas**

The Board considered this correspondence. Tony Moye made a motion to deny Ms. Pallas’ request for the Board to waive the fee for pharmacy licensure of researchers. Bill Prather seconded and the Board voted unanimously in favor of the motion.

**Correspondence regarding Board Rule 480-7-.07 and O.C.G.A. § 26-4-115(c)**

The Board considered this correspondence that was sent anonymously. No action was taken.

**Correspondence from Dr. Doug Ruff, Hahira Veterinary Clinic**

The Board considered this correspondence and directed staff to respond to Dr. Ruff by stating that the Board will consider his issue as it is drafting the new compounding rule.

**Correspondence from Michael A. Jones**

The Board considered this correspondence regarding Vicodin changes and directed staff to include a link on the Board’s website with this information.

**Correspondence from LaKia Sutton**

The Board considered this correspondence and directed staff to respond to Ms. Sutton by stating that if she wishes the Board to consider this issue, she will need to submit additional information as “nutraceuticals” is not a recognized term.

**Correspondence from Severin T. Ritter, RPH015024**

The Board considered this correspondence from Mr. Ritter requesting the Board lift a restriction. Tony Moye made a motion to table the request pending receipt of additional information.

**Correspondence from Carrie Creel, RPH021859**

The Board considered this correspondence from Ms. Creel requesting the Board terminate her probation. Bill Prather made a motion to approve the request. Chris Jones seconded and the Board voted unanimously in favor of the motion.

**Petition for Rule Waiver – Rempex Pharmaceuticals, Inc.**

Ronnie Wallace made a motion to deny the rule waiver petition. Chris Jones seconded and the Board voted unanimously in favor of the motion.

**Georgia Drug and Narcotics Agency – Rick Allen**

Bill Prather made a motion to post the following rules:

**480-39-.01 Definitions**

For purposes of these Rules and Regulations, the following definition applies:

- (a) Mail Order. Mail order is when a patient requests that a pharmacy licensed by the board to sell, distribute, dispense, or deliver a filled prescription drug order by use of the U.S. Postal Service or a common commercial carrier. And when such filled prescription drug is taken from a pharmacy and kept overnight in a storage facility or vehicle and not delivered on the same day to the patient.
- (1) It is not considered to be mail order when a pharmacy uses its own employees or employs a local courier service to deliver filled prescriptions in the same day from the pharmacy to a patient. Such

method of delivery can be made without the patient having to request delivery for their filled prescriptions.

(2) A patient's guardian or caregiver or a physician or physician acting as the patient's agent for whom the prescription drug was prescribed can request on behalf of the patient that a pharmacy use mail order to deliver the patient's filled prescription drug.

(b) Regularly employing. Regularly employing means when a pharmacy which routinely, on a monthly basis, employs the U.S. Postal Service or a common commercial carrier to deliver an entire prescribed quantity of a filled prescription to a single patient as requested by the patient.

#### **480-39-.02 Conditions for use of Mail Order**

(a) Any pharmacy can regularly employ the U.S. Postal Service or a common commercial carrier to sell, distribute, dispense, or deliver a drug which requires a prescription in a manner in which the drug is kept overnight in a storage facility or vehicle and not taken the same day from the pharmacy to a patient only after the patient has requested that a pharmacy use these method of delivery for their filled prescription drugs;

(1) A pharmacy must document the manner in which a patient request mail order delivery of their filled prescription drugs.

(b) Any pharmacy using the U.S. Post Service or common commerce carriers to deliver dispensed prescription drugs pursuant to this rule shall comply with the following conditions:

(1) The pharmacy shall provide an electronic, telephonic, or written communications mechanism which provides a proof of delivery which records when the medications delivered by the U.S. Postal Service or common commercial carrier were received by the patient or their designee. Medications which cannot be delivered will not be left unattended and must be held for pickup by the patient or their designee.

(2) A pharmacist or pharmacy intern acting under the direct supervision of the pharmacy who employs mail order must provide a manner, including a local or toll-free telephone number for the patient to call and speak with a pharmacist at the pharmacy if the patient has any questions regarding their medication and to allow the pharmacist or pharmacy intern to offer counseling on each filled prescription drug in accordance with and obligated by Code Section 26-4-85, unless the patient refuses such consultation or counseling.

(3) A pharmacy shall not utilize mail order to deliver Schedule II controlled substance medications, medications which require refrigeration, chemotherapy medications deemed by the federal Environmental Protection Agency as dangerous, medications in suppository form, and other medications which, in the professional opinion of the dispensing pharmacist, may be clinically compromised by distribution and delivery through the U.S. Postal Service or a common commercial carrier;

(i) The State Board of Pharmacy may promulgate a list of other medications which may not be delivered by the U.S. Postal Service or a common commercial carrier.

(4) The pharmacy shall utilize, in accordance with standards of the manufacturer, United States Pharmacopeia and National Formulary, Federal Drug Administration and other standards adopted by the State Board of Pharmacy, temperature tags, time temperature strips, insulated packaging, or a combination of these which protect the integrity of and indicate when the integrity of any drug which has been delivered by mail order has been compromised;

(5) The patient shall receive information from the pharmacy indicating what he or she should do if any drug does not arrive in a timely manner, or if the integrity of the packaging or medication has been compromised during shipment and delivery by mail order; and what action the pharmacy shall take to ensure the patient's compromised drugs are replaced.

(i) Each pharmacy utilizing mail order shall establish policies and procedures to address instances in which any drug delivered by mail order does not arrive in a timely manner or in which the drug has been compromised during shipment and to assure that the pharmacy replaces or makes provisions to replace such drugs.

Tony Moye seconded and the Board voted unanimously in favor of the motion.

A motion was made by Ronnie Wallace, seconded by Bill Prather, and the Board voted that the formulation and adoption of these amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the relevant code sections.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of the relevant code sections 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 these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of pharmacy.

Ronnie Wallace made a motion to adopt the following policy:

#### **Policy for Veterinarians without NPI numbers.**

Whenever a pharmacist receives a prescription drug order from a veterinarian who does not have nor qualifies for a National Provider Identifier (NPI) number, the pharmacist is not required to include or require an NPI on that prescriber's prescription drug order.

This policy in effect exempts veterinarians who do not qualify for an NPI from the NPI requirement in Georgia State Board of Pharmacy Rule 480-27-.02(1)(c) Requirements of a prescription drug order.

Chris Jones seconded and the Board voted unanimously in favor of the motion.

#### **Executive Director's Report – Open Session**

Ms. Battle asked the Board for permission for GDNA to access the database to expedite license verification, especially as it relates to prescriptive authority. Bill Prather made a motion for the Board to release information to GDNA as it relates to what is in the database. Tony Moye seconded and the Board voted in favor of the motion.

#### **Miscellaneous**

Bill Prather made a motion to post the following rules:

#### **480-1-.01 Organization of the Board. Amended.**

The Georgia State Board of Pharmacy consists of eight (8) members who are commissioned by the Governor. The public may obtain information from the Board, and make submissions and requests to the Board by contacting the Executive Director of the State Board of Pharmacy at 2 Peachtree Street, S.W., 36th Floor, Atlanta, Georgia 30303 ~~Division Director of the Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia 31217.~~

#### **480-1-.02 Executive Director**

The board may appoint by a majority vote a person to serve as Executive Director of the Board.

(a) The Executive Director shall be vested with the following powers:

1. To hire such personnel as the Board approve and deems necessary to carry out its function and with Board approval to appoint professional qualified persons to serve as members of peer review committees.
2. To issue subpoenas to compel access to documents or other materials that the

President of the Board, or the Vice President if the President is not available, deems related to the fitness of any licensee, registrant, or applicant to practice;

3. To authorize the issuance of notices of hearing by the Attorney General with the approval of the Board;

4. With the approval of the board, notwithstanding any other provisions of law to the contrary, shall enter into contracts as are deemed necessary to carry out this chapter to provide for all services required of the board;

5. Act as the custodian of records for the board; and

6. Accept service of civil actions and administrative appeals on behalf of the board;

(b) In the absence of the executive director, the assistant executive director, the director of the Georgia Drugs and Narcotic Agency, shall have all the powers of the executive director.

#### **480-5-.03 Code of Professional Conduct. Amended.**

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.

(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.

(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.

(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.

(d) Betrayal of Confidence. A pharmacist shall not discuss with the patient or representative such matters that should be discussed only with the prescriber.

(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.

(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.

(g) False or Misleading Advertising. No pharmacist or licensed pharmacy shall disseminate through any communication media any false, misleading or fraudulent advertising.

(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.

(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.

(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.

(k) Independent Judgement 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.

(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.

(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.

(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.

(o) 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 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.

(p) 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.

#### **480-6-.01 Pharmacy Licenses. Amended.**

(1) Application for license:

- (a) Applications must be filed ~~in duplicate~~ with the Georgia State Board of Pharmacy located at ~~237 Coliseum Drive in Macon, Georgia 31217~~, along with the required fee.
- (b) Application for the licensing of a pharmacy will be considered on the basis of the application filed and an approval letter received from the director of the Georgia Drugs and Narcotics Agency certifying the pharmacy possesses the necessary facilities and equipment for a license.
- (c) The application fee shall NOT be refundable.
- (2) Every pharmacy shall be under the direct charge of a registered pharmacist whose name shall appear on the license. In the event such pharmacist whose name shall appear on said license shall no longer be in charge of a pharmacy, the Board shall be notified immediately and shall be notified, at the same time, of the successor registered pharmacist.
- (3) Licenses shall not be transferable. Licenses become null and void upon the sale, or change of mode of operation of the business.
- (4) Licenses shall be renewed every two years and expire on June 30th of each odd year and may be renewed upon the payment of the required fee and the filing of an application for renewal. If the application for renewal is not made and the fee paid before September 1st of the odd year, the license shall lapse and shall not be renewable except by application for a new license.

**480-11-.01 Definitions. AMENDED.**

- (1) "Administer" or "administration" means the provision of a unit dose and/or doses of medication to an individual patient as a result of the order of an authorized practitioner of the healing arts.
- (2) "Barrier Isolator" means an isolator specifically designed for compounding pharmaceutical ingredients or preparations in an aseptic environment.
- (3) "Biological safety cabinet" means a ventilated cabinet for personnel, product, and environmental protection having an open front with inward airflow for personnel protection, downward HEPA filtered laminar airflow for product protection, and HEPA filtered exhausted air for environmental protection.
- (4) "Board of Pharmacy" or "Board" means the Georgia State Board of Pharmacy.
- (5) "Class 100 Environment" or "ISO Class 5" means an atmospheric environment which contains fewer than 100 particles 0.5 microns or larger in diameter per cubic meter of air.
- (6) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or device as the result of a practitioner's prescription drug order or initiative based on the relationship between the practitioner, patient, and pharmacist in the course of professional practice or for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale or dispensing. Compounding also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine and regularly observed prescribing patterns. Compounding does not include mixing, reconstituting, or similar acts that are performed in accordance with the directions contained in approved labeling provided by the product's manufacturer and other manufacturer directions consistent with that labeling.
- (7) "Component" means any ingredient intended for use in the compounding of a drug preparation, including those that may not appear in such preparation.
- (8) "Cytotoxic" means a pharmaceutical that has the capability of killing living cells.
- (9) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a drug or device from one person to another, whether or not for a consideration.
- (10) "Device" means an instrument, apparatus, contrivance, or other similar or related article, including any component part or accessory, which is required under federal law to bear the label, "Caution: federal or state law requires dispensing by or on the order of a physician" or "Rx Only."
- (11) "Dispense" or "dispensing" means the preparation and delivery of a drug or device to a patient, patient's caregiver, or patient's agent pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to, or use by a patient.
- (12) "Distribute" means the delivery of a drug or device other than by administering or dispensing.
- (13) "Drug" means:

- (a) Articles recognized as drugs in any official compendium, or supplement thereto, designated from time to time by the Board for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;
- (b) Articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;
- (c) Articles, other than food, intended to affect the structure or any function of the body of humans or animals; and
- (d) Articles intended for use as a component of any articles specified in subparagraph (a), (b), or (c) of this paragraph but does not include devices.
- (14) Drug regimen review includes but is not limited to the following activities:
- (a) Evaluation of any prescription drug order and patient record for:
1. Known allergies;
  2. Rational therapy-contraindications;
  3. Reasonable dose and route of administration; and
  4. Reasonable directions for use.
- (b) Evaluation of any prescription drug order and patient record for duplication of therapy;
- (c) Evaluation of any prescription drug order and patient record for the following interactions:
1. Drug-drug;
  2. Drug-food;
  3. Drug-disease; and
  4. Adverse drug reactions.
- (d) Evaluation of any prescription drug order and patient record for proper utilization, including over utilization or under utilization, and optimum therapeutic outcomes.
- (15) "Enteral" means within or by way of the intestine.
- (16) "GDNA" means the Georgia Drugs and Narcotics Agency.
- (17) "Labeling" means the process of preparing and affixing a label to any drug container exclusive, however, of the labeling by a manufacturer, packer, or distributor of a nonprescription drug or commercially packaged legend drug or device. Any such label shall include all information required by federal and state law or rule.
- (18) "Nonprescription drug" means a drug which may be sold without a prescription drug order and which is labeled for use by the consumer in accordance with the requirements of the laws and rules of this state and/or the federal government.
- (19) "Parenteral" means an injectable sterile preparation of drugs for administration by any other means than through the gastrointestinal tract.
- (20) "Patient counseling" means the oral communication by the pharmacist of information, as defined in the law and the rules of the Board, to the patient, patient's caregiver, or patient's agent, in order to improve therapy by ensuring proper use of drugs and devices.
- (21) "Pharmacist" means an individual currently licensed by this state to engage in the practice of pharmacy. This recognizes a pharmacist as a learned professional who is authorized to provide patient services and pharmacy care.
- (22) "Pharmacist in charge" means a pharmacist currently licensed in this state who accepts responsibility for the operation of a pharmacy in conformance with all laws and rules pertinent to the practice of pharmacy and the distribution of drugs and who is personally in full and actual charge of such pharmacy and personnel.
- (23) "Pharmacy" means any place licensed in accordance with the laws and rules of this state wherein the possessing, displaying, compounding, dispensing, or selling of drugs may be conducted, including any and all portions of the building or structure leased, used, or controlled by the licensee in the conduct of the business or profession licensed by the Board at the address for which the license was issued.
- (24) "Prescription drug order" means a lawful order of a practitioner for a drug or device for a specific patient.



(25) "Prospective drug use review" means a review of the patient's drug therapy and prescription drug order, as defined in the law and the rules of the Board, prior to dispensing the drug as part of a drug regimen review.

(26) "Sterile pharmaceutical" means any dosage form devoid of viable microorganisms, or any other contaminant including, but not limited to, parenterals, injectables, and ophthalmics.

(27) "Sterile Preparations" are those as defined by USP 797.

(28) USP-NF' means the United States Pharmacopeia and National Formulary.

#### **480-13-.04 Absence of pharmacist**

(3) A hospital pharmacy shall be authorized to utilize remote order entry when:

(i) The licensed pharmacist is not physically present in the hospital, the hospital pharmacy is closed, and a licensed pharmacist will be physically present in the hospital pharmacy within ~~16~~ **24** hours; or

(ii) ~~When~~ at least one licensed pharmacist is physically present in the hospital pharmacy and at least one other licensed pharmacist is practicing pharmacy in the hospital but not physically present in the hospital pharmacy; or

(iii) at least one licensed pharmacist physically present in a hospital within this state which remotely serves only on weekends another hospital or hospitals under the same ownership or management which have an average daily census of less than ten acute patients

#### **480-16-.08 Occurrences that require immediate notification to the Board**

**The following occurrences require immediate notification to the Board. For the purposes of this rule, immediate notification is defined as written notification within 24 hours:**

(1) Permanent closing of a licensed pharmacy, to include notification of the name and contact information for the person responsible for maintaining the pharmacy records after the pharmacy has closed and location of the records;

(2) Change of ownership, management, or location of a licensed pharmacy, to include notification of the name and contact information for the person responsible for maintaining the pharmacy records for the the pharmacy which has changed ownership, management or location along with the location of the records;

(3) Change of the pharmacist in charge of a licensed pharmacy; when the board receives notice that a pharmacy no longer has a pharmacist in charge and no replacement PIC is named, that pharmacy's license is suspended pending further findings by the board.

(4) Any theft or loss of drugs or devices of a licensed pharmacy, and instead of notification to the board, to this notification must be made to the Georgia Drugs and Narcotics Agency instead to receive the proper theft or loss of drugs reporting form;

(5) Any known conviction of any employee of a licensed pharmacy of any state or federal drug laws;

(6) Disasters, accidents, theft, destruction, or loss of records of a licensed pharmacy required to be maintained by state or federal law;

(7) Occurrence at a licensed pharmacy of a significant adverse drug reaction as defined by rules of the board; or

(8) Any and all other matters and occurrences at a licensed pharmacy as the board may require by rule.

A motion was made by Chris Jones, seconded by Ronnie Wallace, and the Board voted that the formulation and adoption of these amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the relevant code sections.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of the relevant code sections 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 these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of pharmacy.

Bill Prather made a motion to table consideration of Board Rule 480-15-.02 Registration of Pharmacy Technicians for sixty (60) days. Chris Jones seconded and the Board voted unanimously in favor of the motion.

### **Rule Hearing**

Chairperson McConnell called the Rules Hearing to order at 1:05 p.m.

#### **Board Rule 480-34-.04 Synthetic Cannabinoids**

No comments or written responses were received.

The hearing was adjourned at 1:07 p.m.

### **Open Session**

Chairperson McConnell declared Open Session at 1:08 p.m.

Ronnie Wallace made a motion to adopt Rule 480-34-.04 Synthetic Cannabinoids. Pat McPherson seconded and the Board voted unanimously in favor of the motion.

Tony Moyer made a motion to post Rule 480-2-.05 Reciprocity. Bill Prather seconded and the Board voted unanimously in favor of the motion.

#### **480-2-.05 Reciprocity. Amended.**

(a) In order for a pharmacist currently licensed in another jurisdiction to obtain a license as a pharmacist from the Board, an applicant shall:

(1) Complete an applicant form supplied by the National Association of Boards of Pharmacy (NABP), but obtained from the Board's office, to apply for licensure with the Georgia State Board of Pharmacy. This application should be filed with NABP, and then with the Board for further review by the Board and an investigation by the Georgia Drugs and Narcotics Agency (GDNA), if necessary. If so requested, an applicant must produce evidence satisfactory to the Board or the GDNA which shows the applicant has the age, moral character, background, education, and experience demanded of applicants for registration by examination under O.C.G.A. 26-4 and by this chapter.

- (2) Have attained the age of majority;
- (3) Be of good moral character.
- (4) Have possessed at the time of initial licensure as a pharmacist, all qualifications necessary to have been eligible for licensure at that time in this state;
- (5) Have presented to the Board proof of initial licensure by examination and proof that such license is in good standing.
- (6) Have presented to the board proof that any other license granted to the applicant by any other state is not currently suspended, revoked, or otherwise restricted for any reason except nonrenewal or for the failure to obtain the required continuing education credits in any state where the applicant is currently licensed, but not engaged in the practice of pharmacy;
- (7) Have successfully passed a jurisprudence examination approved by the Board on Georgia's pharmacy laws and Board regulations, and a practical examination approved by the Board;
- (8) If requested by the Board, have personally appeared for an interview with a member of the Board;
- (9) Have paid the fees specified by the Board.
- (b) No applicant may be granted a license by reciprocity if that person has failed the examination for licensure as a pharmacist in this state.
- (c) No applicant shall be eligible for reciprocity unless the state in which the applicant is licensed as a pharmacist also grants license reciprocity to pharmacist duly licensed by examination in this state under like circumstances.

A motion was made by Chris Jones, seconded by Ronnie Wallace, and the Board voted that the formulation and adoption of this amendment does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the relevant code sections.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of the relevant code sections 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 rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of pharmacy.

Bill Prather made a motion to table Rule 480-11-.02 Compounded Drug Preparations.Amended. Pat McPherson seconded and the Board voted unanimously in favor of the motion.

Chris Jones made a motion and Mike Faulk seconded, and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §43-1-19(h)(2) and §43-1-2(k) to deliberate and to receive information on applications, investigative reports and the Assistant Attorney General’s report. Voting in favor of the motion were those present who included Al McConnell, Tony Moye, Mike Faulk, Chris Jones, Pat McPherson, Laird Miller, Bill Prather and Ronnie Wallace.

**Executive Session**

**Georgia Drugs and Narcotics Agency – Rick Allen**

- A.H.
- C.N.

**Attorney General’s Report – Janet Wray**

Ms. Wray presented the following consent orders for acceptance:

- H.H.
- J.K.
- C.P.M.

- B.P.
- K.R.S.

Ms. Wray discussed the following cases:

- L.A. and D.R.P.
- F.P.

**Cognizant's Report – Tony Moye**

- GDNA Case #B-30040
- GDNA Case #B-29720
- GDNA Case #B-30783
- GDNA Case #B-30769
- GDNA Case #B-30764
- GDNA Case #B-30788
- GDNA Case #B-30767
- GDNA Case #T13-37
- GDNA Case #B-30741
- GDNA Case #T13-48
- GDNA Case #B-29785
- GDNA Case #B-30836
- GDNA Case #T-30814
- GDNA Case #T13-39
- GDNA Case #T13-36
- GDNA Case #T-30798
- GDNA Case #T-30826
- GDNA Case #A-30650
- GDNA Case #B-30785

**Executive Director's Report – Tanja Battle**

- C.L.S.

**Applications**

- T.Q.F.
- N.G.
- T.A.P.
- T.H.
- A.B.
- S.L.D.
- A.M.F.
- E.R.J.
- F.S.
- H.J.
- E.J.
- R.B.
- T.W.
- M.L.
- S.W.
- C.B.

- C.T.
- B.W.
- B.W.
- J.O.
- H.C.
- C.N.
- C.T.
- C.G.
- A.S.
- C.S.
- S.R.
- A.K.
- A.B.B.
- S.M.R.
- S.R.
- K.R.H.
- S.T.B.
- J.S.B.
- D.J.P.
- S.M.
- K.H.Z.
- C.D.G.
- J.K.
- L.W.
- S.B.
- W.C.
- A.R.O.
- M.D.W.
- T.S.J.
- J.D.C.
- K.L.B.
- K.L.A.
- J.J.C.
- P.M.B.
- A.P.I.
- C.H.
- C.H.
- C.H.
- C.H.
- C.H.
- C.H.
- C.H.
- N.N.I.
- S.M.S.I.
- S.M.S.I.
- B.P.I.
- T.P.F.L.I.
- L.G.N.A.
- L.G.N.A.

- L.G.N.A.
- L.G.N.A.
- L.G.N.A.
- L.G.N.A.
- L.G.N.A.
- L.G.N.A.
- L.G.N.A.
- L.G.N.A.
- L.G.N.A.
- L.G.N.A.
- L.G.N.A.
- U.P.S.S.C.S.
- U.P.S.S.C.S.
- U.P.S.S.C.S.
- U.P.S.S.C.S.
- U.P.S.S.C.S.
- U.P.S.S.C.S.
- U.P.S.S.C.S.
- U.P.S.S.C.S.
- M.I.
- M.I.
- M.I.
- F.P.I.
- N.V.D.I.
- S.P.
- T.M.I.
- C.H.
- C.H.
- C.H.
- C.H.
- C.H.
- I.L.I.
- R.C.T.P.L.D.
- B.S.A.H.S.
- B.S.A.H.S.
- B.S.A.H.S.
- B.S.A.H.S.
- M.P.

**Correspondences/Requests**

- T.R.C.
- M.P.
- P.G.H.
- K.J.G.
- E.B.
- A.H.
- C.P.
- M.D.B.
- B.T.

- R.F.G.
- K.M.D. and J.C.
- L.B.H.
- S.C.

**Miscellaneous**

- W.P.

No votes were taken in Executive Session. Chairperson McConnell declared the meeting back in Open Session.

**Open Session**

Tony Moye made a motion to approve all recommendations based on deliberations in Executive Session as follows:

**Appearances**

- G.H. Approve with private consent order upon receipt of a complete reinstatement application
- J.L.D. Approve with private consent order

**Georgia Drugs and Narcotics Agency – Rick Allen**

- A.H. Schedule for an appearance with the Board
- C.N. Refer to Attorney General’s office for private impairment consent order

**Attorney General’s Report – Janet Wray**

Ms. Wray presented the following consent orders for acceptance:

- H.H. Private Consent Order accepted
- J.K. Private Consent Order accepted
- C.P.M. Private Consent Order accepted
- B.P. Private Consent Order accepted
- K.R.S. Private Consent Order accepted

Ms. Wray discussed the following cases:

- L.A. and D.R.P. Offer Consent Order without compounding restriction
- F.P. Close case

**Cognizant’s Report – Tony Moye**

- GDNA Case #B-30040 Private letter of concern
- GDNA Case #B-29720 Close with no action
- GDNA Case #B-30783 Close with no action
- GDNA Case #B-30769 Close with no action
- GDNA Case #B-30764 Close with no action
- GDNA Case #B-30788 Private letter of concern
- GDNA Case #B-30767 Close with no action
- GDNA Case #T13-37 Revoke technician registration
- GDNA Case #B-30741 Private letter of concern
- GDNA Case #T13-48 Accept signed Voluntary Surrender

- GDNA Case #B-29785 Close with no action
- GDNA Case #B-30836 Close with no action
- GDNA Case #T-30814 Table
- GDNA Case #T13-39 Revoke technician registration
- GDNA Case #T13-36 Accept signed Voluntary Surrender
- GDNA Case #T-30798 Revoke technician registration
- GDNA Case #T-30826 Accept signed Voluntary Surrender
- GDNA Case #A-30650 Change license status of facility to “inactive” and schedule investigative interview
- GDNA Case #B-30785 Accept signed request to inactive license

**Executive Director’s Report – Tanja Battle**

- C.L.S. Pharmacist Approved renewal

**Applications**

- T.Q.F. Pharmacy Technician Approve for registration
- N.G. Pharmacy Technician Approved renewal
- T.A.P. Pharmacy Technician Approve for registration
- T.H. Pharmacy Technician Approved renewal
- A.B. Pharmacy Technician Approve for registration
- S.L.D. Pharmacy Technician Approve for registration
- A.M.F. Pharmacy Technician Approve for registration
- E.R.J. Pharmacy Technician Approve for registration
- F.S. Pharmacy Technician Approve for registration
- H.J. Pharmacy Technician Denied registration
- E.J. Pharmacy Technician Approve for registration
- R.B. Pharmacy Technician Approve for registration
- T.W. Pharmacy Technician Approve for registration
- M.L. Pharmacy Technician Approve for registration
- S.W. Pharmacy Technician Approve for registration
- C.B. Pharmacy Technician Denied registration
- C.T. Pharmacy Technician Approve for registration
- B.W. Pharmacy Technician Approve for registration
- B.W. Pharmacy Technician Approve for registration
- J.O. Pharmacy Technician Approve for registration
- H.C. Pharmacy Technician Approve for registration
- C.N. Pharmacy Technician Approve for registration
- C.T. Pharmacy Technician Approve for registration
- C.G. Pharmacy Technician Approve for registration
- A.S. Pharmacy Technician Approve for registration
- C.S. Pharmacy Technician Approve for registration
- S.R. Pharmacy Technician Approve for registration
- A.K. Pharmacy Technician Approve for registration
- A.B.B. Pharmacy Technician Approve for registration
- S.M.R. Pharmacy Technician Table pending receipt of additional information
- S.R. Pharmacy Technician Approve for registration
- K.R.H. Pharmacy Technician Approve for registration
- S.T.B. Pharmacy Technician Approve for registration
- J.S.B. Pharmacy Technician Approve for registration





- U.P.S.S.C.S. Wholesaler Pharmacy Approved renewal
- M.I. Wholesaler Pharmacy Refer to the Attorney General's office for discipline
- M.I. Wholesaler Pharmacy Refer to the Attorney General's office for discipline
- M.I. Wholesaler Pharmacy Refer to the Attorney General's office for discipline
- F.P.I. Wholesaler Pharmacy Approved application
- N.V.D.I. Wholesaler Pharmacy Approved renewal
- S.P. Wholesaler Pharmacy Approved application
- T.M.I. Wholesaler Reinstatement Approved application
- C.H. Wholesaler Pharmacy Approved renewal
- C.H. Nuclear Pharmacy Approved renewal
- C.H. Nuclear Pharmacy Approved renewal
- C.H. Nuclear Pharmacy Approved renewal
- C.H. Manufacturing Pharmacy Approved renewal
- I.L.I. Wholesaler Pharmacy Table pending receipt of additional information
- R.C.T.P.L.D. Wholesaler Pharmacy Approved renewal
- B.S.A.H.S. Wholesaler Pharmacy Approved renewal
- B.S.A.H.S. Wholesaler Pharmacy Approved renewal
- B.S.A.H.S. Wholesaler Pharmacy Approved renewal
- B.S.A.H.S. Wholesaler Pharmacy Approved renewal
- M.P. Manufacturing Pharmacy Refer to the Attorney General's office for discipline

### **Correspondences/Requests**

- T.R.C. Manufacturing Pharmacy Refer to the Attorney General's office for discipline
- M.P. Security system approval Approved request
- P.G.H. Remote order entry Approve pending receipt of additional information
- K.J.G. Appearance request Approved request
- E.B. Appearance request Approved request
- A.H. Request to be granted the same number of attempts to pass NAPLEX as the number allowed by NABP. Denied request
- C.P. Notice of pharmacy temporarily closing Place on inactive status until pharmacy reopens
- M.D.B. Request to lift probation Grant request to lift probation on September 4, 2013
- B.T. Request to term supervised practice restriction Approved request
- R.F.G. Request to term supervised practice restriction Approved request
- K.M.D. & J.C. Request from FL Dept of Health Denied request
- L.B.H. Remote order entry Denied
- S.C. Remote order entry Approved

### **Miscellaneous**

- W.P. Request to add a drive-thru window to its pharmacy Conduct physical inspection

Chris Jones seconded and the Board voted unanimously in favor of the motion.

The next scheduled meeting of the Georgia Board of Pharmacy is scheduled for Wednesday, September 18, 2013, at 9:30 a.m. at the Department of Community Health's office located at 2 Peachtree Street, N.W., 36<sup>th</sup> Floor, Atlanta, GA 30303.

The Board meeting adjourned at 4:33 p.m.

Minutes recorded by Brandi P. Howell, Business Operations Specialist

Minutes edited by Tanja D. Battle, Executive Director