

**NOTICE OF INTENT TO AMEND RULE IN THE GEORGIA STATE BOARD OF  
PHARMACY RULES  
CHAPTER 480-22, RULE 480-22-.12 REQUIREMENTS OF PRESCRIPTION DRUG  
ORDERS AS ISSUED BY A PHYSICIAN'S ASSISTANT (PA) OR AN ADVANCED  
PRACTICE REGISTERED NURSE (APRN) LICENSED TO PRACTICE IN THE STATE  
OF GEORGIA  
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 480-22-.12 REQUIREMENTS OF PRESCRIPTION DRUG ORDERS AS ISSUED BY A PHYSICIAN'S ASSISTANT (PA) OR AN ADVANCED PRACTICE REGISTERED NURSE (APRN) LICENSED TO PRACTICE IN THE STATE OF GEORGIA. (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 December 11, 2013 at the Georgia Board of Pharmacy, Department of Community Health, 2 Peachtree Street, 36<sup>th</sup> Floor, Atlanta, GA 30303 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 may be received prior to December 4, 2013. Written comments should be addressed to the Executive Director of the Georgia State Board of Pharmacy at 2 Peachtree Street NW, Atlanta, Georgia 30303 FAX: 678-717-6694. You may email your comments to [tbattle@dch.ga.gov](mailto:tbattle@dch.ga.gov).

The proposed amendments will be considered for adoption by the Georgia State Board of Pharmacy at its conference call scheduled to begin at 3:00 PM on December 19, 2013 at the Georgia Board of Pharmacy, Department of Community Health, 2 Peachtree Street, 36<sup>th</sup> Floor, Atlanta, GA 30303. 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. §§ 16-13-21, 16-13-41, 16-13-70.1, 16-13-72, 26-4-5, 26-4-27, 26-4-28, 26-4-80, 26-4-80.1, 43-34-25, 43-34-103, 21 C.F.R. 1301.22, and 45 C.F.R. Part 162.

At its meeting by conference call on November 19, 2013, the Board voted that the formulation and adoption of these rule amendments do not impose excessive regulatory cost on any licensee and any



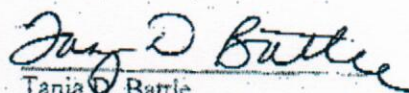
cost to comply with the proposed amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 26-4-27, 26-4-28, 16-13-22.

Also, at its meeting by conference call on November 19, 2013, 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 these amendments 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 19th day of November, 2013



Tanja D. Battle  
Executive Director  
Georgia Board of Pharmacy

Posted: November 19th, 2013



**SYNOPSIS OF PROPOSED AMENDMENTS OF THE  
GEORGIA STATE BOARD OF PHARMACY RULES  
CHAPTER 480-22, RULE 480-22-.12 REQUIREMENTS OF PRESCRIPTION DRUG  
ORDERS AS ISSUED BY A PHYSICIAN'S ASSISTANT (PA) OR AN ADVANCED  
PRACTICE REGISTERED NURSE (APRN) LICENSED TO PRACTICE IN THE STATE  
OF GEORGIA**

Purpose of Rule: The purpose of this rule is to set forth requirements for prescription drug orders issued by physician's assistants and advanced practice registered nurses licensed to practice in the state.

Main Features: The main feature of this rule is to provide guidance for pharmacists who fill prescription drug orders from physician's assistants and advanced practice registered nurses.

**DIFFERENCES OF THE PROPOSED AMENDMENTS FOR THE  
GEORGIA STATE BOARD OF PHARMACY RULES  
CHAPTER 480-22, RULE 480-22-.12 REQUIREMENTS OF PRESCRIPTION DRUG  
ORDERS AS ISSUED BY A PHYSICIAN'S ASSISTANT (PA) OR AN ADVANCED  
PRACTICE REGISTERED NURSE (APRN) LICENSED TO PRACTICE IN THE STATE  
OF GEORGIA**

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

**RULE 480-22-.12 REQUIREMENTS OF PRESCRIPTION DRUG ORDERS AS ISSUED BY  
A PHYSICIAN'S ASSISTANT (PA) OR AN ADVANCED PRACTICE REGISTERED  
NURSE (APRN) LICENSED TO PRACTICE IN THE STATE OF GEORGIA**

- (1) Under O.C.G.A. § 43-34-103(e.1), a physician's assistant (PA) licensed by the Georgia Composite ~~Board of Medical Examiners~~ Medical Board is permitted to issue a prescription drug order or orders for any dangerous drugs, as defined in O.C.G.A. § 16-13-71 without the co-signature of a supervising physician pursuant to the authority delegated by the PA's supervising physician and contained in the PA's job description.
- (a) A PA cannot issue a prescription for any C-II, III, IV, or V controlled substance without having such prescription co-signed by his or her supervising physician, unless such PA has his/her own DEA number.
- (b) Delegation of such authority shall be contained in the job description required by O.C.G.A. § 43-34-103(e.1). The delegating physician shall remain responsible for the medical acts of the PA.
- (2) Nothing in this Rule, Title 16, Chapter 13 or Title 43, Chapter 34, shall be construed to create a presumption of liability, either civil or criminal, on the part of a pharmacist who in good faith fills a prescription drug order presented by a patient pursuant to this Rule.
- (a) A pharmacist shall presume that the prescription drug order was issued by a PA duly licensed and qualified under Title 43, Chapter 34 to prescribe pharmaceutical agents.
- (b) A pharmacist shall presume that the drug prescribed by the PA is a drug approved by the supervising physician in the PA's job description, unless the pharmacist has actual or constructive knowledge to the contrary.
- (3) The PA shall only be authorized to exercise the rights granted by O.C.G.A. §43-34-103(e.1) using a prescription drug order which includes the following:



(a) The name, address, NPI number, and telephone number of both the prescribing physician and the PA;

(b) The patient's name and address;

(c) The drug name, strength and quantity prescribed;

(d) The directions to the patient with regard to taking the drug;

(e) The number of authorized refills, if any;

(f) If applicable, The the DEA permit number of the supervising physician and or, if applicable, the DEA number of the PA; and

~~(g) Such prescription drug order form shall be valid only if signed by the physician's assistant and the following terminology appears on the prescription drug order: "This prescription authorized through (preprinted name of the prescribing supervising physician, M.D. or D.O.) by (pre-printed name of the PA printed below the signature line, with such line bearing the signature of the PA), PHYSICIAN'S ASSISTANT" (Physician's Assistant must be spelled out, not abbreviated as PA).~~

~~1. An example, which satisfies the requirements for both Controlled Substance and Dangerous Drug prescription drug order, is as follows: "This prescription authorized through O.C. Cornwallis, M.D. by, Physician's Assistant Jane Doe (pre-printed).~~

(4) Any prescription drug order form containing less information than that described in this subsection shall not be offered to or accepted by any pharmacist.

(5) Under O.C.G.A. § 43-34-26.3(e.1), an advanced practice registered nurse (APRN) who is recognized by the Georgia Board of Nursing as having met the requirements established by the Georgia Board of Nursing to engage in advanced nursing practice, is in good standing with the Georgia Board of Nursing, and who has entered into a nurse protocol agreement, approved by the ~~Composite Board of State Medical Examiners~~ Georgia Composite Medical Board, with a delegating physician is permitted to issue a prescription drug order or orders for any dangerous drug, as defined in O.C.G.A. §16-13-71 without the co-signature of a delegating physician pursuant to the authority delegated by the APRN's delegating physician and contained in the APRN's nurse protocol.

(a) An APRN can issue a prescription drug order for any Schedule III, IV, or V controlled substance without having such prescription co-signed by his or her delegating physician, if such APRN has his or her own Federal Drug Enforcement Administration (DEA) number; An APRN has no authority to issue a Schedule I or II controlled substance prescription. If an APRN does not have ~~their~~ his or her own federal DEA number, the prescription must be signed by the delegating physician.

(b) An APRN is not authorized to issue refills of any dangerous drug for more than 12 months from the date of the original order, except in the case of oral contraceptives, hormone replacement therapy, or prenatal vitamins which may be refilled for a period of 24 months. An APRN is not authorized to issue more than five (5) refills of any Schedule III, IV, or V controlled substance for more than six (6) months from the date of the original order.

(c) Delegation of such authority shall be contained in the nurse protocol required by O.C.G.A. § 43-34-26.3. The delegating physician shall remain responsible for the medical acts of the APRN.

(6) Nothing in this Rule, Title 16, Chapter 13 or Title 43, Chapter 34, shall be construed to create a presumption of liability, either civil or criminal, on the part of a pharmacist duly licensed under Chapter 4 of Title 26, who in good faith fills a prescription drug order presented by a patient pursuant to this Rule which was issued by an APRN pursuant to an approved nurse protocol agreement.



- (a) A pharmacist shall presume that the prescription drug order was issued by an APRN duly licensed and qualified under Title 43, Chapter 34 to prescribe pharmaceutical agents.
- (b) A pharmacist shall presume that the drug prescribed by the APRN is a drug approved by the delegating physician in the APRN's nurse protocol, unless the pharmacist has actual or constructive knowledge to the contrary.
- (7) The APRN shall only be authorized to exercise the rights granted by O.C.G.A. § 43-34-26.3 using a prescription drug order which includes the following:
  - (a) The name, address, NPI number, and telephone number of the delegating physician, and the DEA number of the delegating physician if applicable;
  - (b) The name, address, NPI number, and telephone number of the APRN, and the APRN's DEA number if applicable;
  - (c) The name and address of the patient;
  - (d) The drug name, strength and quantity prescribed;
  - (e) The directions to the patient with regard to how the medication is to be administered;
  - (f) The number of authorized refills, if any;
  - (g) Such prescription drug order form shall be valid only if signed by the APRN;
  - (h) A prescription drug order which is transmitted either electronically or via facsimile shall conform to the requirements set out in paragraphs (1) and (2) of subsection (c) of Code Section 26-4-80, respectively.
- (8) Any prescription drug order containing less information than that described in this subsection shall not be considered a legal prescription.

Authority: O.C.G.A. §§ 16-13-21, 16-13-41, 16-13-70.1, 16-13-72, 26-4-5, 26-4-27, 26-4-28, 26-4-80, 26-4-80.1, 43-34-25, 43-34-103, 21 C.F.R. 1301.22, and 45 C.F.R. Part 162.