

**NOTICE OF INTENT TO ADOPT RULE TO THE GEORGIA STATE BOARD OF
PHARMACY RULES
CHAPTER 480-38, RULE 480-38-.01 DEFINITIONS. 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 new Rule to the Georgia Board of Pharmacy Rules, Rule 480-38-.01 DEFINITIONS (hereinafter "proposed rule").

This notice, together with an exact copy of the proposed rule and a synopsis of the proposed rule, 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 proposed rule, and a synopsis of the proposed rule 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 January 22, 2014 at the Mercer University of College of Pharmacy, 3001 Mercer University Drive, Atlanta, Georgia 30341 to provide the public an opportunity to comment upon and provide input into the proposed rule. 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 January 15, 2014. 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.

The proposed rule will be considered for adoption by the Georgia State Board of Pharmacy at its meeting scheduled to begin at 9:05 AM on January 22, 2014 at the Mercer University of College of Pharmacy, 3001 Mercer University Drive, Atlanta, Georgia 30341. According to the Department of Law, State of Georgia, the Georgia State Board of Pharmacy has the authority to adopt the proposed rule pursuant to authority contained in O.C.G.A. §§ 26-4-5, 26-4-27, 26-4-28, 26-4-60, 26-4-80, 26-4-85, 26-4-110, 26-4-110.1, and 26-4-114.1.

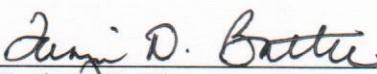
At its meeting on November 13, 2013, the Board voted that the formulation and adoption of this rule do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 26-4-27, 26-4-28, 16-13-22.

Also, at its meeting on November 13, 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 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.

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 25th day of November, 2013


Tanja D Battle
Executive Director
Georgia Board of Pharmacy

Posted: November 25, 2013

**SYNOPSIS OF PROPOSED RULE OF THE
GEORGIA STATE BOARD OF PHARMACY RULES
RULE 480-38-.01 DEFINITIONS**

Purpose of Rule: The purpose of this rule is to define the terms used in Chapter 480-38 of the Georgia Board of Pharmacy Rules.

Main Features: The main feature of this rule is to provide clear definitions of terms used in the following Rules.

**PROPOSED RULE FOR THE GEORGIA STATE BOARD OF PHARMACY RULES
RULE 480-38-.01 DEFINITIONS**

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

480-38-.01 Definitions

For purposes of this chapter of the Rules and Regulations, the following definitions apply:

(a) “Board” shall mean the Georgia Board of Pharmacy.

(b) “Delivery by Mail” or “delivered by mail” shall mean delivery to a patient by the United States postal service or a commercial common carrier. It is not considered to be delivery by mail 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.

(c) “Pharmacy” means a pharmacy holding a current Board issued license or permit to operate a pharmacy in Georgia and shall include pharmacy benefit managers licensed pursuant to O.C.G.A. Section 26-4-110 and 26-4-110.1.

(d) “Regularly employ” or “regularly use” means when a pharmacy routinely, on a monthly or quarterly basis, employs or uses 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.

Authority: O.C.G.A. §§ 26-4-5, 26-4-27, 26-4-28, 26-4-60, 26-4-80, 26-4-85, 26-4-110, 26-4-110.1, and 26-4-114.1.