

**NOTICE OF INTENT TO ADOPT PROPOSED RULE TO THE GEORGIA STATE BOARD  
OF PHARMACY RULES  
RULE 480-46-.02 CONDUCT OF THE 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 480-46-.02 CONDUCT OF THE HEARING (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](http://www.gbp.georgia.gov).

A public hearing is scheduled to begin at 11:00 AM on March 19, 2014 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 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 March 12, 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](mailto: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 11:05 AM on March 19, 2014 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 rule pursuant to authority contained in O.C.G.A. §§ 26-4-26, 26-4-27, 26-4-28, 26-4-28.1, 50-13-13, 50-13-15, and 50-13-41.

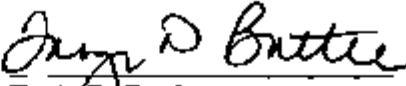
At its meeting on December 11, 2013, the Board voted that the formulation and adoption of this rule do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 26-4-27, 26-4-28, 16-13-22.

Also, at its meeting on December 11, 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 27<sup>th</sup> day of January, 2014.

  
Tanja D Battle  
Executive Director  
Georgia Board of Pharmacy

Posted: January 27, 2014

**SYNOPSIS OF PROPOSED RULE OF THE  
GEORGIA STATE BOARD OF PHARMACY RULES  
RULE 480-46-.02 CONDUCT OF THE HEARING**

Purpose of Rule: The purpose of this rule is to state how a hearing will be conducted in a contested case involving the Board.

Main Features: The main features of this rule are to establish the duties of the Board or its designee, determine the order of presentation of evidence, and require all testimony to be sworn.

**PROPOSED RULE FOR THE GEORGIA STATE BOARD OF PHARMACY RULES  
RULE 480-46-.02 CONDUCT OF THE HEARING**

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

**480-46-.02 Conduct of the Hearing**

(1) The hearing shall be conducted by the Board or an administrative law judge (ALJ) appointed by the Office of State Administrative Hearings (OSAH).

(2) Duties of the Board or its designee. The Board or its designee shall have the authority to do the following: to administer oaths and affirmations; rule upon offers of proofs; regulate the course of the hearing; set the time and place for continued hearings; fix the time for filing briefs and memoranda; dispose of motions; and reprimand or exclude from the hearing any person for any indecorous or improper conduct committed in the presence of the Board or its designee.

(3) Sworn Testimony. All testimony given at the hearing shall be under oath administered by the Board or any person designated by the Board.

(4) Order of Presentation. The State, or in a proper case a moving or complaining party, shall present its evidence or testimony first. Where there is more than one moving or complaining party, the order of presentation shall be at the discretion of the Board. After all of the evidence and testimony of the State, or the moving or complaining party, has been received, all other parties shall be allowed to present their evidence or testimony. All parties, other than the party introducing the testimony, shall be allowed to cross-examine any witness immediately after his testimony has been received. The State, or the moving or complaining party, shall be allowed to present rebuttal testimony or evidence if it so desires.

Authority: O.C.G.A. §§ 26-4-26, 26-4-27, 26-4-28, 26-4-28.1, 50-13-13, 50-13-15, and 50-13-41.