

**NOTICE OF INTENT TO AMEND RULE IN THE GEORGIA STATE BOARD OF  
PHARMACY RULES,  
RULE 480-23-.01 INVESTIGATIONS AND HEARINGS., 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 480-23-.01 INVESTIGATIONS AND HEARINGS. (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 12:00 PM on December 17, 2014 at the Georgia Board of Pharmacy, Department of Community Health, 2 Peachtree Street, 36<sup>th</sup> Floor, Atlanta, Georgia 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 must be received prior to December 10, 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 amendments will be considered for adoption by the Georgia State Board of Pharmacy at its meeting scheduled to begin at 12:05 PM on 12/17/2014 at the Georgia Board of Pharmacy, Department of Community Health, 2 Peachtree Street, 36<sup>th</sup> Floor, Atlanta, Georgia 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. §§ 26-4-21, 26-4-24, 26-4-27, 26-4-28, 26-4-29.

At its meeting on October 22, 2014, 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.

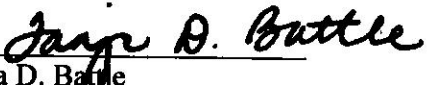
At its meeting on 10/22/2014, the Board also voted that it is not legal or feasible to meet the objectives of O.C.G.A §§ 26-4-27, 26-4-28, 16-13-22 to adopt or implement differing actions for businesses as listed at O.C.G.A§ 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of

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 14th day of November, 2014.

  
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Tanja D. Battle  
Executive Director  
Georgia Board of Pharmacy

Posted: November 14, 2014

**SYNOPSIS OF PROPOSED AMENDMENTS TO THE  
GEORGIA STATE BOARD OF PHARMACY RULE  
RULE 480-23-.01 INVESTIGATIONS AND HEARINGS.**

Purpose of Rule: The purpose of this rule is to identify the legal authority in accordance with proceedings must be conducted.

Main Features: The main feature of this rule is to identify the duties of the Vice President of the Board.

**DIFFERENCES OF THE PROPOSED AMENDMENTS TO THE  
GEORGIA STATE BOARD OF PHARMACY RULE  
RULE 480-23-.01 INVESTIGATIONS AND HEARINGS.**

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

**480-23-.01 ~~Procedural Rules. Amended.~~ Investigations and Hearings**

~~(1) The Georgia State Board of Pharmacy (Board) hereby adopts by reference as its permanent rules Chapters 295-3 through 295-13, and any future amendments thereto, Rules and Regulations of the Office of the Division Director of the Professional Licensing Boards Division of the Office of the Secretary of State.~~

~~(2)~~ (1) Proceedings by the Board in the exercise of its authority to cancel, suspend, sanction, or revoke any license issued by the Board shall be conducted in accordance with O.C.G.A. Title 50 Chapter 13, the "Georgia Administrative Procedure Act." In all such proceedings, the Board shall have the authority to compel the attendance of witnesses and production of any book, writing, or document upon the issuance of a subpoena thereafter signed by the ~~Division Director, formerly known as the Joint Secretary~~ Executive Director for the Board or the Director of the Georgia Drugs and Narcotics Agency (GDNA).

~~(3)~~ (2) The Board shall have the authority to conduct investigative interviews or board hearing, with or without the necessity of utilizing the Office of the State Administrative Hearings, in respect thereto.

~~(4)~~ (3) The Vice President of the Board will be known as the investigative member of the Board and shall have the following duties:

- (a) Serve as the contact member, or liaison member, between the Board and the GDNA;
- (b) Receive findings from GDNA case reports and other investigations regarding possible violations of law and report same to the Board;
- (c) Conduct investigative interviews on behalf of the Board; and
- (d) Make various presentments, recommendations, and findings from investigative interviews and other miscellaneous sources to the Board.

Authority: O.C.G.A. §§ 26-4-21, 26-4-24, 26-4-27, 26-4-28, 26-4-29.