NOTICE OF INTENT TO ADOPT PROPOSED RULE TO THE GEORGIA STATE BOARD OF PHARMACY RULES
RULE 480-1-.02 EXECUTIVE DIRECTOR 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 480-1-.02 EXECUTIVE DIRECTOR (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 December 11, 2013 at the Georgia Board of Pharmacy, Department of Community Health, 2 Peachtree Street, 36th 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 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.

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 December 11, 2013 at the Georgia Board of Pharmacy, Department of Community Health, 2 Peachtree Street, 36th 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 §§43-1-19, 26-4-20, 26-4-24, 26-4-27, 26-4-28, 26-4-28.1, 26-4-29.

At its meeting on October 16, 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 October 16, 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 30 day of October, 2013

Tanja D. Battle
Executive Director
Georgia Board of Pharmacy

Posted: October 30, 2013

SYNOPSIS OF PROPOSED RULE OF THE GEORGIA STATE BOARD OF PHARMACY RULES CHAPTER 480-1, RULE 480-1-.02 EXECUTIVE DIRECTOR

Purpose of Rule: The purpose of this rule is to establish the method by which the Executive Director is chosen and vest the Executive Director with certain powers.

Main Features: The main features of this rule are a list of the powers of the Executive Director of the Board of Pharmacy, an explanation of how the Executive Director is selected, and a provision for authority in the absence of the Executive Director.

PROPOSED RULE FOR THE GEORGIA STATE BOARD OF PHARMACY RULES RULE 480-1-.02 EXECUTIVE DIRECTOR

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

480-1-.02 Executive Director

(1) The Board may appoint by a majority vote a person to serve as Executive Director of the Board who shall serve at the pleasure of the Board. Such appointment must be approved by the Board of Community Health.

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

(a) 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;

(b) To issue subpoenas to compel access to documents or other materials related to the fitness of any licensee, registrant, or applicant to practice or where reasonable grounds exist for the belief that a violation of the laws relating to the practice of pharmacy has taken place;

(c) To issue subpoenas for witnesses and documentary evidence, upon approval of the President of the Board, or in his absence, the Vice President.

(d) To issue notices of hearing with the approval of the Board;

(e) With the approval of the Board, enter into contracts as are deemed necessary to carry out this chapter to provide for all services required of the Board;

(f) To act as the custodian of records for the Board; and

(g) To accept service of civil actions and administrative appeals on behalf of the Board.

(3) In the absence of the Executive Director, the Director of the Georgia Drugs and Narcotic Agency shall serve as the Assistant Executive Director and shall have all the powers of the Executive Director.

Authority: O.C.G.A. §§43-1-19, 26-4-20, 26-4-24, 26-4-27, 26-4-28, 26-4-28.1, 26-4-29