

**NOTICE OF INTENT TO ADOPT PROPOSED RULE TO THE GEORGIA STATE BOARD  
OF PHARMACY RULES  
RULE 480-49-.03 BAD CHECKS AND REVERSALS.**

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 480-49-.03 BAD CHECKS AND REVERSALS. (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 11:30 AM on February 8, 2017 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 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 must be received prior to February 1, 2017. 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 11:35 AM on February 8, 2017 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 rule pursuant to authority contained in O.C.G.A. §§ 16-9-20, 26-4-27, 26-4-28, 43-1-3, 43-1-7, 50-13-3.

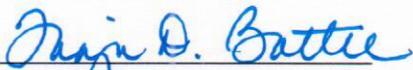
At its meeting on October 20, 2016, the Board voted that the formulation and adoption of this rule do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 26-4-27, 26-4-28, 16-13-22.

Also, at its meeting on October 20, 2016, 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 4<sup>th</sup> day of January 2017.

  
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Tanja D. Battle  
Executive Director  
Georgia Board of Pharmacy

Posted: January 7, 2017

**SYNOPSIS OF PROPOSED RULE OF THE  
GEORGIA STATE BOARD OF PHARMACY RULES  
RULE 480-49-.03 BAD CHECKS AND REVERSALS.**

Purpose of Rule: The purpose of this rule is to address the status of a license or application when the Board receives a bad check or when a payment is reversed.

Main Features: The main feature of this rule is to require notice before invalidation of a license for non-payment of fees.

**PROPOSED RULE FOR THE GEORGIA STATE BOARD OF PHARMACY RULES  
RULE 480-49-.03 BAD CHECKS AND REVERSALS.**

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

**480-49-.03 Bad Checks and Reversals.**

(1) It is the policy of the Board of Pharmacy to pursue its legal remedies under O.C.G.A. § 16-9-20 when a bad check is issued in payment of examination, license or renewal fees, application fees, or similar fees, and to take such other action as outlined herein. Any person issuing a bad check will be subject to the service charge as provided in O.C.G.A. § 16-9-20 (a)(2).

(2) Bad Checks.

(a) If an applicant for licensure by examination or reciprocity issues a bad check to cover required licensure or examination fees, such applicant shall not be issued a license until the applicant has paid the appropriate fees and the service charge. If a license is issued prior to determining that the applicant issued a bad check, such license will be deemed to have been issued in error and deemed not current unless the applicant pays the licensure or examination fees and service charge within ten (10) days of the Board mailing the notice by certified or registered mail. The applicant must pay the licensure fees and the service charge by cashier's check or money order.

(b) If an applicant for registration or permit issues a bad check to cover required application fees, such applicant shall not be issued a registration or permit until the applicant has paid the appropriate fees and the service charge. If a registration or permit is issued prior to determining that the applicant issued a bad check, such registration or permit will be deemed to have been issued in error and deemed not current unless the applicant pays the appropriate fees and service charge within ten (10) days of the Board mailing the notice by certified or registered mail. The applicant must pay the application fees and the service charge by cashier's check or money order.

(c) If a licensee, permit-holder, or registrant attempts to renew a license, permit, or registration by the issuance of a bad check, the license, permit, or registration will not be renewed until the licensee, permit-holder, or registrant pays all fees due including any applicable late renewal fees plus the service charge. If the license, permit, or registration is renewed and reissued to the licensee, permit-holder, or registrant prior to determination that the licensee, permit-holder, or registrant issued a bad check, the licensee, permit-holder, or registrant will be notified by certified or registered mail that the renewed license, permit, or registration will be deemed not current unless the licensee, permit-holder, or registrant remits all fees due for renewal plus the service charge within ten (10) days of the Board mailing the notice by certified or registered

mail. The licensee, permit-holder, or registrant must pay the fees and service charge by cashier's check or money order.

(3) Reversals or chargebacks.

(a) If a license by examination or reciprocity is issued and the licensee initiates a chargeback, such license will be deemed to have been issued in error and deemed not current unless the applicant pays the licensure or examination fees and service charge within ten (10) days of the Board mailing the notice by certified or registered mail. The applicant must pay the licensure fees and the service charge by cashier's check or money order.

(b) If a registration or permit is issued and the applicant initiates a chargeback, such registration or permit will be deemed to have been issued in error and deemed not current unless the applicant pays the licensure or examination fees and service charge within ten (10) days of the Board mailing the notice by certified or registered mail. The applicant must pay the application fees and the service charge by cashier's check or money order.

(c) If the license, permit, or registration is renewed and reissued to the licensee, permit-holder, or registrant and the licensee, permit-holder, or registrant initiates a chargeback, the licensee, permit-holder, or registrant will be notified by certified or registered mail that the renewed license, permit, or registration will be deemed not current unless the licensee, permit-holder, or registrant remits all fees due for renewal plus the service charge within ten (10) days of the Board mailing the notice by certified or registered mail. The licensee, permit-holder, or registrant must pay the fees and service charge by cashier's check or money order.

Authority: O.C.G.A. §§16-9-20, 26-4-27, 26-4-28, 43-1-3, 43-1-7, 50-13-3.