

The Georgia State Board of Pharmacy met via teleconference on March 8, 2007 at the Professional Licensing Boards Office, 237 Coliseum Drive, Macon, GA.

Members Present:

- Judy Gardner, President
- Bill Prather
- Eddie Madden
- Charles Palmer
- Robbie Dial
- Fred Barber

Members Absent:

- Pat McPherson, Vice President
- Mickey Tatum

Staff Present:

- Janet Wray, Board Attorney
- Lisa Durden, Executive Director
- Dianne W. Patterson, Administrative Assistant

Staff Absent:

- Bill Atkins, Director, Georgia Drugs and Narcotic Agency
- Rick Allen, Deputy Director, Georgia Drugs and Narcotic Agency

Ms. Gardner established that a quorum was present, and called the meeting to order at 10:10 A.M.

The motion was seconded by Mr. Prather and it carried unanimously.

Pharmacy Technician Registration HB330: Mr. Prather made a motion to approve the version of HB330, which allows the Board to authorize, deny or revoke technician registration and refer to OCG section 26-4-60 and to allow Ms. Gardner flexibility to make reasonable changes necessary to work with Legislators to get the bill passed. Mr. Palmer seconded the motion and it carried unanimously.

HB330

SECTION 1.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended by revising subsection (a) of Code Section 26-4-28, relating to the powers, duties, and authority of the Georgia State Board of Pharmacy, as follows:

"(a) The board shall have the power, duty, and authority for the control and regulation of the practice of pharmacy in the State of Georgia including, but not limited to, the following:

- (1) The licensing by examination or by license transfer of applicants who are qualified to engage in the practice of pharmacy under the provisions of this chapter;
- (2) The renewal of licenses to engage in the practice of pharmacy;
- (3) The establishment and enforcement of compliance with professional standards and rules of conduct of pharmacists engaged in the practice of pharmacy;
- (4) The determination and issuance of standards for recognition and approval of degree programs of schools and colleges of pharmacy whose graduates shall be eligible for licensure in this state, and the specification and enforcement of requirements for practical training including internship;
- (5) The enforcement of those provisions of this chapter relating to the conduct or competence of pharmacists practicing in this state and the suspension, revocation, or restriction of licenses to engage in the practice of pharmacy;
- (6) The licensure and regulation of pharmacies and pharmacy interns;
- (7) The regulation of other employees in the prescription or pharmacy department including but not limited to the registration and regulation of pharmacy technicians. The board shall be required to establish the minimum qualifications for the registration of pharmacy technicians and shall be authorized to require the completion of a background check and criminal history for each person applying for registration as a pharmacy technician in this state. The board shall be authorized to deny registration or to revoke or suspend the registration of a pharmacy technician for any of the grounds set forth in O.C.G.A. Section 26-4-60 and Section 43-1-19. However, said the denial of a technician application or the suspension or revocation of a technician registration shall not be considered a contested case under Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," but said applicant or registrant shall be entitled to an appearance before the Board. In addition, the board shall maintain a registry of pharmacy technicians in this state which contains the name and home address

of each pharmacy technician and his or her employer and location of employment. The board shall establish a process by which the pharmacist in charge of each pharmacy shall provide updated information on the pharmacy technicians in the pharmacy. The board may establish and collect fees from pharmacy technicians and/or their employers for the registration of pharmacy technicians and maintenance of the registry;

(8) The collection of professional demographic data;

(9) The right to seize any such drugs and devices found by the board to constitute an imminent danger to the public health and welfare;

(10) The establishment of minimum specifications for the physical facilities, technical equipment, environment, supplies, personnel, and procedures for the storage, compounding, and dispensing of such drugs or devices utilized within the practice of pharmacy;

(11) The establishment of minimum standards for the purity and quality of such drugs utilized within the practice of pharmacy;

(12) The establishment of minimum standards for the purity and quality of such devices and other materials utilized within the practice of pharmacy;

(13) The issuance and renewal of licenses of all persons engaged in the manufacture and distribution of drugs;

(14) The issuance and renewal of licenses of all persons engaged in the manufacture and distribution of devices utilized within the practice of pharmacy;

(15) The inspection of any licensed person at all reasonable hours for the purpose of determining if any provisions of the laws governing the legal distribution of drugs or devices or the practice of pharmacy are being violated.

The board and its officers, agents, and designees shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to drugs, devices, and the practice of pharmacy;

(16) The investigation of alleged violations of this chapter or any other law in this state pertaining to, or in connection with, persons or firms licensed by the board or otherwise authorized by the laws of this state to manufacture, sell, distribute, dispense, or possess drugs, medicines, poisons, cosmetics, or devices, as related to misbranded or counterfeit drugs, or any rules and regulations promulgated by the board under this chapter; the conducting of investigative interviews or full board hearings, with or without the necessity of utilizing the Office of State Administrative Hearings, in respect thereto when in its discretion it appears to be necessary; and the bringing of such violations to the notice of the Attorney General;

(17) The listing at any time upon either a list under Article 3 of Chapter 13 of Title 16, the 'Dangerous Drug Act,' or upon a schedule under Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled Substances Act,' of any drug found to be potentially dangerous to public safety if dispensed without prescription;

(18) The expunging of the pharmacy related practice record of any pharmacist whose record consists of a sole sanction resulting from alcohol impairment and whose pharmacy related practice record during a five-year time period dating from the time of the sanction has incurred no additional charges or infractions;

(19) Restricting the inspection or examination of records or access to any area licensed and under the control of any registrant, which has been issued a permit by the board, to members of the board, agents for the Georgia Drugs and Narcotics Agency, the United States Drug Enforcement Administration, the Georgia Department of Medical Assistance, or other federal agencies or agencies of this state otherwise entitled to such inspections or examinations by law, subpoena, or court order. This paragraph specifically prohibits inspections or examinations of board registrants or any requirement which forces board registrants to allow inspection or examination, or both, of their records by representatives for any nongovernment affiliated, private organization for any purpose since the access of patient prescription records is restricted by this

chapter and access by such private organizations is unnecessary in that this access only duplicates existing record-keeping and inspection requirements already addressed by the laws and regulations of the board and other government organizations. This restriction shall also prohibit a private, nongovernment affiliated organization from examining or copying continuing education certificates maintained by individual registrants. Nothing in this paragraph shall prohibit the pharmacist in charge from voluntarily allowing appropriate agencies and organizations to inspect or examine the records and pharmacy area under the control of the pharmacist in charge provided such inspections or examinations are for the purposes of ensuring the quality of care provided to patients; and

~~(20) is authorized to require collect the information necessary to conduct background investigations, including but not limited to criminal histories, on any person or firm applying for licensure or registration; and~~

~~(20)~~ (21) Serving as the sole governmental or other authority which shall have the authority to approve or recognize accreditation or certification programs for specialty pharmacy practice or to determine the acceptability of entities which may accredit pharmacies or certify pharmacists in a specialty of pharmacy practice, and the board may require such accreditation or certification as a prerequisite for specialty or advanced pharmacy practice. Such accreditation and certification standards for specialties shall be set forth in rules promulgated by the board with such rules to contain the required qualifications or limitations. Any accreditation or certification for specialty pharmacy practice approved or recognized by the board shall be deemed sufficient to meet any and all standards, licensure, or requirements, or any combination thereof, otherwise set forth by any private entity or other government agency to satisfy its stated goals and standards for such accreditation or certification. Nothing in this paragraph

shall prohibit private entities, government agencies, professional organizations, or educational institutions from submitting accreditation or certification programs for the review and potential approval or recognition by the board. Accreditation and certification for specialty pharmacy practice under this paragraph shall be subject to the following conditions:

(A) Applications shall be submitted as set forth in rules promulgated or approved by the board for accreditation or certification;

(B) Only a pharmacist registered by this state and maintaining an active license in good standing is eligible for certification in a specialty pharmacy practice by the board;

(C) Only a pharmacy registered by this state and maintaining an active license in good standing is eligible for accreditation for specialty pharmacy practice by the board;

(D) Any board approved or recognized accreditation for a specialty pharmacy practice of a pharmacy is to be deemed sufficient and shall satisfy any standards or qualifications required for payment of services rendered as set forth by any insurance company, carrier, or similar third-party payor plan in any policy or contract issued, issued for delivery, delivered, or renewed on or after July 1, 1999;

(E) Any board approved or recognized specialty certification issued to a pharmacist is deemed sufficient and shall satisfy any standards or qualifications required for payment of services rendered as set forth by any insurance company, carrier, or similar third-party payor plan in any policy or contract issued, issued for delivery, delivered, or renewed on or after July 1, 1999; and

(F) The board may deny, revoke, limit, suspend, probate, or fail to renew the accreditation or specialty certification of a pharmacy, pharmacist, or both for cause as set forth in Code Section 26-4-60 or for a violation of Chapter 13 of Title 16 or if the board determines that a pharmacy, pharmacist, or both, no longer meet the accreditation or certification requirements of the board. Before such

action, the board shall serve upon the pharmacist in charge of a pharmacy or pharmacist an order to show cause why accreditation or certification should not be denied, revoked, limited, suspended, or probated or why the renewal should not be refused. The order to show cause shall contain a statement for the basis therefore and shall call upon the pharmacist in charge of a pharmacy, the pharmacist, or both, to appear before the board at a time and place not more than 60 days after the date of the service of the order."

SECTION 2.

Said chapter is further amended by revising subsection (d) of Code Section 26-4-82, relating to duties requiring professional judgment and responsibilities of a licensed pharmacist, as follows:

"(d) The board of pharmacy shall promulgate rules and regulations regarding the activities and utilization of pharmacy technicians in pharmacies, including the establishment of a registry as required in paragraph (7) of subsection (a) of Code Section 26-4-28; provided, however, that the pharmacist to pharmacy technician ratio shall not exceed one pharmacist providing direct supervision of three pharmacy technicians. The board may consider and approve an application to increase the ratio in a pharmacy located in a licensed hospital. Such application must be made in writing and must be submitted to the board by the pharmacist in charge of a specific hospital pharmacy in this state. One of the three technicians must:

- (1) Have successfully passed a certification program approved by the board of pharmacy;
- (2) Have successfully passed an employer's training and assessment program which has been approved by the board of pharmacy; or
- (3) Have been certified by either the Pharmacy Technician Certification Board or any other nationally recognized certifying body approved by the board of pharmacy."

SECTION 3.

Said chapter is further amended by revising subsection (d) of Code Section 26-4-110, relating to pharmacy licenses, as follows:

"(d) Each pharmacy shall have a pharmacist in charge. Whenever an applicable rule requires or prohibits action by a pharmacy, responsibility shall be that of the owner and the pharmacist in charge of the pharmacy, whether the owner is a sole proprietor, partnership, association, corporation, or otherwise. The pharmacist in charge shall be responsible for notifying the Board providing ~~ensuring updated information is provided to the board in accordance with its rules and regulations~~ of updated information regarding the registration of pharmacy technicians employed in the pharmacy for purposes of maintaining the registry of pharmacy technicians established by the board pursuant to maintaining the registry created in paragraph (7) of subsection (a) of Code Section 26-4-28."

SECTION 4.

This Act shall become effective only if funds are specifically appropriated for purposes of this Act in an appropriations Act making specific reference to this Act and shall become effective when funds so appropriated become available for expenditure.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

There being no further business to be discussed, the meeting was adjourned at 10:45 A.M.

Judy Gardner, President

Lisa Durden, Executive Director
Professional Licensing Boards Division

Minutes Prepared By: Dianne W. Patterson
Reviewed By: Lisa Durden, Executive Director

Minutes approved by the Board at its March 21, 2007 Board meeting.