

**GEORGIA STATE BOARD OF PHARMACY
BOARD MEETING
February 16, 2011
Mercer University School of Pharmacy,
3001 Mercer University Drive, Atlanta, Georgia**

Members Present:

- Steve Wilson, President
- Bill Prather, Vice President
- Judy Gardner
- Al McConnell
- Pat McPherson (arrived at 10:00 a.m.)
- Tony Moye

Members Absent:

- Fred Barber
- Ronnie Wallace

Staff Present:

- Rick Allen, GDNA
- Dennis Troughton, GDNA
- Lisa Durden, Executive Director
- Sam Olens, Attorney General
- Janet Wray, Senior Assistant Attorney General

Visitors:

Jayne Mahboubi, Ridgeview Institute
Chip Abernathy, Ridgeview Institute
Sonny Rader, GSHP
Steven Lynn, Ridgeview Institute
Robert Mollohan, Nelson Mullins
Brian Looby, MAG
Tonya Webb, Walgreens
Brian Robinson, Walgreens
Okenna Oparah, Mercer University
Jim Bracewell, GPHA
Mickey Tatum, Former Board Member

Austin Tull, Mercer University
Katie Rakestraw, Mercer University
Viola Brown, Georgia Tech
Jasmin S. Woods, Everest College
Scott Biddulph, Target
Pam Maraness, GPHA
Hal Henderson, Omnicare
Richard Hood, Omnicare
Stacy Burke, Publix
Mike King, Publix

Steve Wilson established that a quorum was present and called the meeting to order at 8:55 a.m.

Steve Wilson welcomed the new member, Tony Moye to the meeting.

The Board welcomed Sam Olens, the new Attorney General, to the meeting. Mr. Olens commented on the status of the Attorney General's office and stated that he was attending some board meetings to see how the Boards work.

*Bill Prather made a motion, Al McConnell seconded, and the Board voted unanimously to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §§43-1-19(h) 2 and 43-1-2(k) to review applications, deliberate on disciplinary matters, and to receive information on investigative reports. Voting in favor of the motion were those present who included Board members Judy Gardner and Tony Moye.*

Executive Session

Applications/Licensure:

1. **A.K.D.** - Pharmacist Renewal – The Board made a recommendation to renew the license with a letter of concern.
2. **C.L.H.** – Pharmacist Renewal -The Board made a recommendation to renew the license.
3. **T.T.H.** – Pharmacist Renewal -The Board made a recommendation to renew the license with a letter of concern.
4. **T.K.** – Pharmacist Renewal-The Board recommended that an investigative interview be scheduled.
5. **V.L.E.** – Pharmacist Renewal -The Board made a recommendation to renew the license.
6. **W.E.B.** – Pharmacist Renewal -The Board made a recommendation to renew the license.
7. **R.J.T.** – Pharmacist Reciprocity -The Board made a recommendation to overturn its previous decision to deny the application and to approve the application.
8. **C.L.P.** – Pharmacist Reciprocity- The Board made a recommendation to deny the application.
9. **C.R.** – Pharmacist Reciprocity – The Board made a recommendation to approve the application.
10. **J.S.C.** – Pharmacist Reciprocity – The Board made a recommendation to approve the application.
11. **C.A.L.** – The Board considered the report to be informational.
12. **E.H.M.** – Pharmacist Reinstatement – The Board made a recommendation to approve the application.
13. **E.O.L.** – Pharmacist Reinstatement – The Board made a recommendation to approve the application after he completes the Emergency Disaster Preparedness Training.
14. **L.A.C.L.** – Pharmacist Reinstatement – The Board made a recommendation to approve the application.
15. **S.B.P.** – Pharmacist Reinstatement - The Board made a recommendation to approve the application.
16. **E.U.S.O.M.** – Researcher Pharmacy Reinstatement – The Board made a recommendation to approve the application.
17. **G.S.U.D.O.C.**- Researcher Pharmacy Reinstatement – The Board made a recommendation to approve the application.
18. **W.I.** - Researcher Pharmacy Reinstatement – The Board made a recommendation to approve the application.
19. **A.L.M.** – Nuclear Pharmacist – The Board made a recommendation to approve the application.

20. **F.C.R.O.S.** – Opioid Treatment Clinic – The Board made a recommendation to approve the application.
21. **G.T.C.** - Opioid Treatment Clinic – The Board made a recommendation to approve the application.
22. **O.&M.H.C.L.** – Wholesaler Pharmacy – The Board made a recommendation to deny the application.
23. **M.I.H., LP** – Wholesaler Pharmacy - The Board made a recommendation to deny the application.
24. **M.I.I.** - Wholesaler Pharmacy - The Board made a recommendation to deny the application.
25. **M.I.I.** - Wholesaler Pharmacy - The Board made a recommendation to deny the application.
26. **M.I.I.** - Wholesaler Pharmacy - The Board made a recommendation to deny the application.
27. **M.I.I.** - Wholesaler Pharmacy - The Board made a recommendation to deny the application.
28. **J.D.A.** – Pharmacy Intern – The Board recommended that the intern license be reactivated.
29. **S.G.A.** – The Board requested more information.
30. **F.B.T.** – The Board upheld its previous decision to deny her application and suggested that she try another state.
31. **C.C.** – The Board recommended that the sanctions be lifted from the Private Consent Order.
32. **B.M.V.** – The Board recommended that the sanctions be lifted from the Private Consent Order.
33. **B.J.F.** – The Board agreed to give him an appointment.
34. **B.C.H.** – Rick Allen stated that the retail license could be made inactive; they are closing the retail pharmacy at this facility.
35. **K.V.T.** – Pharmacy Reciprocity – The Board made a recommendation to approve the application.
36. **H.G.C.** – Pharmacist Renewal- The Board made a recommendation to renew the license.
37. **M.P.** - Pharmacist Renewal – The Board made a recommendation to renew the license, but send a letter of concern.
38. **A.A.** – Pharmacist Renewal – The Board made a recommendation to renew the license, but reserves its right to take disciplinary action if he is sanctioned in N.C.

Cognizant Report – Bill Prather, Cognizant Member:

GDNA #A10-49 – The Cognizant Member recommended accepting the signed Interim Consent Order.

GDNA #A11-01 – The Cognizant Member recommended sending him a Voluntary Surrender to sign and return.

GDNA #A10-48 – The Cognizant Member recommended notifying the Florida Board of Pharmacy that pharmacy interns working in Georgia must be licensed in Georgia and ask them to notify their pharmacy schools as well.

GDNA #A10-45 – The Cognizant Member recommended accepting the signed Private Interim Consent Order for Assessment.

GDNA #A11-02 – The Cognizant Member recommended accepting the signed Private Interim Consent Order for Assessment.

GDNA #B-49421 – The Cognizant Member could find no violations and recommended the case be closed.

GDNA #B29478 – The Cognizant Member recommended a Private Consent Order, have pharmacist attend “misfill” school within 1 year, submit report to the Board/GDNA with the facts surrounding the matter...what happened, what caused what happened, what steps have been taken to prevent it from happening again? Report to be signed by Pharmacist, PIC & Owner for pharmacy, \$500 fine for the pharmacist, and \$500 fine for the pharmacy.

GDNA #B29515 – The Cognizant Member could find no violations and recommended the case be closed.

GDNA #B29372 – The Cognizant Member recommended a Private Consent Order, have pharmacist attend “misfill” school within 1 year, submit report to the Board/GDNA with the facts surrounding the matter...what happened, what caused what happened, what steps have been taken to prevent it from happening again? Report to be signed by Pharmacist, PIC & Corporate Office for pharmacy, \$500 fine for the pharmacist, and a letter of concern to the pharmacy and ask them to provide proof of completion of a policy and procedures manual for dispensing medication.

GDNA #B29528 – The Cognizant Member recommended an Investigative Interview.

GDNA #B-29539 – The Cognizant Member recommended a letter of concern to be sent to the pharmacy.

GDNA #A29541 – The Cognizant Member recommended an Investigative Interview.

GDNA #B29548 - The Cognizant Member could find no violations and recommended the case be closed.

GDNA #A29574 - The Cognizant Member could find no violations and recommended the case be closed.

GDNA #B29546 – The Cognizant Member recommended Public Consent Order, have pharmacist attend “misfill” school within 1 year, submit report to the Board/GDNA with the facts surrounding the matter...what happened, what caused what happened, what steps have been taken to prevent it from happening again? Report to be signed by Pharmacist, PIC & Corporate officer, \$500 fine for the pharmacist, and \$500 fine for the pharmacy.

GDNA #B29547 – The Cognizant Member recommended a letter of concern, that the pharmacist attend “misfill” school within 1 year, and submit report to the Board/GDNA with the facts surrounding the matter...what happened, what caused what happened, what steps have been

taken to prevent it from happening again? Report to be signed by Pharmacist, PIC & Corporate officer for the pharmacy.

GDNA #A11-06 – The Cognizant Member recommended acceptance of the Private Interim Consent Order for Assessment upon receipt by the Board office.

At the conclusion of EXECUTIVE SESSION, the Board declared an **Open Session** to vote on the matters discussed in Executive Session and to conduct other Board business. Tony Moye made a motion to approve the recommendations made in Executive Session; Al McConnell seconded the motion. Voting in favor of the motion were Bill Prather, Judy Gardner, and Pat McPherson.

Appointments

1. Dean Matthews and Dr. Jim Bartling welcomed the Board to Mercer University and updated the Board on changes that are taking place at the school.
2. P.L.P. met with the Board to discuss his intern application. Bill Prather made motion to issue the applicant an intern license under a Private Consent Order; Tony Moye seconded the motion. The Board voted in favor of the motion.
3. C.M. and his advocate met with the Board to discuss reinstatement of his pharmacy license. Bill Prather made a motion require that he attend treatment with his current provider for six months and to meet with him again in July 2011. Judy Gardner seconded the motion. The Board voted in favor of the motion.
4. Dr. Jayne Mahboubi, Dr. Steven Lynn, and Chip Abernathy appeared on behalf of Ridgeview Institute to discuss their program and HIBPD regulations.

Open Session

Pat McPherson made a motion to approve the minutes from the January 12, 2011 Board Teleconference; Al McConnell seconded the motion. The Board voted to approve the minutes.

Bill Prather made a motion to ratify the list of licenses (63) that were issued from January 1, 2011 through January 31, 2011; Al McConnell seconded the motion. The Board voted to ratify the 63 licenses issued.

The Board held a public hearing to provide the public an opportunity to comment upon and provide input into the proposed rules: Chapter 480-15, rules 480-15-.01 Definitions, 480-15-.02 Registration of Pharmacy Technicians, 480-15-.03 Use of registered Pharmacy Technicians and Other Pharmacy Personnel, 480-15-.04 Duties of the pharmacist in charge related to registered Pharmacy Technicians, and 480-15-.05 Duties or Functions Prohibited from Being Performed by a Registered Pharmacy Technician. Steve Wilson asked all board members if they had read the public comments that had been submitted to the Board that were in the Board

packet; all Board members indicated that they had read all of the comments. Public comments were heard by visitors present. Following the hearing, Bill Prather made a motion to adopt the rule; Judy Gardner seconded the motion. The Board voted unanimously to adopt the rules, as follows:

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

480-15-.01 Definitions.

For purposes of this chapter, the following definitions shall apply:

- (a) "Board" shall mean the Georgia State Board of Pharmacy.
- (b) "Certified pharmacy technician" shall mean a registered pharmacy technician who has either successfully passed a certification program approved by the Board, or has successfully passed an employer's training and assessment program approved by the Board, or has been certified by either the Pharmacy Technician Certification Board (PTCB) or any other nationally recognized certifying body approved by the Board.
- (c) "Pharmacist" shall mean an individual currently licensed by this state to engage in the practice of pharmacy.
- (d) Pharmacist in charge" means a pharmacist currently licensed in this state who accepts responsibility for the operation of a pharmacy in conformance with all laws and rules pertinent to the practice of pharmacy and the distribution of drugs and who is personally in full and actual charge of such pharmacy and personnel.
- ~~(d)~~ (e) "Pharmacy intern" shall mean an individual who is a student currently enrolled in an approved school or college of pharmacy, has registered with the Board, and has been licensed as a pharmacy intern, or a graduate of an approved school or college of pharmacy who is currently licensed by the board for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist, or an individual who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee (FPGEC) certificate and is currently licensed by the Board for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist.
- ~~(e)~~ (f) "Pharmacy extern" shall mean an individual who is a student currently enrolled in an approved school or college of pharmacy and who has been assigned by the school or college of pharmacy for the purposes of obtaining practical experience and completing a degree in pharmacy.
- ~~(f)~~ (g) "Registered Pharmacy technician" shall mean those support persons registered with the board who are utilized in pharmacies and whose responsibilities are to provide nonjudgmental technical services concerned with the preparation for dispensing of drugs under the direct supervision and responsibility of a pharmacist.

O.C.G.A. §§26-4-5, 26-4-27, 26-4-28 and 26-4-82.

480-15-.02 Registration of Pharmacy Technicians.

- (a) Effective June 30, 2011, a pharmacy may only employ registered pharmacy technicians to perform pharmacy technician duties.

(b) In order to be registered as a Pharmacy Technician in this State, an applicant shall:

(1) Submit a application to the Board on the form prescribed by the Board;

(2) Attest that applicant is 17 years old;

(3) Attest that applicant is currently enrolled in high school, has a high school diploma or has a GED;

(4) Consent, provide the necessary information to conduct, and pay for a background check to be conducted by the Board, its agent or a firm or firms approved by the Board, which background check will include a criminal history, driver license history and other information as the Board deems necessary, and will authorize the Board and the Georgia Drugs and Narcotics Agency to receive the results;

(5) Submit the name and address of employer and place of employment;

(6) Pay application fees; and

(7) If certified, submit evidence of training supporting designation as certified.

(c) The Board may deny registration or conditionally grant registration for any of the reasons set forth in Code sections 26-4-60 or 43-1-19. This includes convictions, pleas of nolo contendere and guilty pleas related to misdemeanor crimes of moral turpitude or marijuana and to felonies. In addition, no pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes shall be eligible to be registered as a pharmacy technician.

(d) The denial of an application for registration as a pharmacy technician shall not be a contested case and the applicant shall not be entitled to a hearing under the Georgia Administrative Procedures Action, O.C.G.A. T. 50, Ch. 13, but such applicant may be entitled to an appearance before the Board.

(e) A registration, once issued, is renewable biennially, upon payment of a fee. A registrant has a responsibility to update the Board with a change of home address and employment address within ten (10) days of such change.

O.C.G.A. §§ 26-4-5, 26-4-27, 26-4-28, 26-4-60, 16-13-111, and 43-1-19.

480-15-.02.03 Use of Registered Pharmacy Technicians and Other Pharmacy Personnel.

~~(a) A pharmacy technician can assist any pharmacist directly supervising said technician in the measuring of quantities of medication and the typing of labels thereof, but excluding the dispensing, compounding, or mixing of drugs except as may be permitted by law or these rules.~~

(a) In dispensing drugs, no individual other than a licensed pharmacist, intern or extern working under direct supervision of a licensed pharmacist shall perform or conduct those duties or functions which require professional judgment. It shall be the responsibility of the supervising pharmacist to ensure that no other employee of the pharmacy, excluding pharmacy interns or externs, performs or conducts those duties or functions which require professional judgment.

~~(b) When electronic systems are employed within the pharmacy, pharmacy technicians may enter information into the system and prepare labels; provided, however, that it shall be the responsibility of the pharmacist to verify the accuracy of the information entered and the label produced in conjunction with the prescription drug order.~~

~~(c) In the dispensing of all prescription drug orders the pharmacist shall be responsible for all activities of any pharmacy technician in the preparation of the drug for delivery to the patient, and the pharmacist shall be present and personally supervising the activities of any pharmacy technician at all times.~~

(b) For all prescription drug orders, it shall be the responsibility of the Pharmacist on duty at a facility to ensure that only a pharmacist or a pharmacy intern and/or extern under the direct supervision of a registered pharmacist provides professional consultation and counseling with patients or other licensed health care professionals and that only a pharmacist or a pharmacy intern or an extern under the direct supervision of a registered pharmacist accepts telephoned oral prescription drug orders or provides or receives information in any manner relative to prescriptions or prescription drugs.

(c) Registered pharmacy technicians and other pharmacy personnel, i.e. clerks, cashiers, etc., in the prescription department shall be easily identifiable by use of a name badge or other similar means which prominently displays their name and the job function in which the personnel are engaging at that time. Any pharmacy personnel or other person present in the pharmacy department must be under the direct supervision of a licensed pharmacist.

(d) In the dispensing of all prescription drug orders:

(1) The pharmacist shall be responsible for all activities of any registered pharmacy technician in the preparation of the drug for delivery to the patient.

(2) The pharmacist shall be present and personally supervising the activities of any registered pharmacy technician at all times.

(3) When electronic systems are employed within the pharmacy, registered pharmacy technicians may enter information into the system and prepare labels; provided, however, that it shall be the responsibility of the pharmacist to verify the accuracy if the information entered and the label produced in conjunction with the prescription drug order.

(4) When a prescription drug order is presented for filling or refilling, it shall be the responsibility of the pharmacist to review all appropriate information and make the determination as to whether to fill the prescription drug order, and

(5) Any other function deemed by the Board to require professional judgment.

~~(e) A pharmacist may supervise only two pharmacy technicians at a time unless the third technician is a certified pharmacy technician or the facility is a hospital pharmacy which has received written approval from the board at the request of the hospital pharmacist to increase the pharmacy to technician ratio. If more than two (2) pharmacy technicians as identified by a name badge are in the prescription department, then the pharmacy and the pharmacist must have written evidence that the third pharmacy technician is a certified pharmacy technician. If more than three (3) pharmacy technicians as identified by a name badge are in the prescription department, the pharmacy shall be deemed to be in violation of the technician to pharmacist ratio, and the pharmacy and the pharmacist on duty may be subject to disciplinary action.~~

(e) The pharmacist to registered pharmacy technician ratio shall not exceed one pharmacist providing direct supervision of three registered pharmacy technicians. 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 the Pharmacy technician Certification Board.

(f) In addition to the utilization of three (3) registered pharmacy technicians, if one is certified, a pharmacist may be assisted by and directly supervise at the same time one (1) pharmacy intern, as well as one (1) pharmacy extern.

~~(g) Only employees or other personnel authorized by law or Board rules are allowed in the prescription department, but all such personnel must be under the direct and personal supervision of the pharmacist while in the prescription department and said pharmacist must be physically present and actually observing the actions of such employees or other personnel.~~

(g) 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 may be submitted to the Board by the pharmacist in charge of a specific hospital pharmacy in this state.

(h) No completed prescription drug order shall be given to the patient requesting same unless the contents and the label thereof shall have been verified by a registered pharmacist.

(i) The Board of Pharmacy may revoke or suspend the registration of a pharmacy technician for any of the grounds set forth in O.C.G.A. Sections 43-1-19 or 26-40-60. The revocation or suspension of the registration of a pharmacy technician is not a contested case under the Georgia Administrative Procedures Act, O. C.G.A. T. 50, Ch. 13, and the technician is not entitled to a hearing, but the technician may be entitled to an appearance before the Board.

O.C.G.A. §§26-4-27, 26-4-28, 26-4-60, 26-4-80, 26-4-82, 26-4-83 and 43-1-19.

480-15-.04 Duties of the Pharmacist in Charge Related to Registered Pharmacy Technicians.

(a) The Pharmacist in Charge shall be responsible for:

(1) providing updated information to the Board in accordance with rules and regulations regarding the registered pharmacy technicians employed in the pharmacy for purposes maintaining the registry of registered pharmacy technicians established by the Board pursuant to paragraph (7) of subsection (a) of Code Section 26-4-28.

(2) Ensuring the reporting the separation of employment or termination of any Registered pharmacy technician for any suspected or confirmed criminal occupational-related activities committed or any drug-related reason, including but not limited to Adulteration, abuse, theft or diversion and shall include in the notice the reason for the termination.

(3) Assuring that all pharmacists and pharmacy interns and externs employed at the pharmacy are currently licensed and that registered pharmacy technicians employed at the pharmacy are currently registered with the Board of Pharmacy.

(4) Notifying the Board of any change in the employment status of all registered technicians in the pharmacy within 10 days of the technician's separation date from employment.

(5) Ensuring that registered pharmacy technicians in the prescription department shall be easily identifiable by use of a name badge or other similar means which prominently displays their name and job title. The Pharmacist-in-Charge is responsible for ensuring that such persons wear or display such identification at all times when they are working in the prescription department.

(6) Shall ensure that the current registration for each registered pharmacy technician is readily accessible for inspection by the Board or Drugs and Narcotics Agents.

(7) ensuring that a pharmacist is responsible for the dispensing of all prescription drug orders and for all activities of any pharmacy technician in the preparation of the drug for delivery to the

patient, and that a pharmacist shall be present and personally supervising the activities of any pharmacy technician at all times.

(b) The Board of Pharmacy can take disciplinary action against the license of a pharmacist in charge who violates the provisions of this rule as authorized by O.C.G.A. Sections 43-1-19 and 26-4-60.

Authority: O.C.G.A. §§ 26-4-27, 26-4-28, 26-4-60, 26-4-80, 26-4-82, 26-4-110, and 43-1-19.

480-15-.03 .05 Duties or Functions Prohibited from Being Performed by a Registered Pharmacy Technician.

(a) In dispensing drugs, no individual other than a licensed pharmacist shall perform or conduct those duties or functions which require professional judgment. It shall be the responsibility of the supervising pharmacist to ensure to that no other employee of the pharmacy, excluding pharmacy interns or externs but including registered pharmacy technicians, performs, or conducts those duties or functions which require professional judgment. The following functions require the professional judgment of a pharmacist, or a pharmacy intern or extern, under the direct supervision of a pharmacist, and may not be performed by a registered pharmacy technician:

- (1) Acceptance of telephoned or other oral prescriptions;
- (2) Transfers of prescription drug orders from another pharmacy or transfers of a prescription drug order to another pharmacy;
- (3) Patient counseling;
- (4) Receiving information or providing information about a prescription drug order;
- (5) Making the determination as to whether to refill the prescription drug order;
- (6) Certification of a filled and finished prescription drug order;
- (7) Weighing or measuring active ingredients without a mechanism of verification;
- (8) Compounding of medication without a mechanism of verification;
- (9) Giving a completed prescription to the patient requesting same without the label and contents and the label being verified by a pharmacist.
- (10) Reconstitution of prefabricated medication without a mechanism of verification;
- (11) Verification of the constituents of final IV admixtures for accuracy, efficacy, and patient utilization;
- (12) Enter of order on patient medication profiles without verification by a pharmacist;
- (13) Provision of drug information that has not been prepared or approved by the pharmacist;
- (14) Review of the patient record for therapeutic appropriateness; and
- (15) Any other act prohibited by Board rule, or law.

Authority: O.C.G.A. §§ 26-4-27, 26-4-28, 26-4-60, 26-4-82, 26-4-84, 26-4-85, and 26-4-88.

The Board held a public hearing to provide the public an opportunity to comment upon and provide input into the proposed rules: Chapter 480-36, Retail Pharmacy Requirements for Remote Prescription Drug Order Processing. Steve Wilson asked all board members if they had read the public comments that had been submitted to the Board that were in the Board packet; all Board members indicated that they had read all of the comments. Public comments were heard by visitors present. Following the hearing, Judy Gardner made a motion to adopt the rule; Pat McPherson seconded the motion. The Board voted unanimously to adopt the rules, as follows:

NOTE: Underlined text is proposed to be added.

CHAPTER 480-36
RETAIL PHARMACY REQUIREMENTS FOR REMOTE PRESCRIPTION DRUG ORDER
PROCESSING

480-36-.01 Definitions

480-36-.02 Licensing

480-36-.03 Personnel and Supervision

480-36-.04 Policy and Procedure

480-36-.05 Record Keeping

480-36-.06 Patient Counseling

480-36-.07 Notification to Patients

480-36-.01 Definitions,

as used in this chapter, the following terms:

- (1) “Board” shall mean the Georgia Board of Pharmacy.
- (2) “Remote prescription drug order processing” shall mean the processing of prescription or patient information from a location other than the location from which the prescription medication is received and dispensed. It shall not include the dispensing of a drug, but may include:
 - (a) Receiving the prescription order from the primary dispensing pharmacy
 - (b) Interpreting, analyzing, or clarifying prescriptions;
 - (c) Entering prescription or patient data into a data processing system;
 - (d) Transferring prescription information;
 - (e) Performing a drug regimen review;
 - (f) Performing a drug allergy review;
 - (g) Performing therapeutic interventions; or
 - (h) Any combination of these order processing functions.
- (3) Primary dispensing pharmacy. A primary dispensing pharmacy shall be defined as the retail pharmacy from which a prescription is physically received and dispensed to the patient or the patient’s caregiver.
- (4) Secondary remote entry pharmacy. A secondary remote entry pharmacy shall be defined as the retail pharmacy which performs remote prescription drug order processing but does not dispense the medication to the patient or the patient’s caregiver. There shall only be one secondary pharmacy to assist the primary dispensing pharmacy with remote prescription drug order processing per prescription.

Authority: O.C.G.A. §§26-4-5, 26-4-27, and 26-4-28

480-36-.02 Licensing

- (1) Pharmacies which perform remote prescription drug order processing shall be independently licensed as a retail pharmacy by the Board and physically located within the State of Georgia.

- (2) Remote prescription drug processing from any location other than a retail pharmacy licensed in this State is prohibited.
- (3) Pharmacies which perform remote prescription drug order processing shall either have the same owner or have a written contract describing the scope of services to be provided and the responsibilities and accountabilities of each pharmacy. Such contract shall be available for review by the Board or its representative.

Authority: O.C.G.A. §§26-4-4, 26-4-5, 26-4-27, 26-4-28and 26-4-110.

480-36-.03 Personnel and Supervision

- (1) The primary dispensing pharmacy shall have a licensed pharmacist on site during business hours and his/her shall duties shall include the verification of the validity of all prescriptions. Such pharmacist shall be responsible for obtaining and recording all information needed. This shall include but not be limited to the following patient information: biographical information, medication history, drug allergies, and other information as required. Pharmacy technicians and pharmacy interns/externs may assist a pharmacist located at the primary dispensing pharmacy with remote prescription drug order processing. Such pharmacies shall comply with Georgia laws and rules set forth pertaining to ratios and the supervision of pharmacy technicians and pharmacy interns/externs.
- (2) The secondary remote entry pharmacy shall have a pharmacist on duty, licensed in this State, who is physically present and personally supervising all pharmacy activities. Remote prescription drug order processing in a retail pharmacy without the direct supervision of a pharmacist is prohibited.
- (3) Pharmacy technicians and pharmacy interns/externs may assist a pharmacist located at the secondary remote entry pharmacy with remote prescription drug order processing. Such pharmacies shall comply with Georgia laws and rules set forth pertaining to ratios and the supervision of pharmacy technicians and pharmacy interns/externs.
- (4) The pharmacist on duty at the primary dispensing pharmacy shall be responsible for assuring the accuracy of all filled or dispensed prescriptions including those prepared through the use of remote prescription drug order processing. This shall include, but not be limited to, viewing and verifying the hardcopy or electronic prescription.
- (5) The pharmacist on duty at the secondary remote entry pharmacy shall be responsible for assuring the accuracy of prescriptions for which he/she performed or supervised remote prescription drug order processing. This responsibility shall exclude the compounding, preparation, dispensing, and counseling for prescriptions for which he/she has performed remote prescription drug order processing. The pharmacist shall verify the data entered into the computer system is consistent with the prescription. The pharmacist shall conduct a drug regimen review for each prescription. Any activity requiring the exercise of professional judgment shall be performed by the pharmacist on duty and shall not be delegated to pharmacy technicians. The pharmacist on duty at the secondary remote entry pharmacy shall be responsible for verification of all activities performed by pharmacy technicians, or pharmacy interns/externs.

Authority: O.C.G.A. §§ 26-4-4, 26-4-5, 26-4-27, 26-4-28, 26-4-60, 26-4-80, 26-4-82, 26-4-83 and 26-4-110.

480-36-.04 Policy and Procedure

The primary dispensing pharmacy and the secondary remote entry pharmacy shall have a written policy and procedure that relates to the remote processing at each pharmacy involved in the processing of a prescription and available for inspection by the Board or its representative. The policy shall at a minimum include the following:

- (a) The responsibilities of each pharmacy;
- (b) A list of the name, address, telephone numbers, and permit/registration numbers of all pharmacies involved in remote processing;
- (c) Procedures for protecting the confidentiality and integrity of patient information;
- (d) Procedures for ensuring that pharmacists performing prospective drug reviews have access to appropriate drug information resources;
- (e) Procedures for maintaining required records;
- (f) Procedures for complying with all applicable laws and regulations to include counseling.

Authority: O.C.G.A. §§ 26-4-4, 26-4-5, 26-4-27, 26-4-28, 26-4-60, 26-4-80, 26-4-82, 26-4-83 and 26-4-110.

480-36-.05 Record Keeping

- (1) The primary dispensing pharmacy and the secondary remote entry pharmacy shall share a common electronic file or have technology which allows sufficient information necessary to process a non-dispensing function.
- (2) In addition to any other required records, the primary dispensing pharmacy and the secondary remote entry pharmacy shall maintain retrievable records which show, for each prescription remotely processed, each individual processing function and identity of the pharmacist or pharmacy technician who performs a processing function and the pharmacist who checked the processing function.
- (3) The primary dispensing pharmacy and the secondary remote entry pharmacy may maintain records separately at each pharmacy, or in a common electronic file shared by both pharmacies provided the system can produce a record showing each processing task, the identity of the person performing each task, and the location where each task was performed.
- (4) These records maintained by the primary dispensing pharmacy and the secondary remote entry pharmacy shall be readily retrievable for at least two years through the primary dispensing pharmacy, and shall be available for inspection by the Board or its representative.
- (5) The record keeping required by this rule is in addition to the record keeping required under Rule Chapter 480-10 and any other Board rules and state and federal laws.

Authority: O.C.G.A. §§ 16-13-34, 16-3-39, 26-4-4, 26-4-5, 26-4-27, 26-4-28, 26-4-60, 26-4-80, 26-4-82, 26-4-83, 26-4-85 and 26-4-110.

480-36-.06 Patient Counseling

- (1) It shall be the responsibility of the pharmacist on duty at the primary dispensing pharmacy to perform patient counseling of all prescriptions, as required, including those assisted by remote processing.

(2) The secondary remote entry pharmacy shall not perform patient counseling on behalf of the primary dispensing pharmacy.

Authority: O.C.G.A. §§ 26-4-4, 26-4-5, 26-4-27, 26-4-28, and 26-4-85

480-36-.07 Notification to Patients

(1) Prior to utilizing remote prescription drug order processing, the primary dispensing pharmacy shall:

(a) Notify patients their prescription drug order may be processed by another pharmacy. Such notification may be provided through a one time written consent from the patient or the patient's authorized representative and through use of a sign in the pharmacy which states: "Remote Order Processing Utilized Here." Such sign must be clear and legible with letters at least three (3) inches in size, and the sign shall be free from obstruction and visible to patients at the time the prescription is presented to the pharmacy.

(b) Give the name of that pharmacy, or if the pharmacy is part of a network of pharmacies under a common ownership and any of the network pharmacies may process the prescription order, the patient shall be notified of this fact. Such notification may be provided through a one time written consent from the patient or the patient's authorized representative and through use of a sign in the pharmacy which states: "Remote Order Processing Utilized Here." Such sign must be clear and legible with letters at least three (3) inches in size, and the sign shall be free from obstruction and visible to patients at the time the prescription is presented to the pharmacy.

(2) Prior to utilizing remote prescription drug order processing, written consent from the patient or the patient's authorized representative shall be obtained by the primary dispensing pharmacy when the primary dispensing pharmacy and the secondary remote entry pharmacy do not share the same owner.

Authority: O.C.G.A. §§ 24-9-40, 26-4-5, 26-4-27, 26-4-28, and 26-4-80.

The Board discussed the 2011 NABP annual meeting in San Antonio, TX taking place May 21-24, 2011. Bill Prather made a motion for Steve Wilson to be its delegate and Tony Moyer to be the alternate; Al McConnell seconded the motion. The Board voted in favor of the motion.

Ms. Wray will review the Model Rules for Public Health Emergencies and report back to the Board at the next meeting.

Judy Gardner made a motion to post Rule 480-3-.03, Continuing Pharmacy Education; Bill Prather seconded the motion. The Board voted to post the rule as follows:

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

480-3-.03 Continuing Pharmacy Education.

(1) The Georgia State Board of Pharmacy has the statutory responsibility and authority for the requirement of continuing education as prerequisite for a license renewal.

(2) The purpose of continuing education for pharmacists is to maintain and enhance the professional competency of pharmacists licensed to practice in Georgia for the protection

of the health, safety and welfare of the people of the State of Georgia.

(3) As a requirement for the biennial renewal of his/her license, a pharmacist must complete not less than thirty (30) hours of approved continuing education.

~~(a) Of these 30 hours, at least 3 must be in disaster preparedness for pharmacist as approved by the Board.~~

(4) One hour of C.E. is defined as 0.1 C.E.U. Each pharmacist in the State of Georgia must obtain 30 hours of continuing education or 3.0 C.E.U.'s per biennium for license renewal.

(a) Certificates documenting that 30 hours of approved continuing education or 3.0 C.E.U.'s must be completed and dated within the biennium.

(5) A pharmacist licensed before or during the first six (6) months of the biennium (January to June), shall be required to obtain 30 hours of C.E. A pharmacist licensed during the following twelve (12) months (June to July) shall be required to obtain 15 hours of C.E. A pharmacist licensed during the last six (6) months of the biennium shall be exempt from continuing education for that biennium only.

(6) In the event of an audit and a pharmacist fails to submit certificates, which document his/her required continuing education credits, the Board will not process his/her request to renew the license until the continuing education requirements are provided to the Board.

(a) The pharmacist may not carry over continuing education credits from one licensing period to the next.

(b) Nothing is meant to prohibit representatives from the Georgia Drugs and Narcotics Agency (GDNA) from assisting, auditing, or verifying a pharmacist's continuing education certificates as needed.

(c) Each licensed pharmacist shall maintain these certificates of attendance at continuing education meetings for a period of two (2) years from the date of the preceding renewal period.

(7) The staff of the Professional Licensing Boards may audit, or otherwise select randomly, the continuing education of a percentage of licensees as determined by the Board.

(8) The Board shall accept all continuing education approved by other Boards of Pharmacy provided those Boards reciprocate this courtesy with Georgia.

(9) Approval of providers and sponsors shall be as follows:

(a) All providers and sponsors of continuing education must be approved by the Board.

(b) American Council on Pharmaceutical Education (A.C.P.E.) approved providers shall submit documentation to the Board of such approval every two (2) years and have blanket approval.

(c) All other providers shall request approval of programs as a provider on the program approval form each time a program is presented. Nothing in these rules are meant to prohibit the Board and/or GDNA from establishing a program or programs which can be granted special program approval(s) by the Board, and which may be utilized on more than one occasion or whenever such program or programs are presented by the Board or GDNA during a biennium.

(10) The following criteria for quality shall be used for the approval of providers:

(a) There shall be an administrative authority charged with the responsibility of maintaining the criteria for quality in continuing education programming for each

provider.

(b) The administration shall be stable and an established procedure shall exist that insures an orderly transfer of responsibilities in the event there is a change in administration.

(c) Providers shall present a program or activity based on the needs of the target audience or the timeliness of the topic.

(d) Program objectives and rationale shall be stated.

(e) Providers shall give adequate, advanced promotional information, material about target audience, goals and objectives, program content, faculty credentials and fees.

(f) Each approved provider of continuing education in the State of Georgia shall provide a means of registration of the participants at each program and a record of attendance shall be maintained for a period of five (5) years. The provider shall also furnish to each participant, adequate documentation of his successful completion of the program.

(g) There shall be a method of program evaluation established and a statement of the evaluation process planned shall accompany each application. (The Board may supply sample forms.)

(11) Providers shall furnish each participant adequate documentation of this or her participation in the program. Information shall include:

(a) Name and license number in each state of participant;

(b) Name of provider;

(c) Name of program;

(d) Hours/C.E.U. completed;

(e) Date of completion;

(f) Authorized signature.

(12) The provider shall develop policies and procedures for the management of grievances. (This does not have to be submitted to the Board.)

(13) The facility shall be appropriate and adequately equipped to support the delivery of the program.

(14) Approval of programs shall be as follows:

(a) Acceptable forms of continuing education shall be as follows:

1. Institutes, seminars;

2. Lectures, conferences, workshops;

3. Correspondence and electronically delivered courses that are A.C.P.E. approved.

(b) The following are not acceptable as continuing education programs: welcoming remarks, business sessions, unstructured demonstrations, degree programs, or medical continuing education programs which are not A.C.P.E. or Georgia Board approved.

(15) All continuing education providers seeking approval of the continuing education program by the Georgia Board shall submit a program approval form for each program presented. These forms should be submitted sixty (60) days in advance. The Board may exempt programs from this advance time requirement period as set forth by Board policy.

Mickey Tatum was present for the meeting. The Board members and staff thanked him for his service to the Board of Pharmacy.

Bill Prather asked if a letter could be sent to Leroy Toliver's wife recognizing him and thanking him for his service to the Pharmacy profession.

The Board discussed the following pending legislation:

- Prescription Drug Monitoring
- A request for automated dispensing machines in nursing homes
- Drug Update – Pseudoephedrine to a Schedule 5
- Can Bath Salts be added to the Drug list?
- OMPE

Judy Gardner made a motion to accept the following Board orders:

J.F.P. – Private Interim Consent Order for Assessment

T.E.L. - Private Interim Consent Order for Assessment

Jason D. Foster – Interim Consent Order

L.C.C. – Private Interim Consent Order for Assessment.

Bill Prather seconded the motion; and, the Board voted to accept the orders.

Executive Director’s Report

Lisa Durden asked if the Board would consider a policy to allow certain applications to be administratively processed. Judy Gardner made a motion to adopt the following policy:

“Board staff may administratively approve nuclear pharmacist, nuclear pharmacy, researcher pharmacy initial applications and reinstatement applications, and opioid treatment pharmacy completed applications. The nuclear pharmacy, researcher pharmacy, and opioid treatment pharmacy applications must have a passed inspection letter for the application to be complete.”

Bill Prather seconded the motion. The Board voted unanimously to approve the policy.

Lisa Durden asked the Board how they wanted to handle reciprocity applicants who had failed the NAPLEX multiple times, and what to do if an applicant who failed the NAPLEX multiple times in Georgia then tries to reciprocate from another state. After discussion, Steve Wilson appointed Bill Prather, Judy Gardner and Lisa Durden to work as a committee to find a solution for these applicants.

Judy Gardner said she could visit PCOM with ACPE for their accreditation review.

Attorney General’s Report:

Senior Assistant Attorney General, Janet Wray presented the following order for acceptance:

G.R.R. - Private Consent Order

Bill Prather made a motion, Judy Gardner seconded and the Board voted unanimously to accept the private consent order.

GDNA Report:

Rick Allen discussed Allegra being made an OTC drug as of March 3, 2011. Bill Prather made a motion to take it off the dangerous drug list; Judy Gardner seconded the motion; and, the Board voted in favor of the motion.

Rick Allen is working on the Maltagon conference which we be scheduled for September or October of 2011.

Bill Prather made a motion for Rick Allen to be the Board’s designee for the Prescription Monitoring Program and for GDNA to apply for the grant on the Board’s behalf. Judy Gardner seconded the motion. The Board voted in favor of the motion.

Miscellaneous:

Bill Prather reviewed the following continuing education providers and made the following recommendations for approval:

Course No.	CE Provider	Program Title	Hours
2011-0006	GASPEN	Micronutrients, Daily Needs and Signs/Symptoms of Deficiencies	2
2011-0007	US Attorney General, DEA, Office of National Drug Control Policy, CDC, GBI and GDNA at Georgia State University	Prescribing Our Future: A Summit on Prescription Drug Abuse in Georgia	8

The meeting adjourned at 2:40 p.m.

The next Pharmacy Board meeting will be Wednesday, March 9, 2011 at 10:00 a.m. at the Office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

 Steve Wilson, President
 The Georgia State Board of Pharmacy

 Date

 Lisa Durden, Executive Director
 The Georgia State Board of Pharmacy

 Date