

GEORGIA STATE BOARD OF PHARMACY
BOARD MEETING
June 1, 2011
UGA School of Pharmacy
Athens, GA

Members Present:

- Steve Wilson, President
- Bill Prather, Vice President
- Fred Barber
- Judy Gardner
- Tony Moye
- Ronnie Wallace

Members Absent:

- Fred Barber
- Al McConnell
- Pat McPherson

Staff Present:

- Rick Allen, GDNA
- Lisa Durden, Executive Director
- Janet B. Wray, Senior Assistant Attorney General

Visitors:

- Helen Sloat, Nelson Mullins/Kaiser
- Scott Biddulph, Target
- Janice Anderson, URAC Specialty Pharmacy Accreditation
- Harry Bacvrac, URAC Specialty Pharmacy Accreditation
- Josh Belinfante, Robbins/Freed
- Mike Grindstaff, Premier Kids Care

Steve Wilson established that a quorum was present and called the meeting to order at 9:10 a.m.

*Judy Gardner made a motion, Ronnie Wallace 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 Bill Prather, Fred Barber, and Tony Moye.*

Executive Session

Applications/Licensure:

1. G.R.J. – Requested to meet with the Board regarding the reinstatement of his license. The Board recommended that he be granted an appearance.
2. C.S.S. – requested that the probation sanction of his Private Consent Order be lifted. The Board recommended that his probation restriction be lifted.
3. M.A.K. – After reviewing the memo from Janet Wray, the Board recommended to close the case against the pharmacist because he was not the PIC at the time of the alleged violation.
4. Arrow International, Inc. – The Board recommended approval the wholesale pharmacy application.
5. C.P.K. – Pharmacist self-reported violation and sanction by Alabama Board of Pharmacy. The Board recommended that the case be referred to the Attorney General’s office for a Consent Order.
6. T.H.G., LLC – The Board reviewed their letter and recommended scheduling them for an investigative interview regarding their pending applications.
7. Jennifer Catherine Woods – The Board recommended approval her application for a pharmacist license by reciprocity.
8. T.O.O. – Applicant has failed the NAPLEX three times. The board recommended denial his application and not to allow him to sit for the NAPLEX for fourth attempt.
9. Joseph J. Sisolak – The Board recommended approval his application for a pharmacist license by reciprocity.
10. A.L.M. – The Board recommended lifting the supervised practice restriction from her Private Consent Order and reminding her that she is still required to comply with the other sanctions of the order.
11. S.S.S.C., Inc. – Requested a Certificate of Free Sales. Recommended referral them to the FDA for a Certificate of Free Sales.
12. C.P., Inc. – Pharmacy Wholesale Reinstatement Application- Inquire as to whether or not they have shipped drugs to hospitals or pharmacies in Georgia since their license lapsed. If not, recommended reinstatement license. If they have, bring the matter back to the Board.

Attorney General’s Report:

Senior Assistant Attorney General, Janet B. Wray presented the following orders for acceptance:

- B.S. – Private Consent Order
- B.J.F. – Private Consent Order
- M.S. – Private Consent Order

Ms. Wray recommended closing two cases due to lack of evidence and to reinstate the licenses of the applicants involved.

Cognizant Report – Bill Prather, Cognizant Member:

GDNA Case #A11-20 : The recommendation was to accept the Voluntary Surrender of the pharmacist.

GDNA Case #A-29754: The recommendation was to allow her to sit for the June 2, 2011 practical examination and to schedule an appointment for her for the July meeting.

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. Judy Gardner made a motion to approve the recommendations made in Executive Session; Ronnie Wallace seconded the motion. Voting in favor of the motion were Bill Prather, Steve Wilson and Tony Moyer.

Appointments

1. B.K.T., Pharmacy Intern. - Following a situation involving poor judgment by the intern, he met with the Board for them to consider allowing him to sit for the practical exam. Bill Prather made a motion to allow him to sit for the exam; Tony Moyer seconded the motion. The Board voted unanimously to allow him to sit for the exam.
2. URAC and Premiere Kids Care presentation. Janice Anderson and Harry Bacvrac appeared on behalf of URAC and Josh Belinfante appeared as counsel for Premiere Kids Care. URAC is seeking recognition for specialty pharmacy accreditation. Following a lengthy discussion, the Board requested that specialty pharmacy accreditation be placed on the September meeting agenda to allow for public comments to discuss the advantages and disadvantages for this accreditation.
3. Mike Grindstaff appeared on behalf of Premiere Kids Care to ask that ExCPT/ICPT be considered as certification for pharmacy technicians. Following his presentation, the Board asked that ExCPT make a presentation to the board concerning their pharmacy technician certification program/exam.

Open Session

The UGA Dean of the College of Pharmacy and presented the updates at UGA. Currently, they are admitting 150 students. Due to the economy, some graduates are having a difficult time finding permanent employment. The Board thanked the Dean and his staff for their hospitality in hosting the meeting.

Tony Moyer made a motion to approve the minutes as amended from the May 11, 2011 Board meeting; Ronnie Wallace seconded the motion. The Board voted to approve the minutes.

Bill Prather made a motion to accept the Voluntary Surrender for Mary Elizabeth Shuman, RPH024087.

Lisa Durden presented a list of licenses and registrations (1364) that were issued from May 1-31, 2011. Bill Prather made a motion to ratify the list of licenses; Ronnie Wallace seconded the motion. The Board voted to ratify the licenses issued.

Following a rules hearing, Bill Prather made a motion to adopt Rule 480-3-.03 Continuing Pharmacy Education. Judy Gardner seconded the motion, and the Board voted unanimously to adopt the rule:

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 educations 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.

Authority : 26-4-27, 26-4-28, and 26-4-45

The Society for Education for Pharmacy Technicians submitted a letter requesting approval for continuing education and training for pharmacy technicians. The Board stated that it has no continuing education or formal training requirements for pharmacy technicians.

Steve Georgenson sent a request regarding E-prescribing for controlled substances. At this point, the federal policy is not finalized; therefore, the Board cannot amend its rule. At this point, prescriptions must follow the DEA regulations. Steve Wilson said that he will talk with Mr. Georgenson about this.

Yvette A. King submitted a request for an appearance with the Board regarding the denial of her application for a pharmacist license by reciprocity. Judy Gardner made a motion to grant her an appearance; Bill Prather seconded the motion. The Board voted to grant her an appearance.

Steve Wilson presented a question that was raised by a faculty member at a pharmacy school. Will the Board consider opportunities other than working in a pharmacy for students to obtain intern hours (such as school clinics, doctors' offices, etc.)? Following discussion, the Board felt that students have ample opportunities to obtain intern hours while in school, and while interning, they need to be under the supervision of a pharmacist.

Janet Wray reported that the pseudoephedrine law became effective May 13, 2011 and the prescription monitoring program law goes becomes effective July 1, 2011.

GDNA Report:

Rick Allen reported that they have one new agent, April Warren.

Rick Allen asked the Board to appoint a member to be on the committee to oversee the advisory board for the Prescription Monitoring Program and Pseudoephedrine projects. Judy Gardner made a motion that Bill Prather represent the Board of Pharmacy on this committee. Tony Moyer seconded the motion. The Board voted in favor of the motion.

Rick Allen and Janet Wray presented the following rules amendments to be considered by the Board:

480-19-.01 Excepted Sales of Non-Pseudoephedrine Schedule V Controlled Substances.
No person shall obtain or attempt to obtain, sell, dispense or otherwise dispose of any non-pseudoephedrine substance included in Schedule V of the Georgia Controlled Substances Act, except as herein provided, and as in compliance with all other applicable laws, rules and regulations; ~~including Georgia Code Chapter 79A-8.~~ All terms used in this section shall

have the same meaning as in ~~Georgia Code Chapter 79A-8~~ O.C.G.A. T. 16, Ch. 14 and T. 26, Ch. 4, as amended.

(a) A physician or medical practitioner may dispense Schedule V substances for legitimate medical purposes in the normal course of his/her professional practice. ~~A physician or medical practitioner may administer Schedule V substances in their offices but cannot charge for the dispensed drug.~~

(b) A licensed pharmacist, or intern acting under the immediate and direct supervision of a licensed pharmacist, may sell, dispense or otherwise dispose of without prescription not more than 4 oz. or 32 dosage units of an exempted non-pseudoephedrine Schedule V controlled substance within any 48 hour period of time, but only:

1. After applying reasonable means or effort to determine that such is to be used for legitimate medical purposes; and
2. After the purchaser has written his/her signature, date of birth, address, city, state and zip code upon a register which records and reflects the date of such transaction, the name, kind, quantity and intended use of such Schedule V substance sold, dispensed, or otherwise disposed of, and such records shall be maintained as required by Schedule V records.

(c) No person shall obtain or attempt to obtain, in any 48-hour period of time, more than 4 oz. or 32 dosage units of a Schedule V substance.

480-19-.02 Exempt Non-Pseudoephedrine Schedule V Controlled Substances.

Before the sale of any non-pseudoephedrine Schedule V Controlled Substance without a prescription, a licensed pharmacist should first determine whether or not the product to be sold is packaged in a container with not more than 4 ounces or 32 dosage units of the drug, and whether the label provided by the product manufacturer contains a Federal Caution or Warning. If such Legend or Warning is present on the manufacturer's label, this product cannot be sold without a prescription.

480-19-.03 Over-the-counter (OTC) Sales of Exempt Schedule V Drug Products containing Pseudoephedrine

(a) No person shall obtain or attempt to obtain, sell, dispense or otherwise distribute any exempt Schedule V controlled substance drug product containing pseudoephedrine as listed under O.C.G.A. 16-13-29(5), except as herein provided, and as in compliance with all other applicable state or federal laws, rules and regulations. All terms used in this section shall have the same meaning as in O.C.G.A. T.16, Ch. 13 and T. 26, Ch. 4.

1) All exempt Schedule V controlled substance pseudoephedrine containing drug products must be stored in a pharmacy's prescription department.

(b) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist, may sell, dispense or otherwise dispose of without prescription not more than 3.6 grams every 24 hours to each customer of a pseudoephedrine containing drug product, but only:

- 1) After applying reasonable means or effort to determine that such is to be used for legitimate medical purposes, following the proper record keeping procedures, and ensuring the required information has been properly recorded in a logbook which contains either a written or electronic list of sales.

- 2) For hand-written logbooks used to record patient information before the sale of an exempt Schedule V pseudoephedrine containing drug product can take place:
- (A) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist must write in the name of the pseudoephedrine containing drug product and quantity sold;
- (B) The patient must write in the logbook their name, data of birth, address, zip code, date and time of the sale, and the patient must sign the logbook;
- (C) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist must ask the patient to produce a photo identification issued by a state or the federal government to use in verifying that the patient's name on the photo identification matches the name the patient wrote in the logbook; No exempt Schedule V pseudoephedrine containing drug product can be sold to a patient unless they present appropriate identification
- (D) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist must verify that the date and time of the sale and other information that the patient wrote in the logbook are correct by use of the patient's photo identification, and initial the logbook verifying the information for the sale as being correct.
- 3) For electronic logbooks used to record patient information for the sale of an exempt Schedule V pseudoephedrine containing drug product:
- (A) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist must enter the name of the pseudoephedrine containing drug product and quantity sold, the patient's name, date of birth, address, and zip code; or entering this information may be accomplished through a point of sales system and bar code reader;
- (B) The computer for the electronic logbook can automatically enter the date and time of the sale,
- (C) The patient's signature on the logbook must be captured using an electronic signature system of a type similar to or one used for credit card purchases
- (D) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist must require the patient to produce a photo identification issued by a state or the federal government to use in verifying that the patient's name and date of birth on the photo identification matches the information entered in the logbook; No exempt Schedule V pseudoephedrine containing drug product can be sold to a patient unless they present appropriate photo identification
- (E) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist must enter their name or pharmacist or pharmacy intern license number in the logbook to indicate the information for the sale is correct.
- (4) The quantities of different strength pseudoephedrine containing drug products that equals 3.6 grams is:

Tablets/capsules - Number of tablets/capsules that equal 3.6 grams

Ingredients	Number of tablets = 3.6 grams
--------------------	--------------------------------------

30 mg Pseudoephedrine HCl	146 Tablets
60 mg Pseudoephedrine HCl	73 Tablets
120 mg Pseudoephedrine HCl	36 Tablets
30 mg Pseudoephedrine Sulfate	155 Tablets
60 mg Pseudoephedrine Sulfate	77 Tablets
120 mg Pseudoephedrine Sulfate	38 Tablets
240 mg Pseudoephedrine Sulfate	19 Tablets

Liquids -Number of milliliters that equal 3.6 grams

Ingredients	Number of milliliters (ml) = 3.6 grams
6.25 mg Ephedrine HCl/ 5 ml Liquid	3515 ml
15 mg Pseudoephedrine HCl / 1.6 ml Liquid	468 ml
7.5 mg Pseudoephedrine HCl / 5 ml Liquid	2929 ml
15 mg Pseudoephedrine HCl / 5 ml Liquid	1464 ml
15 mg Pseudoephedrine HCl / 2.5 ml Liquid	732 ml
30 mg Pseudoephedrine HCl / 5 ml Liquid	732 ml
30 mg Pseudoephedrine HCl / 2.5 ml Liquid	366 ml
60 mg Pseudoephedrine HCl / 5 ml Liquid	366 ml

(c) No registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist can knowingly sell more than 9 grams of pseudoephedrine to a patient in a 30 day period of time.

(1) The quantities of different strength pseudoephedrine containing drug products that equals 9 grams is:

Tablets/capsules - Number of tablets/capsules that equal 9 grams

Ingredients	Number of tablets = 9 grams
30 mg Pseudoephedrine HCl	366 Tablets
60 mg Pseudoephedrine HCl	183 Tablets
120 mg Pseudoephedrine HCl	91 Tablets
30 mg Pseudoephedrine Sulfate	389 Tablets
60 mg Pseudoephedrine Sulfate	194 Tablets
120 mg Pseudoephedrine Sulfate	97 Tablets
240 mg Pseudoephedrine Sulfate	48 Tablets

Liquids -Number of milliliters in 9 grams

Ingredients	Number of milliliters (ml) = 9 grams
6.25 mg Ephedrine HCl / 5 ml Liquid	8788 ml
15 mg Pseudoephedrine HCl / 1.6 ml Liquid	1171 ml
7.5 mg Pseudoephedrine HCl / 5 ml Liquid	7323 ml
15 mg Pseudoephedrine HCl / 5 ml Liquid	3661 ml

15 mg Pseudoephedrine HCl / 2.5 ml Liquid	1830 ml
30 mg Pseudoephedrine HCl / 5 ml Liquid	1830 ml
30 mg Pseudoephedrine HCl / 2.5 ml Liquid	915 ml
60 mg Pseudoephedrine HCl / 5 ml Liquid	915 ml

(d) All logbooks must be retained for a minimum period of 2 years from the date of the last recorded sale.

(e) Logbooks must be kept in a secure location in the pharmacy and information contained in a logbook can be shared:

(A) To comply with state or federal laws and rules;

(B) For a product recall;

(C) With local, state, and federal law enforcement officers, to allow logbook information to be inspected, copied.

(f) If a state operated central registry for the reporting of pseudoephedrine is available, pharmacies may report pseudoephedrine sales to this registry either electronically, by means of transmitting a faxed copy of a handwritten logbook, or by sending copies of handwritten logbooks via the U.S. mail or other similar means.

(g) Nothing in this rule requires a pharmacy to maintain a logbook that is separate and apart from the logbook required under the U.S. Combat Methamphetamine Epidemic Act of 2005, 21 U.S.C 830 and 844, other than drug products containing pseudoephedrine must be stored in the prescription department area of a pharmacy and the sales are made by a registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist.

Ronnie Wallace made a motion to post these rules as amended and schedule them for a September 2011 rules hearing; Bill Prather seconded the motion. The Board voted in favor of the motion.

Rick Allen presented proposed revisions to Rule 480-22-.12, Requirements of Prescription Drug Orders as Issued by a Physician's Assistant (PA) or and Advanced Practice Registered Nurse (APRN) Licensed to Practice in the State of Georgia. Ronnie Wallace made a motion to post the rule; Bill Prather seconded the motion. The Board voted to post the following rule:

480-22-.12 Requirements of Prescription Drug Orders as Issued by a Physician's Assistant (PA) or an Advanced Practice Registered Nurse (APRN) Licensed to Practice in the State of Georgia.

(1) Under O.C.G.A. § 43-34-103(e.1), a physician's assistant (PA) licensed by the Georgia Composite Board of Medical Examiners is permitted to issue a prescription drug order or orders for any dangerous drugs, as defined in O.C.G.A. § 16-13-71 without the co-signature of a supervising physician pursuant to the authority de legated by the PA's supervising physician and contained in the PA's job description.

(a) A PA cannot issue a prescription for any C-II, III, IV, or V controlled substance without having such prescription co-signed by his or her supervising physician, unless such PA has his/her own DEA number.

(b) Delegation of such authority shall be contained in the job description required by

O.C.G.A. § 43-34-103(e.1). The delegating physician shall remain responsible for the medical acts of the PA.

(2) Nothing in this Rule, Title 16, Chapter 13 or Title 43, Chapter 34, shall be construed to create a presumption of liability, either civil or criminal, on the part of a pharmacist who in good faith fills a prescription drug order presented by a patient pursuant to this Rule.

(a) A pharmacist shall presume that the prescription drug order was issued by a PA duly licensed and qualified under Title 43, Chapter 34 to prescribe pharmaceutical agents.

(b) A pharmacist shall presume that the drug prescribed by the PA is a drug approved by the supervising physician in the PA's job description, unless the pharmacist has actual or constructive knowledge to the contrary.

(3) The PA shall only be authorized to exercise the rights granted by O.C.G.A. § 43-34-103(e.1) using a prescription drug order which includes the following:

(a) The name, address, NPI number, and telephone number of both the prescribing physician and the PA;

(b) The patient's name and address;

(c) The drug name, strength and quantity prescribed;

(d) The directions to the patient with regard to taking the drug;

(e) The number of authorized refills, if any;

(f) ~~If applicable, The~~ the DEA permit number of the supervising physician and ~~or, if applicable,~~ the DEA number of the PA; ~~and~~

~~(g) Such prescription drug order form shall be valid only if signed by the physician's assistant and the following terminology appears on the prescription drug order:~~

~~"This prescription authorized through (pre-printed name of the prescribing supervising physician, M.D. or D.O.) by (pre-printed name of the PA printed below the signature line, with such line bearing the signature of the PA), PHYSICIAN'S ASSISTANT"~~

~~(Physician's Assistant must be spelled out, not abbreviated as PA).~~

~~1. An example, which satisfies the requirements for both Controlled Substance and Dangerous Drug prescription drug order, is as follows: "This prescription authorized through O.C. Cornwallis, M.D. by, Physician's Assistant Jane Doe (pre-printed).~~

(4) Any prescription drug order form containing less information than that described in this subsection shall not be offered to or accepted by any pharmacist.

(5) Under O.C.G.A. § 43-34-26.3(e.1), an advanced practice registered nurse (APRN) who is recognized by the Georgia Board of Nursing as having met the requirements established by the Georgia Board of Nursing to engage in advanced nursing practice, is in good standing with the Georgia Board of Nursing, and who has entered into a nurse protocol agreement, approved by the Composite Board of State Medical Examiners, with a delegating physician is permitted to issue a prescription drug order or orders for any dangerous drug, as defined in O.C.G.A. § 16-13-71 without the co-signature of a delegating physician pursuant to the authority delegated by the APRN's delegating physician and contained in the APRN's nurse protocol.

(a) An APRN can issue a prescription drug order for any Schedule III, IV, or V controlled substance without having such prescription co-signed by his or her delegating physician, if such APRN has his or her own Federal Drug Enforcement Administration (DEA) number; An APRN has no authority to issue a Schedule I or II controlled substance prescription. If an APRN does not have their own federal DEA number, the prescription

must be signed by the delegating physician.

(b) An APRN is not authorized to issue refills of any dangerous drug for more than 12 months from the date of the original order, except in the case of oral contraceptives, hormone replacement therapy, or prenatal vitamins which may be refilled for a period of 24 months. An APRN is not authorized to issue more than five (5) refills of any Schedule III, IV, or V controlled substance for more than six (6) months from the date of the original order.

(c) Delegation of such authority shall be contained in the nurse protocol required by O.C.G.A. § 43-34-26.3. The delegating physician shall remain responsible for the medical acts of the APRN.

(6) Nothing in this Rule, Title 16, Chapter 13 or Title 43, Chapter 34, shall be construed to create a presumption of liability, either civil or criminal, on the part of a pharmacist duly licensed under Chapter 4 of Title 26, who in good faith fills a prescription drug order presented by a patient pursuant to this Rule which was issued by an APRN pursuant to an approved nurse protocol agreement.

(a) A pharmacist shall presume that the prescription drug order was issued by an APRN duly licensed and qualified under Title 43, Chapter 34 to prescribe pharmaceutical agents.

(b) A pharmacist shall presume that the drug prescribed by the APRN is a drug approved by the delegating physician in the APRN's nurse protocol, unless the pharmacist has actual or constructive knowledge to the contrary.

(7) The APRN shall only be authorized to exercise the rights granted by O.C.G.A. § 43-34-26.3 using a prescription drug order which includes the following:

(a) The name, address, NPI number, and telephone number of the delegating physician, and the DEA number of the delegating physician if applicable;

(b) The name, address, NPI number, and telephone number of the APRN, and the APRN's DEA number if applicable;

(c) The name and address of the patient;

(d) The drug name, strength and quantity prescribed;

(e) The directions to the patient with regard to how the medication is to be administered;

(f) The number of authorized refills, if any;

(g) Such prescription drug order form shall be valid only if signed by the APRN;

(h) A prescription drug order which is transmitted either electronically or via facsimile shall conform to the requirements set out in paragraphs (1) and (2) of subsection (c) of Code Section 26-4-80, respectively.

(8) Any prescription drug order containing less information than that described in this subsection shall not be considered a legal prescription.

The Board received some information regarding Sure Script prescriptions not being valid. The Board asked staff to send a letter to Sure Script advising them that valid prescriptions must include the doctor's name and the DEA/MPI numbers.

Miscellaneous:

Judy Gardner reviewed the following continuing education providers and made the following recommendations for approval:

Program #	CE Provider	Program Title	Hours
2011-0018	Maurice Guilbaud/ Northside Hospital	“Can Cephalosporins be used for patients allergic to Penicillin?”	1

The meeting adjourned at 2:00 p.m.

The next Pharmacy Board meeting will be Wednesday, July 13, 2011 at 10:00 a.m. at the Office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

Steve Wilson, President
The Georgia State Board of Pharmacy

Date

Lisa Durden, Executive Director
The Georgia State Board of Pharmacy

Date