

The Senate Health and Human Services Committee offered the following substitute to SB 178:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for suspension, revocation, or refusal to grant licenses by the State Board of Pharmacy, so as to provide that the use of the mails or other common carriers to sell, distribute, and deliver a prescription drug directly to a patient under certain circumstances shall not be considered grounds for sanctioning the license of a pharmacist; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for suspension, revocation, or refusal to grant licenses by the State Board of Pharmacy, is amended by revising paragraph (11) of subsection (a) as follows:

“(11) Regularly employing the mails or other common carriers to sell, distribute, and deliver a drug which requires a prescription directly to a patient; provided, however, that this provision shall not prohibit the use of the mails or other common carriers to sell, distribute, and deliver a prescription drug directly to:

(A) A patient or directly to a patient’s guardian or caregiver or a physician or physician acting as the patient’s agent for whom the prescription drug was prescribed if:

(i) Such prescription drugs are prescribed for complex chronic, terminal, or rare conditions;

(ii) Such prescription drugs require special administration, comprehensive patient training, or the provision of supplies and medical devices or have unique patient compliance and safety monitoring requirements;

(iii) Due to the prescription drug’s high monetary cost, short shelf life, special manufacturer specified packaging and shipping requirements or instructions which require temperature sensitive storage and handling, limited availability or distribution, or other factors, the drugs are not generally carried in the regular inventories of retail

1 pharmacies such that the drugs could be immediately dispensed to multiple retail
 2 walk-in patients; and

3 (iv) Such prescription drug has an annual retail value to the patient of more than
 4 \$6,000.00; or

5 (B) An an institution or to sell, distribute, or deliver prescription drug refills, upon his
 6 or her request, to an enrollee in a health benefits plan of a group model health
 7 maintenance organization or its affiliates by a pharmacy which is operated by that same
 8 group model health maintenance organization and licensed under Code Section 26-4-110.
 9 Any pharmacy using the mails or other common carriers to dispense prescriptions
 10 pursuant to this paragraph shall comply with the following conditions:

11 ~~(A)~~(i) The pharmacy shall provide an electronic, telephonic, or written
 12 communications mechanism which reasonably determines whether the medications
 13 distributed by the mails or other common carriers have been received by the enrollee
 14 and through which a pharmacist employed by the group model health maintenance
 15 organization or a pharmacy intern under his or her direct supervision is enabled to offer
 16 counseling to the enrollee as authorized by and in accordance with his or her
 17 obligations under Code Section 26-4-85, unless the enrollee refuses such consultation
 18 or counseling pursuant to subsection (e) of such Code section. In addition, the enrollee
 19 shall receive information indicating what he or she should do if the integrity of the
 20 packaging or medication has been compromised during shipment;

21 ~~(B)~~(ii) In accordance with clinical and professional standards, the State Board of
 22 Pharmacy shall promulgate a list of medications which may not be delivered by the
 23 mails or other common carriers. However, until such list is promulgated, the group
 24 model health maintenance organization shall not deliver by use of the mails or other
 25 common carriers Class II controlled substance medications, medications which require
 26 refrigeration, chemotherapy medications deemed by the federal Environmental
 27 Protection Agency as dangerous, medications in suppository form, and other
 28 medications which, in the professional opinion of the dispensing pharmacist, may be
 29 clinically compromised by distribution through the mail or other common carriers;

30 ~~(C)~~(iii) The pharmacy shall utilize, as appropriate and in accordance with standards of
 31 the manufacturer, United States Pharmacopeia, and Federal Drug Administration and
 32 other standards adopted by the State Board of Pharmacy, temperature tags, time
 33 temperature strips, insulated packaging, or a combination of these; and

34 ~~(D)~~(iv) The pharmacy shall establish and notify the enrollee of its policies and
 35 procedures to address instances in which medications do not arrive in a timely manner
 36 or in which they have been compromised during shipment and to assure that the
 37 pharmacy replaces or makes provisions to replace such drugs.

1 For purposes of subparagraph (B) of this paragraph, the term 'group model health
2 maintenance organization' means a health maintenance organization that has an exclusive
3 contract with a medical group practice to provide or arrange for the provision of
4 substantially all physician services to enrollees in health benefits plans of the health
5 maintenance organization;"

6 **SECTION 2.**

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