

Senate Bill 111

By: Senators Carter of the 1st, Goggans of the 7th and Bethel of the 54th

A BILL TO BE ENTITLED
AN ACT

1

2 To amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to
3 pharmacists and pharmacies, so as to provide certain requirements for any electronic
4 transmission mechanism used to transmit an electronic data prescription drug order to a
5 pharmacist; to provide for definitions; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and
10 pharmacies, is amended by revising paragraphs (14.4) and (14.5) of Code Section 26-4-5,
11 relating to definitions, as follows:

12 ~~“(14.4)~~(14.5) 'Electronic visual image prescription drug order' means any exact visual
13 image of a prescription drug order issued by a practitioner electronically and which bears
14 an electronic reproduction of the visual image of the practitioner's signature, is either
15 printed on security paper and presented as a hard copy to the patient or transmitted by the
16 practitioner via facsimile machine or other equipment to a pharmacy, and contains all
17 information required by state law and regulations of the board.

18 ~~(14.5)~~(14.6) 'Electronic visual image signature' means any exact visual image of a
19 practitioner's signature reproduced electronically on a hard copy prescription drug order
20 presented to the patient by the practitioner or is on a prescription drug order transmitted
21 to a pharmacy by a practitioner via facsimile machine or other equipment.”

22 SECTION 2.

23 Said chapter is further amended by adding a new paragraph to Code Section 26-4-5, relating
24 to definitions, to read as follows:

25 “(14.4) 'Electronic transmission mechanism' means any mechanism used to transmit an
26 electronic data prescription drug order.”

SECTION 3.

27

28 Said chapter is further amended by adding a new paragraph to subsection (c) of Code Section
29 26-4-80, relating to dispensing, electronically transmitted drug orders, refills, and Schedule
30 II controlled substance prescriptions, to read as follows:

31 “(2.1) Any electronic transmission mechanism used to transmit an electronic data
32 prescription drug order to a pharmacist shall:

33 (A) Allow any electronic data prescription drug order to be written and entered into
34 such electronic transmission mechanism without interference or limitations prior to
35 submission to a pharmacy;

36 (B) Allow the electronic data prescription drug order to be written through a neutral
37 and open platform that does not use any means, program, or mechanism, including, but
38 not limited to, advertising, instant messaging, and pop-up messaging, to influence or
39 attempt to influence, through economic incentives or otherwise, the prescribing
40 decision of a prescribing practitioner;

41 (C) Make available to the prescribing practitioner information regarding a plan's
42 specific formulary, if the following conditions are met:

43 (i) All available covered outpatient drugs and pharmacies, both in and out of network,
44 shall be readily disclosed to the prescribing practitioner;

45 (ii) Nothing shall be designed to preclude or make more difficult the prescribing
46 practitioner's or patient's selection for any particular pharmacy or covered outpatient
47 drug;

48 (iii) Such information shall be limited to messages to the prescribing practitioner and
49 his or her staff that are consistent with the label, substantially supported by scientific
50 evidence, accurate, up to date, and fact based, including a fair and balanced
51 presentation of risks and benefits and support for better clinical decision making, such
52 as alerts to adverse events and access to formulary information. Such information
53 shall be consistent with the United States Food and Drug Administration regulations
54 for advertising pharmaceutical products and shall not be selectively or competitively
55 pushed to the prescribing practitioner. The distribution of such information shall not
56 diminish the patient's right to appeal; and

57 (iv) Copayment and cost-sharing data, specific to the patient's relevant formulary and
58 entitled benefits, shall be accessible to the prescribing practitioner electronically for
59 reference as part of the electronic transmission mechanism; and

60 (D) Provide an electronic prior authorization process for allowing approval of an
61 exception to the plan formulary or other restriction which shall:

62 (i) Be required as part of systems that facilitate an electronic data prescription drug
63 order to be written and entered into such electronic transmission mechanism;

- 64 (ii) Utilize a universal format for prior authorization requests if so developed by this
65 state;
66 (iii) Provide specific feedback on acceptable and approvable reasons for approval of
67 a prior authorization request for a medication prescribed for a patient; and
68 (iv) Provide real-time adjudication of the prior authorization request that facilitates
69 an explanation of benefits for the patient with information on how to appeal the denial
70 of the requested medication."

71 **SECTION 4.**

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