

House Bill 1130

By: Representatives Stephens of the 164th, Harden of the 147th, and Parrish of the 156th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to
2 pharmacists and pharmacies, so as to provide that the Georgia State Board of Pharmacy is
3 administratively attached to the Department of Community Health; to authorize the board to
4 employ an executive director; to provide for the powers and duties of such executive director;
5 to revise provisions for purposes of continuity with respect to the authority of the board and
6 the executive director; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and
11 pharmacies, is amended in Code Section 26-4-5, relating to definitions, by revising paragraph
12 (11.1) and by adding new paragraphs to read as follows:

13 "(3.1) 'Cognizant member' means that member of the Georgia State Board of Pharmacy
14 who is charged with conducting investigative interviews relating to investigations
15 involving licensees, registrants, and permit holders."

16 ~~"(11.1) 'Division director' means the division director of the professional licensing boards~~
17 ~~division, as provided in Chapter 1 of Title 43."~~

18 "(15.1) 'Executive director' means the executive director appointed by the Georgia State
19 Board of Pharmacy pursuant to Code Section 26-4-20."

20 **SECTION 2.**

21 Said chapter is further amended by revising Code Section 26-4-20, relating to the
22 continuation of the State Board of Pharmacy and enforcement of provisions of chapter vested
23 in board, as follows:

24 "26-4-20.

25 (a) The Georgia State Board of Pharmacy existing immediately preceding July 1, 1998
 26 2012, is continued in existence, and members serving on the board immediately preceding
 27 that date shall continue to serve out their terms of office and until their respective
 28 successors are appointed and qualified.

29 (b) The responsibility for enforcement of the provisions of this chapter shall be vested in
 30 the Georgia State Board of Pharmacy. The board shall have all of the duties, powers, and
 31 authority specifically granted by or necessary for the enforcement of this chapter, as well
 32 as such other duties, powers, and authority as it may be granted from time to time by
 33 applicable law.

34 (c) On and after July 1, 2012, the board shall not be under the jurisdiction of the Secretary
 35 of State but shall be an independent state agency attached to the Department of Community
 36 Health for administrative purposes only, as provided in Code Section 50-4-3, except that
 37 such department shall prepare and submit the budget for the board. The board shall have
 38 with respect to all matters within the jurisdiction of the board as provided under this
 39 chapter the powers, duties, and functions of professional licensing boards as provided in
 40 Chapter 1 of Title 43.

41 (d) The board shall appoint and fix the compensation of an executive director of such
 42 board who shall serve at the pleasure of the board.

43 (e) The venue of any action involving members of the board shall be the county in which
 44 is found the primary office of the board. The executive director of the board shall not be
 45 considered a member of the board in determining the venue of any such action, and no
 46 court shall have jurisdiction of any such action solely by virtue of the executive director
 47 residing or maintaining a residence within its jurisdiction."

48 **SECTION 3.**

49 Said chapter is further amended in Code Section 26-4-21, relating to eligibility requirements
 50 for board members, by revising subsection (c) as follows:

51 "(c) Appointees to the board shall immediately after their appointment take and subscribe
 52 to an oath or affirmation before a qualified officer that they will faithfully and impartially
 53 perform the duties of the office, which oath shall be filed with the ~~Secretary of State Office~~
 54 of the Governor, whereupon the ~~Secretary of State Office of the Governor~~ shall issue to
 55 each appointee a certificate of appointment."

56 **SECTION 4.**

57 Said chapter is further amended in Code Section 26-4-22, relating to the number and terms
 58 of members, appointment, and vacancies, by revising subsection (a) as follows:

59 "(a) The board shall consist of seven members possessing the qualification specified in
 60 subsection (a) of Code Section 26-4-21 and one additional member possessing the
 61 qualifications specified in subsection (b) of Code Section 26-4-21 who shall be appointed
 62 by the Governor, and confirmed by the Senate, for a term of five years or until their
 63 successors are appointed and qualified. Pharmacist members shall represent a diversity of
 64 practice settings and geographic dispersion of practitioners across ~~the~~ this state."

65 **SECTION 5.**

66 Said chapter is further amended by revising Code Section 26-4-23, relating to removal of
 67 board members, as follows:

68 "26-4-23.

69 Any member who has failed to attend three consecutive regular monthly meetings of the
 70 board for any reason other than illness of such member shall be subject to removal by the
 71 Governor upon request of the board. The president of the board shall notify the Governor
 72 in writing when any such member has failed to attend three consecutive regular monthly
 73 meetings. Any member of the board may be removed by the Governor in the same manner
 74 as provided in Code Section 43-1-17."

75 **SECTION 6.**

76 Said chapter is further amended by revising Code Section 26-4-24, relating to meetings and
 77 organization, appeals, and serving of notices and legal process, as follows:

78 "26-4-24.

79 The board shall meet at least annually to organize and elect a president and a ~~vice-president~~
 80 vice president from its members. ~~The division director shall be the secretary of the board~~
 81 ~~and shall have all the power, duties, and authority with reference to such board as shall be~~
 82 ~~prescribed by Chapter 1 of Title 43 and shall perform such other duties as may be~~
 83 ~~prescribed by the board.~~ The vice president shall serve as the cognizant member of the
 84 board. All appeals from the decision of the board, all documents or applications required
 85 by law to be filed with the board, and any notice or legal process to be served upon the
 86 board may be filed with or served upon the ~~division director~~ executive director at his or her
 87 office in the county of domicile of the ~~professional licensing boards division~~ board."

88 **SECTION 7.**

89 Said chapter is further amended by revising Code Section 26-4-25, relating to compensation
 90 of board members, as follows:

91 "26-4-25.
 92 Each member of the board ~~shall be reimbursed as provided for in subsection (f) of Code~~
 93 ~~Section 43-1-2~~ may receive the expense allowance as provided by subsection (b) of Code
 94 Section 45-7-21 and the same mileage allowance for the use of a personal car as that
 95 received by other state officials and employees or a travel allowance of actual
 96 transportation costs if traveling by public carrier within this state. Each board member
 97 shall also be reimbursed for any conference or meeting registration fee incurred in the
 98 performance of his or her duties as a board member. For each day's service outside of this
 99 state as a board member, such member shall receive actual expenses as an expense
 100 allowance as well as the mileage allowance for the use of a personal car equal to that
 101 received by other state officials and employees or a travel allowance of actual
 102 transportation costs if traveling by public carrier or by rental motor vehicle. Expense
 103 vouchers submitted by board members shall be subject to approval of the president and
 104 executive director. Out-of-state travel by board members shall be approved by the board
 105 president and the executive director."

106 **SECTION 8.**

107 Said chapter is further amended by revising Code Section 26-4-26, relating to meetings,
 108 notice, quorum, and open meetings, as follows:

109 "26-4-26.

110 (a) ~~The~~ To transact its business, the board shall meet on a regular basis to transact its
 111 business hold regular meetings at least once each month unless, in the discretion of the
 112 president, it is deemed unnecessary for a particular month. The board shall meet at such
 113 additional times as it may determine. Such additional meetings may be called by the
 114 president of the board or by at least two-thirds of the members of the board.

115 (b) Notice of all meetings of the board shall be given in the manner and pursuant to
 116 requirements prescribed by Chapter 14 of Title 50 relating to open meetings.

117 (c) A majority of the members of the board shall constitute a quorum for the conduct of
 118 a board meeting and, except where a greater number is required by this chapter or by any
 119 rule of the board, all actions of the board shall be by a majority of a quorum.

120 (d) Meetings and hearings of the board shall be held at the site of the office of the board
 121 or at such other site as may be specified by the president of the board.

122 ~~(d)~~(e) All board meetings and hearings shall be open to the public. The board may, in its
 123 discretion and according to law, conduct any portion of its meeting in executive session
 124 closed to the public.

125 (f) Proceedings before the board wherein a licensee's or permit holder's right to practice
 126 pursuant to this chapter in this state is terminated, suspended, or limited or wherein a public

127 reprimand is administered shall require prior notice to the licensee and an opportunity for
 128 hearing; and such proceedings shall be considered contested cases within the meaning of
 129 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Neither refusal of a
 130 license or permit nor a private reprimand nor a letter of concern shall be considered a
 131 contested case within the meaning of Chapter 13 of Title 50, and notice and hearing within
 132 the meaning of such chapter shall not be required; provided, however, that the applicant
 133 shall be allowed to appear before the board, if the applicant so requests, prior to the board
 134 making a final decision regarding the issuance of the license or permit. The power to
 135 subpoena as set forth in Chapter 13 of Title 50 shall include the power to subpoena any
 136 book, writing, paper, or document. If any licensee or permit holder fails to appear at any
 137 hearing after reasonable notice, the board may proceed to hear the evidence against such
 138 licensee or permit holder and take action as if such licensee or permit holder had been
 139 present."

140

SECTION 9.

141 Said chapter is further amended in Code Section 26-4-28, relating to the powers, duties, and
 142 authority of the State Board of Pharmacy, by revising paragraphs (20) and (21) of subsection
 143 (a), by adding new paragraphs to subsection (a), and by revising subsection (b) as follows:

144 "(6.1) The registration of any pharmacy located in another state which ships, mails,
 145 distributes, or delivers in any manner legend drugs or devices pursuant to a prescription
 146 into this state by issuing a nonresident pharmacy permit subject to rules and regulations
 147 promulgated by the board;"

148 "(20) The requiring of background checks, including, but not limited to, criminal history
 149 record checks, on any persons or firms applying for licensure or registration pursuant to
 150 this chapter; ~~and~~

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

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

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

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

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

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

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

183 (F) The board may deny, revoke, limit, suspend, probate, or fail to renew the
184 accreditation or specialty certification of a pharmacy, pharmacist, or both for cause as
185 set forth in Code Section 26-4-60 or for a violation of Chapter 13 of Title 16 or if the
186 board determines that a pharmacy, pharmacist, or both; no longer meet the accreditation
187 or certification requirements of the board. Before such action, the board shall serve
188 upon the pharmacist in charge of a pharmacy or pharmacist an order to show cause why
189 accreditation or certification should not be denied, revoked, limited, suspended, or
190 probated or why the renewal should not be refused. The order to show cause shall
191 contain a statement for the basis therefor and shall call upon the pharmacist in charge
192 of a pharmacy, the pharmacist, or both; to appear before the board at a time and place
193 not more than 60 days after the date of the service of the order;

194 (22) To adopt a seal by which the board shall authenticate the acts of the board;

195 (23) To keep a docket of public proceedings, actions, and filings;

196 (24) To set its office hours;

197 (25) To require licensees and permit holders to report a change of business address or
198 personal address within ten days of the change in either address;

199 (26) To adopt necessary rules concerning proceedings, hearings, review hearings,
200 actions, filings, depositions, and motions related to uncontested cases;

201 (27) To authorize the Georgia Drugs and Narcotics Agency to conduct inspections and
202 initiate investigations on its behalf for the purpose of discovering violations of this
203 chapter, Chapter 3 of this title, and Chapter 13 of Title 16. When conducting
204 investigations and inspections on behalf of the board, the Georgia Drugs and Narcotics
205 Agency shall have the same access to and may examine any writing, document, or other
206 material relating to any licensee, registrant, permittee, or applicant as the board. The
207 executive director may issue subpoenas to compel access to any writing, document, or
208 other material upon a determination that reasonable grounds exist for the belief that a
209 violation of this chapter, Chapter 3 of this title, Chapter 13 of Title 16, or any other law
210 relating to the practice of pharmacy may have taken place. The results of all
211 investigations and inspections initiated by the Georgia Drugs and Narcotics Agency
212 which relate to an individual licensed or permitted by the board shall be reported by the
213 Georgia Drugs and Narcotics Agency to the board, and the records of such investigations
214 shall be kept for the board by the director of the Georgia Drugs and Narcotics Agency,
215 and the board shall retain the right to have access to such records at any time. No
216 information regarding a past or pending investigation or disciplinary sanction against an
217 applicant for licensure by the board or a registrant of the board, notwithstanding the
218 provisions of subsection (h) of Code Section 43-1-19 or any other law to the contrary
219 regarding the confidentiality of that information, shall be released, except to the board,
220 for any purpose other than a hearing before the board, nor shall such records be subject
221 to subpoena; provided, however, that the executive director, or the Georgia Drugs and
222 Narcotics Agency, on behalf of the board, shall be authorized to release such records to
223 another enforcement agency or lawful licensing authority. Nothing in this chapter shall
224 be construed to prohibit or limit the authority of the executive director or the director of
225 the Georgia Drugs and Narcotics Agency to disclose to any person or entity information
226 concerning the existence of any investigation for unlicensed practice being conducted
227 against any person who is neither licensed nor an applicant for licensure by the board;

228 (28) To administer oaths, subpoena witnesses and documentary evidence, including
229 medical records, and take testimony in all matters relating to its duties;

230 (29) To conduct hearings, reviews, and other proceedings according to Chapter 13 of
231 Title 50;

232 (30) To have the cognizant member of the board conduct investigative interviews in
233 conjunction with the Georgia Drugs and Narcotics Agency and thereafter to report his or
234 her findings, with recommendations, to the board. In order to obtain a nonprejudicial
235 decision, such report and recommendations shall not disclose the identity of the subject

236 of the investigation. The cognizant member shall not vote on matters which he or she has
 237 presented to the board as the cognizant member;

238 (31) To issue cease and desist orders to stop the unlicensed practice of pharmacy or
 239 other professions licensed, certified, or permitted under this chapter and impose penalties
 240 for such violations;

241 (32) To request injunctive relief or refer cases for criminal prosecution to appropriate
 242 enforcement authorities;

243 (33) To release investigative or applicant files to another enforcement agency or lawful
 244 licensing authority in another state;

245 (34) To sue and be sued in a court of competent jurisdiction;

246 (35) To enter into contracts;

247 (36) To assess fines for violations of this chapter or board rules; and

248 (37) To set all reasonable fees by adoption of a schedule of fees approved by the board.

249 The board shall set such fees sufficient to cover costs of operation.

250 (b) Proceedings by the board in the exercise of its authority to cancel, suspend, or revoke
 251 any license issued under the terms of this chapter shall be conducted in accordance with
 252 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' In all such proceedings,
 253 the board shall have authority to compel the attendance of witnesses and the production of
 254 any book, writing, or document upon the issuance of a subpoena therefor signed by the
 255 secretary of the board. In any hearing in which the fitness of a licensee or applicant to
 256 practice pharmacy or another business or profession licensed by the board under this
 257 chapter is in question, the board may exclude all persons from its deliberation of the
 258 appropriate action to be taken and may, when it deems it necessary, speak to a licensee or
 259 applicant and his or her legal counsel in private."

260 **SECTION 10.**

261 Said chapter is further amended by adding new Code sections to read as follows:

262 "26-4-28.1.

263 (a) The executive director:

264 (1) Shall be a full-time employee of the board and shall serve as the chief executive
 265 officer and secretary of the board. Any person, in order to qualify for appointment as the
 266 executive director, shall be of good moral character and shall possess such qualifications
 267 as the board may require. The executive director shall have, with respect to the board,
 268 the same powers, duties, and functions granted to the division director with respect to
 269 professional licensing boards under Chapter 1 of Title 43 but shall not be subject to any
 270 approval or other powers exercised by the Secretary of State;

271 (2) With the approval of the board, may employ or contract with and fix the
 272 compensation of administrative assistants, secretaries, and any other such staff as deemed
 273 necessary to assist in the duties of the board. The director of the Georgia Drugs and
 274 Narcotics Agency shall serve as the assistant executive director, who shall act on behalf
 275 of the executive director in his or her absence. The executive director and other board
 276 staff shall be allowed reimbursement for travel and other expenses necessarily incurred
 277 in the performance of their duties in the same manner as other state officers and
 278 employees, and shall receive payment of the same in the manner provided for the board;

279 (3) Shall take an oath to discharge faithfully the duties of the office; and

280 (4) Shall be charged with the duties and powers as prescribed by the board.

281 (b) The executive director shall prepare and maintain a public roster containing the names
 282 and business addresses of all current licensees, registration holders, and permit holders for
 283 each of the various registrants regulated by the Georgia Composite Medical Board. A copy
 284 of the roster shall be available to any person upon request at a fee prescribed by the board
 285 sufficient to cover the cost of printing and distribution. The following shall be treated as
 286 confidential, not subject to Article 4 of Chapter 18 of Title 50, relating to open records, and
 287 shall not be disclosed without the approval of the board:

288 (1) Applications and other personal information submitted by applicants, except to the
 289 applicant, the staff, and the board;

290 (2) Information, favorable or unfavorable, submitted by a reference source concerning
 291 an applicant, except to the staff and the board;

292 (3) Examination questions and other examination materials, except to the staff and the
 293 board; and

294 (4) The deliberations of the board with respect to an application, an examination, a
 295 complaint, an investigation, or a disciplinary proceeding, except as may be contained in
 296 official board minutes; provided, however, that such deliberations may be released only
 297 to another state or federal enforcement agency or lawful licensing authority. Releasing
 298 the documents pursuant to this paragraph shall not subject any otherwise privileged
 299 documents to the provisions of Code Section 50-18-70.

300 26-4-28.2.

301 Any licensee, registration holder, or permit holder who is convicted under the laws of this
 302 state, the United States, or any other state, territory, or country of a felony as defined in
 303 paragraph (5) of Code Section 16-1-3 shall be required to notify the board of the conviction
 304 within ten days of the conviction. The failure to notify the board of a conviction shall be
 305 considered grounds for revocation of his or her license, registration, permit, or other

306 authorization to engage in the practice of pharmacy or another profession regulated under
 307 this chapter."

308 **SECTION 11.**

309 Said chapter is further amended by revising Code Section 26-4-29, relating to the Georgia
 310 Drugs and Narcotics Agency, continuance, appointment, requirements, and duties of director,
 311 power to make arrests, report of violations of drug law, and dangerous drug list, as follows:
 312 "26-4-29.

313 (a) The agency created in 1908 as the Office of the Chief Drug Inspector and known as the
 314 Georgia Drugs and Narcotics Agency since 1976 is continued in existence as the Georgia
 315 Drugs and Narcotics Agency. This agency shall be a budget unit as defined under Code
 316 Section 45-12-71; provided, however, that the agency shall be assigned for administrative
 317 purposes only, as defined in Code Section 50-4-3, to the office of the ~~Secretary of State~~
 318 Department of Community Health, except that such department shall prepare and submit
 319 the budget for the Georgia Drugs and Narcotics Agency. The Georgia Drugs and Narcotics
 320 Agency is authorized by this Code section to enforce the drug laws of this state. The board
 321 shall appoint a director who shall be charged with supervision and control of such agency.
 322 The Georgia Drugs and Narcotics Agency agency shall employ the number of personnel
 323 deemed necessary to properly protect the health, safety, and welfare of the citizens of this
 324 state. Such personnel shall be pharmacists registered in this state when employed as either
 325 special agents or the deputy director.

326 (b) The director shall hold office at the pleasure of the board, and should any vacancy
 327 occur in said office for any cause whatsoever, said board shall appoint a successor at a
 328 regular or called meeting. The director shall be a pharmacist registered in this state. The
 329 director shall serve as the assistant executive director for the board and act on behalf of the
 330 executive director during his or her absence. The salary of the director shall be fixed by
 331 the board. The whole time of the director shall be at the disposal of the board. The
 332 director, or Georgia Drugs and Narcotics Agency agency personnel acting on behalf of the
 333 director, shall have the duty and the power to:

- 334 (1) Visit and inspect factories, warehouses, wholesaling establishments, retailing
 335 establishments, chemical laboratories, and such other establishments in which any drugs,
 336 devices, cosmetics, and such articles known as family remedies, grocer's drugs, and toilet
 337 articles are manufactured, processed, packaged, sold at wholesale, sold at retail, or
 338 otherwise held for introduction into commerce;
- 339 (2) Enter and inspect any vehicle used to transport or hold any drugs, devices, cosmetics,
 340 or any of the articles listed in paragraph (1) of this subsection;

- 341 (3) Investigate alleged violations of laws and regulations regarding drugs, devices,
 342 cosmetics, or any of the articles listed in paragraph (1) of this subsection;
- 343 (4) Take up samples of the articles listed in paragraph (1) of this subsection from any of
 344 the said establishments for examination and analysis by the state chemist, or under such
 345 person's direction and supervision, as provided by Code Section 26-4-131;
- 346 (5) Seize and take possession of all articles which are declared to be contraband under
 347 Chapter 13 of Title 16 and Chapter 3 of this title and this chapter and deliver such articles
 348 to the agency;
- 349 (6) Compel the attendance of witnesses and the production of evidence on behalf of the
 350 board via a subpoena issued by the director, when there is reason to believe any violations
 351 of laws or regulations concerning drugs, devices, cosmetics, or any of the articles listed
 352 in paragraph (1) of this subsection have occurred; and
- 353 (7) Perform such other duties as may be directed by the board.
- 354 (c)(1) The director, deputy director, and special agents of the Georgia Drugs and
 355 Narcotics Agency shall have the authority and power that sheriffs possess to make arrests
 356 of any persons violating or charged with violating Chapter 13 of Title 16 and Chapter 3
 357 of this title and this chapter. The deputy director and special agents shall be required to
 358 be P.O.S.T. certified peace officers under Chapter 8 of Title 35, the 'Georgia Peace
 359 Officer Standards and Training Act.'
- 360 (2) In case of such arrest, the director, deputy director, or any of the special agents shall
 361 immediately deliver the person so arrested to the custody of the sheriff of the county
 362 wherein the offense is alleged to have been committed. The duty of the sheriff in regard
 363 to the person delivered to the sheriff by any such person arrested under power of this
 364 Code section shall be the same as if the sheriff had made the original arrest.
- 365 ~~(c.1)~~(d) When the deputy director or a special agent employed by the Georgia Drugs and
 366 Narcotics Agency leaves the agency under honorable conditions after accumulating 25
 367 years of service in the agency, as a result of a disability arising in the line of duty, or
 368 pursuant to approval by the State Board of Pharmacy, such director or agent shall be
 369 entitled to retain his or her weapon and badge pursuant to approval by the State Board of
 370 Pharmacy, and, upon leaving the agency, the director of the Georgia Drugs and Narcotics
 371 Agency shall retain his or her weapon and badge pursuant to approval by the State Board
 372 of Pharmacy.
- 373 (e) The agency may employ personnel who are not special agents to conduct and assist
 374 with inspections.
- 375 ~~(d)~~(f) Except as otherwise provided in this chapter, upon receiving a summary report from
 376 agency personnel, the director shall report to the board what have been determined to be

377 violations of the drug laws and rules over which the board has authority. After such reports
378 have been made to the board, the board can instruct the director to:

379 (1) Cite any such person or establishment to appear before the cognizant member of the
380 board for an investigative interview;

381 (2) Forward such reports to the Attorney General's office for action decided on by the
382 board; or

383 (3) Take whatever other action the board deems necessary.

384 (g) The Georgia Drugs and Narcotics Agency may contract with and submit invoices for
385 payment of services rendered to other professional licensing boards for the purposes of
386 conducting investigations on their behalf and under the authority of such other professional
387 licensing boards. Such investigations and subsequent reports and summaries shall be
388 subject to the same confidentiality restrictions and disclosure as required for investigations
389 and reports for the requesting professional licensing board.

390 ~~(e)~~(h) The Georgia Drugs and Narcotics Agency shall compile and submit to the General
391 Assembly during each annual legislative session a list of known dangerous drugs as defined
392 in subsection (a) of Code Section 16-13-71 and any other drugs or devices which the board
393 has determined may be dangerous or detrimental to the public health and safety and should
394 require a prescription, and the Georgia Drugs and Narcotics Agency shall assist the State
395 Board of Pharmacy during each annual legislative session by compiling and submitting a
396 list of substances to add to or reschedule substances enumerated in the schedules in Code
397 Sections 16-13-25 through 16-13-29 by using the guidelines set forth in Code Section
398 16-13-22.

399 ~~(f)~~(i) The State Board of Pharmacy is authorized and directed to publish in print or
400 electronically and distribute the 'Dangerous Drug List' as prepared by the Georgia Drugs
401 and Narcotics Agency and the 'Georgia Controlled Substances Act' as enacted by law.

402 ~~(2)~~(j) The Georgia State Board of Pharmacy shall provide for a fee as deemed reasonable,
403 or at no cost, such number of copies of the 'Dangerous Drug List' and 'Georgia Controlled
404 Substances Act' to law enforcement officials, school officials, parents, and other interested
405 citizens as are required."

406 SECTION 12.

407 Said chapter is further amended by revising Code Section 26-4-43, relating to temporary
408 licenses, as follows:

409 "26-4-43.

410 A temporary license may be issued by the ~~division director~~ executive director upon the
411 approval of the president of the board if an applicant produces satisfactory evidence of
412 fulfilling the requirements for licensure under this article, except the examination

413 requirement, and evidence of an emergency situation justifying such temporary license.
 414 All temporary licenses shall expire at the end of the month during which the first board
 415 meeting is conducted following the issuance of such license and may not be reissued or
 416 renewed."

417 **SECTION 13.**

418 Said chapter is further amended in Code Section 26-4-44, relating to renewal of licenses, by
 419 revising subsection (a) as follows:

420 "(a) Each pharmacist shall apply for renewal of his or her license biennially pursuant to the
 421 rules and regulations promulgated by the board. A pharmacist who desires to continue in
 422 the practice of pharmacy in this state shall file with the board an application in such form
 423 and containing such data as the board may require for renewal of the license. Notice of any
 424 change of employment or change of business address shall be filed with the ~~division~~
 425 ~~director~~ executive director within ten days after such change. If the board finds that the
 426 applicant has been licensed and that such license has not been revoked or placed under
 427 suspension and that the applicant has paid the renewal fee, has continued his or her
 428 pharmacy education in accordance with Code Section 26-4-45 and the rules and regulations
 429 of the board, and is entitled to continue in the practice of pharmacy, then the board shall
 430 issue a license to the applicant."

431 **SECTION 14.**

432 Said chapter is further amended by revising Code Section 26-4-45, relating to continuing
 433 professional pharmaceutical education requirements, as follows:

434 "26-4-45.

435 The board shall establish a program of continuing professional pharmaceutical education
 436 for the renewal of pharmacist licenses. Notwithstanding any other provision of this
 437 chapter, no pharmacist license shall be renewed by the board or the ~~division~~~~director~~
 438 executive director until the pharmacist submits to the board satisfactory proof of his or her
 439 participation, during the biennium preceding his or her application for renewal, in a
 440 minimum of 30 hours of approved programs of continuing professional pharmacy
 441 education as defined in this Code section. Continuing professional pharmacy education
 442 shall consist of educational programs providing training pertinent to the practice of
 443 pharmacy and approved by the board under this Code section. The board shall approve
 444 educational programs for persons practicing pharmacy in this state on a reasonable
 445 nondiscriminatory fee basis and may contract with institutions of higher learning,
 446 professional organizations, or qualified individuals for the providing of approved programs.
 447 In addition to such programs, the board shall allow the continuing professional pharmacy

448 education requirement to be fulfilled by the completion of approved correspondence
 449 courses which provide the required hours of approved programs of continuing professional
 450 pharmaceutical education or to be fulfilled by a combination of approved correspondence
 451 courses and other approved educational programs. The board may, consistent with the
 452 requirements of this Code section, promulgate rules and regulations to implement and
 453 administer this Code section, including the establishment of a committee to prescribe
 454 standards, approve and contract for educational programs, and set the required minimum
 455 number of hours per year."

456 **SECTION 15.**

457 Said chapter is further amended in Code Section 26-4-49, relating to drug researcher permits;
 458 application for registration, fees, suspension or revocation, and penalty for violations, by
 459 revising subsection (b) as follows:

460 "(b) The board may require that the application for registration as a drug researcher be
 461 accompanied by a fee in an amount established under rules promulgated by the board, and
 462 the board may establish conditions for exemptions from such fees. Such registration shall
 463 not be transferable and shall expire on the expiration date established by the ~~division~~
 464 ~~director~~ executive director and may be renewed pursuant to rules and regulations
 465 promulgated by the board. If not renewed, the registration shall lapse and become null and
 466 void."

467 **SECTION 16.**

468 Said chapter is further amended by revising Code Section 26-4-60, relating to grounds for
 469 suspension, revocation, or refusal to grant licenses, as follows:

470 "26-4-60.

471 (a) The board of pharmacy may refuse to issue or renew, or may suspend, revoke, or
 472 restrict the licenses of, or fine any person pursuant to the procedures set forth in this Code
 473 section, upon one or more of the following grounds:

474 (1) ~~Unprofessional conduct as that term is defined by the rules of the board~~ Engaging in
 475 any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice
 476 harmful to the public, which conduct or practice materially affects the fitness of the
 477 licensee or applicant to practice pharmacy or another business or profession licensed
 478 under this chapter, or of a nature likely to jeopardize the interest of the public, which
 479 conduct or practice need not have resulted in actual injury to any person or be directly
 480 related to the practice of pharmacy or another licensed business or profession but shows
 481 that the licensee or applicant has committed any act or omission which is indicative of
 482 bad moral character or untrustworthiness; unprofessional conduct shall also include any

483 departure from, or the failure to conform to, the minimal reasonable standards of
 484 acceptable and prevailing practices of the business or profession licensed under this
 485 chapter;

486 (2) Incapacity that prevents a licensee from engaging in the practice of pharmacy or
 487 another business or profession licensed under this chapter with reasonable skill,
 488 competence, and safety to the public;

489 (3) ~~Being guilty of one or more of the following:~~

490 (A) ~~A~~ Convicted of a felony;

491 (B) ~~Any act~~ Convicted of any crime involving moral turpitude in this state or any other
 492 state, territory, or country or in the courts of the United States; or

493 (C) ~~Violations~~ Convicted or guilty of violations of the pharmacy or drug laws of this
 494 state, or rules and regulations pertaining thereto, or of laws, rules, and regulations of
 495 any other state, or of the federal government;

496 (4) ~~Misrepresentation of a material fact by a licensee in securing the issuance or renewal~~
 497 ~~of a license~~ Knowingly making misleading, deceptive, untrue, or fraudulent
 498 representations in the practice of a business or profession licensed under this chapter or
 499 on any document connected therewith; practicing fraud or deceit or intentionally making
 500 any false statement in obtaining a license to practice the licensed business or profession;
 501 or making a false statement or deceptive registration with the board;

502 (5) Engaging or aiding and abetting an individual to engage in the practice of pharmacy
 503 without a license falsely using the title of 'pharmacist' or 'pharmacy intern,' or falsely
 504 using the term 'pharmacy' in any manner;

505 (6) Failing to pay the costs assessed in a disciplinary hearing pursuant to subsection (c)
 506 of Code Section 26-4-28;

507 (7)(A) Becoming unfit or incompetent to practice pharmacy by reason of:

508 (i) Intemperance in the use of alcoholic beverages, narcotics, or habit-forming drugs
 509 or stimulants; or

510 (ii) Any abnormal physical or mental condition which threatens the safety of persons
 511 to whom such person may compound or dispense prescriptions, drugs, or devices or
 512 for whom he or she might manufacture, prepare, or package or supervise the
 513 manufacturing, preparation, or packaging of prescriptions, drugs, or devices.

514 (B) In enforcing this paragraph, the board may, upon reasonable grounds, require a
 515 licensee or applicant to submit to a mental or physical examination by licensed health
 516 care providers designated by the board. The results of such examination shall be
 517 admissible in any hearing before the board, notwithstanding any claim of privilege
 518 under a contrary rule of law or statute, including, but not limited to, Code Section
 519 24-9-21. Every person who shall accept the privilege of practicing pharmacy in this

520 state or who shall file an application for a license to practice pharmacy in this state shall
 521 be deemed to have given his or her consent to submit to such mental or physical
 522 examination and to have waived all objections to the admissibility of the results in any
 523 hearing before the board, upon the grounds that the same constitutes a privileged
 524 communication. If a licensee or applicant fails to submit to such an examination when
 525 properly directed to do so by the board, unless such failure was due to circumstances
 526 beyond his or her control, the board may enter a final order upon proper notice, hearing,
 527 and proof of such refusal. Any licensee or applicant who is prohibited from practicing
 528 pharmacy under this paragraph shall at reasonable intervals be afforded an opportunity
 529 to demonstrate to the board that he or she can resume or begin the practice of pharmacy
 530 with reasonable skill and safety to patients.

531 (C) For the purposes of this paragraph, the board may, upon reasonable grounds, obtain
 532 any and all records relating to the mental or physical condition of a licensee or
 533 applicant, including psychiatric records; and such records shall be admissible in any
 534 hearing before the board, notwithstanding any claim of privilege under a contrary rule
 535 of law or statute, including, but not limited to, Code Section 24-9-21. Every person
 536 who shall accept the privilege of practicing pharmacy in this state or who shall file an
 537 application for a license to practice pharmacy in this state shall be deemed to have
 538 given his or her consent to the board's obtaining any such records and to have waived
 539 all objections to the admissibility of such records in any hearing before the board, upon
 540 the grounds that the same constitutes a privileged communication.

541 (D) If any licensee or applicant could, in the absence of this paragraph, invoke a
 542 privilege to prevent the disclosure of the results of the examination provided for in
 543 subparagraph (B) of this paragraph or the records relating to the mental or physical
 544 condition of such licensee or applicant obtained pursuant to subparagraph (C) of this
 545 paragraph, all such information shall be received by the board in camera and shall not
 546 be disclosed to the public, nor shall any part of the record containing such information
 547 be used against any licensee or applicant in any other type of proceeding;

548 (8) ~~Being adjudicated to be mentally ill or insane~~ adjudged mentally incompetent by a
 549 court of competent jurisdiction within or outside this state; any such adjudication shall
 550 automatically suspend the license of any such person and shall prevent the reissuance or
 551 renewal of any license so suspended for as long as the adjudication of incompetence is
 552 in effect;

553 (9) Violating any rules and regulations promulgated by the board;

554 (10) Promoting to the public in any manner a drug which may be dispensed only
 555 pursuant to prescription;

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

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

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

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

567 (iii) Due to the prescription drug's high monetary cost, short shelf life, special
568 manufacturer specified packaging and shipping requirements or instructions which
569 require temperature sensitive storage and handling, limited availability or distribution,
570 or other factors, the drugs are not carried in the regular inventories of retail
571 pharmacies such that the drugs could be immediately dispensed to multiple retail
572 walk-in patients;

573 (iv) Such prescription drug has an annual retail value to the patient of more than
574 \$10,000.00;

575 (v) The patient receiving the prescription drug consents to the delivery of the
576 prescription drug via expedited overnight common carrier and designates the specialty
577 pharmacy to receive the prescription drug on his or her behalf;

578 (vi) The specialty pharmacy utilizes, as appropriate and in accordance with standards
579 of the manufacturer, United States Pharmacopeia, and Federal Drug Administration
580 and other standards adopted by the State Board of Pharmacy, temperature tags, time
581 temperature strips, insulated packaging, or a combination of these; and

582 (vii) The specialty pharmacy establishes and notifies the enrollee of its policies and
583 procedures to address instances in which medications do not arrive in a timely manner
584 or in which they have been compromised during shipment and to assure that the
585 pharmacy replaces or makes provisions to replace such drugs; or

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

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

602 (ii) In accordance with clinical and professional standards, the State Board of
603 Pharmacy shall promulgate a list of medications which may not be delivered by the
604 mails or other common carriers. However, until such list is promulgated, the group
605 model health maintenance organization shall not deliver by use of the mails or other
606 common carriers Class II controlled substance medications, medications which
607 require refrigeration, chemotherapy medications deemed by the federal
608 Environmental Protection Agency as dangerous, medications in suppository form, and
609 other medications which, in the professional opinion of the dispensing pharmacist,
610 may be clinically compromised by distribution through the mail or other common
611 carriers;

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

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

620 For purposes of subparagraph (B) of this paragraph, the term 'group model health
621 maintenance organization' means a health maintenance organization that has an
622 exclusive contract with a medical group practice to provide or arrange for the provision
623 of substantially all physician services to enrollees in health benefits plans of the health
624 maintenance organization;

625 (12) Unless otherwise authorized by law, dispensing or causing to be dispensed a
626 different drug or brand of drug in place of the drug or brand of drug ordered or prescribed
627 without the prior authorization of the practitioner ordering or prescribing the same;

628 (13) Violating or attempting to violate a statute, law, or any lawfully promulgated rule
629 or regulation of this state, any other state, the board, the United States, or any other lawful
630 authority without regard to whether the violation is criminally punishable, which statute,
631 law, rule, or regulation relates to or in part regulates the practice of pharmacy or another
632 business or profession licensed under this chapter, when the licensee or applicant knows
633 or should know that such action ~~is violative of~~ violates such statute, law, or rule; or
634 violating either a public or confidential lawful order of the board previously entered by
635 the board in a disciplinary hearing, consent decree, or license reinstatement; ~~or~~

636 (14) Having his or her license to practice pharmacy or another business or profession
637 licensed under this chapter revoked, suspended, or annulled by any lawful licensing
638 authority of this or any other state, having disciplinary action taken against him or her by
639 any lawful licensing authority of this or any other state, or being denied a license or
640 renewal by any lawful licensing authority of this or any other state;

641 (15) Failure to demonstrate the qualifications or standards for a license contained in this
642 Code section or under the laws, rules, or regulations under which licensure is sought or
643 held; it shall be incumbent upon the applicant to demonstrate to the satisfaction of the
644 board that he or she meets all the requirements for the issuance of a license, and, if the
645 board is not satisfied as to the applicant's qualifications, it may deny a license without a
646 prior hearing; provided, however, that the applicant shall be allowed to appear before the
647 board if he or she so desires; or

648 (16) Knowingly performing any act which in any way aids, assists, procures, advises, or
649 encourages any unlicensed person or any licensee whose license has been suspended or
650 revoked by the board to practice pharmacy or another business or profession licensed
651 under this chapter or to practice outside the scope of any disciplinary limitation placed
652 upon the licensee by the board.

653 (b) The board shall have the power to suspend or revoke the license of the pharmacist in
654 charge when a complete and accurate record of all controlled substances on hand, received,
655 manufactured, sold, dispensed, or otherwise disposed of has not been kept by the pharmacy
656 in conformance with the record-keeping and inventory requirements of federal law and the
657 rules of the board.

658 (c) Any person whose license to practice pharmacy in this state has been suspended,
659 revoked, or restricted pursuant to this chapter, whether voluntarily or by action of the
660 board, shall have the right, at reasonable intervals, to petition the board for reinstatement
661 of such license pursuant to rules and regulations promulgated by the board. Such petition
662 shall be made in writing and in the form prescribed by the board. The board may, in its
663 discretion, grant or deny such petition, or it may modify its original finding to reflect any
664 circumstances which have changed sufficiently to warrant such modifications.

- 665 (d) Nothing in this Code section shall be construed as barring criminal prosecutions for
666 violations of this chapter.
- 667 (e) All final decisions by the board shall be subject to judicial review pursuant to Chapter
668 13 of Title 50, the 'Georgia Administrative Procedure Act.'
- 669 (f) Any individual or entity whose license to practice pharmacy is revoked, suspended, or
670 not renewed shall return his or her license to the offices of the board within ten days after
671 receipt of notice of such action.
- 672 (g) For purposes of this Code section, a conviction shall include a finding or verdict of
673 guilty; or a plea of guilty, or a plea of nolo contendere, or no contest in a criminal
674 proceeding, regardless of whether the adjudication of guilt or sentence is withheld or not
675 entered thereon.
- 676 (h) Nothing in this Code section shall be construed as barring or prohibiting pharmacists
677 from providing or distributing health or drug product information or materials to patients
678 which are intended to improve the health care of patients.
- 679 (i) The board shall have the power to suspend any license issued under Article 3 of this
680 chapter when such holder is not in compliance with a court order for child support as
681 provided in Code Section 19-6-28.1 or 19-11-9.3. The board shall also have the power to
682 deny the application for issuance or renewal of a license under Article 3 of this chapter
683 when such applicant is not in compliance with a court order for child support as provided
684 in either of such Code sections. The hearings and appeals procedures provided for in such
685 Code sections shall be the only such procedures required to suspend or deny any license
686 issued under Article 3 of this chapter.
- 687 (j) Nothing in this chapter shall prohibit any person from assisting any duly licensed
688 pharmacist or practitioner in the measuring of quantities of medication and the typing of
689 labels therefor, but excluding the dispensing, compounding, or mixing of drugs, provided
690 that such duly licensed pharmacist or practitioner shall be physically present in the
691 dispensing area and actually observing the actions of such person in doing such measuring
692 and typing, and provided, further, that no prescription shall be given to the person
693 requesting the same unless the contents and the label thereof shall have been verified by
694 a licensed pharmacist or practitioner.
- 695 (k) The board shall have the power to suspend any license issued under Article 3 of this
696 chapter when such holder is a borrower in default who is not in satisfactory repayment
697 status as provided in Code Section 20-3-295. The board shall also have the power to deny
698 the application for issuance or renewal of a license under Article 3 of this chapter when
699 such applicant is a borrower in default who is not in satisfactory repayment status as
700 provided in Code Section 20-3-295. The hearings and appeals procedures provided for in

701 Code Section 20-3-295 shall be the only such procedures required to suspend or deny any
702 license issued under Article 3 of this chapter.

703 (1)(1) The executive director is vested with the power and authority to make, or cause to
704 be made through employees or agents of the board or the Georgia Drugs and Narcotics
705 Agency, such investigations as he or she or the board may deem necessary or proper for
706 the enforcement of the provisions of this Code section and the laws relating to the
707 practice of pharmacy and other businesses and professions licensed by the board. Any
708 person properly conducting an investigation on behalf of the board shall have access to
709 and may examine any writing, document, or other material relating to the fitness of any
710 licensee or applicant. The executive director or his or her appointed representative may
711 issue subpoenas to compel access to any writing, document, or other material upon a
712 determination that reasonable grounds exist for the belief that a violation of this Code
713 section or any other law relating to the practice of pharmacy or other business or
714 profession subject to regulation or licensing by the board may have taken place.

715 (2) If a licensee is the subject of a board inquiry, all records relating to any person who
716 receives services rendered by that licensee in his or her capacity as licensee shall be
717 admissible at any hearing held to determine whether a violation of this chapter has taken
718 place, regardless of any statutory privilege; provided, however, that any documentary
719 evidence relating to a person who received those services shall be reviewed in camera and
720 shall not be disclosed to the public.

721 (m) A person, firm, corporation, association, authority, or other entity shall be immune
722 from civil and criminal liability for reporting or investigating the acts or omissions of a
723 licensee or applicant which violate the provisions of subsection (a) of this Code section or
724 any other provision of law relating to a licensee's or applicant's fitness to practice a
725 business or profession licensed under this chapter, or for initiating or conducting
726 proceedings against such licensee or applicant, if such report is made or action is taken in
727 good faith, without fraud or malice. Any person who testifies or who makes a
728 recommendation to the board in the nature of peer review, in good faith, without fraud or
729 malice, before the board in any proceeding involving the provisions of subsection (a) of
730 this Code section or any other law relating to a licensee's or applicant's fitness to practice
731 the business or profession licensed by the board shall be immune from civil and criminal
732 liability for so testifying.

733 (n) Neither the issuance of a private reprimand nor the denial of a license by reciprocity
734 nor the denial of a request for reinstatement of a revoked license nor the refusal to issue a
735 previously denied license shall be considered to be a contested case within the meaning of
736 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; notice and hearing
737 within the meaning of said chapter shall not be required, but the applicant or licensee shall

738 be allowed to appear before the board if he or she so requests. The board may resolve a
 739 pending action by the issuance of a letter of concern. Such letter shall not be considered
 740 a disciplinary action or a contested case under Chapter 13 of Title 50 and shall not be
 741 disclosed to any person except the licensee or applicant.

742 (o) If any licensee or applicant after reasonable notice fails to appear at any hearing of the
 743 board for that licensee or applicant, the board may proceed to hear the evidence against
 744 such licensee or applicant and take action as if such licensee or applicant had been present.
 745 A notice of hearing, initial or recommended decision, or final decision of the board in a
 746 disciplinary proceeding shall be served personally upon the licensee or applicant or served
 747 by certified mail or statutory overnight delivery, return receipt requested, to the last known
 748 address of record with the board. If such material is served by certified mail or statutory
 749 overnight delivery and is returned marked 'unclaimed' or 'refused' or is otherwise
 750 undeliverable and if the licensee or applicant cannot, after diligent effort, be located, the
 751 executive director, or his or her designee, shall be deemed to be the agent for service for
 752 such licensee or applicant for purposes of this Code section, and service upon the executive
 753 director, or his or her designee, shall be deemed to be service upon the licensee or
 754 applicant.

755 (p) The voluntary surrender of a license or the failure to renew a license by the end of an
 756 established penalty period shall have the same effect as a revocation of said license, subject
 757 to reinstatement in the discretion of the board. The board may restore and reissue a license
 758 to practice under this chapter and, as a condition thereof, may impose any disciplinary
 759 sanction provided by this Code section or the provisions of this chapter.

760 (q) This Code section shall apply equally to all licensees or applicants whether individuals,
 761 partners, or members of any other incorporated or unincorporated associations,
 762 corporations, limited liability companies, or other associations of any kind whatsoever."

763 **SECTION 17.**

764 Said chapter is further amended by revising subsection (a) of Code Section 26-4-115, relating
 765 to wholesale drug distributors, registration, fees, reports of excessive purchases, and penalty
 766 for violations, as follows:

767 "(a) All persons, firms, or corporations, whether located in this state or in any other state,
 768 engaged in the business of selling or distributing drugs at wholesale in this state, in the
 769 business of supplying drugs to manufacturers, compounders, and processors in this state,
 770 or in the business of a reverse drug distributor shall biennially register with the board as a
 771 drug wholesaler, distributor, reverse drug distributor, or supplier. The application for
 772 registration shall be made on a form to be prescribed and furnished by ~~said~~ the board and
 773 shall show each place of business of the applicant for registration, together with such other

774 information as may be required by the board. The application shall be accompanied by a
775 fee in an amount established by the board for each place of business registered by the
776 applicant. Such registration shall not be transferable and shall expire on the expiration date
777 established by the ~~division director~~ executive director. Registration shall be renewed
778 pursuant to the rules and regulations of the board, and a renewal fee prescribed by the
779 board shall be required. If not renewed, the registration shall lapse and become null and
780 void. Registrants shall be subject to such rules and regulations with respect to sanitation
781 or equipment as the board may, from time to time, adopt for the protection of the public
782 health and safety. Such registration may be suspended or revoked or the registrant may be
783 reprimanded, fined, or placed on probation by the board if the registrant fails to comply
784 with any law of this state, the United States, or any other state having to do with the control
785 of pharmacists, pharmacies, wholesale distribution, or reverse drug distribution of
786 controlled substances or dangerous drugs as defined in Chapter 13 of Title 16; if the
787 registrant fails to comply with any rule or regulation promulgated by the board; or if any
788 registration or license issued to the registrant under the federal act is suspended or
789 revoked."

790 **SECTION 18.**

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