

House Bill 213

By: Representative Stephens of the 164<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated,  
2 relating to the Georgia State Board of Pharmacy, so as to revise the powers, duties, and  
3 authority of the Georgia State Board of Pharmacy; to provide for related matters; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 2 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to the  
8 Georgia State Board of Pharmacy, is amended by revising paragraphs (19) and (20) of  
9 subsection (a) of Code Section 26-4-28, relating to the powers, duties, and authority of the  
10 Georgia State Board of Pharmacy, as follows:

11 "(19) Restricting the inspection or examination of records or access to any area licensed  
12 and under the control of any registrant, which has been issued a permit by the board, to  
13 members of the board, agents for the Georgia Drugs and Narcotics Agency, the United  
14 States Drug Enforcement Administration, the Georgia Department of ~~Medical Assistance~~  
15 Community Health, or other federal agencies or agencies of this state otherwise entitled  
16 to such inspections or examinations by law, subpoena, or court order. This paragraph  
17 specifically prohibits inspections, gathering of information, or examinations of board  
18 registrants or any requirement by third-party insurance companies, pharmacy benefit  
19 management companies, or other such companies which forces or requires board  
20 registrants to allow ~~inspection or examination~~, inspections, gathering of information, or  
21 examinations, or both any combination thereof, of their records by representatives for any  
22 nongovernment affiliated, private organization for any purpose since the access of any  
23 patient prescription or medical records and history is restricted by this chapter and access  
24 by such private organizations is unnecessary in that this access only duplicates existing  
25 record-keeping and inspection requirements already addressed and required by the laws  
26 and regulations of the board and other government organizations. This restriction shall

27 also prohibit a private, nongovernment affiliated organization from examining, requiring  
28 the copying of, or copying continuing education certificates maintained by individual  
29 registrants. Nothing in this paragraph shall prohibit the pharmacist in charge of a board  
30 licensed hospital, home health care pharmacy, or specialty pharmacy from voluntarily  
31 allowing appropriate agencies and organizations to inspect or examine the records and  
32 pharmacy area under the control of the pharmacist in charge provided such inspections  
33 or examinations are for the purposes of ensuring the quality of care provided to patients  
34 and approved in writing by the board. Only a pharmacist registered by this state and  
35 maintaining an active license in good standing and acting under the authority of the board  
36 is eligible to conduct accreditation inspections of pharmacies located within this state;  
37 (20) The requiring of background checks, including, but not limited to, criminal history  
38 record checks, and drug screens on any persons or firms applying for or holding licensure  
39 or registration pursuant to this chapter; and"

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**SECTION 2.**

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