

House Bill 280

By: Representatives Stephens of the 164th, Parrish of the 158th, Harden of the 148th, and Broadrick of the 4th

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), (20), and (21) 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

40 (21) Serving as the sole governmental or other authority which shall have the authority
41 to approve or recognize accreditation or certification programs for any specialty
42 pharmacy practice or to determine the acceptability of entities which may accredit
43 pharmacies or certify pharmacists in a specialty of pharmacy practice, and the board may
44 require such accreditation or certification as a prerequisite for specialty or advanced
45 pharmacy practice. Such accreditation and certification standards for specialties shall be
46 set forth in rules promulgated by the board with such rules to contain the required
47 qualifications or limitations. Any accreditation or certification for specialty pharmacy
48 practice approved or recognized by the board shall be deemed sufficient to meet any and
49 all standards, licensure, or requirements, or any combination thereof, otherwise set forth
50 by any private entity or other government agency to satisfy its stated goals and standards
51 for such accreditation or certification. Nothing in this paragraph shall prohibit private
52 entities, government agencies, professional organizations, or educational institutions from
53 submitting accreditation or certification programs for the review and potential approval
54 or recognition by the board. Accreditation and certification for specialty pharmacy
55 practice under this paragraph shall be subject to the following conditions:

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

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

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

62 (D) Any board approved or recognized accreditation for a specialty pharmacy practice
63 of a pharmacy is to be deemed sufficient and shall satisfy any standards or

64 qualifications required for payment of services rendered as set forth by any insurance
65 company, carrier, or similar third-party payor plan in any policy or contract issued,
66 issued for delivery, delivered, or renewed on or after July 1, ~~1999~~ 2013;

67 (E) Any board approved or recognized specialty certification issued to a pharmacist is
68 deemed sufficient and shall satisfy any standards or qualifications required for payment
69 of services rendered as set forth by any insurance company, carrier, or similar
70 third-party payor plan in any policy or contract issued, issued for delivery, delivered,
71 or renewed on or after July 1, ~~1999~~ 2013; and

72 (F) The board may deny, revoke, limit, suspend, probate, or fail to renew the
73 accreditation or specialty certification of a pharmacy, pharmacist, or both for cause as
74 set forth in Code Section 26-4-60 or for a violation of Chapter 13 of Title 16 or if the
75 board determines that a pharmacy, pharmacist, or both, no longer meet the accreditation
76 or certification requirements of the board. Before such action, the board shall serve
77 upon the pharmacist in charge of a pharmacy or pharmacist an order to show cause why
78 accreditation or certification should not be denied, revoked, limited, suspended, or
79 probated or why the renewal should not be refused. The order to show cause shall
80 contain a statement for the basis therefor and shall call upon the pharmacist in charge
81 of a pharmacy, the pharmacist, or both, to appear before the board at a time and place
82 not more than 60 days after the date of the service of the order."

83 **SECTION 2.**

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