

House Bill 569

By: Representatives Petrea of the 166th, Stephens of the 164th, Harbin of the 122nd, and Nix of the 69th

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 for the licensure of durable medical equipment
3 suppliers; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and
7 pharmacies, is amended in Code Section 26-4-5, relating to definitions, by adding a new
8 paragraph to read as follows:

9 "(14.05) 'Durable medical equipment' means equipment, including repair and
10 replacement parts for the same but not including mobility enhancing equipment, which:

11 (A) Can withstand repeated use;

12 (B) Is primarily and customarily used to serve a medical purpose;

13 (C) Generally is not useful to a person in the absence of illness or injury; and

14 (D) Is not worn in or on the body."

15 style="text-align:center">**SECTION 2.**

16 Said chapter is further amended in Code Section 26-4-28, relating to the powers, duties, and
17 authority of the Georgia State Board of Pharmacy, by adding a new paragraph to subsection
18 (a) to read as follows:

19 "(14.1) The issuance, suspension, denial, and renewal of licenses for suppliers of durable
20 medical equipment pursuant to Code Section 26-4-51;"

SECTION 3.

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Said chapter is further amended by adding a new Code section to read as follows:

"26-4-51.

(a) Any person who delivers disposable medical supplies or durable medical equipment for which a prescription is required and any person who accepts a physician order to provide disposable medical supplies or durable medical equipment shall possess a durable medical equipment supplier license issued by the board.

(b) The board shall issue a license to an applicant for licensure as a durable medical equipment supplier if the applicant:

(1) Completes the license application required by the board;

(2) Maintains a physical location in the State of Georgia, which location is accredited by an accrediting organization recognized by the federal Centers for Medicare and Medicaid Services; and

(3) Pays the license fee required by the board, which in no event shall exceed the license fee for a pharmacist license.

(c) Licenses issued pursuant to this Code section shall be effective for 24 months from the date of issuance and shall not be transferable or assignable.

(d) The board may deny, revoke, or suspend a license issued pursuant to this Code section upon a finding that the applicant or licensee:

(1) Made a material misrepresentation to the board; or

(2) Has violated any state or federal law or regulation that is related to the provision of health care services, including disposable medical supplies and durable medical equipment.

If a license is denied, revoked, or suspended pursuant to this subsection, the applicant or licensee may appeal the board's decision in the same manner as provided in Code Section 26-4-60.

(e) This Code section shall not apply to the sale of disposable medical supplies or durable medical equipment for which a prescription is required by:

(1) Licensed pharmacists or physicians who do not sell, lease, or rent home medical equipment;

(2) Suppliers of insulin infusion pumps and related supplies or services; or

(3) Persons who do not sell, lease, or rent home medical equipment and have an existing state license or permit to operate:

(A) A pharmacy;

(B) A skilled nursing facility;

(C) A hospital;

(D) An ambulatory surgical center;

- 58 (E) A health care facility owned or operated by the state or federal government;
59 (F) An assisted living facility that provides disposable medical supplies or durable
60 medical equipment only to its residents; or
61 (G) A manufacturer or wholesale distributor that provides disposable medical supplies
62 or durable medical equipment directly to consumers."

63 **SECTION 4.**

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