



**Drugs and Narcotics Agency
State of Georgia**

40 PRYOR STREET S.W. SUITE 2000
ATLANTA, GEORGIA 30303
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Frederick (Rick) Karsten, R.Ph.
Director

Attention Practitioner:

Recently there has been an increase in the number of physician's offices choosing to dispense prescription medication in a similar fashion to pharmacies. Georgia law specifically allows for this type of dispensing provided the practitioner adheres to the Georgia laws, rules, and regulations pertaining to dispensing. As a result, The Georgia Drugs and Narcotics Agency has compiled information from the laws, rules, and regulations concerning practitioner dispensing. This information is not all encompassing and is not intended to serve as legal advice. Practitioners are encouraged to become familiar with all the laws, rules, and regulations prior to dispensing prescription medications and to seek professional legal advice when appropriate.

Physician's offices choosing to dispense prescription medications must adhere to guidelines very similar to those set forth for pharmacies. Pursuant to Georgia laws and rules, these offices are also subject to inspection by the Georgia Drugs and Narcotics Agency.

If you would like to request an inspection or if we may be of assistance, please contact us.

Regards,

The Georgia Drugs and Narcotics Agency
(404)656-5100

Frequently Asked Questions for Dispensing Practitioners

THE FOLLOWING QUESTIONS PERTAIN TO PRACTITIONER DISPENSING (NOT ADMINISTERING).

May a physician dispense prescription medications from his/her office or clinic without a pharmacy permit?

Yes, a currently Georgia licensed physician may dispense prescription medications in accordance with Georgia Laws, Federal Regulations, and The Georgia Board of Pharmacy Board Rules. If controlled substances are being dispensed the physician must hold a valid DEA Registration number. No additional permits are required from the State of Georgia.

May a physician's assistant or nurse practitioner dispense prescription medications?

Yes. A licensed physician's assistant or nurse practitioner may dispense prescription medications. However, Georgia laws and rules do not allow professionals such as nursing staff and non-licensed personnel to dispense prescription medications without the practitioner being physically present and personally supervising the dispensing.

May a practitioner utilize a non-licensed individual as an assistant when preparing prescriptions?

The supervising physician is responsible for all prescriptions and actions of assistants. However, The Georgia Board of Pharmacy Board Rule 480-28-.08 allows dispensing practitioners to utilize assistants such as nursing staff and non-licensed personnel in a limited capacity.

A practitioner may not supervise more than one assistant. All prepared prescription medications must be personally verified by the practitioner before the medication is given to the patient. The assistant may perform duties such as data entry, count pills, pour liquids, and label bottles. However the assistant may not compound prescriptions or but may not dispense the medication to the patient without practitioner's physical presence and personal supervision.

May a dispensing practitioner use the word "pharmacy?"

No. According to O.C.G.A 26-4-110 only a licensed pharmacy may use "...drug store,' 'pharmacy,' 'apothecary,' or any combination of such titles or any title or designation of

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like import or other term to take the place of such title..." without written permission from the Georgia Board of Pharmacy.

A copy of some of the laws, rules, and regulations are provided below. As stated above, these are not all encompassing and are not intended to serve as legal advice.

**Georgia Pharmacy Practice Act
Official Code of Georgia Annotated
Title 26 Chapter 4**

Georgia Pharmacy Practice Act OCGA 26-4-40. (Law)

(a) Except as otherwise provided in this chapter, it shall be unlawful for any individual to engage in the practice of pharmacy unless currently licensed to practice under the provisions of this chapter.

(b) Practitioners authorized under the laws of this state to compound drugs and to dispense drugs to their patients in the practice of their respective professions shall not be required to be licensed under the provisions of this chapter; however, practitioners shall meet the same standards, record-keeping requirements, and all other requirements for the dispensing of drugs applicable to pharmacists.

(c) Any individual who, after hearing, shall be found by the board to have unlawfully engaged in the practice of pharmacy shall be subject to a fine to be imposed by the board for each offense. Each violation of this chapter pertaining to unlawfully engaging in the practice of pharmacy shall also constitute a felony punishable upon conviction thereof by a fine of not less than \$500.00 nor more than \$1,000.00 or by imprisonment for not less than two nor more than five years, or both.

Georgia Pharmacy Practice Act OCGA 26-4-89. (Law)

Any person who shall sell or dispense drugs by the use of vending machines shall be guilty of a misdemeanor.

Georgia Pharmacy Practice Act OCGA 26-4-110. (Law)

(g) It shall be unlawful for any person in connection with any place of business or in any manner to take, use, or exhibit the title 'drug store,' 'pharmacy,' 'apothecary,' or any combination of such titles or any title or designation of like import or other term to take the place of such title, unless such place of business is licensed as a pharmacy under the provisions of this chapter, has submitted a written request to the board and received a waiver from this subsection, or meets the provisions of any rule or regulation regarding use of such titles and promulgated by the board.

Georgia Pharmacy Practice Act OCGA 26-4-130. (Law)

(a) For purposes of this Code section, the term:

(1) 'Drugs' means drugs as defined in this chapter and controlled substances as defined in Article 2 of Chapter 13 of Title 16.

(2) 'Practitioner' or 'practitioner of the healing arts' means, notwithstanding Code Section 26-4-5, a person licensed as a dentist, physician, podiatrist, or veterinarian under Chapter 11, 34, 35, or 50, respectively, of Title 43.

(b) The other provisions of this chapter and Article 3 of Chapter 13 of Title 16 shall not apply to practitioners of the healing arts prescribing or compounding their own prescriptions and dispensing drugs except as provided in this Code section. Nor shall such provisions prohibit the administration of drugs by a practitioner of the healing arts or any person under the supervision of such practitioner or by the direction of such practitioner except as provided in this Code section. Any term used in this subsection and defined in Code Section 43-34-26.1 shall have the meaning provided for such term in Code Section 43-34-26.1. The other provisions of this chapter and Articles 2 and 3 of Chapter 13 of Title 16 shall not apply to persons authorized by Code Section 43-34-26.1 to order, dispense, or administer drugs when such persons order, dispense, or administer those drugs in conformity with Code Section 43-34-26.1. When a person dispenses drugs pursuant to the authority delegated to that person under the provisions of Code Section 43-34-26.1, with regard to the drugs so dispensed, that person shall comply with the requirements placed upon practitioners by subsections (c) and (d) of this Code section.

(c) All practitioners who dispense drugs shall comply with all record-keeping, labeling, packaging, and storage requirements imposed upon pharmacists and pharmacies with regard to such drugs pursuant to this chapter and Chapter 13 of Title 16.

(d) All practitioners who dispense drugs shall make all records required to be kept under subsection (c) of this Code section available for inspection by the board.

(e) Any practitioner who desires to dispense drugs shall notify, at the time of the renewal of that practitioner's license to practice, that practitioner's respective licensing board of that practitioner's intention to dispense drugs. That licensing board shall notify the board regarding each practitioner concerning whom that board has received a notification of intention to dispense drugs. The licensing board's notification shall include the following information:

(1) The name and address of the practitioner;

(2) The state professional license number of the practitioner;

(3) The practitioner's Drug Enforcement Administration license number; and

(4) The name and address of the office or facility from which such drugs shall be dispensed and the address where all records pertaining to such drugs shall be maintained.

(f) The board shall have the authority to promulgate rules and regulations governing the dispensing of drugs pursuant to this Code section.

(g) This Code section shall not apply to practitioners who provide to their patients at no cost manufacturer's samples of drugs.

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**Georgia Board of Pharmacy Board Rules
CHAPTER 480-28
PRACTITIONER DISPENSING OF DRUGS**

- 480-28-.01 Definitions**
- 480-28-.02 General Requirements**
- 480-28-.03 Notification of Intent to Dispense**
- 480-28-.04 Record-keeping and Filing**
- 480-28-.05 Labeling**
- 480-28-.06 Packaging**
- 480-28-.07 Storage**
- 480-28-.08 Practitioner's Assistants**
- 480-28-.09 Practitioner in Charge of Common Inventory**
- 480-28-.10 Loss or Theft of Controlled Substances**
- 480-28-.11 Inspection of Records**

480-28-.01 Definitions.

For purpose of these Rules and Regulations, the following definitions apply:

- (a) Drugs. Drugs shall mean drugs as defined in O.C.G.A. Section 26-4-5.
 - (b) Practitioner or Dispensing Practitioner. Practitioner or dispensing practitioner means a person licensed as a dentist, physician, podiatrist or veterinarian under Chapters 11, 34, 35 or 50, respectively of Title 43 of the Official Code of Georgia Annotated.
- Authority O.C.G.A. Secs. 26-4-4, 26-4-27, 26-4-28, 26-4-37, 26-4-130. **History.** Original Rule entitled

"Definitions" adopted. F. Sept. 15, 1987; eff. Oct. 15, 1987. **Repealed:** New Rule of same title adopted. F. July 24, 2002; eff. Aug. 13, 2002.

480-28-.02 General Requirements. Amended.

All practitioners who dispense drugs shall comply with all record-keeping, labeling, packaging, and storage requirements imposed upon pharmacists and pharmacies with regard to such drugs and those regulations contained in this Chapter.

(a) Nothing in this Rule is meant to prohibit veterinarians from meeting the prescription drug order record keeping requirements of this Chapter by utilizing a record keeping system in which a patient's prescription drug order is maintained in the patient's chart. However, nothing in such a system shall relieve a veterinarian from meeting the other requirements of this Chapter.

Authority O.C.G.A. Secs. 26-4-4, 26-4-27, 26-4-28, 26-4-37, 26-4-130. **History.** Original Rule entitled

"General Requirements" adopted. F. Sept. 15, 1987; eff. Oct. 15, 1987. **Repealed:** New Rule of same title adopted. F. July 24, 2002; eff. Aug. 13, 2002.

480-28-.03 Notification of Intent to Dispense. Amended.

(1) Any practitioner who intends for his/her agent to dispense drugs shall notify, at the time of the renewal of that practitioner's license to operate, that practitioner's respective licensing board of that practitioner's intention to dispense drugs. The licensing board shall notify the Georgia State Board of Pharmacy regarding each practitioner whom that Board has received a notification of intention to dispense drugs. The licensing board's notification shall include the following information:

(a) The name and address of the practitioner;

(b) The state professional license number of the practitioner;

(c) The practitioner's Drug Enforcement Administration license number; and

(d) The complete name and address of the office or facility from which drugs shall be dispensed and the complete address where all records pertaining to such drugs shall be maintained.

Authority O.C.G.A. Secs. 26-4-4, 26-4-27, 26-4-28, 26-4-130. **History.** Original Rule entitled "Notification of Intent to Dispense" adopted. F. Sept. 15, 1987; eff. Oct. 15, 1987. **Repealed:** New Rule of same title adopted. F. July 24, 2002; eff. Aug. 13, 2002.

480-28-.04 Record-keeping and Filing. Amended.

(1) Requirements of a prescription drug order. A practitioner shall write a prescription drug order for each drug dispensed. The prescription drug order shall contain the following information:

(a) The name and address of the person for whom the drug is prescribed;

(b) The name, quantity, and strength of such drug;

(c) The directions for taking or giving;

(d) The signature of the practitioner and the date the prescription was written; and

(e) For controlled substance drugs, the name, address, and Drug Enforcement Administration number of the dispensing practitioner.

(2) Documentation required for filling or refilling a prescription drug order. A practitioner who fills or refills a prescription drug order shall write on the prescription itself the date it was filled or refilled and the signature of the practitioner who fills or refills the prescription drug order.

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(3) Prescription drug orders dispensed by a practitioner cannot be transferred to another practitioner or pharmacist for subsequent filling.

(4) Retention of records. Prescription drug orders shall be maintained on file by a practitioner for a period of two years from the date the prescription is filled and shall be accessible for inspection by the Board and/or its agents from the Georgia Drugs and Narcotics Agency and its inspectors.

(5) Special requirements for record-keeping and filing of controlled substance prescription drug orders.

(a) Invoices. A record of all controlled substance drugs received and disposed of by a dispensing practitioner must be maintained. All invoices of Schedule II controlled substances must be kept or maintained in a separate file. All invoices for Schedule III, IV or V controlled substances must be kept in or maintained in a separate file, provided that these invoices may be filed with other invoices only if the letter "C" in red ink is stamped on each invoice of Schedule III, IV or V controlled substances so that such invoice shall be easily accessible and retrievable.

(b) Inventory. An inventory of all controlled substances must be maintained separately and taken biennially on May 1st, or two (2) years from the day of the last inventory, of every odd-numbered year.

(c) Files. A prescription drug order for a controlled substance must be filed in one of the following ways:

1. A practitioner can maintain three separate files; one for all Schedule II controlled substances dispensed, one for all Schedule III, IV and V controlled substances dispensed, and one for all dangerous drugs dispensed, or

2. A practitioner can maintain two files, one for Schedule II controlled substances dispensed and one for all other drugs dispensed. If this method is utilized, the prescriptions for Schedule III, IV and V controlled substances must be stamped with the letter "C" in red ink, not less than one inch high, in the lower right-hand corner, so that such records are easily accessible and retrievable, or

3. A practitioner can maintain two files; one for all controlled substance drugs dispensed and one for all dangerous drugs dispensed. If this method is utilized, the prescriptions for Schedule III, IV and V controlled substances must be stamped with the letter "C" in red ink, not less than one inch high, in the lower right-hand corner so that such records are easily accessible and retrievable.

Authority O.C.G.A. Secs. 16-13-34, 16-13-39, 26-4-4, 26-4-27, 26-4-28, 26-4-37, 26-4-130.

History.

Original Rule entitled "Record-keeping and Filing" adopted. F. Sept. 15, 1987; eff. Oct. 15, 1987.

Repealed: New Rule of same title adopted. F. July 24, 2002; eff. Aug. 13, 2002.

480-28-.05 Labeling.

All drugs dispensed by a practitioner must be labeled with the following information:

(a) Date and identifying serial number;

(b) Name of patient;

- (c) Name of practitioner prescribing;
- (d) Name, address and telephone number of the dispensing practitioner;
- (e) Name of drug and strength;
- (f) Directions for use to the patient;
- (g) The expiration date of the drug; and
- (h) Any other information required by the Drug Enforcement Administration or the Food and Drug Administration.

Authority O.C.G.A. Secs. 16-13-34, 26-3-8, 26-4-4, 26-4-28, 26-4-37, 26-4-130. **History.** Original Rule entitled "Labeling" adopted. F. Sept. 15, 1987; eff. Oct. 15, 1987. **Repealed:** New Rule of same title adopted. F. July 24, 2002; eff. Aug. 13, 2002.

480-28-.06 Packaging.

All drugs dispensed by a practitioner must be dispensed in containers which meet the requirements of the Food and Drug Administration and the Consumer Protection Agency, including the use of child-proof and moisture-proof containers.

Authority O.C.G.A. Secs. 16-13-34, 26-3-8, 26-3-16, 26-4-4, 26-4-27, 26-4-28, 26-4-37, 26-4-130.

History. Original Rule entitled "Packaging" adopted. F. Sept. 15, 1987; eff. Oct. 15, 1987.

Repealed: New Rule of same title adopted. F. July 24, 2002; eff. Aug. 13, 2002.

480-28-.07 Storage.

(1) All practitioners shall exercise diligent care in protecting controlled substance drugs and records possessed from loss or theft. Agents of the Board shall have the responsibility of offering to practitioners written recommendations concerning the satisfactory storage, keeping, handling, and security of such controlled substances and records. When not in actual use, all controlled substance drugs shall be maintained in a place which is secured.

(2) All drugs which bear, or are required to bear, upon the package, the words "Caution, Federal Law Prohibits Dispensing Without Prescription", or "RX only" or words of like import, shall be stored in a secured area by a practitioner possessing such drugs. All drugs shall be stored beyond the normal reach of small children.

(3) There shall be provided within each practitioner's office sufficient space for the neat and orderly storage of all drugs. In addition, there shall be clear floor space within such office to permit a practitioner and his/her assistant employed therein to adequately, safely, and accurately fulfill his/her duties related to prescriptions and drugs.

(4) There shall be provided within each dispensing practitioner's office adequate facilities for the proper storage of drugs which require refrigeration, and such drugs shall be stored therein in such manner as to preserve their therapeutic activity.

(5) No dispensing practitioner shall operate in any manner or dispense any drugs under unclean, unsanitary, overcrowded, or unhealthy conditions, or under any condition which endangers the health, safety, or welfare of the public.

(6) A practitioner shall cause to be removed from stock all outdated and deteriorated drugs, at regular intervals of not more than six months duration, and under no circumstances will any practitioner permit any drug to be dispensed which bears a date of expiration which has been reached, or which is in a deteriorated condition.

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Authority O.C.G.A. Secs. 16-13-34, 26-3-16, 26-4-4, 26-4-27, 26-4-28, 26-4-37, 26-4-87, 26-4-130.

History. Original Rule entitled "Storage" adopted. F. Sept. 15, 1987; eff. Oct. 15, 1987.

Repealed: New

Rule of same title adopted. F. July 24, 2002; eff. Aug. 13, 2002.

480-28-.08 Practitioner's Assistants.

Nothing in these rules shall prohibit any person from assisting any duly licensed practitioner in the measuring of quantities of medication and the typing of labels therefore, but excluding the dispensing, compounding, or mixing of drugs, provided that such practitioner shall be physically present and personally supervising the actions of such person in doing such measuring and typing, and provided, further, that no prescription shall be given to the person requesting the same unless the contents and the label thereof shall have been verified by a licensed practitioner. No practitioner shall be assisted by more than one such person at any one time.

Authority O.C.G.A. Secs. 26-4-4, 26-4-27, 26-4-28, 26-4-37, 26-4-60, 26-4-85, 26-4-130.

History.

Original Rule entitled "Practitioner's Assistants" adopted. F. Sept. 15, 1987; eff. Oct. 15, 1987.

Repealed:

New Rule of same title adopted. F. July 24, 2002; eff. Aug. 13, 2002.

480-28-.09 Practitioner in Charge of Common Inventory.

Whenever more than one practitioner dispenses drugs from a common inventory, one of the practitioners shall be designated "practitioner in charge" of said inventory. All practitioners in charge shall insure that a complete and accurate record of all controlled substances on hand, received, manufactured, sold, dispensed, or otherwise disposed of has been kept in accordance with the record-keeping requirements of federal law, state law, and the rules of the Board.

Authority O.C.G.A. Secs. 16-13-34, 26-4-4, 26-4-27, 26-4-28, 26-4-37, 26-4-60, 26-4-78, 26-4-130.

History. Original Rule entitled "Practitioner in Charge of Common Inventory" adopted. F. Sept. 15, 1987; eff. Oct. 15, 1987. **Repealed:** New Rule of same title adopted. F. July 24, 2002; eff. Aug. 13, 2002.

480-28-.10 Loss or Theft of Controlled Substances. Amended.

(1) A loss or theft of any controlled substance drugs must, within 48 hours of discovery, be reported to the Board, Drug Enforcement Administration and the GDNA. A written report on DEA Form 106 must be made regarding any theft or loss of any controlled substances. The original and one copy of the report must be sent to the Board, Drug Enforcement Administration and one copy must be sent to the GDNA (40 Pryor Street, #2000, Atlanta, GA 30303) within ten (10) days of the initial receipt of DEA Form 106. The report shall include the following information:

(a) Full name and address of practitioner;

- (b) The practitioner's DEA registration number;
- (c) The date of theft;
- (d) The type of theft;
- (e) A list of cost codes, or identification symbols on package(s) stolen; and
- (f) A list of controlled substances missing.

Authority O.C.G.A. Secs. 16-13-34, 26-4-4, 26-4-27, 26-4-28, 26-4-37, 26-4-112, 26-4-130.

History.

Original Rule entitled "Loss or Theft of Controlled Substances" adopted. F. Sept. 15, 1987; eff. Oct. 15,

1987. **Repealed:** New Rule of same title adopted. F. July 24, 2002; eff. Aug. 13, 2002.

480-28-.11 Inspection of Records. Amended.

The Board, GDNA and their representatives shall have the authority to conduct inspections or audits of all records of drugs received and/or disposed of by any practitioner. The Board or GDNA personnel shall have the authority to examine and copy all such records, and to examine and inventory all controlled substances. It shall be the responsibility of all practitioners possessing such drugs or records to make the same available for such inspection, copying, examination, or inventorying by said Board or GDNA representatives. Any practitioner possessing controlled substances or records may request that such an inspection be made, and upon receipt of such written request, the GDNA Director shall make, or cause to be made, without unreasonable delay, an inspection in compliance with said request.

- (a) Every dispensing practitioner shall ensure that all controlled substances and/or dangerous drugs are purchased from and returned to firms that have a current permit issued by the Georgia State Board of Pharmacy. The practitioner shall obtain and maintain a copy of each such firm's current Georgia State Board of Pharmacy permit which shall be made available during any GDNA inspection.

Authority O.C.G.A. Secs. 16-13-34, 26-4-4, 26-4-27 to 26-4-29, 26-4-50, 26-4-115, 26-4-130.

History.

Original Rule entitled "Inspection of Records" adopted. F. Sept. 15, 1987; eff. Oct. 15, 1987.

Repealed:

New Rule of same title adopted. F. July 24, 2002; eff. Aug. 13, 2002.

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**Georgia Medical Practice Act
Official Code of Georgia Annotated
Title 43 Chapter 34**

Georgia Medical Practice Act OCGA 43-34-26.1. (Law)

(a) As used in this Code section, the term:

(1) 'Administer' means to give a unit dose of any drug or to perform any medical treatment or diagnostic study.

(2) 'Controlled substance' means any controlled substance, as defined in Code Section 16-13-21, except any Schedule I controlled substance listed in Code Section 16-13-25.

(3) 'Dangerous drug' means any dangerous drug, as defined in Code Section 16-13-71, but does not include any controlled substance or Schedule I controlled substance.

(3.1) 'Dispense' means to issue one or more doses of any drug in a suitable container with appropriate labeling for subsequent administration to, or use by, a patient.

(4) 'Dispensing procedure' means a written document signed by a licensed pharmacist and a licensed physician which document establishes the appropriate manner under which drugs may be dispensed pursuant to this Code section.

(5) 'Drug' means any dangerous drug or controlled substance.

(5.1) 'Job description' means a document signed by a licensed physician and describing the duties which may be performed by a physician's assistant, by which document the physician delegates to that physician's assistant the authority to perform certain medical acts pursuant to subsection (b) of this Code section and which acts shall include, without being limited to, the administering and ordering of any drug.

(6) 'Nurse' means a person who is a registered professional nurse licensed as such under Article 1 of Chapter 26 of this title.

(7) 'Nurse protocol' means a written document mutually agreed upon and signed by a nurse and a licensed physician, by which document the physician delegates to that nurse the authority to perform certain medical acts pursuant to subsection (b) of this Code section, and which acts shall include, without being limited to, the administering and ordering of any drug.

(8) 'Order' means to select a drug, medical treatment, or diagnostic study through physician delegation in accordance with a nurse protocol or a physician's assistant's job description. Ordering under such delegation shall not be construed to be prescribing, which act can only be performed by the physician, nor shall ordering of a drug be construed to authorize the issuance of a written prescription.

(9) 'Physician's assistant' means a person licensed as a physician's assistant pursuant to Article 4 of this chapter, the 'Physician's Assistant Act.'

(b)(1) A physician may delegate to:

(A) A physician's assistant in accordance with a job description; or

(B) A nurse recognized by the Georgia Board of Nursing as a certified nurse midwife, certified registered nurse anesthetist, certified nurse practitioner, or clinical nurse specialist, psychiatric/mental health in accordance with a nurse protocol

the authority to order controlled substances selected from a formulary of such drugs established by the Composite State Board of Medical Examiners and the authority to order dangerous drugs, medical treatments, and diagnostic studies.

(2) A physician may delegate to a nurse or physician's assistant the authority to order dangerous drugs, medical treatments, or diagnostic studies and a nurse or physician's assistant is authorized to dispense dangerous drugs, in accordance with a dispensing procedure and under the authority of an order issued in conformity with a nurse protocol or job description, if that nurse or physician's assistant orders or dispenses those dangerous drugs, medical treatments, or diagnostic studies:

(A) As an agent or employee of:

(i) The Division of Public Health of the Department of Human Resources;

(ii) Any county board of health; or

(iii) Any organization:

(I) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, as defined in Code Section 48-1-2, other than an organization which is a hospital, preferred provider organization, health maintenance organization, or similar organization; or

(II) Established under the authority of or receiving funds pursuant to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act, which organization provides that those medical services and dangerous drugs which are ordered or dispensed by its physician's assistants and nurses will be provided at no cost to the patient or at a cost based solely upon the patient's ability to pay; and

(B) In conformity with subsection (b) of Code Section 26-4-130 and the rules and regulations established pursuant thereto by the State Board of Pharmacy.

(3) In addition, a physician may delegate to a nurse or physician's assistant the authority to order dangerous drugs, medical treatments, or diagnostic studies and a nurse or physician's assistant is authorized to dispense dangerous drugs, in accordance with a dispensing procedure and under the authority of an order issued in conformity with a nurse protocol or job description, if that nurse or physician's assistant orders or dispenses such drugs, treatments, or studies to a patient of an outpatient clinic:

(A) Which is owned or operated by a licensed hospital;

(B) Which provides such drugs, treatments, or studies free or at a charge to the patient based solely upon the patient's ability to pay; provided, however, such charge shall not exceed the actual cost to the outpatient clinic; and

(C) Whose services are primarily provided to the medically disadvantaged and that nurse or physician's assistant orders or dispenses such drugs in conformity with subsection (b) of Code Section 26-4-130 and the rules and regulations established pursuant thereto by the State Board of Pharmacy.

(4) Delegation of authority to a physician's assistant pursuant to this subsection shall be authorized only if that delegation is contained in the job description approved for that physician's assistant by the Composite State Board of Medical Examiners.

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- (5) Delegation of authority to a nurse pursuant to this subsection shall be authorized only if that delegation is contained in a nurse protocol for that nurse.
- (c) The Composite State Board of Medical Examiners shall be empowered to promulgate rules and regulations governing physicians and physicians assistants to carry out the intents and purposes of this Code section, including establishing criteria and standards governing physicians, physicians assistants, job descriptions, and nurse protocols. The board shall be authorized to require that protocols not falling within such established criteria and standards be submitted to the board for review and approval or rejection.
- (d) Notwithstanding any other provision of law to the contrary, a physician's assistant or nurse may perform any act authorized to be performed by that person pursuant to and in conformity with this Code section without such act constituting the practice of medicine.
- (e) Nothing in this Code section shall be construed to limit or repeal this article and Articles 4 and 6 of this chapter, relating to physicians, osteopaths, physicians assistants, and respiratory therapists, or Article 1 of Chapter 26 of this title, relating to registered nurses.
- (f) Nothing in this Code section shall be construed to limit or repeal any existing authority of a licensed physician to delegate to a qualified person any acts, duties, or functions which are otherwise permitted by law or established by custom.
- (g) Nothing in this Code section shall be construed to authorize or permit the issuance of a Drug Enforcement Administration license to a nurse who is not an advanced practice registered nurse.
- (h) Nothing in this Code section shall be construed to limit or repeal the authority of any organization described in division (i) or (ii) of subparagraph (b)(2)(A) of this Code section or any organization established under the authority of or receiving funds pursuant to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act to supervise its agents or employees or interfere with the employer and employee relationship of any such agents or employees.
- (i) Notwithstanding any other provision of law to the contrary, a physician's assistant or nurse may perform any act deemed necessary to provide treatment to a hospital or nursing home patient in a life-threatening situation when such act is authorized by standing procedures established by the medical staff of the hospital or nursing home.

