House Bill 546

By: Representatives Jasperse of the 11th, Stephens of the 164th, and Parrish of the 158th

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 26-4-5 of the Official Code of Georgia Annotated, relating to definitions relative to the "Georgia Pharmacy Practice Act," so as to revise the definition of "pharmacy care"; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 26-4-5 of the Official Code of Georgia Annotated, relating to definitions relative to the "Georgia Pharmacy Practice Act," is amended by revising paragraph (31) as follows:

"(31) 'Pharmacy care' means:

(A) Those services related to the interpretation, evaluation, or dispensing of prescription drug orders, the participation in drug and device selection, drug administration, and drug regimen reviews, and the provision of patient counseling related thereto; ~~and~~

(B) Ordering and administering:

(i) Tests that have been cleared or approved ~~for home use~~ under a certificate of waiver by the federal Food and Drug Administration pursuant to the federal Clinical Laboratory Improvement Amendments of 1998 and interpreting the results as a means to screen for or monitor disease, disease risk factors, or drug use and to facilitate patient education; and

(ii) Viral and serology COVID-19 tests, provided that such authority shall expire 12 months after the end of the public health emergency declared by the United States secretary of health and human services on January 31, 2020~~; provided, however, that such expiration shall not apply to viral and serology COVID-19 tests cleared or approved pursuant to division (i) of this subparagraph~~.

A pharmacist conducting such a test shall do so at a pharmacy or other facility that has obtained any necessary certification from or that is operating under a certificate of waiver from the federal Centers for Medicare and Medicaid Services pursuant to the federal Clinical Laboratory Improvement Amendments of 1998~~.~~; and

(C) Adaptation of a prescription drug order to:

(i) Change the quantity of medication prescribed if:

(I) The prescribed quantity or package size is not commercially available;

(II) The change in quantity is related to a change in dosage form, strength, or therapeutic interchange;

(III) The change is intended to dispense up to a 90 day supply of maintenance medication in accordance with subsection (q) of Code Section 26-4-80; or

(IV) The change extends a maintenance medication for the limited quantity necessary to coordinate a patient's refills in a medication synchronization program in accordance with Code Section 33-24-59.22;

(ii) Change the dosage form of the prescription if it is in the best interest of patient care, so long as the prescriber's directions are also modified to equate to an equivalent amount of drug dispensed as prescribed; or

(iii) Complete missing information on a prescription drug order if there is evidence to support the change.

A pharmacist who adapts a prescription drug order in accordance with this subparagraph shall: (1) make such adaptation in the exercise of his or her professional judgment; (2) document such adaptation in the patient's record; and (3) obtain the patient's consent prior to making such adaptation. Notwithstanding anything in this chapter to the contrary, a pharmacist shall not make any changes to a prescription drug order pursuant to this subparagraph if the prescriber indicates on such order that adaptation is not permitted.″

SECTION 2.

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