

GEORGIA STATE BOARD OF PHARMACY RULES

Rule 480-48

Delivery by Mail Order

Rule 480-48-.01 Definitions

Rule 480-48-.02 Conditions for Use of Delivery by Mail

480-48-.01 Definitions

For purposes of this chapter of the Rules and Regulations the following definitions apply:

(a) "Board" shall mean the Georgia Board of Pharmacy.

(b) "Delivery by Mail" or "delivered by mail" shall mean delivery to a patient by the United States Postal Service or a commercial common carrier. It is not considered to be delivery by mail when a pharmacy uses its own employees or employs a local courier service to deliver filled prescriptions in the same day from the pharmacy to a patient or facility providing care to the patient.

(c) "Pharmacy" means a pharmacy holding a current Board issued license to operate a pharmacy in Georgia, including pharmacy benefit managers required to be licensed pursuant under O.C.G.A. §26-4-110.1, and nonresident pharmacy permit holders.

Authority: O.C.G.A. §§ 26-4-5, 26-4-27, 26-4-28, 26-4-60, 26-4-80, 26-4-85, 26-4-110, 26-4-110.1, and 26-4-114.1.

480-48-.02 Conditions for Use of Delivery by Mail

(1) Any pharmacy can regularly employ the U.S. Postal Service or a common commercial carrier to deliver a drug which requires a prescription to a patient only after the patient has requested that a pharmacy use this method of delivery for his/her filled prescription drugs. Any pharmacy providing mail order service to its patients is required to follow applicable Georgia laws and rules.

(2) A mail order pharmacy located outside this state is required to follow all applicable pharmacy and drug rules and laws of the state in which the pharmacy is physically located.

(3) A mail order pharmacy shall ensure that all prescription drug order medications are delivered to the patient in accordance with standards of the drug manufacturer's temperature standards as set by the Food and Drug Administration (FDA). Pharmacy shall insure integrity of any drug requiring temperature control other than "room temperature storage" that is delivered by mail order by enclosing in each medication's packaging a USP-recognized method by which the patient can easily detect improper storage or temperature variations.

(4) Any pharmacy using delivery by mail to deliver dispensed prescription drugs shall comply with the following conditions:

(a) Any pharmacy that employs a mailing or shipping party is accountable to the Board to arrange for the appropriate mailing/shipping process.

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(b) A mail order pharmacy shall provide a method by which a patient or patient's caregiver can notify the mail order pharmacy as to any irregularity in the delivery of their medication to include but not be limited to:

1. Timeliness of delivery
2. Condition of the prescription drug upon delivery; and
3. Failure to receive the proper prescription drug.

(c) Medications designated as requiring special handling by this rule must be signed for upon delivery by the patient or patient's designee. In the event that the medication cannot be delivered, the package will not be left behind and shall be returned to the mailing or shipping service to be held for pickup until signed for by the patient or the patient's designee, or redelivered to the patient if so requested by the patient or the patient's caregiver. The Board has designated the following drugs as requiring special handling:

1. All Schedule II, III, IV, and V controlled substances.

(d) A mail order pharmacy shall provide a process by which, if the delivery of a prescription medication is in any way compromised, the pharmacy will replace the patient's medication, to be delivered by next-day delivery or the mail order pharmacy will immediately contact the patient's prescriber to arrange for a prescription for a minimum seven (7) day supply of the medication to be dispensed to the patient by a licensed pharmacy of the patient's choice.

(e) A pharmacy that employs delivery by mail must provide written information, set forth in Board Rule 480-31-.01, for each drug that is delivered, and a method of electronic or telephonic communications for a pharmacist or a Georgia-licensed pharmacy intern under direct supervision of the pharmacist to provide consultation or counseling in accordance with the obligations of O.C.G.A. §26-4-85. All such counseling will be documented in the pharmacy's patient records. It is sufficient proof to show counseling was refused if a patient or patient's caregiver does not contact the pharmacy.

(f) The pharmacy shall provide information to the patient on the procedure that the patient should follow if any prescription drug does not arrive in a timely manner or if the integrity of the packaging or medication has been compromised during shipment and delivery by mail.

(g) A pharmacy using delivery by mail shall document in its records when the prescription drug was sent to the patient.

(h) A pharmacy using delivery by mail shall document the instances when prescription drugs have been compromised during shipment and delivery by mail or when drugs do not arrive in a timely manner, and shall maintain such documentation for two (2) years. In addition, the mail order pharmacy shall maintain reports of patient complaints and internal/external audits about timeliness of deliveries, condition of the medication when received by patient including medication that was compromised in delivery, misfills of prescriptions, and the failure of a patient to receive medication. Such records shall be provided to the Board, upon request.

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(i) A pharmacy or a pharmacist shall refuse to deliver by mail a prescription drug which, in the professional opinion of the pharmacy or pharmacist may be clinically compromised by delivery by mail.

(j) A mail order pharmacy shall make available to the patient or the patient's caregiver contact information of the Board of Pharmacy.

Authority: O.C.G.A. §§ 26-4-5,26-4-27,26-4-28,26-4-60,26-4-80, 26-4-85,26-4-110, 26-4-110.1, and 26-4-114.1.