

House Bill 813 (COMMITTEE SUBSTITUTE)

By: Representatives Jasperse of the 11th, Broadrick of the 4th, Cooper of the 43rd, and Wilkinson of the 52nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 26 and Chapter 17 of Title 31 of the Official Code of Georgia
2 Annotated, relating to pharmacists and pharmacies and control of venereal disease,
3 respectively, so as to provide for expedited partner therapy for patients with chlamydia or
4 gonorrhea; to provide for definitions; to revise provisions relating to dispensing prescription
5 drugs; to provide for immunity; to provide for rules and regulations; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and
10 pharmacies, is amended by revising paragraph (2) of subsection (c) of Code Section 26-4-80,
11 relating to prescription drug orders, as follows:

12 "(2) Prescription drug orders transmitted by facsimile or computer shall include:

13 (A) In the case of a prescription drug order for a dangerous drug, the complete name
14 and address of the practitioner;

15 (B) In the case of a prescription drug order for a controlled substance, the complete
16 name, address, and DEA registration number of the practitioner;

17 (C) The telephone number of the practitioner for verbal confirmation;

18 (D) The name and address of the patient, unless the prescription drug order is
19 prescribed pursuant to expedited partner therapy in accordance with Code Section
20 31-17-7.1 for use by a sexual partner of a patient clinically diagnosed with chlamydia
21 or gonorrhea;

22 (E) The time and date of the transmission;

23 (F) The full name of the person transmitting the order; and

24 (G) The signature of the practitioner in a manner as defined in regulations promulgated
25 by the board or, in the case of a controlled substances prescription, in accordance with
26 21 C.F.R. 1301.22;"

27 **SECTION 2.**

28 Said chapter is further amended by revising subsection (b) of Code Section 26-4-83, relating
 29 to patient record systems, as follows:

30 "(b) A patient record system shall be maintained by all pharmacies for patients for whom
 31 prescription drug orders are dispensed. The patient record system shall provide for the
 32 immediate retrieval of information necessary by the pharmacist to identify previously
 33 dispensed drugs at the time a prescription drug order is presented for dispensing. The
 34 pharmacist or the pharmacist's designee shall make a reasonable effort to obtain, record,
 35 and maintain the following information:

36 (1) The full name of the patient for whom the drug is intended;

37 (2) The address and telephone number of the patient;

38 (3) The date of birth of the patient; and

39 (4) The gender of the patient.

40 This subsection shall not apply to prescription drug orders dispensed pursuant to expedited
 41 partner therapy in accordance with Code Section 31-17-7.1 for use by a sexual partner of
 42 a patient clinically diagnosed with chlamydia or gonorrhea."

43 **SECTION 3.**

44 Said chapter is further amended by revising subsection (d) of Code Section 26-4-85, relating
 45 to patient counseling, as follows:

46 "(d) Patient counseling, as described in this Code section, shall not be required for:

47 (1) ~~Inpatients~~ ~~In-patients~~ of a hospital or institution where other health care professionals
 48 are authorized to administer the drug or drugs;

49 (2) Inmates of ~~corrections~~ correctional institutions where pharmacy services are provided
 50 by the Department of Corrections or by a county or municipal political subdivision either
 51 directly or by a subcontractor of the above; ~~or~~

52 (3) Patients receiving drugs from the Department of Public Health; provided, however,
 53 that pharmacists who provide drugs to patients in accordance with Code Section 43-34-23
 54 shall include in all dispensing procedures a written process whereby the patient or the
 55 caregiver of the patient is provided with the information required under this Code section;
 56 or

57 (4) Sexual partners of patients clinically diagnosed with chlamydia or gonorrhea for
 58 which a prescription drug order is prescribed pursuant to expedited partner therapy in
 59 accordance with Code Section 31-17-7.1."

SECTION 4.

60

61 Chapter 17 of Title 31 of the Official Code of Georgia Annotated, relating to control of
62 venereal disease, is amended by adding a new Code section to read as follows:

63 "31-17-7.1.

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

65 (1) 'Expedited partner therapy' means the practice of prescribing or dispensing antibiotic
66 drugs to the sexual partner or partners of a patient clinically diagnosed with chlamydia
67 or gonorrhea without physical examination of the partner or partners.

68 (2) 'Licensed practitioner' means a physician licensed to practice medicine in this state
69 or an advanced practice registered nurse or physician assistant acting pursuant to
70 delegated authority by a physician in accordance with Code Section 43-34-23 or 43-34-25
71 or subsection (e.1) of Code Section 43-34-103.

72 (b) A licensed practitioner who diagnoses a patient to be infected with chlamydia or
73 gonorrhea may utilize expedited partner therapy in accordance with any rules and
74 regulations established by the department for the management of such patient's sexual
75 partner or partners.

76 (c) Any licensed practitioner who, reasonably and in good faith, utilizes expedited partner
77 therapy in accordance with this Code section and any rules and regulations established by
78 the department shall not be subject to civil or criminal liability and shall not be deemed to
79 have engaged in unprofessional conduct by such practitioner's licensing board.

80 (d) Any pharmacist licensed in this state who, reasonably and in good faith, dispenses
81 antibiotic drugs pursuant to a prescription for expedited partner therapy in accordance with
82 this Code section and any rules and regulations established by the department shall not be
83 subject to civil or criminal liability and shall not be deemed to have engaged in
84 unprofessional conduct by the State Board of Pharmacy.

85 (e) The department shall be authorized to promulgate rules and regulations to implement
86 the provisions of this Code section."

87

SECTION 5.

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