



STATE OF GEORGIA
OFFICE OF THE GOVERNOR
ATLANTA 30334-0900

Brian P. Kemp
GOVERNOR

Certification of Active Supervision

To: Georgia Composite Medical Board

Docket Number: 20-03-007

Decision Date: March 20, 2020

Pursuant to the Georgia Professional Regulation Reform Act, O.C.G.A. § 43-1C-1, *et seq.*, the Governor is vested with the duty to “actively supervise the professional licensing boards of this state.” In accordance with the Georgia Professional Regulation Reform Act, the Georgia Composite Medical Board (hereinafter “Board”) seeks to adopt Ga. Comp. R. & Regs. r. 360-3-0.10-.08. The purpose of the rule is to allow DEA registered practitioners to issue prescriptions during the Public Health State of Emergency related to COVID-19, for controlled substances to patients whom they have not conducted an in-person medical evaluation, but have conducted a medical evaluation using telemedicine communication. This rule is brought as a result of the Public Health State of Emergency related to COVID-19, pursuant to O.C.G.A. § 50-13-4.

Georgia law grants the Board authority to adopt emergency rules if there is an imminent peril to the public health, safety, or welfare, including but not limited to, summary processes such as quarantines, contrabands, seizures, and the like authorized by law without notice. *See* O.C.G.A. § 50-13-4(b). The rule adopted by the Board is within its authority as granted by clearly articulated state policy. However, the proposed rule requires modification to achieve its intended purpose of ensuring that practitioners are conducting medical evaluations, whether in-person or using telemedicine communication, in order to issue prescriptions. Therefore, I hereby modify and approve Ga. Comp. R. & Regs. r. 360-3-0.10-.08 for the purposes of active supervision review required by O.C.G.A. § 43-1C-3 for the duration of the Public Health State of Emergency related to COVID-19.

Governor

**RULES
OF
GEORGIA COMPOSITE MEDICAL BOARD**

**CHAPTER 360-3
INVESTIGATIONS AND DISCIPLINE**

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Rule 360-3-0.10-.08 Practice Through Electronic or Other Such Means during a State of Emergency

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(1) DEA registered practitioners may issue prescriptions during the Public Health State of Emergency related to COVID-19, as declared by the Governor of the State of Georgia, for controlled substances to patients for whom they have not conducted an in-person medical evaluation, provided all of the following conditions are met:

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(A) The prescription is issued for a legitimate medical purpose by a practitioner acting in the usual course of his/her professional practice;

(B) The practitioner conducted a medical evaluation on the patient using telemedicine communication;

(C) The telemedicine communication is conducted using an audio-visual, real time, two-way interactive communication system; and

(D) The practitioner is acting within Federal and State law and otherwise following the provisions of Board Rule 360-3-.07.

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(2) This rule shall only be effective for the duration of the Public Health State of Emergency related to COVID-19.

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Authority O.C.G.A. §§ 43-1-19, 43-34-5(c), 43-34-8(a), 50-13-4(b).