



THURBERT E. BAKER  
ATTORNEY GENERAL

Department of Law  
State of Georgia

40 CAPITOL SQUARE SW  
ATLANTA, GA 30334-1300

WRITER'S DIRECT DIAL  
(404) 656-3345  
FAX (404) 651-6341

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**MEMORANDUM**

TO: LaSharn Hughes, Executive Director  
Composite State Board of Medical Examiners

FROM: Janet Bolt Wray  
Senior Assistant Attorney General

RE: Whether APRNs, who distribute drug samples but who are not authorized to request, receive, or sign for drug samples under O.C.G.A. Section 43-34-26.3 nurse protocols, must have a paragraph in their protocol authorizing the distribution of drug samples, and whether such APRNs must comply with the drug sample log requirements?

The Composite State Board of Medical Examiners ("Board") has requested advice on whether an APRN who has a protocol under O.C.G.A. Section 43-34-26.3 ("Section 26.3 protocol") that either does not authorize or is silent on the authorization of the APRN to request, receive or sign for drug samples permit needs specific authorization in the protocol in order to distribute drug samples and whether the APRN who only distributes drug samples must comply with the drug sample log requirements. This question is asked in light of Board Rule 360-32-.02 (8)<sup>1</sup> which is silent on whether a Section 26.3 protocol must include a provision for the distribution of drug samples by the APRN.

O.C.G.A. Section 43-34-26.3 (e) provides:

**An advanced practice registered nurse may be authorized under a nurse protocol agreement to request, receive, and sign for professional samples and may distribute professional samples to patients. The office or facility at which the advanced practice registered nurse is working shall maintain a list of the professional samples approved by the delegating physician for request, receipt, and distribution by the advanced practice registered nurse as well as a complete list of the specific number and dosage of each professional sample and medication voucher received and dispensed.** In addition to the requirements of

<sup>1</sup> Rule 260-32-.02(8) of the Rules and Regulations of the Composite State Board of Medical Examiners provides that the nurse protocol agreement shall indicate whether the APRN is authorized under the nurse protocol agreement to request, receive and sign for professional samples.

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this Code section, all professional samples shall be maintained as required by applicable state and federal laws and regulations.

(Emphasis added.) It is clear from this statute that APRNs who distribute drug samples must be authorized to do so under the nurse protocol agreement.<sup>2</sup> Although the statute provides that the office where the samples are distributed must also keep a drug sample log, it does not appear necessary for the guidelines of such a log to be in the nurse protocol agreement. However, it is equally clear that the distribution of drug samples by APRNs must be included in the drug sample log.

Given this advice, it may be helpful for the Board to clarify these issues in its rules. I hope this information is helpful. If you have any further questions, please contact me.

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<sup>2</sup> Rule 410-13-.03(2)(a)5 of the Rules and Regulations of the Georgia Board of Nursing also provides that the authority of an APRN to distribute drug samples must be in the nurse protocol agreement.