



BUREAU OF COMPETITION

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

COMMISSION AUTHORIZED

2870000

June 26, 1987

Mr. William G. Miller, Jr.
Joint Secretary
State Examining Boards
166 Pryor Street, S.W.
Atlanta, Georgia 30303

Dear Mr. Miller:

We are pleased to respond to your notice inviting comments on the proposed amendment to the Rules of the Georgia State Board of Pharmacy ("the Board"). The new rule would govern the dispensing of prescription drugs by physicians and certain other health care practitioners.¹ The proposed amendment requires that dispensing practitioners meet health and safety standards similar to those imposed upon pharmacists. This requirement would not interfere with the ability of physicians to dispense drugs efficiently and thus would not deprive consumers of the benefits of choice among qualified providers of prescription drugs. We therefore support the adoption of the proposed amendment.

The proposed rule would implement the recent amendments to the Georgia drug statutes (Act No. 1537, Acts 1986, eff. Apr. 17, 1986). It would require practitioners to give notice to their respective licensing boards of their intent to dispense; would establish standards for recordkeeping, labeling, packaging, storage, and use of support personnel; would require the designation of a "practitioner-in-charge" for group practices; would provide procedures in the event of loss or theft of controlled substances; and would provide for inspection by the Georgia Drugs and Narcotics Agency.

On November 26, 1986, we submitted comments opposing certain provisions of the Board's earlier proposal that would have imposed burdens on dispensing physicians that are not imposed on pharmacists and did not appear reasonably related to protecting

¹These comments represent the views of the Federal Trade Commission's Bureau of Competition, Consumer Protection, and Economics, and not necessarily those of the Commission itself. The Commission has, however, voted to authorize us to submit these comments to you.

public health and safety. The present proposal contains none of the provisions that we found troublesome in the Board's previously proposed rule.

The proposed amendment will subject dispensing physicians to standards similar to those that must be met by pharmacists. This approach appears designed to protect public health and safety while still allowing consumers to choose among qualified providers of prescription drugs. We do not suggest any preference for physician dispensing or pharmacist dispensing. Rather, our view is that consumers benefit from having increased options in the purchase of prescription drugs. The resulting competition among physicians, and between physicians and pharmacists, may produce lower prices and improved services. Thus, we support the adoption of the amendment.

Sincerely yours,



Jeffrey I. Zuckerman
Director
Bureau of Competition