

GEORGIA BOARD OF PHARMACY

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IMPORTANT NOTICE REGARDING LICENSURE REQUIREMENT FOR DURABLE MEDICAL EQUIPMENT SUPPLIERS

Please be aware that effective July 1, 2017, per Official Code of Georgia Annotated (“O.C.G.A.”) § 26-4-51, all DME suppliers that provide direct to consumer service and seek third party reimbursement, unless otherwise exempt by this law, must apply for a Georgia DME license. Please also note that the Georgia Board of Pharmacy (“Board”) has decided that licenses will be required for Medicare enrolled out-of-state manufacturers and wholesale distributors under the same conditions. These out-of-state providers are exempt from the in-state office/place of business requirement.

To access the application please [Click Here](#).

To access the full law please [Click Here](#).

To access the adopted rules please [Click Here](#). The corresponding Board Rules, which were adopted on December 13, 2017, are currently with the Governor’s office for review. Please note the rules will not be effective until approved by the Governor’s office and properly filed with the Secretary of State’s office.

Below are some of the pertinent code sections.

O.C.G.A. § 26-4-5(14.05):

"Durable medical equipment" means equipment for which a prescription is required, including repair and replacement parts for such equipment, and which:

- (A) Can withstand repeated use;
- (B) Has an expected life of at least three years;
- (C) Is primarily and customarily used to serve a medical purpose;
- (D) Generally is not useful to a person in the absence of illness or injury; and
- (E) Is appropriate for use in the home.

O.C.G.A. §26-4-51:

(a) Any person who supplies durable medical equipment to a consumer and submits a claim for reimbursement by a third party, either directly or through a contractual arrangement, shall possess a durable medical equipment supplier license issued by the board pursuant to this Code section.

(b) The board shall be authorized to issue a license to an applicant for licensure as a durable medical equipment supplier if the applicant:

- (1) Submits an application in the form prescribed by the board;
- (2) Maintains an office or place of business within this state;
- (3) Pays the license fee established by the board pursuant to paragraph (37) of subsection (a) of Code Section 26-4-28; and
- (4) Meets all safety standards and requirements established by the board, including but not limited to the establishment of written procedures for:
 - (A) Ensuring that all personnel engaged in delivery, maintenance, and repair of durable medical equipment receives annual continuing education;
 - (B) Instructing the patient or patient's caregiver on how to use the durable medical equipment provided;
 - (C) Receiving and responding to complaints from patients;
 - (D) Maintaining records of all patients receiving durable medical equipment; and
 - (E) Management, maintenance, and servicing of durable medical equipment.

(c) The board may issue a license to a Medicare enrolled out-of-state manufacturer or wholesale distributor that provides durable medical equipment directly to consumers if such manufacturer or wholesale distributor possesses a valid license from another state. Such manufacturer or wholesale distributor shall be exempt from the requirements of paragraph (2) of subsection (b) of this Code section.

If you have any questions regarding this matter or any other matter related to the practice of pharmacy in Georgia, please contact the staff at the Board's office at your convenience: (404) 651-8000.