

House Bill 1493

By: Representative Newton of the 127th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated,
2 relating to mandatory reporting requirements for nurses, so as to require the Georgia Board
3 of Nursing to transmit copies of certain complaints and reports received relating to care
4 rendered in certain settings which requires physician involvement; to provide for a definition;
5 to provide for confidentiality; to provide for an exception; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to
10 mandatory reporting requirements for nurses, is amended by adding a new Code section to
11 read as follows:

12 "43-26-56.

13 (a) As used in this Code section, the term 'prescription product' means a device that the
14 federal Food and Drug Administration has designated under Section 201(h) of the Federal
15 Food, Drug, and Cosmetic Act (21 U.S.C. Section 321(h)) as a prescription medical device
16 and can be sold only to persons with prescriptive authority, or any human drug required by

H. B. 1493

17 federal law or regulation to be dispensed only by a prescription, including finished dosage
18 forms and active ingredients subject to Section 503(b) of the Federal Food, Drug, and
19 Cosmetic Act.

20 (b) On and after July 1, 2024, notwithstanding Code Section 43-1-21, when the board
21 receives a complaint or report regarding care rendered by a licensee in an outpatient setting
22 that requires physician involvement, including, but not limited to, ordering or procuring
23 prescription products, the administration of prescription products, or the ordering or
24 prescribing of prescription products pursuant to a nurse protocol agreement, the board shall
25 immediately transmit a copy of such complaint or report to the Georgia Composite Medical
26 Board, as well as any ongoing investigative materials related to such complaint or report.

27 (c) No later than December 31, 2024, notwithstanding Code Section 43-1-21, the board
28 shall transmit to the Georgia Composite Medical Board a copy of all complaints and
29 reports received by the board between January 1, 2021, and June 30, 2024, regarding care
30 rendered by a licensee in an outpatient setting that requires physician involvement,
31 including, but not limited to, ordering or procuring prescription products, the
32 administration of prescription products, or the ordering or prescribing of prescription
33 products pursuant to a nurse protocol agreement, including any investigative materials
34 received by the board prior to or after June 30, 2024, related to such complaints and
35 reports.

36 (d) The Georgia Composite Medical Board shall comply with and be subject to the same
37 confidentiality requirements with respect to any written documents or communications or
38 other information relating to a complaint or report, including any related investigative
39 materials, which are transmitted to the Georgia Composite Medical Board by the board, in
40 the same manner and to the same extent as the board.

41 (e) This Code section shall not apply to complaints or reports received by the board
42 relating to medications provided or administered by a licensee through a home health
43 agency as defined in Code Section 31-7-150."

44

SECTION 2.

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