

AS PASSED SENATE**SENATE SUBSTITUTE TO HB 557**

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
2 physicians, assistants, and others, so as to authorize physicians to delegate the authority to
3 advanced practice registered nurses and physician assistants to prescribe certain Schedule II
4 controlled substances; to provide for requirements; to provide for automatic approval of
5 nurse protocol agreements and job descriptions under certain conditions; to amend Article 3
6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige
7 license plates and special plates for certain persons and vehicles, so as to authorize advanced
8 practice registered nurses and physician assistants to execute affidavits certifying an
9 individual is disabled for purposes of obtaining special vehicle decals for persons with
10 disabilities; to provide for legislative findings; to amend Chapter 1 of Title 43 of the Official
11 Code of Georgia Annotated, relating to general provisions relative to professions and
12 businesses, so as to prohibit enforcement of restrictive covenants under certain
13 circumstances; to provide a definition; to provide for an effective date; to amend Chapter 1
14 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions relative
15 to professions and businesses, so as to provide that professional programs that are established
16 to address career fatigue and wellness in healthcare professionals are not obligated to report
17 to licensing boards except in certain circumstances; to provide for definitions; to provide for

18 immunity; to provide that certain documents and information of professional programs are
19 not discoverable; to provide for related matters; to repeal conflicting laws; and for other
20 purposes.

21 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

22 **SECTION 1.**

23 The General Assembly finds:

24 (1) Governor Kemp created the Georgia Healthcare Workforce Commission in 2022;
25 (2) The commission recognized that Georgia is now in the minority of states with
26 restrictions on certain healthcare occupations, such as nurse practitioners and physician
27 assistants, and that research also suggests that in appropriate circumstances, revising
28 practice restrictions on certain healthcare occupations and granting increased practice
29 authority have the potential to improve access to care without compromising quality or
30 increasing costs;
31 (3) The commission believes that exploring updating scope of practice limitations could
32 potentially ease pressure on the healthcare workforce by allowing certain healthcare
33 occupations to perform more advanced work in healthcare settings which could decrease
34 work burden on other clinical providers;
35 (4) Georgia is one of only three states that forbids physician assistants and nurse
36 practitioners from prescribing any Schedule II medications; and
37 (5) A more streamlined process at the Georgia Composite Medical Board will allow
38 already licensed and certified practitioners to more quickly begin work.

39 **SECTION 2.**

40 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
41 assistants, and others, is amended by revising paragraph (3) of subsection (a), paragraph (10)

42 of subsection (g), and subsections (k) and (m) of Code Section 43-34-25, relating to
43 delegation of certain medical acts to advanced practice registered nurse, construction and
44 limitations of such delegation, definitions, conditions of nurse protocol, and issuance of
45 prescription drug orders, and by adding a new subsection to read as follows:

46 "(3) 'Controlled substance' means any controlled substance as defined in Code Section
47 16-13-21 but shall not include any Schedule I controlled substance included in Code
48 Section 16-13-25 or any Schedule II controlled substance included in Code Section
49 16-13-26, except as authorized pursuant to subsection (d.1) of this Code section."

50 "(d.1) An advanced practice registered nurse who has at least one year of post-licensure
51 clinical experience and is in good standing with the board may be authorized under a nurse
52 protocol agreement to issue prescription drug orders for hydrocodone, oxycodone, or
53 compounds thereof in emergency situations pursuant to the following requirements:

54 (1) The authorization is specifically included in the nurse protocol agreement;
55 (2) The advanced practice registered nurse has directly evaluated the patient;
56 (3) The prescription drug order is limited to an initial prescription, not to exceed a
57 five-day supply;
58 (4) The prescription drug order is for an individual 18 years of age or older; and
59 (5) The advanced practice registered nurse completes one hour of continuing education
60 biennially in the appropriate ordering and use of hydrocodone, oxycodone, and
61 compounds thereof."

62 "(10) Notwithstanding the provisions of subsection (d.1) of this Code section, in ~~In~~ any
63 emergency medical services system operated by, or on behalf of, any county,
64 municipality, or hospital authority with a full-time physician medical director and who
65 does not order drugs, except that he or she may order up to a 14 day supply of drugs as
66 necessary in an emergency situation, excluding Schedule II controlled substances and
67 benzodiazepines and all Schedule II controlled substances except hydrocodone,
68 oxycodone, or compounds thereof; provided, however, that an advanced practice

69 registered nurse shall not order radiographic imaging, diagnostic studies, or medical
70 devices pursuant to this paragraph; and provided, further, that a patient shall be referred
71 to a physician, a dentist, or a federally qualified health center."

72 "(k) Nothing in this Code section shall be construed to authorize an advanced practice
73 registered nurse to issue a prescription drug order for a Schedule I or II controlled
74 substance,except as otherwise authorized pursuant to subsection (d.1) of this Code section,
75 or authorize refills of any drug for more than 12 months from the date of the original order
76 except in the case of oral contraceptives, hormone replacement therapy, or prenatal
77 vitamins which may be refilled for a period of 24 months."

78 "(m)(1) The board shall have the authority to promulgate rules and regulations governing
79 a delegating physician in order to carry out the intents and purposes of this Code section.

80 (2)(A) Further, the board shall be authorized to:

81 (1)(i) Require that a nurse protocol agreement shall be filed by the delegating
82 physician with the board within a reasonable time from the date of execution;

83 (2)(ii) Determine, after review of a filed nurse protocol agreement, if such nurse
84 protocol agreement fails to meet accepted standards of medical practice as established
85 by the board; and

86 (3)(iii) Require the delegating physician to amend any such noncompliant nurse
87 protocol agreement in order to meet such accepted standards.

88 (B) If a medical practice has an existing approved nurse protocol agreement and an
89 alternate delegating physician or a change in the delegating physician within the same
90 or similar specialty, such new nurse protocol agreement for the new alternate delegating
91 physician or a change in the delegating physician, upon submission, shall be
92 automatically deemed approved by the board.

93 (C) If a delegating physician submits a nurse protocol agreement for a new advanced
94 practice registered nurse and such nurse protocol agreement that has substantially the
95 same terms and provisions as a nurse protocol agreement previously submitted by such

delegating physician for another advanced practice registered nurse and approved by the board, the nurse protocol agreement for the new advanced practice registered nurse, upon submission, shall be automatically deemed approved by the board."

SECTION 3.

100 Said chapter is further amended by revising subsections (c) and (e.1) of Code Section
101 43-34-103, relating to delegation of authority to physician assistants, as follows:

102 " (c)(1) At all times while providing patient services, a physician assistant shall have a
103 signed job description submitted by his or her primary supervising physician and
104 approved by the board.

105 (2) Nothing in this article shall prevent a primary supervising physician from submitting
106 to the board a new or amended physician assistant job description.

107 (3) If a medical practice has an existing approved job description and an alternate
108 supervising physician or a change in the supervising physician within the same or similar
109 specialty, such new job description for the new alternate supervising physician or a
110 change in the supervising physician, upon submission, shall be automatically deemed
111 approved by the board.

112 (4) If a primary supervising physician submits a job description for a new physician
113 assistant and such job description that has substantially the same terms and provisions as
114 a job description previously submitted by such primary supervising physician for another
115 physician assistant and approved by the board, the job description for the new physician
116 assistant, upon submission, shall be automatically deemed approved by the board."

"(e.1)(1)(A) In addition to and without limiting the authority granted by Code Section 43-34-23, a physician may delegate to a physician assistant, in accordance with a job description, the authority to issue a prescription drug order or orders for any device as defined in Code Section 26-4-5 or to issue any dangerous drug as defined in Code Section 16-13-71, hydrocodone, oxycodone, or compounds thereof in accordance with

122 subparagraph (B) of this paragraph, or any Schedule III, IV, or V controlled substance
123 as defined in Code Section 16-13-21 on a prescription drug order or prescription device
124 order form as specified in paragraph (3) of this subsection. Delegation of such
125 authority shall be contained in the job description required by this Code section. The
126 delegating physician shall remain responsible for the medical acts of the physician
127 assistant performing such delegated acts and shall adequately supervise the physician
128 assistant. If an existing job description for a physician assistant does not contain such
129 authority to order a prescription drug or device order as provided by this subsection,
130 that physician assistant may not issue any such prescription drug or device order until
131 a new job description delegating such authority is submitted to and approved by the
132 board. Nothing in this Code section shall be construed to authorize the written
133 prescription drug order of a Schedule I or II controlled substance, except as authorized
134 pursuant to subparagraph (B) of this paragraph.

135 (B) A physician may delegate to a physician assistant who has at least one year of
136 post-licensure clinical experience and is in good standing with the board the authority
137 to issue prescription drug orders for hydrocodone, oxycodone, or compounds thereof
138 in emergency situations pursuant to the following requirements:

- 139 (i) The authorization is specifically included in the job description;
- 140 (ii) The physician assistant has directly evaluated the patient;
- 141 (iii) The drug order is limited to an initial prescription not to exceed a five-day
142 supply; and
- 143 (iv) The prescription drug order is for an individual 18 years of age or older.

144 (2) Nothing in this subsection shall be construed to create a presumption of liability,
145 either civil or criminal, on the part of a pharmacist who is duly licensed under Title 26
146 and who in good faith fills a prescription drug or device order presented by a patient
147 pursuant to this subsection. The pharmacist shall presume that the prescription drug or
148 device order was issued by a physician assistant duly licensed under this article who has

149 qualified under this Code section to prescribe pharmaceutical agents. The pharmacist
150 shall also presume that the pharmaceutical agent prescribed by the physician assistant is
151 an approved pharmaceutical agent, unless the pharmacist has actual or constructive
152 knowledge to the contrary.

153 (3) The physician assistant shall only be authorized to exercise the rights granted under
154 this subsection using a prescription drug or device order form which includes the name,
155 address, and telephone number of the prescribing supervising or alternate supervising
156 physician, the patient's name and address, the drug or device prescribed, the number of
157 refills, and directions to the patient with regard to the taking and dosage of the drug. A
158 prescription drug order which is transmitted either electronically or via facsimile shall
159 conform to the requirements set out in paragraphs (1) and (2) of subsection (c) of Code
160 Section 26-4-80, respectively. Any form containing less information than that described
161 in this paragraph shall not be offered to or accepted by any pharmacist who is duly
162 licensed under Title 26.

163 (4) Nothing in this Code section shall be construed to authorize a physician assistant to
164 authorize refills of any drug for more than 12 months from the date of the original
165 prescription drug or device order.

166 (5) A supervising physician or alternate supervising physician shall evaluate or examine,
167 at least every three months, any patient receiving controlled substances.

168 (6) In addition to the copy of the prescription drug or device order delivered to the
169 patient, a record of such prescription shall be maintained in the patient's medical record
170 in the following manner:

171 (A) The physician assistant carrying out a prescription drug or device order shall
172 document such order either in writing or by electronic means; and

173 (B) The supervising physician shall periodically review patient records. Such review
174 may be achieved with a sampling of such records as determined by the supervising
175 physician.

- 176 (7) A physician assistant is not permitted to prescribe drugs or devices except as
177 authorized in the physician assistant's job description and in accordance with this article.
- 178 (8) The board shall adopt rules establishing procedures to evaluate an application for a
179 job description containing the authority to order a prescription drug or device and any
180 other rules the board deems necessary or appropriate to regulate the practice of physician
181 assistants, to carry out the intent and purpose of this article, or to protect the public
182 welfare.
- 183 (9) A physician assistant authorized by a primary supervising physician to order
184 controlled substances pursuant to this Code section is authorized to register with the
185 ~~United States~~ United States Drug Enforcement Administration.
- 186 (10)(A) A physician assistant delegated the authority by the primary supervising
187 physician to issue a prescription drug or device order shall be required to complete a
188 minimum of three hours of continuing education biennially in practice specific
189 pharmaceuticals in which the physician assistant has prescriptive order privileges.
190 (B) A physician assistant delegated the authority by the primary supervising physician
191 to issue a prescription drug or device order for hydrocodone, oxycodone, or compounds
192 thereof shall be required to complete one additional hour of continuing education
193 biennially in the appropriate ordering and use of hydrocodone, oxycodone, or
194 compounds thereof.
- 195 (11) A managed care system, health plan, hospital, insurance company, or other similar
196 entity shall not require a physician to be a party to a job description as a condition for
197 participation in or reimbursement from such entity."

198

SECTION 4.

199 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
200 prestige license plates and special plates for certain persons and vehicles, is amended by

201 revising Code Section 40-2-74.1, relating to temporary, permanent, and special permanent
202 parking permits for persons with disabilities, as follows:

203 "40-2-74.1.

204 (a) The department shall issue parking permits for persons with disabilities and may
205 delegate to county tag agents the responsibility for issuance of such permits to residents of
206 the county served by the tag agent. The department shall receive applications for and issue
207 parking permits by mail to persons with disabilities upon presentation of an affidavit of a
208 licensed doctor of medicine, licensed doctor of osteopathic medicine, licensed doctor of
209 podiatric medicine, licensed optometrist, or licensed chiropractor, licensed advanced
210 practice registered nurse acting pursuant to the authority of Code Section 43-34-25, or
211 licensed physician assistant acting pursuant to the authority of subsection (e.1) of Code
212 Section 43-34-103 stating that such person is a disabled person, the specific disability that
213 limits or impairs the person's ability to walk, and that he or she is a person with disabilities
214 as specified in paragraph (5) of Code Section 40-6-221. Permits shall be in such form as
215 the department prescribes but shall be of sufficient size and sufficiently distinctively
216 marked to be easily visible when placed on or affixed to the driver's side of the dashboard
217 or hung from the rearview mirror of the parked vehicle. Permits shall be made of a
218 substrate as determined by the commissioner and shall be of sufficient quality to ensure
219 that the coloring of the permit and the ink used thereon will resist fading for a period of at
220 least four years. Permits shall be issued to individuals, and the name of the individual and
221 an identification number shall appear on the permit. The individual to whom a permit is
222 issued may use the permit for any vehicle he or she is operating or in which he or she is a
223 passenger. Permits shall also be issued to institutions when the primary purpose of a
224 vehicle operated by the institution is to transport individuals with disabilities. The name
225 of the institution, the license number of the particular vehicle, and an identification number
226 shall appear on the permit. The institution shall use such permit only for a vehicle which

227 is operated by the institution and which is used primarily to transport individuals with
228 disabilities.

229 (b) The department shall issue a temporary permit to any temporarily disabled person upon
230 presentation of an affidavit of a licensed doctor of medicine, licensed doctor of osteopathic
231 medicine, licensed doctor of podiatric medicine, licensed optometrist, or licensed
232 chiropractor, licensed advanced practice registered nurse acting pursuant to the authority
233 of Code Section 43-34-25, or licensed physician assistant acting pursuant to the authority
234 of subsection (e.1) of Code Section 43-34-103 stating that such person is a temporarily
235 disabled person, the specific disability that limits or impairs the person's ability to walk,
236 that he or she is a person with disabilities as specified in paragraph (5) of Code Section
237 40-6-221, and a date until which such person is likely to remain disabled. The temporary
238 permit shall show prominently on its face an expiration date the same as the date specified
239 by such doctor for the likely termination of the disability, which date shall not be more than
240 180 days after the date the permit is issued. The expiration date shall be printed with
241 permanent ink and in boldface type of sufficient size to be legible when the permit is
242 displayed on the driver's side of the dashboard or hung from the rearview mirror.

243 (c) The department shall issue a permanent permit to any permanently disabled person
244 upon presentation of an affidavit of a licensed doctor of medicine, licensed doctor of
245 osteopathic medicine, licensed doctor of podiatric medicine, licensed optometrist, or
246 licensed chiropractor, licensed advanced practice registered nurse acting pursuant to the
247 authority of Code Section 43-34-25, or licensed physician assistant acting pursuant to the
248 authority of subsection (e.1) of Code Section 43-34-103 stating that such person is a
249 permanently disabled person. The affidavit shall further state the specific disability that
250 limits or impairs the person's ability to walk or that he or she is a person with disabilities
251 as specified in paragraph (5) of Code Section 40-6-221. The department shall also issue
252 a permanent permit to an institution which operates vehicles used primarily for the
253 transportation of individuals with disabilities upon presentation of a certification from the

254 institution regarding use of its vehicles. The institution shall receive permits only for the
255 number of vehicles so used and shall affix the permits to the driver's side of the dashboards
256 of such vehicles. The permanent permit shall be predominantly blue in color and shall
257 show prominently on its face an expiration date four years from the date it is issued. The
258 expiration date shall be machine printed, not handwritten, in boldface type of sufficient size
259 to be legible when the permit is displayed on the driver's side of the dashboard or hung
260 from the rearview mirror.

261 (d) Any individual to whom a specially designated disabled veteran's license plate has
262 been issued pursuant to Code Sections 40-2-69 through 40-2-72 and any individual to
263 whom a specially designated disabled person's license plate has been issued pursuant to
264 Code Section 40-2-74 shall be authorized to park the passenger motor vehicle on which the
265 specially designated license plate is attached in a parking place for persons with disabilities
266 without the necessity of obtaining a parking permit for persons with disabilities pursuant
267 to this Code section.

268 (e) The department shall issue a special permanent permit to any person who:
269 (1) Because of a physical disability drives a motor vehicle which has been equipped with
270 hand controls for the operation of the vehicle's brakes and accelerator; or
271 (2) Is physically disabled due to the loss of, or loss of use of, both upper extremities.
272 This special permanent permit shall be gold in color and shall show prominently on its face
273 an expiration date four years from the date it is issued. The expiration date shall be printed
274 in a size of print that is legible when the permit is displayed on the driver's side of the
275 dashboard or hung from the rearview mirror. Such a special permit shall be used in the
276 same manner as, and shall be subject to the provisions of this Code section relating to,
277 other permanent parking permits for persons with disabilities and shall also be used as
278 provided in Code Section 10-1-164.1. In addition to any other required printing, the
279 following shall be printed upon this special gold permit:

280 'Code Section 10-1-164.1 of the Official Code of Georgia Annotated requires that any
281 owner or operator of a gasoline station that sells full-service gasoline at one price and
282 self-service at a lower price shall provide the service of dispensing gasoline at the
283 self-service price for the holder of this special permit when such holder requests such
284 service and is the operator of the vehicle and is not accompanied by another person 16
285 years of age or older who is not mobility impaired or blind.'

286 (f) The department and county tag agents shall not charge or collect any fee for issuing
287 parking permits for persons with disabilities under this Code section.

288 (g) Any special disabled person decal issued under the former provisions of this Code
289 section shall be valid until its expiration date but shall not be reissued.

290 (h) For purposes of this Code section, an active duty military physician shall be entitled
291 to submit an affidavit in support of the application of active duty or retired military
292 personnel for parking permits for persons with disabilities whether or not such physician
293 is licensed to practice in Georgia. Such affidavit shall state that the applicant is in active
294 military service and is stationed in Georgia pursuant to military orders or is retired from
295 the military and is a resident of Georgia and that such person is a disabled person, the
296 specific disability that limits or impairs the person's ability to walk, and that he or she is
297 a person with disabilities as specified in paragraph (5) of Code Section 40-6-221.

298 (i) For purposes of this Code section, the department shall accept, in lieu of an affidavit,
299 a signed and dated statement from the doctor, advanced practice registered nurse, or
300 physician assistant which includes the same information as required in an affidavit written
301 upon security paper as defined in paragraph (38.5) of Code Section 26-4-5."

302

SECTION 4A.

303 Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general
304 provisions relative to professions and businesses, is amended by adding a new Code section
305 to read as follows:

306 "43-1-36.1

307 (a) As used in this Code section, the term:

308 (1) 'Healthcare professional' means a person licensed, registered, or certified by a
309 licensing board or a student enrolled in a school of medicine, osteopathic medicine,
310 nursing, or pharmacy.

311 (2) 'Licensing board' means:

312 (A) Georgia Board of Nursing;

313 (B) Georgia Composite Medical Board; and

314 (C) State Board of Pharmacy.

315 (3) 'Professional program' means a program created to address issues related to career
316 fatigue and wellness in healthcare professionals that is established or contracted for by
317 a state-wide association, that is exempt from federal income taxes pursuant to Section
318 501(c)(6) of the Internal Revenue Code, and that primarily represents healthcare
319 professionals licensed to practice medicine or osteopathic medicine in multiple
320 specialties.

321 (b) No person or entity shall be obligated to report information regarding a healthcare
322 professional who is a participant in a professional program to his or her respective licensing
323 board unless the person or entity has determined that there is reasonable probability that
324 such participant is not competent to continue in practice or is a danger to himself or herself
325 or to the health and welfare of his or her patients or the public, unless such person or entity
326 is otherwise under a duty to report such information.

327 (c) Every member of, or healthcare professional consultant to, any committee, board,
328 group, commission, or other entity that functions primarily to review, evaluate, or make
329 recommendations on a professional program shall be immune from civil liability for any
330 act, decision, omission, or utterance done or made in performance of his or her duties while
331 serving as a member of or consultant to such committee, board, group, commission, or
332 other entity. No active participant in a professional program shall be employed or engaged

333 by such professional program or have a financial ownership interest in such professional
334 program.

335 (d) The proceedings, minutes, records, reports, analyses, findings, conclusions,
336 recommendations, and the deliberative process, including opinions and reports of a
337 professional program, both oral and written, originating in or provided to such professional
338 program, shall not be subject to discovery or introduction into evidence in any civil action,
339 unless a court of competent jurisdiction, after a hearing in camera, determines that the
340 evidence is not otherwise available and extraordinary circumstances exist such that the
341 need for the evidence substantially outweighs the interest in protecting such evidence from
342 disclosure and orders the disclosure of such proceedings, minutes, records, reports, or
343 communications; provided, however that nothing in this subsection shall be construed as
344 providing any privilege to any healthcare professional or healthcare facility or entity with
345 respect to any factual information regarding specific patient healthcare or treatment,
346 whether oral, electronic, or written. A person involved in the work of a professional
347 program may not be questioned as a witness in a civil action regarding his or her
348 knowledge of any factual information regarding specific patient healthcare or treatment by
349 virtue of his or her involvement in the professional program. Exchange of information
350 between professional programs shall not constitute a waiver of any privilege provided in
351 this subsection."

352 **SECTION 5.**

353 Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general
354 provisions relative to professions and businesses, is amended by adding a new Code section
355 to read as follows:

356 "43-1-36.

357 (a) As used in this Code section, the term 'hospital' means a hospital licensed pursuant to
358 Chapter 7 of Title 31.

359 (b) Notwithstanding Article 4 of Chapter 8 of Title 13, no restrictive covenant may be
360 imposed or enforced by a hospital or hospital system against any physician, nurse, or other
361 healthcare staff or contractor providing healthcare services at such hospital or for such
362 hospital system if the hospital at which any such physician, nurse, or other healthcare staff
363 on contractor is primarily providing healthcare services is permanently closed. In any
364 action concerning enforcement of any such restrictive covenant, a court shall not enforce
365 the restrictions contained in such restrictive covenant and such restrictive covenant shall
366 be deemed void and unenforceable.

367 (c) Notwithstanding Article 4 of Chapter 8 of Title 13, no restrictive covenant may be
368 imposed or enforced by a hospital, hospital system, or physician practice which is
369 purchased by, merged with, or otherwise acquired by a third-party entity against any
370 physician, nurse, or other healthcare staff or contractor providing healthcare services if
371 such third-party entity reduces the compensation of any such physician, nurse, or other
372 healthcare staff or contractor providing healthcare services upon such purchase, merger,
373 or other acquisition."

SECTION 6.

375 This Act shall become effective upon its approval by the Governor or upon its becoming law
376 without such approval.

SECTION 7.

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