

Senate Bill 115

By: Senators Hufstetler of the 52nd, Orrock of the 36th and Kirk of the 13th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to
 2 delegation of authority to physician assistants, so as to authorize a physician to delegate to
 3 a physician assistant the authority to prescribe hydrocodone compound products; to provide
 4 for a limitation; to provide for additional continuing education requirements regarding
 5 hydrocodone compound products; to provide for related matters; to repeal conflicting laws;
 6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to delegation
 10 of authority to physician assistants, is amended by revising subsection (e.1) as follows:

11 "(e.1)(1)(A) In addition to and without limiting the authority granted by Code Section
 12 43-34-23, a physician may delegate to a physician assistant, in accordance with a job
 13 description, the authority to issue a prescription drug order or orders for any device as
 14 defined in Code Section 26-4-5 or to issue any dangerous drug as defined in Code
 15 Section 16-13-71, any hydrocodone compound product, or any Schedule III, IV, or V
 16 controlled substance as defined in Code Section 16-13-21 on a prescription drug order
 17 or prescription device order form as specified in paragraph (3) of this subsection.
 18 Delegation of such authority shall be contained in the job description required by this
 19 Code section. The delegating physician shall remain responsible for the medical acts
 20 of the physician assistant performing such delegated acts and shall adequately supervise
 21 the physician assistant. If an existing job description for a physician assistant does not
 22 contain such authority to order a prescription drug or device order as provided by this
 23 subsection, that physician assistant may not issue any such prescription drug or device
 24 order until a new job description delegating such authority is submitted to and approved
 25 by the board. Nothing in this Code section shall be construed to authorize the written
 26 prescription drug order of a Schedule I or II controlled substance, except a hydrocodone
 27 compound product.

28 (B) A physician may delegate to a physician assistant, in accordance with a job
29 description, the authority to issue a prescription drug order or orders for a hydrocodone
30 compound product so long as such prescription drug order or orders are not in excess
31 of a 15 day supply.

32 (2) Nothing in this subsection shall be construed to create a presumption of liability,
33 either civil or criminal, on the part of a pharmacist who is duly licensed under Title 26
34 and who in good faith fills a prescription drug or device order presented by a patient
35 pursuant to this subsection. The pharmacist shall presume that the prescription drug or
36 device order was issued by a physician assistant duly licensed under this article who has
37 qualified under this Code section to prescribe pharmaceutical agents. The pharmacist
38 shall also presume that the pharmaceutical agent prescribed by the physician assistant is
39 an approved pharmaceutical agent, unless the pharmacist has actual or constructive
40 knowledge to the contrary.

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

51 (4) The physician assistant or office staff shall notify the patient that the patient has the
52 right to see the physician prior to any prescription drug or device order being issued by
53 the physician assistant.

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

57 (6) A supervising physician or alternate supervising physician shall evaluate or examine,
58 at least every three months, any patient receiving controlled substances.

59 (7) In addition to the copy of the prescription drug or device order delivered to the
60 patient, a record of such prescription shall be maintained in the patient's medical record
61 in the following manner:

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

64 (B) Except in facilities operated by the Department of Public Health, the supervising
 65 physician shall review the prescription drug or device order copy and medical record
 66 entry for prescription drug or device orders issued within the past 30 days by the
 67 physician assistant. Such review may be achieved with a sampling of no less than 50
 68 percent of such prescription drug or device order copies and medical record entries.

69 (8) A physician assistant is not permitted to prescribe drugs or devices except as
 70 authorized in the physician assistant's job description and in accordance with this article.

71 (9) The board shall adopt rules establishing procedures to evaluate an application for a
 72 job description containing the authority to order a prescription drug or device and any
 73 other rules the board deems necessary or appropriate to regulate the practice of physician
 74 assistants, to carry out the intent and purpose of this article, or to protect the public
 75 welfare.

76 (10) A physician assistant authorized by a primary supervising physician to order
 77 controlled substances pursuant to this Code section is authorized to register with the
 78 federal Drug Enforcement Administration.

79 (11)(A) A physician assistant delegated the authority by the primary supervising
 80 physician to issue a prescription drug or device order shall be required to complete a
 81 minimum of three hours of continuing education biennially in practice specific
 82 pharmaceuticals in which the physician assistant has prescriptive order privileges.

83 (B) A physician assistant delegated the authority by the primary supervising physician
 84 to issue a prescription drug or device order for a hydrocodone compound product shall
 85 be required to complete three hours of continuing education biennially in the
 86 appropriate ordering and use of Schedule II controlled substances. The continuing
 87 education required pursuant to this subparagraph may be counted toward compliance
 88 with the continuing education required pursuant to subparagraph (A) of this paragraph.

89 (12) A managed care system, health plan, hospital, insurance company, or other similar
 90 entity shall not require a physician to be a party to a job description as a condition for
 91 participation in or reimbursement from such entity."

92 **SECTION 2.**

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