

Senate Bill 321

By: Senators Hufstetler of the 52nd, Watson of the 1st, Unterman of the 45th, Butler of the 55th and Kirkpatrick of the 32nd

AS PASSED

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 the delegation by a physician to an
3 advanced practice registered nurse to order radiographic imaging tests in non-life-threatening
4 situations; to revise definitions; to revise provisions relating to delegation of authority to
5 physician assistants; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
10 assistants, and others, is amended in Code Section 43-34-25, relating to delegation of certain
11 medical acts to advanced practice registered nurse, by revising paragraphs (9), (10), and (11)
12 of subsection (a) and by revising subsection (b), as follows:

13 ~~"(9) 'Life threatening' means an emergency situation in which a patient's life or physical~~
14 ~~well-being will be harmed if certain testing is not performed immediately. Reserved.~~

15 (10) 'Nurse protocol agreement' means a written document mutually agreed upon and
16 signed by an advanced practice registered nurse and a physician, by which document the
17 physician delegates to that advanced practice registered nurse the authority to perform
18 certain medical acts pursuant to this Code section, and which acts may include, without
19 being limited to, the ordering of drugs, medical devices, medical treatments, diagnostic
20 studies, or ~~in life-threatening situations~~ radiographic imaging tests. Such agreements
21 shall conform to the provisions set forth in subsection (c) of this Code section.

22 (11) 'Order' means to prescribe pursuant to a nurse protocol agreement which drug,
23 medical device, medical treatment, diagnostic study, or ~~in life-threatening situations~~
24 radiographic imaging test is appropriate for a patient and to communicate the same in
25 writing, orally, via facsimile, or electronically."

26 "(b) In addition to and without limiting the authority granted pursuant to Code
 27 Section 43-34-23, a physician may delegate to an advanced practice registered nurse in
 28 accordance with a nurse protocol agreement the authority to order drugs, medical devices,
 29 medical treatments, diagnostic studies, or, ~~in life-threatening situations,~~ radiographic
 30 imaging tests."

31 **SECTION 2.**

32 Said chapter is further amended in Code Section 43-34-103, relating to delegation of
 33 authority to physician assistants, by revising subsections (b), (d), and (e.1) as follows:

34 "(b)(1) No primary supervising physician shall ~~have~~ enter into a job description with or
 35 supervise more than four physician assistants ~~licensed to him or her~~ at a time except as
 36 provided in ~~paragraph (4)~~ paragraphs (3) or (4) of this subsection; ~~provided, however,~~
 37 ~~that no physician may supervise more than two physician assistants at any one time~~
 38 ~~except as provided in paragraph (2) of this subsection.~~

39 ~~(2)(A) A physician may supervise as many as four physician assistants at any one time~~
 40 ~~while practicing in a group practice in which other physician members of such group~~
 41 ~~practice are primary supervising physicians.~~

42 ~~(B) A physician may supervise as many as four physician assistants at any one time~~
 43 ~~while acting as an alternate supervising physician:~~

44 ~~(i) In an institutional setting such as a hospital or clinic;~~

45 ~~(ii) On call for a primary supervising physician or a group practice; or~~

46 ~~(iii) If otherwise approved by the board to act as an alternate supervising physician.~~

47 ~~(3)~~(2) A primary supervising physician shall designate in writing to the board such other
 48 physicians who may serve as an alternate supervising physician for each physician
 49 assistant ~~licensed to~~ with which such primary supervising physician has entered into a job
 50 description. The board shall have authority to approve or deny such designations in
 51 whole or in part; provided, however, that a physician may be listed as an alternate
 52 supervising physician for any number of physician assistants so long as he or she only
 53 supervises as many physician assistants at any one time as allowed by ~~paragraph (2)~~
 54 paragraphs (1) and (3) of this subsection.

55 ~~(4)~~(3) No primary supervising physician shall have more than eight physician assistants
 56 who have completed a board approved anesthesiologist assistant program licensed to him
 57 or her at a time or supervise more than four physician assistants who have completed a
 58 board approved anesthesiologist assistant program at any one time.

59 (4) Except for physician assistants who have completed a board approved
 60 anesthesiologist assistant program, the limitation in paragraph (1) of this subsection shall
 61 not apply to a physician assistant who is practicing:

- 62 (A) In a hospital licensed under Title 31;
 63 (B) In any college or university as defined in Code Section 20-8-1;
 64 (C) In the Department of Public Health;
 65 (D) In any county board of health;
 66 (E) In any community service board;
 67 (F) In any free health clinic;
 68 (G) In a birthing center;
 69 (H) In any entity:
 70 (i) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
 71 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or
 72 indigent Medicaid and Medicare patients; or
 73 (ii) Which has been established under the authority of or is receiving funds pursuant
 74 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act; or
 75 (I) In a health maintenance organization that has an exclusive contract with a medical
 76 group practice and arranges for the provision of substantially all physician services to
 77 enrollees in health benefits of the health maintenance organization."
- 78 ~~"(d) A physician assistant is authorized to practice in those public or private places or~~
 79 ~~facilities where the supervising physician or alternate supervising physician regularly sees~~
 80 ~~patients, provided that nothing~~ Nothing in this article shall prohibit the rendering of
 81 services to a patient by a physician assistant who is not in the physical presence of the
 82 supervising physician or preclude a physician assistant from making house calls,
 83 performing hospital duties, serving as an ambulance attendant, or performing any functions
 84 authorized by the supervising physician which the physician assistant is qualified to
 85 perform."
- 86 "(e.1)(1) In addition to and without limiting the authority granted by Code Section
 87 43-34-23, a physician may delegate to a physician assistant, in accordance with a job
 88 description, the authority to issue a prescription drug order or orders for any device as
 89 defined in Code Section 26-4-5 or to issue any dangerous drug as defined in Code Section
 90 16-13-71 or any Schedule III, IV, or V controlled substance as defined in Code Section
 91 16-13-21 on a prescription drug order or prescription device order form as specified in
 92 paragraph (3) of this subsection. Delegation of such authority shall be contained in the
 93 job description required by this Code section. The delegating physician shall remain
 94 responsible for the medical acts of the physician assistant performing such delegated acts
 95 and shall adequately supervise the physician assistant. If an existing job description for
 96 a physician assistant does not contain such authority to order a prescription drug or device
 97 order as provided by this subsection, that physician assistant may not issue any such
 98 prescription drug or device order until a new job description delegating such authority is

99 submitted to and approved by the board. Nothing in this Code section shall be construed
100 to authorize the written prescription drug order of a Schedule I or II controlled substance.

101 (2) Nothing in this subsection shall be construed to create a presumption of liability,
102 either civil or criminal, on the part of a pharmacist who is duly licensed under Title 26
103 and who in good faith fills a prescription drug or device order presented by a patient
104 pursuant to this subsection. The pharmacist shall presume that the prescription drug or
105 device order was issued by a physician assistant duly licensed under this article who has
106 qualified under this Code section to prescribe pharmaceutical agents. The pharmacist
107 shall also presume that the pharmaceutical agent prescribed by the physician assistant is
108 an approved pharmaceutical agent, unless the pharmacist has actual or constructive
109 knowledge to the contrary.

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

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

123 ~~(5)~~(4) Nothing in this Code section shall be construed to authorize a physician assistant
124 to authorize refills of any drug for more than 12 months from the date of the original
125 prescription drug or device order.

126 ~~(6)~~(5) A supervising physician or alternate supervising physician shall evaluate or
127 examine, at least every three months, any patient receiving controlled substances.

128 ~~(7)~~(6) In addition to the copy of the prescription drug or device order delivered to the
129 patient, a record of such prescription shall be maintained in the patient's medical record
130 in the following manner:

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

133 ~~(B) Except in facilities operated by the Department of Public Health, the supervising~~
134 ~~physician shall review the prescription drug or device order copy and medical record~~
135 ~~entry for prescription drug or device orders issued within the past 30 days by the~~

136 ~~physician assistant. Such review may be achieved with a sampling of no less than 50~~
 137 ~~percent of such prescription drug or device order copies and medical record entries.~~
 138 The supervising physician shall periodically review patient records. Such review may
 139 be achieved with a sampling of such records as determined by the supervising
 140 physician.

141 ~~(8)(7)~~ A physician assistant is not permitted to prescribe drugs or devices except as
 142 authorized in the physician assistant's job description and in accordance with this article.

143 ~~(9)(8)~~ The board shall adopt rules establishing procedures to evaluate an application for
 144 a job description containing the authority to order a prescription drug or device and any
 145 other rules the board deems necessary or appropriate to regulate the practice of physician
 146 assistants, to carry out the intent and purpose of this article, or to protect the public
 147 welfare.

148 ~~(10)(9)~~ A physician assistant authorized by a primary supervising physician to order
 149 controlled substances pursuant to this Code section is authorized to register with the
 150 federal Drug Enforcement Administration.

151 ~~(11)(10)~~ A physician assistant delegated the authority by the primary supervising
 152 physician to issue a prescription drug or device order shall be required to complete a
 153 minimum of three hours of continuing education biennially in practice specific
 154 pharmaceuticals in which the physician assistant has prescriptive order privileges.

155 ~~(12)(11)~~ A managed care system, health plan, hospital, insurance company, or other
 156 similar entity shall not require a physician to be a party to a job description as a condition
 157 for participation in or reimbursement from such entity."

158 **SECTION 3.**

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