

Senate Bill 460

By: Senators Dixon of the 45th, Watson of the 1st, Kirkpatrick of the 32nd, Hufstetler of the 52nd and Still of the 48th

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, acupuncture, physician assistants, cancer and glaucoma treatment, respiratory
3 care, clinical perfusionists, and orthotics and prosthetics practice, so as to revise provisions
4 relating to the number of advanced practice registered nurses and physician assistants that
5 a physician can authorize and supervise at any one time; to provide for related matters; to
6 provide for an effective date; to repeal conflicting laws; and for other 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 acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical
11 perfusionists, and orthotics and prosthetics practice, is amended in Code Section 43-34-25,
12 relating to delegation of certain medical acts to advanced practice registered nurse,
13 construction and limitations of such delegation, definitions, conditions of nurse protocol, and
14 issuance of prescription drug orders, by revising subsections (g), (g.1), and (g.2) as follows:
15 "(g) Except as otherwise provided in subsection (g.1) or (g.2) of this Code section, a
16 delegating physician may not enter into a nurse protocol agreement pursuant to this Code
17 section or enter into a job description with a physician assistant pursuant to Code

18 Section 43-34-103 with more than ~~four~~ the combined equivalent of eight advanced practice
19 registered nurses or physician assistants at any one time, except this limitation shall not
20 apply to an advanced practice registered nurse who is practicing:

- 21 (1) In a hospital licensed under Title 31;
- 22 (2) In any college or university as defined in Code Section 20-8-1;
- 23 (3) In the Department of Public Health;
- 24 (4) In any county board of health;
- 25 (4.1) In any community service board;
- 26 (5) In any free health clinic;
- 27 (6) In a birthing center;
- 28 (7) In any entity:
 - 29 (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
30 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or
31 indigent Medicaid and ~~medicare~~ Medicare patients; or
 - 32 (B) Which has been established under the authority of or is receiving funds pursuant
33 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;
- 34 (8) In any local board of education which has a school nurse program;
- 35 (9) In a health maintenance organization that has an exclusive contract with a medical
36 group practice and arranges for the provision of substantially all physician services to
37 enrollees in health benefits of the health maintenance organization; or
- 38 (10) In any emergency medical services system operated by, or on behalf of, any county,
39 municipality, or hospital authority with a full-time physician medical director and who
40 does not order drugs, except that he or she may order up to a 14 day supply of drugs as
41 necessary in an emergency situation, excluding Schedule II controlled substances and
42 benzodiazepines; provided, however, that an advanced practice registered nurse shall not
43 order radiographic imaging, diagnostic studies, or medical devices pursuant to this

44 paragraph; and provided, further, that a patient shall be referred to a physician, a dentist,
45 or a federally qualified health center.

46 (g.1) A delegating physician may not enter into a nurse protocol agreement pursuant to this
47 Code section or enter into a job description with a physician assistant pursuant to Code
48 Section 43-34-103 with more than the combined equivalent of eight advanced practice
49 registered nurses or physician assistants at any one time, may not supervise more than four
50 the combined equivalent of eight advanced practice registered nurses or physician
51 assistants at any one time pursuant to nurse protocol agreements or job descriptions, and
52 shall not be required to conduct any meetings, observations, or review of medical records
53 except as otherwise provided in this subsection, if the advanced practice registered nurses
54 practice at a location that:

- 55 (1) Maintains evidence based clinical practice guidelines;
- 56 (2) Is accredited by an accrediting body, approved by the board, such as the Joint
57 Commission or a nationally recognized accrediting organization with comparable
58 standards;
- 59 (3) Requires the delegating physician to document and maintain a record of review of
60 at least 10 percent of the advanced practice registered nurses' medical records to monitor
61 quality of care being provided to patients, which may be conducted electronically or on
62 site;
- 63 (4) Requires the delegating physician and advanced practice registered nurse to
64 participate in and maintain documentation of quarterly clinical collaboration meetings,
65 either by telephone, in person, or on site, for purposes of monitoring care being provided
66 to patients; and
- 67 (5) Requires the delegating physician's name, contact information, and record of the visit
68 to be provided to the patient's primary care provider of choice with the patient's consent
69 within 24 hours of the visit.

70 (g.2) A delegating physician may not enter into a nurse protocol agreement pursuant to this
71 Code section or enter into a job description with a physician assistant pursuant to Code
72 Section 43-34-103 with more than the combined equivalent of eight advanced practice
73 registered nurses or physician assistants at any one time or supervise more than ~~four~~ the
74 combined equivalent of eight advanced practice registered nurses or physician assistants
75 at any one time in any emergency medical services system operated by, or on behalf of, any
76 county, municipality, or hospital authority with a full-time medical director."

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SECTION 2.

78 Said chapter is further amended in Code Section 43-34-103, relating to application for
79 licensure as a physician assistant, authorized delegated authority, and prohibited acts, by
80 revising subsection (b) as follows:

81 "(b)(1) No primary supervising physician shall enter into a job description with a
82 physician assistant pursuant to this Code section or a nurse protocol agreement with an
83 advanced practice registered nurse pursuant to Code Section 43-34-25 with more than the
84 combined equivalent of eight physician assistants or advanced practice registered nurses
85 or supervise more than ~~four~~ the combined equivalent of eight physician assistants or
86 advanced practice registered nurses at a time except as provided in paragraph (3) or (4)
87 of this subsection.

88 (2) A primary supervising physician shall designate in writing to the board such other
89 physicians who may serve as an alternate supervising physician for each physician
90 assistant with which such primary supervising physician has entered into a job
91 description. The board shall have authority to approve or deny such designations in
92 whole or in part; provided, however, that a physician may be listed as an alternate
93 supervising physician for any number of physician assistants so long as he or she only
94 supervises as many physician assistants at any one time as allowed by paragraphs (1)
95 and (3) of this subsection.

- 96 (3) No primary supervising physician shall have more than eight physician assistants
97 who have completed a board approved anesthesiologist assistant program licensed to him
98 or her at a time or supervise more than four physician assistants who have completed a
99 board approved anesthesiologist assistant program at any one time.
- 100 (4) Except for physician assistants who have completed a board approved
101 anesthesiologist assistant program, the limitation in paragraph (1) of this subsection shall
102 not apply to a physician assistant who is practicing:
- 103 (A) In a hospital licensed under Title 31;
 - 104 (B) In any college or university as defined in Code Section 20-8-1;
 - 105 (C) In the Department of Public Health;
 - 106 (D) In any county board of health;
 - 107 (E) In any community service board;
 - 108 (F) In any free health clinic;
 - 109 (G) In a birthing center;
 - 110 (H) In any entity:
 - 111 (i) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
112 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or
113 indigent Medicaid and Medicare patients; or
 - 114 (ii) Which has been established under the authority of or is receiving funds pursuant
115 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act; or
 - 116 (I) In a health maintenance organization that has an exclusive contract with a medical
117 group practice and arranges for the provision of substantially all physician services to
118 enrollees in health benefits of the health maintenance organization."

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SECTION 3.

120 This Act shall become effective on the first day of the month following the month in which
121 it is approved by the Governor or becomes law without such approval.

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SECTION 4.

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