

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

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapters 26 and 34 of Title 43 of the Official Code of Georgia Annotated, relating
2 to nurses and physicians, acupuncture, physician assistants, cancer and glaucoma treatment,
3 respiratory care, clinical perfusionists, and orthotics and prosthetics practice, respectively,
4 so as to revise provisions relating to the administration of anesthesia by certified registered
5 nurse anesthetists under certain conditions; to revise provisions relating to the number of
6 advanced practice registered nurses and physician assistants that a physician can authorize
7 and supervise at any one time; to provide for related matters; to provide for an effective date;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
12 amended by revising Code Section 43-26-11.1, relating to administration of anesthesia by
13 certified registered nurse anesthetist, as follows:

14 "43-26-11.1.

15 In any case where it is lawful for a duly licensed physician practicing medicine under the
16 laws of this state to administer anesthesia, such anesthesia may be administered by a
17 certified registered nurse anesthetist, provided that such anesthesia is administered either

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18 under the direction and responsibility of a duly licensed physician or pursuant to an order
 19 by a duly licensed physician or podiatrist providing services at a hospital that qualifies as
 20 a rural hospital organization pursuant to Code Section 31-8-9.1."

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SECTION 2.

22 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
 23 acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical
 24 perfusionists, and orthotics and prosthetics practice, is amended in Code Section 43-34-25,
 25 relating to delegation of certain medical acts to advanced practice registered nurse,
 26 construction and limitations of such delegation, definitions, conditions of nurse protocol, and
 27 issuance of prescription drug orders, by revising subsections (g), (g.1), and (g.2) as follows:
 28 "(g) Except as otherwise provided in subsection (g.1) or (g.2) of this Code section, a
 29 delegating physician may not enter into a nurse protocol agreement pursuant to this Code
 30 section or enter into a job description with a physician assistant pursuant to Code
 31 Section 43-34-103 with more than four the combined equivalent of eight advanced practice
 32 registered nurses or physician assistants at any one time, except this limitation shall not
 33 apply to an advanced practice registered nurse who is practicing:

- 34 (1) In a hospital licensed under Title 31;
 35 (2) In any college or university as defined in Code Section 20-8-1;
 36 (3) In the Department of Public Health;
 37 (4) In any county board of health;
 38 (4.1) In any community service board;
 39 (5) In any free health clinic;
 40 (6) In a birthing center;
 41 (7) In any entity:

- 42 (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
43 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or
44 indigent Medicaid and ~~medicare~~ Medicare patients; or
- 45 (B) Which has been established under the authority of or is receiving funds pursuant
46 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;
- 47 (8) In any local board of education which has a school nurse program;
- 48 (9) In a health maintenance organization that has an exclusive contract with a medical
49 group practice and arranges for the provision of substantially all physician services to
50 enrollees in health benefits of the health maintenance organization; or
- 51 (10) In any emergency medical services system operated by, or on behalf of, any county,
52 municipality, or hospital authority with a full-time physician medical director and who
53 does not order drugs, except that he or she may order up to a 14 day supply of drugs as
54 necessary in an emergency situation, excluding Schedule II controlled substances and
55 benzodiazepines; provided, however, that an advanced practice registered nurse shall not
56 order radiographic imaging, diagnostic studies, or medical devices pursuant to this
57 paragraph; and provided, further, that a patient shall be referred to a physician, a dentist,
58 or a federally qualified health center.
- 59 (g.1) A delegating physician may not enter into a nurse protocol agreement pursuant to this
60 Code section or enter into a job description with a physician assistant pursuant to Code
61 Section 43-34-103 with more than the combined equivalent of eight advanced practice
62 registered nurses or physician assistants at any one time, may not supervise more than ~~four~~
63 the combined equivalent of eight advanced practice registered nurses or physician
64 assistants at any one time pursuant to nurse protocol agreements or job descriptions, and
65 shall not be required to conduct any meetings, observations, or review of medical records
66 except as otherwise provided in this subsection, if the advanced practice registered nurses
67 practice at a location that:
- 68 (1) Maintains evidence based clinical practice guidelines;

69 (2) Is accredited by an accrediting body, approved by the board, such as the Joint
70 Commission or a nationally recognized accrediting organization with comparable
71 standards;

72 (3) Requires the delegating physician to document and maintain a record of review of
73 at least 10 percent of the advanced practice registered nurses' medical records to monitor
74 quality of care being provided to patients, which may be conducted electronically or on
75 site;

76 (4) Requires the delegating physician and advanced practice registered nurse to
77 participate in and maintain documentation of quarterly clinical collaboration meetings,
78 either by telephone, in person, or on site, for purposes of monitoring care being provided
79 to patients; and

80 (5) Requires the delegating physician's name, contact information, and record of the visit
81 to be provided to the patient's primary care provider of choice with the patient's consent
82 within 24 hours of the visit.

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

90 **SECTION 3.**

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

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

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

109 (3) No primary supervising physician shall have more than eight physician assistants
110 who have completed a board approved anesthesiologist assistant program licensed to him
111 or her at a time or supervise more than four physician assistants who have completed a
112 board approved anesthesiologist assistant program at any one time.

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

- 116 (A) In a hospital licensed under Title 31;
- 117 (B) In any college or university as defined in Code Section 20-8-1;
- 118 (C) In the Department of Public Health;
- 119 (D) In any county board of health;
- 120 (E) In any community service board;

- 121 (F) In any free health clinic;
- 122 (G) In a birthing center;
- 123 (H) In any entity:
- 124 (i) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
- 125 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or
- 126 indigent Medicaid and Medicare patients; or
- 127 (ii) Which has been established under the authority of or is receiving funds pursuant
- 128 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act; or
- 129 (I) In a health maintenance organization that has an exclusive contract with a medical
- 130 group practice and arranges for the provision of substantially all physician services to
- 131 enrollees in health benefits of the health maintenance organization."

132 **SECTION 4.**

133 This Act shall become effective on the first day of the month following the month in which

134 it is approved by the Governor or becomes law without such approval.

135 **SECTION 5.**

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