

House Bill 329

By: Representatives Martin of the 47th, McBee of the 88th, Scheid of the 17th, Skipper of the 137th, Orrock of the 56th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
2 controlled substances, Chapter 4 of Title 26 of the Official Code of Georgia Annotated,
3 relating to pharmacists, Article 8 of Chapter 7 of Title 31 of the Official Code of Georgia
4 Annotated, relating to health service provider psychologists, and Chapter 39 of Title 43 of
5 the Official Code of Georgia Annotated, relating to psychologists, so as to authorize certain
6 psychologists to prescribe drugs in certain circumstances; to provide that psychologists
7 certified to prescribe drugs are exempt from criminal law as are other medical professionals
8 licensed to prescribe; to exempt from liability pharmacists and nurses acting in good faith
9 upon the orders of a psychologist certified to prescribe; to provide for prescriptions by
10 psychologists certified to prescribe who are health service provider psychologists; to provide
11 that the practice of psychology includes administering, ordering, and prescribing drugs in
12 certain circumstances; to limit such prescriptions to those for mental or nervous disorders or
13 illnesses; to provide for the adoption of rules for certification; to provide for training and an
14 examination; to provide for consultation with the patient's treating physician; to provide for
15 related matters; to provide an effective date; to repeal conflicting laws; and for other
16 purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
20 substances, is amended in Code Section 16-13-21, relating to definitions, by striking in its
21 entirety paragraph (23) and inserting in its place the following:

22 "(23) 'Practitioner' means:

23 (A) A physician, dentist, pharmacist, podiatrist, veterinarian, psychologist certified to
24 prescribe as defined in paragraph (4) of Code Section 43-39-1, scientific investigator,
25 or other person licensed, registered, or otherwise authorized under the laws of this state

1 to distribute, dispense, conduct research with respect to, or to administer a controlled
2 substance in the course of professional practice or research in this state;

3 (B) A pharmacy, hospital, or other institution licensed, registered, or otherwise
4 authorized by law to distribute, dispense, conduct research with respect to, or to
5 administer a controlled substance in the course of professional practice or research in
6 this state; or

7 (C) A physician's assistant acting pursuant to the authority of subsection (e.1) of Code
8 Section 43-34-103. For purposes of this chapter and subsection (e.1) of Code Section
9 43-34-103 and notwithstanding the provisions of subsection (g) of Code Section
10 43-34-26.1, a physician's assistant is authorized to register with the federal Drug
11 Enforcement Administration and appropriate state authorities."

12 SECTION 2.

13 Said chapter is further amended in Article 3, relating to dangerous drugs, by striking Code
14 Section 16-13-77, relating to the article's applicability to practitioners of the healing arts, and
15 inserting in its place a new Code section to read as follows:

16 "16-13-77.

17 Nothing in this article shall be construed to prohibit the administration of dangerous drugs
18 by or under the direction of a practitioner of the healing arts. For purposes of this article,
19 the terms 'practitioner' and 'practitioner of the healing arts' mean a practitioner as defined
20 in Code Section 16-13-21."

21 SECTION 3.

22 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists, is
23 amended by striking in its entirety paragraph (33) of Code Section 26-4-5, relating to
24 definitions, and inserting in its place a new paragraph (33) and by adding a new paragraph
25 to be designated paragraph (37.1), so that the two paragraphs as amended read as follows:

26 "(33) 'Practitioner' or 'practitioner of the healing arts' means a physician, dentist,
27 podiatrist, ~~or veterinarian,~~ or psychologist certified to prescribe and shall include any
28 other person licensed under the laws of this state to use, mix, prepare, dispense, prescribe,
29 and administer drugs in connection with medical treatment to the extent provided by the
30 laws of this state."

31 "(37.1) 'Psychologist certified to prescribe' means an individual who is certified by the
32 State Board of Examiners of Psychologists to administer, order, and prescribe drugs for
33 the diagnosis, care, and treatment of mental or nervous disorders or illnesses as provided
34 in Code Section 43-39-5.1."

1 diagnoses of mental disorders, including organic brain disorders and brain damage,
 2 engaging in neuropsychology, engaging in psychotherapy, interviewing, administering,
 3 and interpreting tests of mental abilities, aptitudes, interests, and personality
 4 characteristics for such purposes as psychological classification or evaluation, or for
 5 education or vocational placement, or for such purposes as psychological counseling,
 6 guidance, or readjustment. ~~Nothing in this paragraph shall be construed as permitting the~~
 7 ~~administration or prescription of drugs or in any way infringing upon the practice of~~
 8 ~~medicine as defined in the laws of this state.~~ The practice of psychology shall include the
 9 administering, ordering, and prescribing of drugs by a psychologist certified to prescribe
 10 for the diagnosis, care, and treatment of mental or nervous disorders or illnesses.

11 (4) 'Psychologist certified to prescribe' means a licensed psychologist who meets the
 12 criteria of training and experience as provided in Code Section 43-39-5.1 and is certified
 13 by the board to administer, order, and prescribe drugs as authorized by the board pursuant
 14 to Code Section 43-39-5.1."

15 SECTION 7.

16 Said chapter is further amended by inserting new Code sections to be designated Code
 17 Sections 43-39-5.1 and 43-39-21 to read as follows:

18 "43-39-5.1.

19 The board shall adopt rules for the certification of psychologists to administer, order, and
 20 prescribe drugs for the diagnosis, care, and treatment of mental and nervous disorders and
 21 illnesses. The rules shall include as requirements the successful completion of
 22 pharmacological training from an institution of higher learning or from an approved
 23 provider of continuing education and the successful passage of an examination approved
 24 by the board which tests knowledge of pharmacology in the diagnosis, care, and treatment
 25 of mental and nervous disorders and illnesses. The board shall further adopt rules
 26 providing that the psychologist certified to prescribe shall consult with the patient's treating
 27 physician."

28 "43-39-21.

29 Notwithstanding any other provision of law, a registered professional nurse and a licensed
 30 practical nurse shall have the authority to execute an order for the administration of drugs
 31 issued by a psychologist certified to prescribe, provided that a registered professional nurse
 32 or licensed practical nurse may confer with the psychologist certified to prescribe prior to
 33 executing the psychologist's order. Nothing contained in this Code section shall be deemed
 34 to alter the standard of care of the registered professional nurse or the licensed practical

1 nurse applicable to the evaluation and execution of orders, including an order of a
2 psychologist certified to prescribe."

3 **SECTION 8.**

4 This Act shall become effective on January 1, 2002.

5 **SECTION 9.**

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