

Senate Bill 36

By: Senators Thomas of the 10th, Stokes of the 43rd, Butler of the 55th, Jackson of the 50th,
Seay of the 34th and Brown of the 26th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to
2 nurses, so as to enact a new article providing additional authority to advanced practice
3 registered nurses to carry out prescriptive orders; to provide for a short title; to provide for
4 legislative intent and findings and definitions; to provide for collaborative practice
5 agreements and their contents and conditions; to provide for prescription drug and device
6 orders and forms, conditions, and procedures relating thereto; to provide for application for
7 certain registration numbers; to provide for liability and immunity therefrom; to provide for
8 duties and powers of the Composite State Board of Medical Examiners and the Georgia
9 Board of Nursing; to provide for disciplinary actions; to provide for continuing rights of
10 certain nurses; to provide for related matters; to provide for an effective date; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
15 amended by adding at the end thereof a new Article 3 to read as follows:

16 "ARTICLE 3

17 43-26-50.

18 This article shall be known and may be cited as the 'Health Access Improvement Act.'

19 43-26-51.

20 It is the intent of the General Assembly to facilitate the availability of quality health care
21 for the citizens of this state. Health care is important to all persons, but it is a special
22 concern for children and elder citizens. The General Assembly finds that the advanced
23 practice registered nurse is effective in increasing access to quality and affordable health

1 care in a variety of ways to this and other populations. The General Assembly further finds
2 that the benefits from the services of the advanced practice registered nurse are enjoyed by
3 all persons, but especially children, the elderly, rural populations, and urban underserved
4 communities. The General Assembly further finds that granting additional authority to the
5 advanced practice registered nurse subject to a collaborative practice agreement with a
6 physician is appropriate in order to ensure the delivery of health care services in all areas
7 of the state through the full utilization of the skills and training of the advanced practice
8 registered nurse.

9 43-26-52.

10 As used in this article, the term:

11 (1) 'Advanced practice registered nurse' or 'A.P.R.N.' means a registered professional
12 nurse licensed under Article 1 of Chapter 26 of this title and authorized by the Board of
13 Nursing to practice as a certified nurse midwife, a nurse practitioner, or a clinical nurse
14 specialist in psychiatric or mental health. The advanced practice registered nurse shall
15 wear the title 'advanced practice registered nurse' or the abbreviation 'A.P.R.N.' on a
16 name tag or similar form of identification when providing direct patient care.

17 (2) 'Board' means the Georgia Board of Nursing created under Code Section 43-26-4.

18 (3) 'Collaborating physician' means a physician licensed to practice medicine in
19 accordance with Article 2 of Chapter 34 of this title with whom an advanced practice
20 registered nurse has entered into a collaborative practice agreement.

21 (4) 'Collaborative practice agreement' means a written agreement by and between an
22 advanced practice registered nurse and a collaborating physician wherein the
23 collaborating physician authorizes the advanced practice registered nurse to administer,
24 dispense, and order drugs, devices, medical treatments, and diagnostic tests, and execute
25 verbal and written prescription drug or device orders therefor, and which provides for the
26 terms and conditions for the execution of a prescription drug or device order. Dispensing
27 shall be limited to dispensing pharmaceutical samples at no charge, except in those
28 settings and circumstances defined in subparagraph (b)(2)(A) and paragraph (3) of
29 subsection (b) of Code Section 43-34-26.1.

30 (5) 'Contact hour' means 50 minutes of participation in an educational activity. Ten
31 contact hours equals one continuing education unit.

32 (6) 'Controlled substance' means any controlled substance as defined in Article 2 of
33 Chapter 13 of Title 16.

34 (7) 'Dangerous drug' means any dangerous drug as defined in Article 3 of Chapter 13 of
35 Title 16.

(8) 'Execute a prescription drug or device order' means to write or verbally transmit a prescription drug or device order pursuant to the authority defined in a collaborative practice agreement.

43-26-53.

(a)(1) Acting pursuant to a collaborative practice agreement, an advanced practice registered nurse may execute a prescription drug or device order for any device as defined in Code Section 26-4-5, any dangerous drug as defined in Code Section 16-13-71, or any Schedule II, III, IV, or V controlled substance as defined in Code Section 16-13-21 on a prescription drug order or device order form as specified in paragraph (2) of this subsection. Such authority shall be exercised only pursuant to the terms and conditions of a collaborative practice agreement and within the scope of practice of the advanced practice registered nurse who is a party to such an agreement. Any material change in the professional duties of the advanced practice registered nurse or the collaborating physician shall require the review of the collaborative practice agreement. The board shall publish a model collaborative practice agreement to be used by an advanced practice registered nurse and a collaborating physician entering into such an agreement. Each professional who is a party to a collaborative practice agreement shall remain liable for their own professional acts and each shall be responsible for ensuring that the collaborative practice agreement is carried out.

(2) The prescription drug or device order form shall include the name, address, and telephone number of the collaborating physician or physicians and of the advanced practice registered nurse or nurses, the patient's name and address, the drug or device ordered, the number of refills, and directions to the patient with regard to the taking and dosage of the drug. Such form shall be signed by the advanced practice registered nurse using the following language: 'This prescription drug or device order is executed by _____, A.P.R.N., through the authority of a collaborative practice agreement.'

(b) A copy of the prescription drug or device order or a record of such order shall be maintained in the patient's medical file.

(c) The collaborative practice agreement shall provide for semiannual quality assurance review of not less than 5 percent of all patient charts handled by the advanced practice registered nurse, including a sample of charts for patients receiving controlled substances.

(d) The collaborative practice agreement shall provide for the terms and frequency of evaluation by the collaborating physician for patients receiving prescription drug or device orders executed by advanced practice registered nurses where appropriate.

1 43-26-54.

2 (a) A collaborative practice agreement:

3 (1) Shall be in writing and signed by the parties;

4 (2) Can only be between an advanced practice registered nurse and a physician who has
5 practice in a comparable specialty area or field as that of the advanced practice registered
6 nurse or as may be otherwise approved by the board for the advance practice registered
7 nurse and the Composite State Board of Medical Examiners for the collaborating
8 physician;

9 (3) Shall be in effect for no more than one year but may be renewed from time to time
10 for no more than one year for each such renewal;

11 (4) Shall not authorize the execution of a drug order for any Schedule I controlled
12 substance;

13 (5) Shall authorize no more than a 30 day supply of any drug, except in cases of chronic
14 illness in which case a 90 day supply may be authorized;

15 (6) Shall authorize refills for not more than six months from the date of the original
16 order, except that such refills for not more than 12 months may be authorized for oral
17 contraceptives, hormone replacement therapy, and prenatal vitamins; and

18 (7) Shall provide for the availability of, consultation by, and referral to the collaborating
19 physician.

20 (b)(1) In order to enter into and prior to the execution of a collaborative practice
21 agreement, an advanced practice registered nurse shall submit to the board an application
22 that documents that the advanced practice registered nurse:

23 (A) Holds a current and unrestricted license as a registered professional nurse in this
24 state;

25 (B) Has current authorization to practice as an advanced practice registered nurse;

26 (C) Has at least a master's degree, except such degree requirements shall not be a
27 condition for an advanced practice registered nurse who is certified or otherwise meets
28 board requirements to practice as an advanced practice registered nurse on July 1, 2000;
29 and

30 (D) Has completed:

31 (i) Graduate level pharmacology course work; or

32 (ii) Thirty contract hours in pharmacology within four years prior to entering into a
33 collaborative practice agreement.

34 (2) Upon the satisfactory review of such an application from an advanced practice
35 registered nurse, the board shall cause:

1 (A) The license of the advanced practice registered nurse to be marked in a manner
2 indicating that the advanced practice registered nurse has met the requirements to enter
3 into a collaborative practice agreement; and

4 (B) The name of the advanced practice registered nurse authorized to enter into a
5 collaborative practice agreement to be placed on a registry created and maintained by
6 the board for the purpose of making such names available to the public.

7 (c) In order to maintain the right to be a party to a collaborative practice agreement, an
8 advanced practice registered nurse shall:

9 (1) Obtain a minimum of five contact hours of continuing education in pharmacology or
10 pharmacology management approved by a national professional accrediting organization
11 each year the advanced practice registered nurse is in a collaborative practice agreement;

12 (2) Notify the patient verbally, post a notice in the office, or both, that the patient has the
13 right to see the collaborating physician prior to such advanced practice registered nurse
14 exercising the authority granted by the collaborative practice agreement; and

15 (3) Comply with this article and the applicable laws and regulations pertaining to the
16 authority granted under this article.

17 (d) An advanced practice registered nurse who is a party to a collaborative practice
18 agreement shall have the right, but is not required, to apply for a federal Drug Enforcement
19 Agency (DEA) registration number and, if obtained, upon receipt of such registration, shall
20 file that number with the board.

21 43-26-55.

22 (a) Nothing contained in this article shall impose any civil or criminal liability on any
23 physician who enters into a collaborative practice agreement conforming to the
24 requirements of this article for the conduct of an advanced practice registered nurse which
25 exceeds the scope of such nurse's authority under such agreement, unless such physician
26 knew or should have known of such conduct.

27 (b) Nothing in this article shall be construed to create a presumption of liability, either civil
28 or criminal, on the part of a pharmacist duly licensed under Chapter 4 of Title 26 and who,
29 in good faith, fills a prescription drug order of an advanced practice registered nurse issued
30 pursuant to a collaborative practice agreement.

31 43-26-56.

32 (a) The practice of a collaborating physician shall be governed by the Composite State
33 Board of Medical Examiners which is authorized to promulgate appropriate rules and
34 regulations regulating such a physician.

(b) A collaborating physician shall not be a party to a collaborative practice agreement with more than six advanced practice registered nurses at any one time, provided that a collaborating physician may enter into a collaborative practice agreement with more than six advanced practice registered nurses where the total ratio of advanced practiced nurses to collaborating physicians in that practice setting is not greater than six to one. This limitation shall not apply to the practice of an advanced practice registered nurse who is employed by or otherwise performs services for the Department of Human Resources, the Department of Community Health, a local board of health or other provider of health care to the medically disadvantaged as provided by subparagraph (b)(2)(A) or paragraph (3) of subsection (b) of Code Section 43-34-26.1.

(c)(1) It shall be unlawful for a managed care system, hospital, insurance company, or other similar entity to discriminate against a collaborating physician or advanced practice registered nurse because he or she is a party to a collaborative practice agreement.

(2) It shall be unlawful for a managed care system, hospital, insurance company, or other similar entity to require a physician or advanced practice registered nurse to be a party to a collaborative practice agreement as a condition of participation in or reimbursement from such a managed care system, hospital, insurance company, or other similar entity.

43-26-57.

The practice of any advanced practice registered nurse who enters into a collaborative practice agreement conforming to this article shall be governed by the board, which is authorized to promulgate rules and regulations regulating such an advanced practice registered nurse. In addition to and not in limitation of any other powers granted to the board under Code Section 43-26-5, the board shall subject the advanced practice registered nurse practicing pursuant to a collaborative practice agreement to appropriate disciplinary action, including, but not limited to, the sanctions expressed in Code Section 43-26-11 and the revocation of authority to enter into a collaborative practice agreement, if such advanced practice registered nurse:

(1) Violates any provision of this article, the rules and regulations of the board, the rules and regulations of the State Board of Pharmacy regarding prescribing of drugs, or any combination thereof;

(2) Violates any state or federal law or regulation applicable to prescribing of drugs;

(3) Fails to follow any conditions imposed by law or regulation in relation to the exercise of authority granted under this article; or

(4) Violates the terms and conditions of the collaborative practice agreement.

1 43-26-58.

2 Nothing in this article shall be construed to restrict the right of a registered professional
3 nurse to practice pursuant to Code Section 43-34-26.1."

4 **SECTION 2.**

5 This Act shall become effective on July 1, 2003.

6 **SECTION 3.**

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