

Senate Bill 376

By: Senator Balfour of the 9th

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 relating to advanced practice registered nurses and
3 prescriptive orders; to provide for a short title; to provide for legislative intent and findings;
4 to provide for definitions; to provide for collaborative practice agreements and their contents
5 and conditions; to provide for prescription drug and device orders and forms, conditions, and
6 procedures relating thereto; to provide for application for certain registration numbers; to
7 provide for liability and immunity therefrom; to provide for duties and powers of the
8 Composite State Board of Medical Examiners and the Georgia Board of Nursing; to provide
9 for disciplinary actions; to provide for continuing rights of certain nurses; to provide for
10 related matters; to provide for an effective date; to repeal conflicting laws; and for other
11 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 the elder citizen. The General Assembly finds that the advanced practice
23 registered nurse is an effective partner in increasing access to quality and affordable health

1 care in a variety of ways for this and other populations. The General Assembly further
2 finds that the benefits from the services of the advanced practice registered nurse may be
3 enjoyed by all persons, especially the elderly, rural populations, and urban underserved
4 communities. The General Assembly further finds that specifically providing authority for
5 the advanced practice registered nurse through 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 this chapter and authorized by the Georgia Board of
13 Nursing to practice as a certified nurse midwife, a nurse practitioner, or a clinical nurse
14 specialist in psychiatric/mental health. The advanced practice registered nurse shall wear
15 the title 'advanced practice registered nurse' or the abbreviation 'A.P.R.N.' on a name tag
16 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, or order drugs, devices, medical treatments, and diagnostic tests and execute
25 verbal, written, or electronic prescription drug or device orders and which provides for
26 the terms and conditions for the execution of prescription drug or device orders.
27 Dispensing shall be limited to dispensing pharmaceutical samples at no charge, except
28 in those settings and circumstances defined in subparagraph (b)(2)(A) and paragraph (3)
29 of 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.

1 (8) 'Execute a prescription drug or device order' means to transmit, in writing,
 2 electronically, or orally, a prescription drug or device order as authorized by a
 3 collaborative practice agreement.

4 (9) 'Order' means to select a drug, device, medical treatment, or diagnostic study through
 5 physician authorization in accordance with a collaborative practice agreement.

6 43-26-53.

7 (a)(1) Acting pursuant to a collaborative practice agreement, an advanced practice
 8 registered nurse may execute a prescription drug or device order for any device as defined
 9 in Code Section 26-4-5, any dangerous drug as defined in Code Section 16-13-71, or any
 10 Schedule II, III, IV, or V controlled substances as defined in Code Section 16-13-21 on
 11 a prescription drug order or device order form as specified in paragraph (2) of this
 12 subsection. Such authority shall be exercised only pursuant to the terms and conditions
 13 of a collaborative practice agreement and within the scope of practice of the advanced
 14 practice registered nurse who is a party to such an agreement. Any material change in
 15 the professional duties of the advanced practice registered nurse or the collaborating
 16 physician shall require the review of the collaborative practice agreement. The board
 17 shall publish a model collaborative practice agreement which may be used by an
 18 advanced practice registered nurse and a collaborating physician entering into such an
 19 agreement. Nothing in this Code section shall alter the liability of the advanced practice
 20 registered nurse and the collaborating physician pursuant to Code Section 51-1-27. Both
 21 the advanced practice registered nurse and the collaborating physician shall be
 22 responsible for ensuring that the collaborative practice agreement is carried out.

23 (2) The prescription drug or device order form shall include the name, address, and
 24 telephone number of the collaborating physician or physicians and of the advanced
 25 practice registered nurse or nurses, the patient's name and address, the drug or device
 26 ordered, the number of refills, and directions to the patient with regard to the taking and
 27 dosage of the drug. Such form shall be signed by the advanced practice registered nurse
 28 using the following language:

29 'This prescription drug or device order is executed by _____, A.P.R.N.,
 30 by virtue of the authority of a collaborative practice agreement with _____,
 31 M.D./D.O.'

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

34 43-26-54.

35 (a) A collaborative practice agreement:

- 1 (1) Shall be in writing and signed by the parties;
- 2 (2) Can only be between an advanced practice registered nurse and a physician who has
3 a practice in a comparable specialty area or field as that of the advanced practice
4 registered nurse or as may be otherwise approved by the board for the advanced practice
5 registered nurse and by the Composite State Board of Medical Examiners for the
6 collaborating physician;
- 7 (3) Shall be in effect for no more than one year but may be renewed from time to time
8 for no more than one year for each such renewal;
- 9 (4) Shall not authorize the execution of a drug order for any Schedule I controlled
10 substance;
- 11 (5) Shall authorize no more than a 30 day supply of any drug except in cases of chronic
12 illness, in which case a 90 day supply may be authorized;
- 13 (6) Shall provide for the frequency of evaluations or reevaluations by the collaborating
14 physician for patients with a specific diagnosis or receiving prescription drug or device
15 orders executed by the A.P.R.N.;
- 16 (7) Shall provide for a semiannual quality assurance review of a sufficient number of all
17 patient charts handled by the advanced practice registered nurse, including a sample of
18 charts for patients receiving controlled substances;
- 19 (8) Shall authorize refills for not more than six months from the date of the original
20 order, except that refills for not more than 12 months may be authorized for oral
21 contraceptives, hormone replacement therapy, and prenatal vitamins; and
- 22 (9) Shall provide for the availability of, consultation by, and referral to the collaborating
23 physician.
- 24 (b)(1) In order to enter into and prior to the execution of a collaborative practice
25 agreement, an advanced practice registered nurse shall submit to the board an application
26 documenting that the advanced practice registered nurse:
 - 27 (A) Holds a current and unrestricted license as a registered professional nurse in this
28 state;
 - 29 (B) Has current authorization to practice as an advanced practice registered nurse;
 - 30 (C) Has at least a master's degree, except such degree requirement shall not be a
31 condition for an A.P.R.N. who was certified or otherwise met board requirements to
32 practice as an A.P.R.N. prior to January 1, 1999; and
 - 33 (D) Has completed:
 - 34 (i) Graduate level pharmacology course work; or
 - 35 (ii) Thirty contact hours in pharmacology within four years prior to entering into a
36 collaborative practice agreement.

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

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

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

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

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

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

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

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

23 43-26-55.

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

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

1 43-26-56.

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

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

15 (c)(1) It shall be unlawful for a managed care system, hospital, insurance company, or
16 other similar entity to discriminate against a collaborating physician or advanced practice
17 registered nurse because he or she is or is not a party to a collaborative practice
18 agreement.

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

23 43-26-57.

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

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

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

- 1 (3) Fails to follow any conditions imposed by law or regulation in relation to the exercise
2 of authority granted under this article; or
3 (4) Violates the terms and conditions of the collaborative practice agreement.

4 43-26-58.

5 Nothing in this article shall be construed to restrict the right of a registered professional
6 nurse to practice pursuant to Code Section 43-34-26.1 or paragraph (1) of Code Section
7 43-26-3."

8 **SECTION 2.**

9 This Act shall become effective on July 1, 2004.

10 **SECTION 3.**

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