

Senate Bill 458

By: Senators Unterman of the 45th, Thomas of the 54th and Meyer von Bremen of the 12th

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, and Chapter 34 of Title 43 of the Official Code of Georgia Annotated,
3 relating to physicians, acupuncture, physician's assistants, cancer and glaucoma treatment,
4 respiratory care, clinical perfusionists, and orthotics and prosthetics practice, so as to
5 comprehensively revise the provisions of law regarding physician assistants; to change the
6 term "physician's assistant" to "physician assistant"; to change the definition of the term
7 "physician assistant"; to change the content of job descriptions for physician assistants; to
8 change the method of licensure of physician assistants; to provide for the scope of practice
9 and duties of physician assistants; to provide for the manner of prescribing drugs and devices
10 and the record keeping associated therewith; to provide for practice by physician assistants
11 in case of emergency or disaster; to provide certain criminal and civil immunities; to provide
12 for exemption from paying fees and temporary practice agreements under certain
13 circumstances; to provide for inactive licenses; to provide for related matters; to change
14 various statutory references to "physician's assistant" so that they refer to "physician
15 assistant"; to provide an effective date; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
19 substances, is amended by striking subparagraph (C) of paragraph (23) of Code Section
20 16-13-21, relating to definitions, and inserting in lieu thereof a new subparagraph (C) to read
21 as follows:

22 "(C) A ~~physician's~~ physician assistant acting pursuant to the authority of
23 subsection ~~(e.1)~~(e) of Code Section 43-34-103. For purposes of this chapter and
24 subsection ~~(e.1)~~(e) of Code Section 43-34-103 ~~and notwithstanding the provisions of~~
25 ~~subsection (g) of Code Section 43-34-26.1~~, a ~~physician's~~ physician assistant is

1 authorized to register with the federal Drug Enforcement Administration and
2 appropriate state authorities."

3 SECTION 2.

4 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
5 acupuncture, physician's assistants, cancer and glaucoma treatment, respiratory care, clinical
6 perfusionists, and orthotics and prosthetics practice, is amended by striking subsection (e)
7 of Code Section 43-34-21, relating to creation of Composite State Board of Medical
8 Examiners, and inserting in lieu thereof a new subsection (e) to read as follows:

9 "(e)(1) The board shall appoint a ~~Physician's~~ Physician Assistants Advisory Committee
10 composed of four physicians, at least two of whom shall be members of the board, and
11 four licensed ~~physician's~~ physician assistants, who shall each serve for terms of office of
12 two years and until their successors are appointed and qualified. The committee shall
13 review matters to come before the board which relate to ~~physician's~~ physician assistants,
14 including but not limited to applicants for ~~physician's~~ physician assistant licensure and
15 relicensure and education requirements therefor, and proposed board regulations
16 concerning ~~physician's~~ physician assistants. The committee shall periodically make
17 recommendations to the board regarding matters reviewed. Each member of the advisory
18 committee shall be entitled to the same expense allowances, mileage allowances, and
19 reimbursement as members of the board as provided for in subsection (f) of Code Section
20 43-1-2.

21 (2) The committee shall appoint a ~~physician's~~ physician assistant in an advisory capacity
22 to the board. The advisory person shall serve at the pleasure of the committee as an ex
23 officio adviser to the board in all matters relating to ~~physician's~~ physician assistants and
24 shall share in the privileges and benefits of the board without a vote."

25 SECTION 3.

26 Said chapter is further amended by striking Code Section 43-34-26, relating to practicing
27 medicine without a license, and inserting in lieu thereof a new Code Section 43-34-26 to read
28 as follows:

29 "43-34-26.

30 (a) If any person shall hold himself or herself out to the public as being engaged in the
31 diagnosis or treatment of disease or injuries of human beings, or shall suggest, recommend,
32 or prescribe any form of treatment for the palliation, relief, or cure of any physical or
33 mental ailment of any person, with the intention of receiving therefor, either directly or
34 indirectly, any fee, gift, or compensation whatsoever, or shall maintain an office for the
35 reception, examination, or treatment of diseased or injured human beings, or shall attach

1 the title 'M.D.,' 'Oph.,' 'D.,' 'Dop.,' 'Surgeon,' 'Doctor,' 'D.O.,' 'Doctor of Osteopathy,' either
 2 alone or in connection with other words, or any other word or abbreviation to his or her
 3 name indicative that he or she is engaged in the treatment of diseased, defective, or injured
 4 human beings, and shall not in any of these cases then possess a valid license to practice
 5 medicine under the laws of this state, he or she shall be deemed to be practicing medicine
 6 without complying with the requirements of this chapter and shall be deemed in violation
 7 of the requirements of this chapter.

8 (b) Nothing in this chapter shall be construed to prohibit:

9 (1) Gratuitous services in cases of emergency;

10 (2) The practice of the religious tenets or general beliefs of any church whatsoever;

11 (3) The requiring of a fee for examination by opticians, at their established places of
 12 business, who do not prescribe or use drugs or medicines or attach to their names titles
 13 indicative that any such persons are engaged in the practice of medicine, as defined in this
 14 chapter;

15 (4) The performance of their duties for the federal government by federal physicians,
 16 both military and civilian;

17 (5) The practice of medicine, by an individual appointed as an intern or accepted for
 18 specialty or residency training in programs approved by the board, for a period of two
 19 years or for such additional period as the board, by application, may determine;

20 (6) The consultation on special cases in this state of regularly licensed physicians from
 21 other states or territories;

22 (7) The licensed practice of dentistry, optometry, psychology, or chiropractic;

23 (8) The licensed practice of midwifery or nursing;

24 (9) ~~The utilization of a physician's~~ A physician assistant to perform tasks approved by
 25 ~~the board, and the performance of such tasks by the physician's assistant~~ from performing
 26 activities contained in the physician assistant's job description; the delegation by a
 27 physician to a qualified person other than a ~~physician's~~ physician assistant of any acts,
 28 duties, or functions ~~which are~~ otherwise permitted by law or established by custom; and
 29 the performance of such acts, duties, or functions by such a person other than a
 30 ~~physician's~~ physician assistant; or

31 (10) The performance of:

32 (A) Any medical task by a student enrolled in a medical college, osteopathic college,
 33 or ~~physician's~~ physician assistant training program approved by the board; or

34 (B) Any dental task by a student enrolled in a dental college approved by the Georgia
 35 Board of Dentistry where either type task is performed under the supervision of an
 36 authorized instructor lawfully licensed in this state to perform such tasks.

1 (c) Nothing in this chapter shall be construed as preventing any person holding a valid
 2 license as a Doctor of Osteopathy on March 16, 1970, from engaging in the practice of
 3 osteopathy as the same was practiced by such person at such time, subject to biennial
 4 renewal of his or her license. Such limited renewal licenses shall not authorize the practice
 5 of obstetrics or surgery other than the minor suturing of cuts."

6 SECTION 4.

7 Said chapter is further amended by striking Code Section 43-34-26.1, relating to delegation
 8 of authority to nurse or physician's assistant, and inserting in lieu thereof a new Code Section
 9 43-34-26.1 to read as follows:

10 "43-34-26.1.

11 (a) As used in this Code section, the term:

12 (1) 'Administer' means to give a unit dose of any drug or to perform any medical
 13 treatment or diagnostic study.

14 (2) 'Controlled substance' means any controlled substance, as defined in Code Section
 15 16-13-21, except any Schedule I controlled substance listed in Code Section 16-13-25.

16 (3) 'Dangerous drug' means any dangerous drug, as defined in Code Section 16-13-71,
 17 but does not include any controlled substance or Schedule I controlled substance.

18 (3.1) 'Dispense' means to issue one or more doses of any drug in a suitable container with
 19 appropriate labeling for subsequent administration to, or use by, a patient.

20 (4) 'Dispensing procedure' means a written document signed by a licensed pharmacist
 21 and a licensed physician which document establishes the appropriate manner under which
 22 drugs may be dispensed pursuant to this Code section.

23 (5) 'Drug' means any dangerous drug or controlled substance.

24 (5.1) 'Job description' ~~means a document signed by a licensed physician and describing~~
 25 ~~the duties which may be performed by a physician's assistant, by which document the~~
 26 ~~physician delegates to that physician's assistant the authority to perform certain medical~~
 27 ~~acts pursuant to subsection (b) of this Code section and which acts shall include, without~~
 28 ~~being limited to, the administering and ordering of any drug~~ has the same meaning as
 29 such term is defined in Code Section 43-34-102.

30 (6) 'Nurse' means a ~~person who is~~ a registered professional nurse licensed as such under
 31 Article 1 of Chapter 26 of this title.

32 (7) 'Nurse protocol' means a written document mutually agreed upon and signed by a
 33 nurse and a licensed physician, by which document the physician delegates to that nurse
 34 the authority to perform certain medical acts pursuant to subsection (b) of this Code
 35 section, and which acts shall include, without being limited to, the administering and
 36 ordering of any drug.

1 (8) 'Order' means to select a drug, medical treatment, or diagnostic study through
 2 physician delegation in accordance with a nurse protocol or a ~~physician's~~ physician
 3 assistant's job description. Ordering under such delegation shall not be construed to be
 4 prescribing, ~~which act can only be performed by the physician, nor shall ordering of a~~
 5 ~~drug be construed to authorize the issuance of a written prescription.~~

6 (9) 'Physician's Physician assistant' means a person licensed as a physician's assistant
 7 pursuant to Article 4 of this chapter, the 'Physician's Assistant Act.' has the same
 8 meaning as such term is defined in Code Section 43-34-102.

9 (b)(1) A physician may delegate to:

10 (A) A ~~physician's~~ physician assistant in accordance with a job description; or

11 (B) A nurse recognized by the Georgia Board of Nursing as a certified nurse midwife,
 12 certified registered nurse anesthetist, certified nurse practitioner, or clinical nurse
 13 specialist, psychiatric/mental health in accordance with a nurse protocol

14 the authority to order controlled substances selected from a formulary of such drugs
 15 established by the Composite State Board of Medical Examiners and the authority to
 16 order dangerous drugs, medical treatments, and diagnostic studies.

17 (2) A physician may delegate to a nurse or ~~physician's~~ physician assistant the authority
 18 to order dangerous drugs, medical treatments, or diagnostic studies and a nurse or
 19 ~~physician's~~ physician assistant is authorized to dispense dangerous drugs, in accordance
 20 with a dispensing procedure and under the authority of an order issued in conformity with
 21 a nurse protocol or job description, if that nurse or ~~physician's~~ physician assistant orders
 22 or dispenses those dangerous drugs, medical treatments, or diagnostic studies:

23 (A) As an agent or employee of:

24 (i) The Division of Public Health of the Department of Human Resources;

25 (ii) Any county board of health; or

26 (iii) Any organization:

27 (I) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
 28 Revenue Code, as defined in Code Section 48-1-2, other than an organization which
 29 is a hospital, preferred provider organization, health maintenance organization, or
 30 similar organization; or

31 (II) Established under the authority of or receiving funds pursuant to 42 U.S.C.
 32 Section 254b or 254c of the United States Public Health Service Act,

33 which organization provides that those medical services and dangerous drugs ~~which~~
 34 ~~are~~ ordered or dispensed by its ~~physician's~~ physician assistants and nurses will be
 35 provided at no cost to the patient or at a cost based solely upon the patient's ability
 36 to pay; and

1 (B) In conformity with subsection (b) of Code Section 26-4-130 and the rules and
2 regulations established pursuant thereto by the State Board of Pharmacy.

3 (3) In addition, a physician may delegate to a nurse or ~~physician's~~ physician assistant the
4 authority to order dangerous drugs, medical treatments, or diagnostic studies and a nurse
5 or ~~physician's~~ physician assistant is authorized to dispense dangerous drugs, in
6 accordance with a dispensing procedure and under the authority of an order issued in
7 conformity with a nurse protocol or job description, if that nurse or ~~physician's~~ physician
8 assistant orders or dispenses such drugs, treatments, or studies to a patient of an
9 outpatient clinic:

10 (A) Which is owned or operated by a licensed hospital;

11 (B) Which provides such drugs, treatments, or studies free or at a charge to the patient
12 based solely upon the patient's ability to pay; provided, however, such charge shall not
13 exceed the actual cost to the outpatient clinic; and

14 (C) Whose services are primarily provided to the medically disadvantaged
15 and that nurse or ~~physician's~~ physician assistant orders or dispenses such drugs in
16 conformity with subsection (b) of Code Section 26-4-130 and the rules and regulations
17 established pursuant thereto by the State Board of Pharmacy.

18 (4) Delegation of authority to a ~~physician's~~ physician assistant pursuant to this
19 subsection shall be authorized only if that delegation is contained in the job description
20 approved for that ~~physician's~~ physician assistant by the Composite State Board of
21 Medical Examiners.

22 (5) Delegation of authority to a nurse pursuant to this subsection shall be authorized only
23 if that delegation is contained in a nurse protocol for that nurse.

24 (c) The Composite State Board of Medical Examiners shall be empowered to promulgate
25 rules and regulations governing physicians and ~~physician's~~ physician assistants to carry out
26 the intents and purposes of this Code section, including establishing criteria and standards
27 governing physicians, ~~physician's~~ physician assistants, job descriptions, and nurse
28 protocols. The board shall be authorized to require that protocols not falling within such
29 established criteria and standards be submitted to the board for review and approval or
30 rejection.

31 (d) Notwithstanding any other provision of law to the contrary, a ~~physician's~~ physician
32 assistant or nurse may perform any act authorized to be performed by that person pursuant
33 to and in conformity with this Code section without such act constituting the practice of
34 medicine.

35 (e) Nothing in this Code section shall be construed to limit or repeal this article and
36 Articles 4 and 6 of this chapter, relating to physicians, osteopaths, ~~physician's~~ physician

1 assistants, and respiratory therapists, or Article 1 of Chapter 26 of this title, relating to
2 registered nurses.

3 (f) Nothing in this Code section shall be construed to limit or repeal any existing authority
4 of a licensed physician to delegate to a qualified person any acts, duties, or functions ~~which~~
5 ~~are~~ otherwise permitted by law or established by custom.

6 (g) Nothing in this Code section shall be construed to authorize or permit the issuance of
7 a Drug Enforcement Administration license to a nurse ~~or physician's assistant~~.

8 (h) Nothing in this Code section shall be construed to limit or repeal the authority of any
9 organization described in division (i) or (ii) of subparagraph (b)(2)(A) of this Code section
10 or any organization established under the authority of or receiving funds pursuant to 42
11 U.S.C. Section 254b or 254c of the United States Public Health Service Act to supervise
12 its agents or employees or interfere with the employer and employee relationship of any
13 such agents or employees.

14 (i) Notwithstanding any other provision of law to the contrary, a ~~physician's~~ physician
15 assistant or nurse may perform any act deemed necessary to provide treatment to a hospital
16 or nursing home patient in a life-threatening situation when such act is authorized by
17 standing procedures established by the medical staff of the hospital or nursing home."

18 **SECTION 5.**

19 Said chapter is further amended by striking Article 4, relating to physician's assistants, and
20 inserting in lieu thereof a new Article 4 to read as follows:

21 "ARTICLE 4

22 43-34-100.

23 This article shall be known and may be cited as the ~~Physician's~~ Physician Assistant Act.'

24 43-34-101.

25 (a) To alleviate the growing shortage and geographic maldistribution of health care
26 services in this state, the General Assembly intends, by this article, to ~~establish a new~~
27 ~~category of health care, namely, assistants to physicians, which category includes new~~
28 ~~types of health care personnel, as well as those persons licensed in presently established~~
29 ~~categories of health care~~ recognize physician assistants and their role in addressing this
30 growing health care shortage.

31 (b) This article is intended to encourage the more effective utilization of the skills of
32 physicians by enabling them to delegate health care tasks to such assistants where such
33 delegation is consistent with the patient's health and welfare. Toward this end, the General

1 Assembly intends to remove legal constraints which presently constitute unnecessary
2 hindrances to the more effective delivery of health care services.

3 43-34-102.

4 As used in this article, the term:

5 (1) 'Applicant' means an individual seeking licensure as a physician assistant pursuant
6 to this article or a physician applying to be a primary supervising physician.

7 (2) 'Alternate supervising physician' means a physician to whom a board approved
8 primary supervising physician has delegated the responsibility of supervising a
9 physician's physician assistant who is licensed to approved for supervision by that
10 primary supervising physician and who agrees to supervise the physician's physician
11 assistant for the primary supervising physician and who is on record with the board.

12 ~~(2)~~(3) 'Board' means the Composite State Board of Medical Examiners as created by
13 Code Section 43-34-21.

14 ~~(3)~~(4) 'Carry out a prescription drug or device order' means to complete, on a form
15 established and approved by the board, a written prescription drug order or a prescription
16 device order pursuant to the authority delegated by a supervising physician.

17 ~~(4)~~(5) 'Evaluation agency' means a public or private hospital, school, laboratory, clinic,
18 federal or state institution or agency, or similar facility which has been approved by the
19 board as possessing personnel and equipment and as having had practice in a health care
20 field sufficient to be able to make an objective appraisal, in a manner prescribed by the
21 board, of the proposed physician's assistant's qualifications to perform the tasks
22 described in the job description 'Job description' means a document, signed by the
23 primary supervising physician and the physician assistant whom the primary supervising
24 physician is supervising, which consists of guidelines mutually developed by the primary
25 supervising physician and the physician assistant both to be based upon the physician's
26 delegatory style and to be consistent with the primary supervising physician's scope of
27 practice; and which document describes the professional background, scope of practice,
28 and specialty of the primary supervising physician; the qualifications, including related
29 experience of the physician assistant; a general description of how the physician assistant
30 will be utilized in the practice; and how the physician assistant will be supervised. A job
31 description shall not be required to contain every activity the physician deems the
32 physician assistant qualified to perform but shall confine the activities of the physician
33 assistant to those in the scope of practice of the primary supervising physician.

34 ~~(5)~~(6) 'Physician' means a person lawfully licensed in this state to practice medicine and
35 surgery pursuant to Article 2 of this chapter.

1 ~~(6)~~(7) 'Physician's Physician assistant' means an individual licensed pursuant to this
 2 article. A physician assistant is a skilled person who is qualified by academic and
 3 practical training to provide patients' patient services ~~not necessarily within the physical~~
 4 ~~presence but under the personal direction or supervision of the applying physician and~~
 5 who is a practitioner when practicing with physician supervision and direction pursuant
 6 to the job description required by this article.

7 ~~(7)~~(8) 'Primary supervising physician' means the physician to whom the board licenses
 8 a ~~physician's assistant pursuant to a board approved job description and who has~~ gives
 9 the primary responsibility for supervising the practice of ~~that physician's~~ a physician
 10 assistant pursuant to that physician assistant's job description.

11 (9) 'Supervision' means a licensed physician overseeing the activities of and accepting
 12 responsibility for the medical services rendered by a physician assistant. The physical
 13 presence of the supervising physician is not required when the services are rendered as
 14 long as the supervising physician and physician assistant can be easily and immediately
 15 in contact by telecommunications.

16 43-34-103.

17 (a) In order to obtain approval for ~~the utilization of a person as a physician's assistant,~~
 18 ~~whether the utilization is in a private practice or through a public or private health care~~
 19 ~~institution or organization, the licensed physician who will be responsible for the~~
 20 ~~performance of that assistant~~ licensure as a physician assistant, an applicant shall submit
 21 an application to the board. Such application shall include:

22 (1) Evidence submitted by the proposed ~~physician's~~ physician assistant of his or her
 23 good moral character;

24 (2) Evidence of his or her competency in a health care area related to the job description
 25 which, as a minimum, shall include:

26 (A) Evidence of satisfactory completion of a training program approved by the board:

27 If the applicant is not a graduate of an accredited school approved by the board, he or
 28 she shall be required to receive board approved refresher training and testing;

29 (B) A finding by the board approved evaluation agency that the proposed physician's
 30 assistant is qualified to perform the tasks described in the job description; and

31 ~~(C)~~(3) Evidence that the person who is to be used as a physician's assistant has achieved
 32 a satisfactory score on an appropriate examination outlined, approved, or administered
 33 by the board Evidence that the applicant passed the Physician Assistant National
 34 Certification Examination (PANCE) administered by the National Commission for the
 35 Certification of Physician Assistants (NCCPA) or its successor or the National
 36 Association for the Certification of Anesthesia Assistants or its successor. The board

1 may issue a temporary permit to any applicant for licensure who has satisfied the
 2 provisions of ~~subparagraphs (A) and (B) of this paragraph~~ paragraphs (1) and (2) of this
 3 subsection and who is an applicant for the next available board approved or administered
 4 examination or who has completed this examination and is awaiting the results of such
 5 examination. The temporary permit shall expire upon notification of the applicant's
 6 failure to achieve a satisfactory score on the ~~board approved or administered~~ examination;
 7 and

8 ~~(3) A job description, signed by the applying physician, which shall include:~~

9 ~~(A) The qualifications, including related experience, possessed by the proposed~~
 10 ~~physician's assistant;~~

11 ~~(B) The professional background and specialty of the physician submitting the~~
 12 ~~application; and~~

13 ~~(C) A description of the physician's practice and the way in which the assistant is to~~
 14 ~~be utilized; and~~

15 (4) A fee, established by the board; provided, however, that no fee ~~will~~ shall be required
 16 if the ~~physician's~~ physician assistant is an employee of the state or county government.

17 (b)(1) No primary supervising physician shall have more than four ~~physician's~~ physician
 18 assistants ~~licensed to him or her~~ for supervision at a time; provided, however, that no
 19 physician may supervise more than two ~~physician's~~ physician assistants at any one time
 20 except as provided in paragraph (2) of this subsection.

21 (2)(A) A physician may supervise as many as four ~~physician's~~ physician assistants at
 22 any one time while practicing in a group practice in which other physician members of
 23 such group practice are primary supervising physicians.

24 (B) A physician may supervise as many as four ~~physician's~~ physician assistants at any
 25 one time while acting as an alternate supervising physician:

26 (i) In an institutional setting such as a hospital or clinic;

27 (ii) On call for a primary supervising physician or a group practice; or

28 (iii) If otherwise approved by the board to act as an alternate supervising physician.

29 (3) A primary supervising physician shall designate in writing to the board such other
 30 physicians who may serve as an alternate supervising physician for each ~~physician's~~
 31 physician assistant ~~licensed to~~ approved for supervision by such primary supervising
 32 physician. The board shall have authority to approve or deny such designations in whole
 33 or in part; provided, however, a physician may be listed as an alternate supervising
 34 physician for any number of ~~physician's~~ physician assistants so long as he or she only
 35 supervises as many ~~physician's~~ physician assistants at any one time as allowed by
 36 paragraph (2) of this subsection.

1 (c) ~~Nothing in this article shall prevent a physician from submitting a new job description~~
 2 ~~when a physician's assistant, by reason of further education or experience and successfully~~
 3 ~~passing additional tests as shall be outlined and administered by the board, becomes~~
 4 ~~capable of performing a wider range of medical tasks.~~

5 (d) A physician's physician assistant shall be allowed to perform his duties only in the
 6 principal offices of the applying physicians, which shall be is authorized to practice in
 7 those public or private places or health facilities where the applying supervising physician
 8 regularly sees patients, provided that nothing in this article shall prohibit the rendering of
 9 services to a patient by a physician assistant in a setting geographically remote from the
 10 supervising physician or preclude a physician's physician assistant from making house
 11 calls ~~and hospital rounds~~, performing hospital duties, serving as an ambulance attendant
 12 or emergency responder, or performing any functions performed authorized by the
 13 applying supervising physician which the physician's physician assistant is qualified to
 14 perform.

15 (e)(d) A physician's physician assistant may not be utilized to perform the duties of a
 16 pharmacist licensed under Chapter 4 of Title 26, relating to pharmacists.

17 (e.1)(e)(1) In addition to the authority granted by Code Section 43-34-26.1, a physician's
 18 physician assistant shall be allowed to carry out a prescription drug order or orders for
 19 any device as defined in Code Section 26-4-5, any dangerous drug as defined in Code
 20 Section 16-13-71, or any Schedule III, IV, or V controlled substance as defined in Code
 21 Section 16-13-21 on a prescription drug order or prescription device order form as
 22 specified in paragraph (3) of this subsection, pursuant to the authority delegated by the
 23 supervising physician of that physician's physician assistant. Delegation of such
 24 authority shall be contained in the job description required by this ~~Code section~~ article.
 25 The delegating physician shall remain responsible for the medical acts of the physician's
 26 physician assistant performing such delegated acts and shall adequately supervise the
 27 physician's physician assistant. If an existing job description for a physician's physician
 28 assistant does not contain such authority to carry out a prescription drug or device order
 29 as provided by this subsection, that physician's physician assistant may not issue any
 30 such prescription drug or device order until a new job description delegating such
 31 authority is submitted to and approved by the board. Nothing in this Code section shall
 32 be construed to authorize the written prescription drug order of a Schedule I or II
 33 controlled substance.

34 (2) Nothing in this subsection shall be construed to create a presumption of liability,
 35 either civil or criminal, on the part of a pharmacist who is duly licensed under Title 26
 36 and who in good faith fills a prescription drug or device order presented by a patient
 37 pursuant to this subsection. The pharmacist shall presume that the prescription drug or

1 device order was issued by a ~~physician's~~ physician assistant duly licensed under this
 2 ~~chapter article~~ who has qualified under this Code section to prescribe pharmaceutical
 3 agents. The pharmacist shall also presume that the pharmaceutical agent prescribed by
 4 the ~~physician's~~ physician assistant is an approved pharmaceutical agent, unless the
 5 pharmacist has actual or constructive knowledge to the contrary.

6 (3) The ~~physician's~~ physician assistant shall only be authorized to exercise the rights
 7 granted under this subsection using a prescription drug or device order form which
 8 includes the name, address, and telephone number of the prescribing supervising
 9 physician, the patient's name and address, the drug or device prescribed, the number of
 10 refills, and directions to the patient with regard to the taking and dosage of the drug. Such
 11 form shall be signed by the ~~physician's~~ physician assistant using the following language:

12 This prescription authorized through: ~~(the prescribing supervising physician)~~ (M.D. or
 13 D.O.) by ~~(the physician's physician's assistant)~~ **PHYSICIAN'S PHYSICIAN**
 14 **ASSISTANT.**

15 The name of the prescribing supervising physician shall be handwritten in the appropriate
 16 space by the ~~physician's~~ physician assistant on the prescription drug or device order form.
 17 Any form containing less information than that described in this paragraph shall not be
 18 offered to or accepted by any pharmacist who is duly licensed under Title 26.

19 (4) The ~~physician's~~ physician assistant shall inform the patient that the patient has the
 20 right to see the physician prior to any prescription drug or device order being carried out
 21 by the ~~physician's~~ physician assistant.

22 (5) Unless otherwise restricted by the board or a board approved job description, the
 23 ~~physician's~~ physician assistant shall not carry out a prescription drug or device order for
 24 more than a 30 day supply, except in cases of chronic illnesses where a 90 day supply
 25 may be ordered. The ~~physician's~~ physician assistant may authorize refills up to six
 26 months from the date of the original prescription drug or device order; provided,
 27 however, that refills may be authorized up to 12 months from the date of the original
 28 prescription drug or device order for oral contraceptives or other drugs or devices
 29 approved by the board.

30 (6) A supervising physician shall personally reevaluate, at least every three months, any
 31 patient receiving controlled substances or, at least every six months, any patient receiving
 32 other prescription drugs or devices.

33 (7) In addition to the copy of the prescription drug or device order delivered to the
 34 patient, a record of such prescription shall be maintained in the ~~physician's office in the~~
 35 ~~following manner:~~ medical record.

36 ~~(A) A copy of the prescription drug or device order shall be appended to or otherwise~~
 37 ~~maintained in the patient's medical file; and~~

1 ~~(B) The supervising physician shall countersign the prescription drug or device order~~
 2 ~~copy or medical record entry for each prescription drug or device order within a~~
 3 ~~reasonable time, not to exceed seven working days, unless such countersignature is~~
 4 ~~required sooner by a specific regulation, policy, or requirement.~~

5 (8) A ~~physician's~~ physician assistant is not permitted to prescribe drugs or devices except
 6 as authorized in the ~~physician's~~ physician assistant's job description and in accordance
 7 with this ~~chapter~~ article.

8 (9) ~~The board shall adopt rules establishing:~~

9 ~~(A) The content and use of prescription drug or device order forms;~~

10 ~~(B) Procedures to evaluate an application for a job description containing the authority~~
 11 ~~to carry out a prescription drug or device order;~~

12 ~~(C) A formulary of prescription drugs or devices which may or may not be included~~
 13 ~~in a job description;~~

14 ~~(D) The maintenance and custody of records for prescription drug or device orders;~~

15 ~~(E) A minimum of three continuing medical education hours biennially in practice~~
 16 ~~specific pharmaceuticals in which the physician's assistant has prescriptive order~~
 17 ~~privileges; and~~

18 ~~(F) Any other rules the board may deem necessary or appropriate to carry out the intent~~
 19 ~~and purpose of this Code section or to protect the public welfare~~ A physician assistant
 20 delegated as a prescriber of controlled substances is authorized to register with the
 21 federal Drug Enforcement Administration.

22 (10) ~~Nothing in this Code section is intended to repeal any rules established by the board~~
 23 ~~relating to the requirements and duties of physician's assistants in remote practice sites~~
 24 A physician assistant authorized to carry out a prescription drug or device order shall be
 25 required to complete a minimum of three hours of continuing education biennially in
 26 practice specific pharmaceuticals in which the physician assistant has prescriptive
 27 privileges.

28 (f) ~~A physician employed by the Department of Human Resources or by any institution~~
 29 ~~thereof or by a local health department whose duties are administrative in nature and who~~
 30 ~~does not normally provide health care to patients as such employee shall not be authorized~~
 31 ~~to apply for or utilize the services of any physician's assistant employed by the Department~~
 32 ~~of Human Resources or by any institution thereof or by a local health department.~~

33 (g) Nothing in this article shall be construed to prohibit a ~~physician's~~ physician assistant
 34 from performing those acts the performance of which have been delegated to that
 35 ~~physician's~~ physician assistant pursuant to and in conformity with Code Section
 36 43-34-26.1.

1 (g)(1) Notwithstanding any provision of this article to the contrary, a physician assistant
2 licensed pursuant to this article or authorized to practice in any other state or federal
3 jurisdiction who voluntarily and gratuitously and other than in the ordinary course of the
4 physician assistant's employment or practice responds to a need for medical care created
5 by an emergency or a state or local disaster may render such care that the physician
6 assistant is able to provide without supervision or with such supervision as is available.

7 (2) A physician who supervises a physician assistant providing medical care pursuant to
8 this subsection shall not be required to meet the requirements of this chapter relating to
9 supervision by physicians. A physician providing physician assistant supervision
10 pursuant to this subsection or a physician assistant who voluntarily and gratuitously and
11 other than in the ordinary course of the physician assistant's employment or practice
12 responds to a need for medical care created by an emergency or a state or local disaster
13 shall not be subject to criminal liability by reason of having issued or executed orders for
14 such care and shall not be liable for civil damages for acts or omissions relating to the
15 issuance or execution of the orders unless the acts or omissions constitute gross
16 negligence or willful or wanton misconduct.

17 (h)(1) A physician and a physician assistant may enter into a temporary practice
18 agreement exempt from any filing fees with the board by which agreement the physician
19 supervises the services provided by the physician assistant to patients at a facility or
20 program operated by any organization exempt from federal taxes pursuant to Section
21 501(c)(3) of the federal Internal Revenue Code, provided that:

22 (A) Such services are provided primarily to financially disadvantaged patients;

23 (B) Services are free or at a charge to the patient based solely on the patient's ability
24 to pay and provided, further, that such charges do not exceed the actual cost to the
25 facility or program;

26 (C) The supervising physician and the physician assistant voluntarily and gratuitously
27 donate their services;

28 (D) The temporary practice agreement limits the services of the physician assistant to
29 those services within both his or her usual scope of practice and the scope of practice
30 of the supervising physician;

31 (E) A copy of the temporary practice agreement, signed by both the supervising
32 physician and the physician assistant, is on file at the facility or program; and

33 (F) The facility or program has notified the board of its intent to provide patient
34 services and utilize licensed physicians and physician assistants under the conditions
35 set out in this subsection.

1 (2) The liability of persons, facilities, and programs providing patient services in
 2 conformity with this subsection shall be governed by the provisions of Code Section
 3 51-1-29.1.

4 (i) A physician assistant licensed pursuant to this article but not practicing pursuant to a
 5 current job description shall be issued an inactive license.

6 43-34-104.

7 (a) Within a reasonable time after receipt of the documents required by Code Section
 8 ~~43-34-103~~ this article, the board shall give to the applicant written notice of approval or
 9 disapproval of the physician assistant's application for licensure or a physician's
 10 application to be a primary supervising physician; and, if approval of the application is
 11 given, the board shall issue to the assistant a license authorizing the assistant to perform
 12 medical tasks under the direction and supervision of the applying physician.

13 (b) The board shall not approve an application unless it finds from the information
 14 forwarded with the application that the proposed physician's assistant is fully qualified to
 15 perform the tasks described in the job description and will be utilized in a manner that will
 16 not endanger the health and welfare of patients upon whom he may perform the described
 17 medical tasks the patients of this state will benefit from the approval of such application.

18 43-34-105.

19 (a) On receipt of notice of the board's approval, a physician's assistant, under the direction
 20 of the applying physician, may perform the tasks described in the job description, provided
 21 that nothing in this Code section shall make unlawful the performance of a medical task
 22 by the physician's assistant, whether or not such task is specified in the general job
 23 description, when it is performed under the direct supervision and in the presence of the
 24 physician utilizing him Prior to providing patient services, a physician assistant shall have
 25 a signed job description submitted by his or her primary supervising physician and
 26 approved by the board.

27 (b) Nothing in this article shall prevent a primary supervising physician from submitting
 28 to the board a new or amended physician assistant job description.

29 43-34-106.

30 Any physician, clinic, or hospital using a ~~physician's~~ physician assistant shall post a notice
 31 to that effect in a prominent place.

1 43-34-107.

2 (a) The approval of a ~~physician's utilization of a physician's assistant~~ physician assistant's
 3 license may be terminated and the license may be revoked by the board when, after due
 4 notice and a hearing, in accordance with this Code section, it shall find that the physician
 5 assistant is incompetent or has committed unethical or immoral acts, including, but not
 6 limited to, holding himself or herself out or permitting another to represent him or her as
 7 a licensed physician; performing otherwise than at the direction of a supervising physician
 8 ~~approved by the board to utilize the assistant's services~~; habitually using intoxicants or
 9 drugs to such an extent that he or she is unable safely to perform as ~~an~~ a physician assistant
 10 ~~to the physician~~; or being convicted in any court, state or federal, of any felony or other
 11 criminal offense involving moral turpitude.

12 (b) Before the board shall give written notice to the ~~physician's~~ physician assistant of
 13 ~~termination of approval granted by it to an assistant~~ revocation of licensure, it ~~will~~ shall
 14 give to the physician assistant a timely and reasonable written notice indicating the general
 15 nature of the charges, accusation, or complaint preferred against him or her and stating that
 16 the physician assistant will be given an opportunity to be heard concerning such charges
 17 or complaints; and it shall hold a public hearing within a reasonable time. Following such
 18 hearing, the board shall determine, on the basis of its regulations, whether the ~~approval~~
 19 licensure of the physician assistant shall be terminated.

20 (c) In hearings held pursuant to this Code section, the board shall apply the rules of
 21 evidence as prescribed in Chapter 13 of Title 50, the 'Georgia Administrative Procedure
 22 Act.'

23 43-34-108.

24 In addition to the powers specifically delegated to it in this article, the board shall have the
 25 authority to perform all acts which are necessary, proper, or incidental to the efficient
 26 ~~development of the category of health care established by this article~~ regulation of
 27 physician assistants in this state. The board shall have the authority to promulgate rules
 28 and regulations governing as necessary to carry out the intent of this article and to govern
 29 the definitions of delegation by physicians to qualified persons other than ~~physician's~~
 30 physician assistants of any acts, duties, or functions ~~which are~~ permitted by law or
 31 established by custom. Any power vested by law in the board, but not implemented by
 32 specific provisions for the exercise thereof, may be executed and carried out by the board
 33 in a reasonable manner, pursuant to such rules, regulations, and procedures as the board
 34 may adopt and subject to such limitations as may be provided by law."

SECTION 7.

The following Code sections of the Official Code of Georgia Annotated are amended by striking the term "physician's assistant" wherever it occurs and inserting in its place the term "physician assistant":

- (1) Code Section 16-13-72, relating to sale, distribution, and possession of dangerous drugs;
- (2) Code Section 20-2-774, relating to self-administration of asthma medication;
- (3) Code Section 31-7-16, relating to determination of pronouncement of death of patient who died in a facility classified as a nursing home;
- (4) Code Section 31-11-60.1, relating to program for physician control over emergency medical services to nonhospital patients;
- (5) Code Section 31-22-9.1, relating to who may perform HIV tests;
- (6) Code Section 33-20A-3, relating to definitions concerning managed health care plans;
- (7) Code Section 33-24-58.2, relating to minimum health benefit policy coverage under the Newborn Baby and Mother Protection Act;
- (8) Code Section 33-24-72, relating to coverage for inpatient care and follow-up visits required by health insurers for mastectomies;
- (9) Code Section 34-9-415, relating to conduct of drug testing;
- (10) Code Section 40-6-392, relating to chemical tests for alcohol or drugs in blood;
- (11) Code Section 42-4-70, relating to definitions concerning deductions from inmate accounts for expenses;
- (12) Code Section 42-5-55, relating to deductions from inmate accounts for payment of medical costs;
- (13) Code Section 43-34-178, relating to nonapplicability of practicing perfusion without a license; and
- (14) Code Section 44-5-145, relating to gifts made by will, donor card, or other instrument.

SECTION 8.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 9.

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