

The Senate Health and Human Services Committee offered the following substitute to SB 458:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncture, physician's assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice, so as to define and change the content of job descriptions for physician's assistants; to provide definitions; to provide for practice by physician's assistants in case of emergency or disaster; to provide exemptions from paying fees and temporary practice agreements under certain circumstances; to provide for an inactive licensure status; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncture, physician's assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice, is amended by adding a new paragraph (4.1) to Code Section 43-34-102, relating to definitions, to read as follows:

"(4.1) 'Job description' means a document, signed by the primary supervising physician and the physician's assistant whom the primary supervising physician is supervising, which consists of guidelines mutually developed by the primary supervising physician and the physician's assistant to be consistent with the primary supervising physician's scope of practice; and which document describes the professional background, scope of practice, and specialty of the primary supervising physician; the qualifications, including related experience of the physician's assistant; a general description of how the physician's assistant will be utilized in the practice; and how the physician's assistant will be supervised. A job description shall not be required to contain every activity the primary supervising physician deems the physician's assistant qualified to perform but shall confine the activities of the physician's assistant to those in the scope of practice of the primary supervising physician."

**SECTION 2.**

Said chapter is further amended by striking subsection (a) of Code Section 43-34-103, relating to application for assistant, and inserting in lieu thereof a new subsection (a) to read as follows:

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

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

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

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

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

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

(C) Evidence that the person who is to be used as a physician's assistant has achieved a satisfactory score on an appropriate examination outlined, approved, or administered by the board. The board may issue a temporary permit to any applicant for licensure who has satisfied the provisions of subparagraphs (A) and (B) of this paragraph and who is an applicant for the next available board approved or administered examination or who has completed this examination and is awaiting the results of such examination. The temporary permit shall expire upon notification of the applicant's failure to achieve a satisfactory score on the board approved or administered examination;

(3) A job description meeting the requirements of paragraph (4.1) of Code Section 43-34-102, signed by the applying physician, which shall include:

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

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

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

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

**SECTION 3.**

Said chapter is further amended by adding new paragraphs (h), (i), and (j) to Code Section 43-34-103, relating to applications for assistants, to read as follows:

"(h)(1) Notwithstanding any provision of this article to the contrary, a physician's assistant licensed pursuant to this article or licensed, certified, or otherwise authorized to practice in any other state or federal jurisdiction and whose license, certification, or authorization is in good standing who voluntarily and gratuitously and other than in the ordinary course of the physician's assistant's employment or practice responds to a need for medical care created by a state of emergency or a disaster may render such care that the physician's assistant is able to provide without supervision or with such supervision as is available.

(2) A physician who supervises a physician's assistant providing medical care pursuant to this subsection shall not be required to meet the requirements of this chapter relating to supervision by physicians.

(3) For the purposes of this subsection, the term 'state of emergency' has the same meaning as in paragraph (7) of Code Section 38-3-3, and the term 'disaster' has the same meaning as in paragraph (1) of Code Section 38-3-91.

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

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

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

(3) The supervising physician and the physician's assistant voluntarily and gratuitously donate their services;

(4) A copy of the temporary practice agreement, signed by both the supervising physician and the physician's assistant, is on file at the facility or program and is sent to the board;

(5) The temporary practice agreement is for a specified period of time, limits the services of the physician's assistant to those services within both his or her usual scope of practice and the scope of practice of the supervising physician, and is signed by both the supervising physician and physician's assistant prior to the physician's assistant providing patient services; and

(j) A physician's assistant licensed pursuant to this article but not practicing with the supervision of a board approved primary supervising physician may be granted an inactive licensure status."

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

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