

WITHDRAWN

Senator Thomas of the 10th offered the following amendment to the substitute to HB 1028:

By inserting on line 1 of page 1 immediately following 'health', the following:

“so as to provide for legislative findings with respect the crisis in access to healthcare and medical services; to address such crisis by strengthening the prescriptive authority for physician’s assistants and advanced practice registered nurses,”

By inserting between lines 12 and 13 of page 1 a new section which states as follows:

“SECTION A.

31-37-1.

The General Assembly finds that there presently exists a crisis in the shortage of healthcare providers to serve the citizens of this State. The United States Department of Health and Human Services has designated no less 147 of 159 counties in Georgia to be medically underserved areas or populations. As a result, areas of the state are served by physicians working a circuit rotation and causing citizens to wait an unreasonable length of time for prescriptions essential to their health and well-being. The General Assembly further finds that expanding the prescriptive authority of physician’s assistants and advanced practice registered nurses will increase access to healthcare services and be of substantial benefit to the state and its citizens.

31-37-2.

As used in this chapter, the term:

- (a) ‘Advanced Practice Registered Nurse’ means a registered professional nurse licensed under Article 1 of Chapter 26 of Title 43 who is authorized as an advanced practice registered nurse by the Georgia Board of Nursing.
- (b) ‘Job description’ means a written document, signed by the primary physician and the physician’s assistant whom the primary physician is supervising, which consists of guidelines mutually developed by the primary 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 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. ;

- (c) 'Drug' means any Schedule II, III, IV, or V controlled substance as defined in Code Section 16-13-21, dangerous drugs as defined in Chapter 13 of Title 16, or any over-the-counter medication.
- (d) 'Nurse Protocol' means a written agreement by and between an advanced practice registered nurse and a physician wherein the physician authorizes the advanced practice registered nurse to administer, dispense, and order drugs, devices, medical treatments, and diagnostic tests, and execute verbal, written, or electronic prescription drug or device orders therefore, and which provides for the terms and conditions for the execution of a prescription drug or device order.
- (e) 'Physician's assistant' means a skilled person qualified by academic and practical training and certification requirements to provide patients' services not necessarily with the physical presence but under the personal direction or supervision of the applying physician.
- (f) 'Order' means by verbal, written, or electronic means to select a drug, device, medical treatment, or diagnostic study or test through physician delegation in accordance with a nurse protocol or a physician's assistant's job description.
- (g) 'Physician' means a physician licensed to practice medicine in accordance with Article 2 of Chapter 34 of Title 43 with whom a physician's assistant has entered into a job description or with whom an advanced practice registered nurse has entered a nurse protocol agreement.

31-37-3

(a) A physician is hereby specifically authorized to delegate authority, including but not limited to prescribing authority, to a physician's assistant according to the physician assistant's job description and to an advanced practice registered nurse according to a nurse protocol. A physician's authority is to be liberally construed to effectuate the intent and purposes of this Chapter.

(b) The Georgia State Composite Board of Medical Examiners shall review and approve the physician assistant's job description. The physician shall submit an application to the board. Such application shall include:

- (1) Evidence submitted by the 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 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) The job description for the physician's assistant as defined in 31-37-2;

(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.

The State Composite Board of Medical Examiners may develop standard job descriptions for use by supervising physicians and physician's assistants.

(c) The Georgia Board of Nursing shall review and approve the advance practice registered nurse's nurse protocol as provided by Chapter 26 of Title 43.

31-37-4

(a) Nothing in this Code section shall be construed to authorize independent prescribing authority to physician's assistants or advance practice registered nurses.

(b) Physician's assistants shall wear at all times when performing his or her duties a name badge which indicates that he or she is a physician's assistant and not a physician.

(c) A prescription drug or device order executed by a physician's assistant shall bear the physician's assistant's name and the abbreviation P.A. A prescription drug or device order executed by an advanced practice registered nurse shall bear the advance practice registered nurse's name and the abbreviation A.P.R.N.

(d) For purpose of this chapter, code section 16-13-21, and Title 43 of the Official Code of Georgia, physician's assistants and advance practice registered nurses is authorized to register with the Federal Drug Enforcement Administration and appropriate state authorities.

(e) This chapter shall take precedence over any conflicting code provisions in Titles 16, 31, 33, or 43 of the Official Code of Georgia.

31-37-5

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 physician and the physician's assistant voluntarily and gratuitously donate their services;

(4) A copy of the temporary practice agreement, signed by both the physician and the physician's assistant, is on file at the facility or program and is sent to the Georgia State Composite Board of Medical Examiners;

(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 physician and physician's assistant prior to the physician's assistant providing patient services; and

(6) The facility or program has notified the board of its intent to provide patient services and utilize licensed physicians and physician's assistants under the conditions set out in this subsection."