

House Bill 935

By: Representatives Burmeister of the 119th, Ehrhart of the 36th, Hembree of the 67th, Henson of the 87th, Buckner of the 130th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to
2 definitions relative to regulation of controlled substances, so as to revise the definition of
3 "practitioner"; to amend Article 1 of Chapter 26 of Title 43 of the Official Code of Georgia
4 Annotated, relating to the "Georgia Registered Professional Nurse Practice Act," so as to
5 provide for an advanced practice registered nurse to execute drug orders and to provide
6 professional samples; to amend Code Section 43-34-26.1 of the Official Code of Georgia
7 Annotated, relating to delegation of authority to a nurse or physician's assistant, so as to
8 provide for prescriptive authority of advanced practice registered nurses; to delete a provision
9 relating to a Drug Enforcement Administration license; to provide for related matters; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions
14 relative to regulation of controlled substances, is amended by striking paragraph (23) and
15 inserting in its place the following:

16 "(23) 'Practitioner' means:

17 (A) A physician, dentist, pharmacist, podiatrist, veterinarian, scientific investigator, or
18 other person licensed, registered, or otherwise authorized under the laws of this state
19 to distribute, dispense, conduct research with respect to, or to administer a controlled
20 substance in the course of professional practice or research in this state;

21 (B) A pharmacy, hospital, or other institution licensed, registered, or otherwise
22 authorized by law to distribute, dispense, conduct research with respect to, or to
23 administer a controlled substance in the course of professional practice or research in
24 this state; or

25 (C) An advanced practice registered nurse acting pursuant to the authority of Code
26 Section 43-26-13. For purposes of this chapter and Code Section 43-26-13, an advanced

1 practice registered nurse is authorized to register with the federal Drug Enforcement
 2 Administration and appropriate state authorities; or
 3 ~~(E)~~(D) A physician's assistant acting pursuant to the authority of subsection (e.1) of
 4 Code Section 43-34-103. For purposes of this chapter and subsection (e.1) of Code
 5 Section 43-34-103 and notwithstanding the provisions of subsection (g) of Code
 6 Section 43-34-26.1, a physician's assistant is authorized to register with the federal
 7 Drug Enforcement Administration and appropriate state authorities."

8 SECTION 2.

9 Article 1 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to the
 10 "Georgia Registered Professional Nurse Practice Act," is amended by adding a new Code
 11 section to the end of such article to read as follows:

12 "43-26-13.

13 (a) Notwithstanding any provisions of law to the contrary, an advanced practice registered
 14 nurse who is a party to a nurse protocol agreement with a physician as set out in Code
 15 Section 43-34-26.1 may, in addition to the authority set out in Code Section 43-34-26.1,
 16 be further authorized in a nurse protocol agreement to:

17 (1) Execute a verbal, written, or electronic order for a drug, device, medical treatment,
 18 or diagnostic study. Such an order shall be signed by the advanced practice registered
 19 nurse and shall be on a form which shall include, without limitation, the names of the
 20 advanced practice registered nurse and the physician who are parties to the nurse protocol
 21 agreement, the patient's name and address, the drug or device ordered, directions with
 22 regard to the taking and dosage of the drug or use of the device, and the number of refills;
 23 and

24 (2) Request, receive, and sign for professional samples and may distribute professional
 25 samples to patients. In addition to the requirements of this Code section, all professional
 26 samples shall be maintained as required by applicable state and federal law and
 27 regulations. As used in this subsection, the term "professional samples" means
 28 complimentary doses of a drug or medical devices provided by the manufacturer for use
 29 in patient care.

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

SECTION 3.

Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to delegation of authority to a nurse or physician's assistant, is amended by striking paragraph (1) of subsection (b) and inserting in its place the following:

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

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

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

the authority to order controlled substances ~~selected from a~~ subject to an exclusionary formulary of such drugs established by the Composite State Board of Medical Examiners and the authority to order dangerous drugs, devices, medical treatments, and diagnostic studies."

SECTION 4.

Said Code section is further amended by striking subsection (g) and inserting in its place the following:

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

SECTION 5.

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