

Senate Bill 480

By: Senators Unterman of the 45th, Thomas of the 54th and Goggans of the 7th

AS PASSED

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 provide for the certification of qualified medication aides; to provide for a
3 short title; to provide legislative findings; to provide for definitions; to provide for the
4 delegation of certain nursing tasks; to provide for powers and responsibilities of the Georgia
5 Board of Examiners of Licensed Practical Nurses; to provide for certification standards and
6 requirements; to provide for the issuance and renewal of certificates; to provide for permitted
7 and prohibited activities; to provide for requirements of community living arrangements
8 which utilize qualified medication aides; to provide for sanctions; to provide for construction;
9 to provide for automatic repeal; to amend Code Section 16-13-21 of the Official Code of
10 Georgia Annotated, relating to definitions relative to regulation of controlled substances, so
11 as to revise the definition of "practitioner"; to amend Chapter 26 of Title 43 of the Official
12 Code of Georgia Annotated, relating to nurses, so as to provide for a definition; to provide
13 for enactment of rules and regulations affecting advanced practice registered nurses; to
14 change certain provisions relating to the use of a title by a licensed registered nurse or
15 applicant; to provide for a change in certain prohibited activities; to provide for certain
16 information given to the board by licensees; to change a provision relating to a Drug
17 Enforcement Administration license applicability to nurses and physician's assistants; to
18 amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating
19 to the physicians, so as to provide for a physician to delegate certain medical acts to allow
20 an advanced practice registered nurse to issue prescription drug orders and provide
21 professional samples, order diagnostic studies, medical devices, and in certain
22 life-threatening situations to order radiographic imaging; to provide for construction and
23 limitations related to such delegation; to provide for definitions; to provide for the conditions
24 of a nurse protocol agreement; to provide for execution of prescription drug orders; to
25 provide for related matters; to repeal conflicting laws; and for other purposes.

26

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

27

SECTION 1.

S. B. 480

- 1 -

1 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
2 amended by adding a new article to read as follows:

"ARTICLE 3

4 43-26-50.

5 This article shall be known and may be cited as the 'Georgia Qualified Medication Aide
6 Act.'

7 43-26-51.

8 The purpose of this article is to protect, promote, and preserve the public health, safety, and
9 welfare through the delegation of certain activities performed by registered professional
10 nurses and licensed practical nurses to persons who are certified as qualified medication
11 aides and who are employed by and working in community living arrangements established
12 by the Department of Human Resources pursuant to paragraphs (15) and (16) of subsection
13 (b) of Code Section 37-1-20.

14 43-26-52.

15 As used in this article, the term:

16 (1) 'Applicant' means any person seeking certification under this article.

17 (2) 'Board' means the Georgia Board of Examiners of Licensed Practical Nurses
18 established pursuant to Article 2 of this chapter.

19 (3) 'Community living arrangement' means any residence, whether operated for profit or
20 not for profit, which undertakes through its ownership or management to provide or
21 arrange for the provision of daily personal services, support, care, or treatment
22 exclusively for two or more adults who are not related to the owner or administrator by
23 blood or marriage which is established by the Department of Human Resources pursuant
24 to paragraph (16) of subsection (b) of Code Section 37-1-20 and whose services are
25 financially supported, in whole or part, by funds authorized through the Division of
26 Mental Health, Developmental Disabilities, and Addictive Diseases of the Department
27 of Human Resources. A community living arrangement is also referred to as a
28 'residence.'

29 (4) 'Licensed practical nurse' means an individual who is licensed to practice nursing
30 under Article 2 of this chapter.

31 (5) 'Medication administration record' means a written record of medication ordered for
32 and received by a resident of a community living arrangement.

1 (6) 'Qualified medication aide' means a person who meets the qualifications specified in
2 this article and who is currently certified by the board.

3 (7) 'Physician' means an individual who is licensed to practice medicine under Article
4 2 of Chapter 34 of this title.

5 (8) 'Registered professional nurse' means an individual who is licensed to practice
6 nursing under Article 1 of this chapter.

7 (9) 'Resident' means an individual in a community living arrangement.

8 (10) 'Supervising nurse' means the registered professional nurse who is responsible for
9 the supervision of a qualified medication aide in a community living arrangement.

10 (11) 'Supervision' means initial and ongoing direction, procedural guidance, and
11 observation and evaluation of the qualified medication aide by a registered professional
12 nurse.

13 43-26-53.

14 (a) A registered professional nurse or a licensed practical nurse may delegate certain
15 nursing tasks, as set out in Code Section 43-26-56, to no more than 15 qualified medication
16 aides who are working at and employed by community living arrangements.

17 (b) Certification as a qualified medication aide by the board shall constitute a presumption
18 that the qualified medication aide has acquired the necessary knowledge, skills, and
19 experience to perform the delegated nursing task with reasonable skill and safety upon the
20 residents of community living arrangements. The presumption may be overcome or
21 rebutted by evidence to the contrary, including, but not limited to, the determination that
22 deceptive or fraudulent information was used to obtain certification as a qualified
23 medication aide.

24 43-26-54.

25 The board shall have the power and responsibility to:

26 (1) Determine the qualifications and fitness of applicants for certification as a qualified
27 medication aide and renewal of the certificate;

28 (2) Adopt rules and regulations consistent with this article necessary to enable it to carry
29 into effect the provisions of this article, including disciplinary rules;

30 (3) Examine for, approve, issue, deny, revoke, suspend, and renew the certification of
31 qualified medication aide certificate holders and applicants under this article;

32 (4) Conduct hearings in accordance with the Georgia Administrative Procedure Act
33 regarding the regulation and enforcement of this article;

34 (5) Regulate the acts and practices that are allowed or prohibited for qualified medication
35 aides, in accordance with the provisions of this article;

- 1 (6) Establish application, examination, and certification fees;
- 2 (7) Establish requirements for the education and training of qualified medication aides;
- 3 and
- 4 (8) Establish continuing education requirements.

5 43-26-55.

6 (a) The board shall receive applications for certification to be qualified medication aides
7 in Georgia. Each applicant shall meet the following qualifications:

- 8 (1) Be at least 18 years of age;
- 9 (2) Be able to read, write, speak, and understand the English language;
- 10 (3) Have attained a high school diploma or a general educational development (GED)
11 diploma or the equivalent thereof;
- 12 (4) Have satisfactory results from a fingerprint record check report conducted by the
13 Georgia Crime Information Center, as determined by the board. Application for a
14 certificate under this Code section shall constitute consent for performance of a criminal
15 background check. Each applicant who submits an application to the board for
16 certification agrees to provide the board with any and all information necessary to run a
17 criminal background check, including, but not limited to, classifiable sets of fingerprints.
18 The applicant shall be responsible for all fees associated with the performance of a
19 background check;
- 20 (5) Have completed a prescribed course of study in a qualified medication aide program
21 conducted by the Department of Technical and Adult Education;
- 22 (6) Have successfully passed a board approved or administered competency exam for
23 qualified medication aides; and
- 24 (7) Have met such other requirements as may be prescribed by the board.

25 (b) Each qualified medication aide shall, in order to maintain certification, work under the
26 supervision of a registered professional nurse.

27 (c) Certificates issued under this article shall be renewed biennially according to schedules
28 and fees approved by the board.

29

30 43-26-56.

31 (a) The following tasks are permitted activities that may be delegated to a qualified
32 medication aide under supervision and are subject to the rules and regulations promulgated
33 by the board:

- 34 (1) Administer physician ordered oral, ophthalmic, topical, otic, nasal, vaginal, and rectal
35 medications and medications by gastric ('G' or 'J') tube;
- 36 (2) Administer insulin under physician direction and protocol;

- (3) Administer medication via metered dose inhaler;
- (4) Conduct finger stick blood glucose testing following established protocol;
- (5) Administer commercially prepared disposable enema as ordered by a physician;
- (6) Administer treatment for skin conditions, including stage I and II decubitus ulcers, following a designated protocol;
- (7) Assist residents in supervised self-administration of medication;
- (8) Record in the medication administration record all medications that the qualified medication aide has personally administered, including a resident's refusal to take medication; and
- (9) Observe and report to the supervising nurse any changes in the resident's condition.

(b) The board shall promulgate rules and regulations regarding the activities permitted by this Code section and any other permitted activities, as determined by the board, and those activities that the supervising nurse is prohibited from delegating to a qualified medication aide and that the qualified medication aide is prohibited from performing.

43-26-57.

A community living arrangement which utilizes the services of a qualified medication aide shall employ or contract with a registered professional nurse who has responsibility for the supervision of the qualified medication aide. A registered professional nurse under discipline, sanction, or restriction by the Georgia Board of Nursing shall not provide supervision for a qualified medication aide.

43-26-58.

(a) The board shall have the authority to refuse to grant or to renew a certificate to an applicant, to revoke the certificate of a certificate holder, or to discipline a certificate holder upon a finding by the board that the applicant or certificate holder has:

(1) Been convicted of a felony, a crime involving moral turpitude, or any crime violating a federal or state law relating to controlled substances or dangerous drugs or marijuana in the courts of this state, any other state, territory, or country, or in the courts of the United States, including, but not limited to, a plea of nolo contendere entered to the charge, the granting of first offender treatment without adjudication of guilt, or the withholding of adjudication of guilt on the charges or crime;

(2) Had a certificate to practice as a qualified medication aide revoked, suspended, or annulled by any lawful certificating authority of any state or county, had other disciplinary action taken by any lawful certificating authority for any certification or licensure to practice a business or profession, including refusal of certification or licensure, or was denied a certificate by any lawful certificating authority;

1 (3) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or
2 practice harmful to the public, which conduct or practice need not have resulted in actual
3 injury to any person. As used in this paragraph, the term 'unprofessional conduct'
4 includes any departure from, or the failure to conform to, the minimum standards of
5 acceptable and prevailing practice as a qualified medication aide;

6 (4) Violated or attempted to violate a law or any lawfully promulgated rule or regulation
7 of the board, this state, any other state, the United States, or any other lawful authority,
8 without regard to whether the violation is criminally punishable, which statute, law, or
9 rule or regulation relates to or in part regulates the practice of a qualified medication aide,
10 when the qualified medication aide or applicant knows or should have known that such
11 action violates such law or rule or regulation;

12 (5) Violated a lawful order of the board previously entered by the board or the order of
13 any certifying or licensing authority; or

14 (6) Displayed an inability to practice as a qualified medication aide with reasonable skill
15 and safety due to illness; use of alcohol, drugs, narcotics, chemicals, or any other types
16 of material; or as a result of any mental or physical condition.

17 (A) In enforcement of this paragraph, the board may, upon reasonable grounds, require
18 a certificate holder or applicant to submit to a mental or physical examination by a
19 board approved health care professional. The expense of such mental or physical
20 examination shall be borne by the certificate holder or applicant. The results of such
21 examination shall be admissible in any hearing before the board, notwithstanding any
22 claim of privilege under contrary law or rule. Every certificate holder and applicant
23 shall be deemed to have given such person's consent to submit to such mental or
24 physical examination and to have waived all objections to the admissibility of the
25 results in any hearing before the board upon the grounds that the same constitutes a
26 privileged communication. If a certificate holder or applicant fails to submit to such
27 an examination when properly directed to do so by the board, unless such failure was
28 due to circumstances beyond that person's control, the board may enter a final order
29 upon proper notice, hearing, and proof of such refusal. Any certificate holder or
30 applicant who is prohibited from practicing under this paragraph shall at reasonable
31 intervals be afforded an opportunity to demonstrate to the board that such person can
32 resume or begin to practice as a qualified medication aide with reasonable skill and
33 safety.

34 (B) In enforcement of this paragraph, the board may, upon reasonable grounds, obtain
35 any and all records relating to the mental or physical condition of a certificate holder
36 or applicant, including psychiatric records; such records shall be admissible in any
37 hearing before the board, notwithstanding any privilege under a contrary law or rule.

Every person who is certificated in this state or who shall file an application for said certificate shall be deemed to have given such person's consent to the board's obtaining such records and to have waived all objections to the admissibility of such records in any hearing before the board upon the grounds that the same constitute a privileged communication.

(b) Neither denial of an initial certificate, the issuance of a private reprimand, nor the denial of a request for reinstatement of a certificate on the grounds that the certificate holder or applicant has failed to meet the minimum requirements shall be considered a contested case within the meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; and notice and hearing within the meaning of Chapter 13 of Title 50 shall not be required, but the certificate holder or applicant shall be allowed to appear before the board if he or she so requests.

43-26-59.

(a) Nothing in this article shall be construed to limit or repeal Articles 1 and 2 of this chapter, relating to registered professional nurses and licensed practical nurses, respectively.

(b) Nothing in this article shall be construed to limit or repeal any existing authority of a physician to delegate to a qualified person any acts, duties, or functions which are otherwise permitted by law or established by custom.

43-26-60.

This article shall be repealed in its entirety on July 1, 2011."

SECTION 2.

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

"(23) 'Practitioner' means:

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

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

(C) An advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-26.3. For purposes of this chapter and Code Section 43-34-26.3, an advanced practice registered nurse is authorized to register with the federal Drug Enforcement Administration and appropriate state authorities; or

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

SECTION 3.

11 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
12 amended by adding a new paragraph to Code Section 43-26-3, relating to definitions, to read
13 as follows:

14 " (1.1) 'Advanced practice registered nurse' means a registered professional nurse licensed
15 under this chapter who is recognized by the board as having met the requirements
16 established by the board to engage in advanced nursing practice and who holds a master's
17 degree or other graduate degree approved by the board and national board certification
18 in his or her area of speciality, or a person who was recognized as an advanced practice
19 registered nurse by the board on or before June 30, 2006."

SECTION 4.

21 Said chapter is further amended by striking paragraph (12) of subsection (a) of Code Section
22 43-26-5, relating to general powers of the board, and inserting in lieu thereof the following:

23 "(12) Be authorized to enact rules and regulations for registered professional nurses in
24 their performing acts under a nurse protocol as authorized in Code Section 43-34-26.1
25 and enact rules and regulations for advanced practice registered nurses in performing acts
26 as authorized in Code Section 43-34-26.3;"

SECTION 5.

28 Said chapter is further amended by striking subsections (a) and (d) of Code Section 43-26-6,
29 relating to use of title by licensed registered nurses or applicant, and inserting in lieu thereof
30 the following:

31 "(a) Any person who is licensed as a registered professional nurse shall have the right to
32 use the title 'registered professional nurse' and the abbreviation 'R.N.' Any person
33 recognized by the board as an advanced practice registered nurse shall have the right to use
34 the title 'advanced practice registered nurse' and the abbreviation 'A.P.R.N.' No other

1 person shall assume such title titles or use such abbreviation abbreviations or any other
2 words, letters, signs, or symbols to indicate that such person is a registered professional
3 nurse or an advanced practice registered nurse in Georgia. Nothing in this subsection shall
4 be construed to repeal the right of any person who is licensed as a registered professional
5 nurse ~~on April 4, 1990~~ or recognized by the board as an advanced practice registered nurse
6 on June 30, 2006, to be licensed and to use the title 'registered professional nurse:' or to use
7 the title 'advanced practice registered nurse,' respectively."

8 "(d) Any person who is licensed as a registered professional nurse shall identify that he or
9 she is so licensed by displaying either the title 'registered professional nurse' or 'registered
10 nurse,' or the abbreviation 'R.N.,' the title 'advanced practice registered nurse,' or the
11 abbreviation 'A.P.R.N.' on a name tag or other similar form of identification during times
12 when such person is providing direct patient care."

13 SECTION 6.

14 Said chapter is further amended by striking paragraph (4) of Code Section 43-26-10, relating
15 to the prohibition of practicing as a registered professional nurse without a license, and
16 inserting in lieu thereof the following:

17 "(4) Use any words, abbreviations, figures, letters, title, sign, card, or device implying
18 that such person is a registered professional nurse or advanced practice registered nurse
19 unless such person is duly licensed or recognized by the board so to practice under the
20 provisions of this article;"

21 SECTION 7.

22 Said chapter is further amended by adding a new Code Section 43-26-13 to read as follows:
23 "43-26-13.

24 A licensee may, in lieu of providing his or her home address, provide the board a legitimate
25 business address for purposes of the public information made available by the board with
26 regard to licensed registered professional nurses."

27 SECTION 8.

28 Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
29 physicians, is amended by striking subsection (g) of Code section 43-34-26.1, relating to
30 delegation of authority to a nurse or physician's assistant, and inserting in lieu thereof the
31 following:

32 "(g) Nothing in this Code section shall be construed to authorize or permit the issuance of
33 a Drug Enforcement Administration license to a nurse ~~or physician's assistant~~ who is not
34 an advanced practice registered nurse."

SECTION 9.

- Said article is further amended by adding a new Code Section 43-34-26.3 to read as follows:
- "43-34-26.3.
- (a) As used in this Code section, the term:
- (1) 'Advanced practice registered nurse' shall have the same meaning as provided in paragraph (1.1) of Code Section 43-26-3.
- (2) 'Birthing center' means a facility or building where human births occur on a regular or ongoing basis and which is classified by the Department of Human Resources as a birthing center.
- (3) 'Controlled substance' means any controlled substance as defined in Code Section 16-13-21 but shall not include any Schedule I controlled substance included in Code Section 16-13-25 or any Schedule II controlled substance included in Code Section 16-13-26.
- (4) 'Dangerous drug' means any dangerous drug as defined in Code Section 16-13-71.
- (5) 'Delegating physician' means a physician who has entered into a nurse protocol agreement pursuant to this Code section.
- (6) 'Diagnostic study' means a laboratory test, X-ray, ultrasound, or procedure used to identify a characteristic or distinguishing feature of a particular disease or condition.
- (7) 'Drug' means any dangerous drug or controlled substance.
- (8) 'Free health clinic' shall have the same meaning as provided in Code Section 51-1-29.4.
- (9) 'Life threatening' means an emergency situation in which a patient's life or physical well-being will be harmed if certain testing is not performed immediately.
- (10) 'Nurse protocol agreement' means a written document mutually agreed upon and signed by an advanced practice registered nurse and a physician, by which document the physician delegates to that advanced practice registered nurse the authority to perform certain medical acts pursuant to this Code section, and which acts may include, without being limited to, the ordering of drugs, medical devices, medical treatments, diagnostic studies, or in life-threatening situations radiographic imaging tests. Such agreements shall conform to the provisions set forth in subsection (c) of this Code section.
- (11) 'Order' means to prescribe pursuant to a nurse protocol agreement which drug, medical device, medical treatment, diagnostic study, or in life-threatening situations radiographic imaging test is appropriate for a patient and to communicate the same in writing, orally, via facsimile, or electronically.
- (12) 'Physician' means a person licensed to practice medicine under this chapter and:
- (A) Whose principal place of practice is within this state; or

1 (B) Whose principal place of practice is outside this state but is within 50 miles from
2 the location where the nurse protocol agreement is being utilized within this state.

3 (13) 'Prescription drug order' means a written or oral order of an advanced practice
4 registered nurse for a drug or medical device for a specific patient. Such term includes
5 an electronic visual image prescription drug order and an electronic data prescription drug
6 order.

7 (14) 'Professional sample' means a complimentary dose of a drug, medication,
8 medication voucher, or medical device provided by the manufacturer for use in patient
9 care.

10 (15) 'Radiographic imaging test' means a computed tomography, magnetic resonance
11 imaging, positron emission tomography, or nuclear medicine.

12 (b) In addition to and without limiting the authority granted pursuant to Code Section
13 43-34-26.1, a physician may delegate to an advanced practice registered nurse in
14 accordance with a nurse protocol agreement the authority to order drugs, medical devices,
15 medical treatments, diagnostic studies or in life-threatening situations radiographic imaging
16 tests.

17 (c) A nurse protocol agreement between a physician and an advanced practice registered
18 nurse pursuant to this Code section shall:

19 (1) Be between an advanced practice registered nurse who is in a comparable specialty
20 area or field as that of the delegating physician;

21 (2) Contain a provision for immediate consultation between the advanced practice
22 registered nurse and the delegating physician; if the delegating physician is not available,
23 the delegating physician for purposes of consultation may designate another physician
24 who concurs with the terms of the nurse protocol agreement;

25 (3) Identify the parameters under which delegated acts may be performed by the
26 advanced practice registered nurse, including without limitation the number of refills
27 which may be ordered, the kinds of diagnostic studies which may be ordered, the extent
28 to which radiographic image tests may be ordered, and the circumstances under which
29 a prescription drug order may be executed. In the event the delegating physician
30 authorizes the advanced practice registered nurse to order an X-ray, ultrasound, or
31 radiographic imaging test, the nurse protocol agreement shall contain provisions whereby
32 such X-ray, ultrasound, or radiographic imaging test shall be read and interpreted by a
33 physician who is trained in the reading and interpretation of such tests; a report of such
34 X-ray, ultrasound, or radiographic imaging test may be reviewed by the advanced
35 practice registered nurse; and a copy of such report shall be forwarded to the delegating
36 physician, except that such provision for an ultrasound shall not be required for an

1 advanced practice registered nurse acting within his or her scope of practice as authorized
2 by Code Sections 43-26-3 and 43-26-5.

3 (4) Require documentation either in writing or by electronic means or other medium by
4 the advanced practice registered nurse of those acts performed by the advanced practice
5 registered nurse which are specific to the medical acts authorized by the delegating
6 physician;

7 (5) Include a schedule for periodic review by the delegating physician of patient records.
8 Such patient records review may be achieved with a sampling of such records as
9 determined by the delegating physician;

10 (6) Provide for patient evaluation or follow-up examination by the delegating physician
11 or other physician designated by the delegating physician pursuant to paragraph (2) of
12 this subsection, with the frequency of such evaluation or follow-up examination based
13 on the nature, extent, and scope of the delegated act or acts as determined by the
14 delegating physician in accordance with paragraph (3) of this subsection and accepted
15 standards of medical practice as determined by the board;

16 (7) Be reviewed, revised, or updated annually by the delegating physician and the
17 advanced practice registered nurse;

18 (8) Be available for review upon written request to the advanced practice registered nurse
19 by the Georgia Board of Nursing or to the physician by the board; and

20 (9) Provide that a patient who receives a prescription drug order for any controlled
21 substance pursuant to a nurse protocol agreement shall be evaluated or examined by the
22 delegating physician or other physician designated by the delegating physician pursuant
23 to paragraph (2) of this subsection on at least a quarterly basis or at a more frequent
24 interval as determined by the board.

25 (d) A written prescription drug order issued pursuant to this Code section shall be signed
26 by the advanced practice registered nurse and shall be on a form which shall include,
27 without limitation, the names of the advanced practice registered nurse and delegating
28 physician who are parties to the nurse protocol agreement, the patient's name and address,
29 the drug or device ordered, directions with regard to the taking and dosage of the drug or
30 use of the device, and the number of refills. A prescription drug order which is transmitted
31 either electronically or via facsimile shall conform to the requirements set out in paragraphs
32 (1) and (2) of subsection (c) of Code Section 26-4-80, respectively.

33 (e) An advanced practice registered nurse may be authorized under a nurse protocol
34 agreement to request, receive, and sign for professional samples and may distribute
35 professional samples to patients. The office or facility at which the advanced practice
36 registered nurse is working shall maintain a list of the professional samples approved by
37 the delegating physician for request, receipt, and distribution by the advanced practice

1 registered nurse as well as a complete list of the specific number and dosage of each
2 professional sample and medication voucher received and dispensed. In addition to the
3 requirements of this Code section, all professional samples shall be maintained as required
4 by applicable state and federal laws and regulations.

5 (f) A managed care system, health plan, hospital, insurance company, or other similar
6 entity shall not require a physician or advanced practice registered nurse to be a party to
7 a nurse protocol agreement as a condition for participation in or reimbursement from such
8 entity.

9 (g) A delegating physician may not enter into a nurse protocol agreement pursuant to this
10 Code section with more than four advanced practice registered nurses at any one time,
11 except this limitation shall not apply to an advanced practice registered nurse that is
12 practicing:

13 (1) In a hospital licensed under Title 31;

14 (2) In any college or university as defined in Code Section 20-8-1;

15 (3) In the Department of Human Resources;

16 (4) In any county board of health;

17 (5) In any free health clinic;

18 (6) In a birthing center;

19 (7) In any entity:

20 (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
21 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or
22 indigent Medicaid and medicare patients; or

23 (B) Which has been established under the authority of or is receiving funds pursuant
24 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;

25 (8) In any local board of education which has a school nurse program; or

26 (9) In a health maintenance organization that has an exclusive contract with a medical
27 group practice and arranges for the provision of substantially all physician services to
28 enrollees in health benefits of the health maintenance organization.

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

33 (i) Nothing in this Code section shall be construed to apply to the practice of a certified
34 registered nurse anesthetist.

35 (j) Nothing in this Code section shall be construed to require an advanced practice
36 registered nurse to be a party to a nurse protocol agreement in order to practice as a

1 registered professional nurse or an advanced practice registered nurse as otherwise
2 permitted by Article 1 of Chapter 26 of this title.

3 (k) Nothing in this Code section shall be construed to authorize an advanced practice
4 registered nurse to issue a prescription drug order for a Schedule I or II controlled
5 substance or authorize refills of any drug for more than 12 months from the date of the
6 original order except in the case of oral contraceptives, hormone replacement therapy, or
7 prenatal vitamins which may be refilled for a period of 24 months.

8 (l) Nothing in this Code section shall be construed to allow an advanced practice registered
9 nurse to perform an abortion or to administer, prescribe, or issue a drug order that is
10 intended to cause an abortion to occur pharmacologically.

11 (m) The board shall have the authority to promulgate rules and regulations governing a
12 delegating physician in order to carry out the intents and purposes of this Code section.
13 Further, the board shall be authorized to:

14 (1) Require that a nurse protocol agreement shall be filed by the delegating physician
15 with the board within a reasonable time from the date of execution;

16 (2) Determine, after review of a filed nurse protocol agreement, if such nurse protocol
17 agreement fails to meet accepted standards of medical practice as established by the
18 board; and

19 (3) Require the delegating physician to amend any such noncompliant nurse protocol
20 agreement in order to meet such accepted standards.

21 (n) Except for practice settings identified in paragraph (7) of subsection (g) of this Code
22 section, it shall be unlawful for a physician to be an employee of an advanced practice
23 registered nurse, alone or in combination with others, if the physician is required to
24 supervise the employing advanced practice registered nurse. Such conduct shall be subject
25 to sanctions by the Georgia Board of Nursing as to the advanced practice registered nurse
26 and the board as to the physician."

27 **SECTION 10.**

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