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House Resolution 129

By: Representatives Buckner of the 130th, Channell of the 116th, Ralston of the 7th, Bearden of the 68th, McKillip of the 115th, and others

A RESOLUTION

- 1 Urging the Composite State Board of Medical Examiners to adopt new rules pursuant to
- 2 Code Section 43-34-26.3; and for other purposes.
- 3 WHEREAS, the Georgia General Assembly enacted Code Section 43-34-26.1 in 1989 in
- 4 order to grant registered nurses the authority to perform certain delegated medical acts in
- 5 accordance with a written agreement between the registered nurse and the physician; and
- 6 WHEREAS, Code Section 43-34-26.1 allowed the registered nurse to call in drug orders
- 7 (prescriptions) into a pharmacy but specifically prohibited that same nurse from putting those
- 8 same prescription drug orders in writing; and
- 9 WHEREAS, from the passage of Code Section 43-34-26.1 in 1989 through 2005, all the
- 10 other states in the country enacted legislation allowing their advanced practice registered
- 11 nurses (APRNs) to execute written prescription drug orders, with Georgia remaining the only
- state in the country during that time which prohibited this practice; and
- 13 WHEREAS, during the 2006 session, the Georgia General Assembly enacted Code Section
- 14 43-34-26.3 to permit this state's APRNs to join the rest of the country by allowing our
- 15 APRNs the authority to execute written drug orders; and
- 16 WHEREAS, within months after the passage of this legislation, the Composite State Board
- of Medical Examiners posted proposed rules governing how physicians are to practice under
- 18 Code Section 43-34-26.3; and
- 19 WHEREAS, the state's various nursing organizations, hospital groups, individual physicians,
- and the Division of Public Health of the Department of Human Resources attended three
- 21 public hearings to speak against these proposed rules; and

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1 WHEREAS, despite the many protests of these groups against these proposed rules, the

- 2 Composite State Board of Medical Examiners passed its rules in December, 2006; and
- 3 WHEREAS, almost all of the state's health organizations view the rules dealing with the
- 4 2006 APRN protocols passed by the Composite State Board of Medical Examiners to be
- 5 unnecessarily restrictive, burdensome, and not in the best interest of the delivery of quality
- 6 health care in our state; and
- 7 WHEREAS, most APRNs have determined that the rules of the Composite State Board of
- 8 Medical Examiners are not in the spirit of the 2006 APRN protocol law and have opted not
- 9 to enter such agreements with their physician partners; and
- 10 WHEREAS, the passage by the Composite State Board of Medical Examiners of such
- 11 restrictive rules negates legislative intent and all but voids the 2006 action of the Georgia
- 12 General Assembly; and
- 13 WHEREAS, the Composite State Board of Medical Examiners has the authority and
- opportunity to redraft its APRN protocol rules in a way that reflects the will of the Georgia
- 15 General Assembly and thereby avoid the need for the General Assembly to exercise its
- 16 legislative prerogative of revisiting this issue during its current session.
- 17 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
- 18 the members of this body strongly urge the Composite State Board of Medical Examiners to
- 19 adopt new rules pursuant to Code Section 43-34-26.3 in a manner so that any such new rules
- 20 will conform strictly with the language contained in said Code section in order to reflect the
- 21 legislative intent of the General Assembly.