

Senate Bill 253

By: Senators Wiles of the 37th and Thomas of the 54th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 43-34-26.3 of the Official Code of Georgia Annotated, relating to  
2 delegation of certain medical acts to advanced practice registered nurses, so as to provide for  
3 on-site patient evaluation; to provide for examination of all patients who receive a  
4 prescription drug order for a controlled substance of more than a ten-day supply; to provide  
5 for approval by the board of nurse protocol agreements; to provide for a fee; to revise a  
6 provision relating to unlawful activity; to provide for related matters; to repeal conflicting  
7 laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Code Section 43-34-26.3 of the Official Code of Georgia Annotated, relating to delegation  
11 of certain medical acts to advanced practice registered nurses, is amended by revising  
12 subsections (c), (m), and (n), as follows:

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

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

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

21 (3) Identify the parameters under which delegated acts may be performed by the  
22 advanced practice registered nurse, including without limitation the number of refills  
23 which may be ordered, the kinds of diagnostic studies which may be ordered, the extent  
24 to which radiographic image tests may be ordered, and the circumstances under which  
25 a prescription drug order may be executed. In the event the delegating physician  
26 authorizes the advanced practice registered nurse to order an X-ray, ultrasound, or

1 radiographic imaging test, the nurse protocol agreement shall contain provisions whereby  
 2 such X-ray, ultrasound, or radiographic imaging test shall be read and interpreted by a  
 3 physician who is trained in the reading and interpretation of such tests; a report of such  
 4 X-ray, ultrasound, or radiographic imaging test may be reviewed by the advanced  
 5 practice registered nurse; and a copy of such report shall be forwarded to the delegating  
 6 physician, except that such provision for an ultrasound shall not be required for an  
 7 advanced practice registered nurse acting within his or her scope of practice as authorized  
 8 by Code Sections 43-26-3 and 43-26-5;

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

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

16 (6) Provide for on-site patient ~~evaluation or follow-up~~ examination by the delegating  
 17 physician or other physician designated by the delegating physician pursuant to paragraph  
 18 (2) of this subsection, with the frequency of such ~~evaluation or follow-up~~ examination  
 19 based on the nature, extent, and scope of the delegated act or acts as determined by the  
 20 delegating physician in accordance with paragraph (3) of this subsection and accepted  
 21 standards of medical practice as determined by the board;

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

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

26 (9) Provide that ~~a patient who receives~~ 100 percent of all patients who receive a  
 27 prescription drug order for any controlled substance pursuant to a nurse protocol  
 28 agreement shall be ~~evaluated or examined~~ on-site by the delegating physician or other  
 29 physician designated by the delegating physician pursuant to paragraph (2) of this  
 30 subsection on at least a quarterly basis ~~or at a more frequent interval as determined by the~~  
 31 ~~board; provided, however, that this paragraph shall not apply to a patient who has~~  
 32 received a prescription drug order for a ten-day or less supply of a controlled substance  
 33 during the quarter."

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

- 1 (1) Require that a nurse protocol agreement and registration form shall be filed by the  
2 delegating physician with the board for approval and shall be accompanied by the  
3 required fee, which shall not be refundable, within a reasonable time from the date of  
4 execution;
- 5 (2) Determine, after review of a filed nurse protocol agreement, if such nurse protocol  
6 agreement fails to meet accepted standards of medical practice as established by the  
7 board; and
- 8 (3) Require the delegating physician to amend any such noncompliant nurse protocol  
9 agreement in order to meet such accepted standards.
- 10 (n) Except for practice settings identified in paragraph (7) of subsection (g) of this Code  
11 section, it shall be unlawful for a physician to be ~~an employee~~ employed by or a consultant  
12 of an advanced practice registered nurse, alone or in combination with others, if the  
13 physician is required to supervise the employing advanced practice registered nurse. Such  
14 conduct shall be subject to sanctions by the Georgia Board of Nursing as to the advanced  
15 practice registered nurse and the board as to the physician."

16

**SECTION 2.**

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