

House Bill 1250

By: Representatives Levitas of the 82nd, McCall of the 30th, Burns of the 157th, Buckner of the 130th, Williams of the 4th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Sections 43-34-25 and 43-34-103 of the Official Code of Georgia
2 Annotated, relating to the delegation of certain acts to advanced practice registered nurses
3 and to applications for physician assistants, respectively, so as to amend certain provisions
4 relating to the authority of advanced practice registered nurses acting pursuant to a nurse
5 protocol agreement with a physician; to amend certain provisions relating to the authority of
6 physician assistants; to provide for related matters; to provide an effective date; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 43-34-25 of the Official Code of Georgia Annotated, relating to the delegation
11 of certain medical acts to advanced practice registered nurses, is amended by revising
12 paragraph (3) of subsection (a) as follows:

13 "(3) 'Controlled substance' means any controlled substance, as defined in Code Section
14 16-13-21, but shall not include any Schedule I controlled substance included in Code
15 Section 16-13-25 ~~or any Schedule II controlled substance included in Code Section~~
16 ~~16-13-26.~~"

17 **SECTION 2.**

18 Said Code section is further amended by striking paragraph (9); by renumbering paragraphs
19 (10) through (15) as paragraphs (9) through (14), respectively; and by striking the phrases
20 "in life-threatening situations" and ", in life-threatening situations," wherever such phrases
21 shall appear in subsection (a).

22 **SECTION 3.**

23 Said Code section is further amended by revising subsection (o) as follows:

24 "(o) An advanced practice registered nurse shall be allowed to make a pronouncement of
 25 death pursuant to authority delegated by the ~~supervising~~ delegating physician of the
 26 advanced practice registered nurse and to certify such pronouncement in the same manner
 27 as a physician."

28 SECTION 4.

29 Said Code section is further amended by adding new subsections to read as follows:

30 "(p) Notwithstanding any other law to the contrary, an advanced practice registered nurse
 31 shall be authorized to sign, certify, and endorse all documents relating to health care
 32 provided to a patient within their scope of authorized practice, including, but not limited
 33 to: documents relating to a patient's workers' compensation, including workers'
 34 compensation verification documents; physical examination forms; death certificates; and
 35 verification and evaluation forms of the Georgia Department of Human Services, the
 36 Georgia Board of Education, local boards of education, and the Georgia Department of
 37 Community Health.

38 (q) Health insurance carriers shall record the name of an advanced practice registered
 39 nurse providing health care for a patient. The recording shall be made in the same manner
 40 as such carriers record the name of treating physicians so as to document the care and
 41 treatment provided to a patient by an advanced practice registered nurse, facilitate
 42 communication regarding a patient's health care issues, and provide the ability to accurately
 43 monitor treatment activity of health care providers. Nothing in this subsection shall be
 44 construed so as to prevent an insurance carrier from recording the name of the delegating
 45 physician in addition to the name of the advanced practice registered nurse."

46 SECTION 5.

47 Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to applications
 48 for physician assistants, is amended by revising paragraph (1) of subsection (e.1) as follows:

49 "(e.1)(1) In addition to and without limiting the authority granted by Code Section
 50 43-34-23, a physician may delegate to a physician assistant in accordance with a job
 51 description, the authority to issue a prescription drug order or orders for any device as
 52 defined in Code Section 26-4-5, or to issue any dangerous drug as defined in Code
 53 Section 16-13-71 or any Schedule II, III, IV, or V controlled substance as defined in Code
 54 Section 16-13-21 on a prescription drug order or prescription device order form as
 55 specified in paragraph (3) of this subsection. Delegation of such authority shall be
 56 contained in the job description required by this Code section. The delegating physician
 57 shall remain responsible for the medical acts of the physician assistant performing such
 58 delegated acts and shall adequately supervise the physician assistant. If an existing job

59 description for a physician assistant does not contain such authority to order a
 60 prescription drug or device order as provided by this subsection, that physician assistant
 61 may not issue any such prescription drug or device order until a new job description
 62 delegating such authority is submitted to and approved by the board. Nothing in this
 63 Code section shall be construed to authorize the written prescription drug order of a
 64 Schedule I ~~or H~~ controlled substance."

65 **SECTION 6.**

66 Said Code section is further amended by adding new subsections to read as follows:

67 "(l) A physician assistant shall be authorized to sign, certify, and endorse all documents
 68 relating to health care provided to a patient within their scope of authorized practice,
 69 including, but not limited to: documents relating to a patient's workers' compensation,
 70 including workers' compensation verification documents; physical examination forms;
 71 death certificates; and verification and evaluation forms of the Georgia Department of
 72 Human Services, the Georgia Board of Education, local boards of education, and the
 73 Georgia Department of Community Health.

74 (m) Health insurance carriers shall record the name of a physician assistant providing
 75 health care for a patient. The recording shall be made in the same manner as such carriers
 76 record the name of treating physicians so as to document the care and treatment provided
 77 to a patient by a physician assistant, facilitate communication regarding a patient's health
 78 care issues, and provide the ability to accurately monitor treatment activity of health care
 79 providers. Nothing in this subsection shall be construed so as to prevent an insurance
 80 carrier from recording the name of the delegating physician in addition to the name of the
 81 physician assistant."

82 **SECTION 6.**

83 This Act shall become effective on July 1, 2010.

84 **SECTION 8.**

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