

House Bill 303

By: Representatives Cooper of the 41st, McCall of the 30th, Hembree of the 67th, Dobbs of the 53rd, Shaw of the 176th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated,
2 relating to physician assistants, so as to revise provisions relating to delegation of authority
3 to a physician assistant by a physician; to authorize physician assistants to sign off on certain
4 documents relating to health care; to revise a provision relating to a requirement that a
5 supervising physician periodically see a patient; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
10 physician assistants, is amended in Code Section 43-34-103, relating to licensure and
11 regulation of physician assistants, by revising subsections (e.1) and (e.2) and by adding a
12 new subsection to read as follows:

13 "(e.1)(1) In addition to and without limiting the authority granted by Code Section
14 43-34-23, a physician may delegate to a physician assistant, in accordance with a job
15 description, the authority to issue a prescription drug order or orders for any device as
16 defined in Code Section 26-4-5; or to issue any dangerous drug as defined in Code
17 Section 16-13-71 or any Schedule III, IV, or V controlled substance as defined in Code
18 Section 16-13-21 on a prescription drug order or prescription device order form as
19 specified in paragraph (3) of this subsection. Delegation of such authority shall be
20 contained in the job description required by this Code section. The delegating physician
21 shall remain responsible for the medical acts of the physician assistant performing such
22 delegated acts and shall adequately supervise the physician assistant. If an existing job
23 description for a physician assistant does not contain such authority to order a
24 prescription drug or device order as provided by this subsection, that physician assistant
25 may not issue any such prescription drug or device order until a new job description
26 delegating such authority is submitted to and approved by the board. Nothing in this

27 Code section shall be construed to authorize the written prescription drug order of a
28 Schedule I or II controlled substance.

29 (2) Nothing in this subsection shall be construed to create a presumption of liability,
30 either civil or criminal, on the part of a pharmacist who is duly licensed under Title 26
31 and who in good faith fills a prescription drug or device order presented by a patient
32 pursuant to this subsection. The pharmacist shall presume that the prescription drug or
33 device order was issued by a physician assistant duly licensed under this article who has
34 qualified under this Code section to prescribe pharmaceutical agents. The pharmacist
35 shall also presume that the pharmaceutical agent prescribed by the physician assistant is
36 an approved pharmaceutical agent, unless the pharmacist has actual or constructive
37 knowledge to the contrary.

38 (3) The physician assistant shall only be authorized to exercise the rights granted under
39 this subsection using a prescription drug or device order form which includes the name,
40 address, and telephone number of the prescribing supervising or alternate supervising
41 physician, the patient's name and address, the drug or device prescribed, the number of
42 refills, and directions to the patient with regard to the taking and dosage of the drug. A
43 prescription drug order which is transmitted either electronically or via facsimile shall
44 conform to the requirements set out in paragraphs (1) and (2) of subsection (c) of Code
45 Section 26-4-80, respectively. Any form containing less information than that described
46 in this paragraph shall not be offered to or accepted by any pharmacist who is duly
47 licensed under Title 26.

48 (4) The physician assistant or office staff shall notify the patient that the patient has the
49 right to see the physician prior to any prescription drug or device order being issued by
50 the physician assistant.

51 (5) Nothing in this Code section shall be construed to authorize a physician assistant to
52 authorize refills of any drug for more than 12 months from the date of the original
53 prescription drug or device order.

54 (6) A supervising physician or alternate supervising physician shall evaluate or examine,
55 at least every three months, any patient receiving controlled substances.

56 (7) In addition to the copy of the prescription drug or device order delivered to the
57 patient, a record of such prescription shall be maintained in the patient's medical record
58 in the following manner:

59 (A) The physician assistant carrying out a prescription drug or device order shall
60 document such order either in writing or by electronic means; and

61 (B) Except in facilities operated by the Division of Public Health of the Department
62 of Community Health, the supervising physician shall review the prescription drug or
63 device order copy and medical record entry for prescription drug or device orders

64 issued within the past 30 days by the physician assistant. Such review may be achieved
 65 with a sampling of no less than 50 percent of such prescription drug or device order
 66 copies and medical record entries.

67 (8) A physician assistant is not permitted to prescribe drugs or devices except as
 68 authorized in the physician assistant's job description and in accordance with this article.

69 (9) The board shall adopt rules establishing procedures to evaluate an application for a
 70 job description containing the authority to order a prescription drug or device and any
 71 other rules the board deems necessary or appropriate to regulate the practice of physician
 72 assistants, to carry out the intent and purpose of this ~~Code section~~ article, or to protect the
 73 public welfare.

74 ~~(10) Nothing in this Code section is intended to repeal any rules established by the board~~
 75 ~~relating to the requirements and duties of physician assistants in remote practice sites.~~

76 ~~(11)~~(10) A physician assistant authorized by a primary supervising physician to order
 77 controlled substances pursuant to this Code section is authorized to register with the
 78 federal Drug Enforcement Administration.

79 ~~(12)~~(11) A physician assistant delegated the authority by the primary supervising
 80 physician to issue a prescription drug or device order shall be required to complete a
 81 minimum of three hours of continuing education biennially in practice specific
 82 pharmaceuticals in which the physician assistant has prescriptive order privileges.

83 (12) A managed care system, health plan, hospital, insurance company, or other similar
 84 entity shall not require a physician to be a party to a job description as a condition for
 85 participation in or reimbursement from such entity.

86 (e.2) A physician assistant ~~shall~~ may be allowed delegated the authority to request, receive,
 87 and sign for professional samples and may distribute professional samples to patients;
 88 ~~pursuant to authority delegated by the supervising physician of that physician assistant.~~
 89 ~~Delegation so long as delegation~~ of such authority ~~shall be~~ is contained in ~~the~~ a job
 90 description ~~required by this Code section; provided, however, the~~ and the professional
 91 samples are within the specialty of the supervising physician. The office or facility at
 92 which the physician assistant is working must maintain a general list of professional
 93 samples approved by the supervising physician for request, receipt, and distribution by the
 94 physician assistant as well as a complete list of the specific number and dosage of each
 95 professional sample received ~~and dispensed.~~ Professional samples that are distributed by
 96 a physician assistant shall be so noted in the patient's medical record. In addition to the
 97 requirements of this Code section, all professional samples shall be maintained as required
 98 by applicable state and federal law and regulations. As used in this subsection, the term
 99 'professional samples' means complimentary doses of a drug, medication vouchers, or
 100 medical devices provided by the manufacturer for use in patient care."

101 "(l) Except for death certificates and assigning the percentage of a disability rating for
 102 purposes of workers' compensation, a physician assistant may be delegated the authority
 103 to sign, certify, and endorse all documents relating to health care provided to a patient
 104 within his or her scope of authorized practice, including, but not limited to, documents
 105 relating to physical examination forms of all state agencies and verification and evaluation
 106 forms of the Department of Human Services, the State Board of Education, local boards
 107 of education, the Department of Community Health, and the Department of Corrections."

108 **SECTION 2.**

109 Said article is further amended by revising Code Section 43-34-109, relating to the
 110 requirement for a patient to see a physician periodically, as follows:

111 "43-34-109.

112 ~~If~~ When a patient receives medical services from a physician assistant, the supervising
 113 physician's involvement in the patient's care, including patient evaluation and follow-up
 114 care by the supervising physician, shall be appropriate to the nature of the practice and the
 115 acuity of the patient's medical issue, as determined by the supervising physician more than
 116 two times in a 12-month period, the primary or alternate supervising physician shall see
 117 such patient on no less than one following visit by the patient during the same 12-month
 118 period."

119 **SECTION 3.**

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