

House Bill 303 (COMMITTEE SUBSTITUTE)

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

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 SECTION 1.

12 Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
13 medical practice, is amended in Code Section 43-34-23, relating to delegation of authority
14 to a nurse or physician assistant, by revising paragraph (1) subsection (b) as follows:

15 "(b)(1)(A) A physician may delegate the authority contained in subparagraph (B) of
16 this paragraph to:

17 (A)(i) A physician assistant in accordance with a job description; or

18 (B)(ii) A nurse recognized by the Georgia Board of Nursing as a certified nurse
19 midwife, certified registered nurse anesthetist, certified nurse practitioner, or clinical
20 nurse specialist, psychiatric/mental health in accordance with a nurse protocol.

21 (B) A physician may delegate to those health care professionals identified in
22 subparagraph (A) of this paragraph:

23 (i) The the authority to order controlled substances selected from a formulary of such
24 drugs established by the board and the authority to order dangerous drugs, medical
25 treatments, and diagnostic studies;

26 (ii) The authority to request, receive, and sign for professional samples and to
 27 distribute professional samples to patients. The office or facility at which the health
 28 care professional identified in subparagraph (A) of this paragraph is working shall
 29 maintain a general list of the professional samples approved by the delegating
 30 physician for request, receipt, and distribution by the health care professional
 31 identified in subparagraph (A) of this paragraph as well as a complete list of the
 32 specific number and dosage of each professional sample and medication voucher
 33 received. Professional samples that are distributed by a health care professional
 34 identified in subparagraph (A) of this paragraph shall be so noted in the patient's
 35 medical record. In addition to the requirements of this Code section, all professional
 36 samples shall be maintained as required by applicable state and federal laws and
 37 regulations; and

38 (iii) The authority to sign, certify, and endorse all documents relating to health care
 39 provided to a patient within his or her scope of authorized practice, including, but not
 40 limited to, documents relating to physical examination forms of all state agencies and
 41 verification and evaluation forms of the Department of Human Services, the State
 42 Board of Education, local boards of education, the Department of Community Health,
 43 and the Department of Corrections; provided, however, that a health care professional
 44 identified in subparagraph (A) of this paragraph shall not have the authority to sign
 45 death certificates or assign a percentage of a disability rating."

46 SECTION 2.

47 Said article is further amended in Code Section 43-34-25, relating to delegation of certain
 48 acts to an advanced practice registered nurse, by revising subsection (e) and by adding a new
 49 subsection to read as follows:

50 "(e) An advanced practice registered nurse may be authorized under a nurse protocol
 51 agreement to request, receive, and sign for professional samples and may distribute
 52 professional samples to patients. The office or facility at which the advanced practice
 53 registered nurse is working shall maintain a general list of the professional samples
 54 approved by the delegating physician for request, receipt, and distribution by the advanced
 55 practice registered nurse as well as a complete list of the specific number and dosage of
 56 each professional sample and medication voucher received ~~and dispensed~~. Professional
 57 samples that are distributed by an advanced practice registered nurse shall be so noted in
 58 the patient's medical record. In addition to the requirements of this Code section, all
 59 professional samples shall be maintained as required by applicable state and federal laws
 60 and regulations.

61 (e.1) Except for death certificates and assigning a percentage of a disability rating, an
 62 advanced practice registered nurse may be delegated the authority to sign, certify, and
 63 endorse all documents relating to health care provided to a patient within his or her scope
 64 of authorized practice, including, but not limited to, documents relating to physical
 65 examination forms of all state agencies and verification and evaluation forms of the
 66 Department of Human Services, the State Board of Education, local boards of education,
 67 the Department of Community Health, and the Department of Corrections."

68 **SECTION 3.**

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

73 "(e.1)(1) In addition to and without limiting the authority granted by Code Section
 74 43-34-23, a physician may delegate to a physician assistant, in accordance with a job
 75 description, the authority to issue a prescription drug order or orders for any device as
 76 defined in Code Section 26-4-5; or to issue any dangerous drug as defined in Code
 77 Section 16-13-71 or any Schedule III, IV, or V controlled substance as defined in Code
 78 Section 16-13-21 on a prescription drug order or prescription device order form as
 79 specified in paragraph (3) of this subsection. Delegation of such authority shall be
 80 contained in the job description required by this Code section. The delegating physician
 81 shall remain responsible for the medical acts of the physician assistant performing such
 82 delegated acts and shall adequately supervise the physician assistant. If an existing job
 83 description for a physician assistant does not contain such authority to order a
 84 prescription drug or device order as provided by this subsection, that physician assistant
 85 may not issue any such prescription drug or device order until a new job description
 86 delegating such authority is submitted to and approved by the board. Nothing in this
 87 Code section shall be construed to authorize the written prescription drug order of a
 88 Schedule I or II controlled substance.

89 (2) Nothing in this subsection shall be construed to create a presumption of liability,
 90 either civil or criminal, on the part of a pharmacist who is duly licensed under Title 26
 91 and who in good faith fills a prescription drug or device order presented by a patient
 92 pursuant to this subsection. The pharmacist shall presume that the prescription drug or
 93 device order was issued by a physician assistant duly licensed under this article who has
 94 qualified under this Code section to prescribe pharmaceutical agents. The pharmacist
 95 shall also presume that the pharmaceutical agent prescribed by the physician assistant is

96 an approved pharmaceutical agent, unless the pharmacist has actual or constructive
97 knowledge to the contrary.

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

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

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

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

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

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

121 (B) Except in facilities operated by the Division of Public Health of the Department
122 of Community Health, the supervising physician shall review the prescription drug or
123 device order copy and medical record entry for prescription drug or device orders
124 issued within the past 30 days by the physician assistant. Such review may be achieved
125 with a sampling of no less than 50 percent of such prescription drug or device order
126 copies and medical record entries.

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

129 (9) The board shall adopt rules establishing procedures to evaluate an application for a
130 job description containing the authority to order a prescription drug or device and any
131 other rules the board deems necessary or appropriate to regulate the practice of physician

132 assistants, to carry out the intent and purpose of this ~~Code section~~ article, or to protect the
133 public welfare.

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

136 ~~(11)~~(10) A physician assistant authorized by a primary supervising physician to order
137 controlled substances pursuant to this Code section is authorized to register with the
138 federal Drug Enforcement Administration.

139 ~~(12)~~(11) A physician assistant delegated the authority by the primary supervising
140 physician to issue a prescription drug or device order shall be required to complete a
141 minimum of three hours of continuing education biennially in practice specific
142 pharmaceuticals in which the physician assistant has prescriptive order privileges.

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

146 (e.2) A physician assistant ~~shall~~ may be allowed delegated the authority to request, receive,
147 and sign for professional samples and may distribute professional samples to patients;
148 ~~pursuant to authority delegated by the supervising physician of that physician assistant.~~

149 ~~Delegation so long as delegation~~ of such authority ~~shall be~~ is contained in ~~the~~ a job
150 description ~~required by this Code section; provided, however, the~~ and the professional
151 samples are within the specialty of the supervising physician. The office or facility at
152 which the physician assistant is working must maintain a general list of professional
153 samples approved by the supervising physician for request, receipt, and distribution by the
154 physician assistant as well as a complete list of the specific number and dosage of each
155 professional sample received ~~and dispensed. Professional samples that are distributed by~~
156 a physician assistant shall be so noted in the patient's medical record. In addition to the
157 requirements of this Code section, all professional samples shall be maintained as required
158 by applicable state and federal law and regulations. As used in this subsection, the term
159 'professional samples' means complimentary doses of a drug, medication vouchers, or
160 medical devices provided by the manufacturer for use in patient care."

161 "(l) Except for death certificates and assigning a percentage of a disability rating, a
162 physician assistant may be delegated the authority to sign, certify, and endorse all
163 documents relating to health care provided to a patient within his or her scope of authorized
164 practice, including, but not limited to, documents relating to physical examination forms
165 of all state agencies and verification and evaluation forms of the Department of Human
166 Services, the State Board of Education, local boards of education, the Department of
167 Community Health, and the Department of Corrections."

168 **SECTION 4.**

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

171 "43-34-109.

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

179 **SECTION 5.**

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