

Senate Bill 115

By: Senators Hufstetler of the 52nd, Orrock of the 36th and Kirk of the 13th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to
2 delegation of authority to physician assistants, so as to authorize a physician to delegate to
3 a physician assistant the authority to prescribe Schedule II controlled substances; to provide
4 for limitations and conditions; to provide for additional continuing education requirements
5 regarding Schedule II controlled substances; 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 Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to delegation
10 of authority to physician assistants, is amended by revising subsection (e.1) as follows:

11 "(e.1)(1)(A) In addition to and without limiting the authority granted by Code Section
12 43-34-23, a physician may delegate to a physician assistant, in accordance with a job
13 description, the authority to issue a prescription drug order or orders for any device as
14 defined in Code Section 26-4-5 or to issue any dangerous drug as defined in Code
15 Section 16-13-71, any Schedule II controlled substance in accordance with
16 subparagraph (B) of this paragraph, or any Schedule III, IV, or V controlled substance
17 as defined in Code Section 16-13-21 on a prescription drug order or prescription device
18 order form as specified in paragraph (3) of this subsection. Delegation of such
19 authority shall be contained in the job description required by this Code section. The
20 delegating physician shall remain responsible for the medical acts of the physician
21 assistant performing such delegated acts and shall adequately supervise the physician
22 assistant. If an existing job description for a physician assistant does not contain such
23 authority to order a prescription drug or device order as provided by this subsection,
24 that physician assistant may not issue any such prescription drug or device order until
25 a new job description delegating such authority is submitted to and approved by the
26 board. Nothing in this Code section shall be construed to authorize the written
27 prescription drug order of a Schedule I ~~or H~~ controlled substance.

28 (B) A physician may delegate to a physician assistant, in accordance with a job
 29 description, the authority to issue a prescription drug order or orders for any Schedule
 30 II controlled substance subject to the following:

31 (i) A physician shall not delegate to a physician assistant the authority to issue a
 32 prescription drug order or orders for any Schedule II controlled substance in excess
 33 of a 30 day supply;

34 (ii) The board may establish requirements and limitations on the delegation of
 35 authority to a physician assistant to issue a prescription drug order or orders for any
 36 Schedule II controlled substance for:

37 (I) Pediatric patients;

38 (II) Palliative care patients;

39 (III) Oncology patients;

40 (IV) Patients with acute conditions; and

41 (V) Patients with chronic conditions;

42 (iii) A physician may not delegate to a physician assistant the authority to issue a
 43 prescription drug order or orders for any Schedule II controlled substance which is not
 44 within the scope of practice of such physician; and

45 (iv) The primary supervising physician shall ensure that the physician assistant has
 46 completed the continuing education requirements in subparagraph (B) of paragraph
 47 (11) of this subsection prior to issuing a prescription drug order or orders for any
 48 Schedule II controlled substance pursuant to a job description.

49 (C) As used in this paragraph, the term:

50 (i) 'Acute condition' means an illness or disease characterized by a relatively sudden
 51 onset of symptoms that are usually severe and which generally requires medical
 52 treatment of less than one month in order to return the patient to his or her condition
 53 of health and activity previous to the illness or disease.

54 (ii) 'Chronic condition' means a persistent disorder, illness, or disease which
 55 negatively affects the patient's physical condition, is expected to last three months or
 56 more, and requires medical treatment to correct or ameliorate the patient's overall
 57 health.

58 (iii) 'Palliative care' means medical interventions which are intended to alleviate
 59 suffering and to achieve relief from, reduction of, or elimination of pain and other
 60 physical, emotional, or social symptoms of distress to achieve the best quality of life
 61 for the patient.

62 (2) Nothing in this subsection shall be construed to create a presumption of liability,
 63 either civil or criminal, on the part of a pharmacist who is duly licensed under Title 26
 64 and who in good faith fills a prescription drug or device order presented by a patient

65 pursuant to this subsection. The pharmacist shall presume that the prescription drug or
66 device order was issued by a physician assistant duly licensed under this article who has
67 qualified under this Code section to prescribe pharmaceutical agents. The pharmacist
68 shall also presume that the pharmaceutical agent prescribed by the physician assistant is
69 an approved pharmaceutical agent, unless the pharmacist has actual or constructive
70 knowledge to the contrary.

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

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

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

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

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

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

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

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

101 (9) The board shall adopt rules establishing procedures to evaluate an application for a
102 job description containing the authority to order a prescription drug or device and any
103 other rules the board deems necessary or appropriate to regulate the practice of physician
104 assistants, to carry out the intent and purpose of this article, or to protect the public
105 welfare.

106 (10) A physician assistant authorized by a primary supervising physician to order
107 controlled substances pursuant to this Code section is authorized to register with the
108 federal Drug Enforcement Administration.

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

113 (B) A physician assistant delegated the authority by the primary supervising physician
114 to issue a prescription drug or device order for a Schedule II controlled substance shall
115 be required to complete three hours of continuing education biennially in the
116 appropriate ordering and use of Schedule II controlled substances for which the
117 physician assistant has prescriptive order privileges. The continuing education required
118 pursuant to this paragraph may be counted toward compliance with the continuing
119 education required pursuant to subparagraph (A) of this paragraph.

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

123 **SECTION 2.**

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