

House Bill 426

By: Representatives Cooper of the 43rd, Hatchett of the 150th, and Rynders of the 152nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 43-34-25 of the Official Code of Georgia Annotated, relating to
2 delegation of certain medical acts to advanced practice registered nurses, so as to provide an
3 exception to the number of advanced practice registered nurses with which a delegating
4 physician can enter into a protocol agreement at any one time for nurses in certain locations
5 under certain conditions; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 43-34-25 of the Official Code of Georgia Annotated, relating to delegation of
10 certain medical acts to advanced practice registered nurses, is amended by revising
11 subsection (g) and by adding a new subsection to read as follows:

12 "(g) ~~A~~ Except as otherwise provided in subsection (g.1) of this Code section, a delegating
13 physician may not enter into a nurse protocol agreement pursuant to this Code section with
14 more than four advanced practice registered nurses at any one time, except this limitation
15 shall not apply to an advanced practice registered nurse ~~that~~ who is practicing:

- 16 (1) In a hospital licensed under Title 31;
17 (2) In any college or university as defined in Code Section 20-8-1;
18 (3) In the Department of Public Health;
19 (4) In any county board of health;
20 (4.1) In any community service board;
21 (5) In any free health clinic;
22 (6) In a birthing center;
23 (7) In any entity:
24 (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
25 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or
26 indigent Medicaid and medicare patients; or

- 27 (B) Which has been established under the authority of or is receiving funds pursuant
 28 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;
 29 (8) In any local board of education which has a school nurse program; or
 30 (9) In a health maintenance organization that has an exclusive contract with a medical
 31 group practice and arranges for the provision of substantially all physician services to
 32 enrollees in health benefits of the health maintenance organization; or
 33 (10) In any emergency medical services system operated by, or on behalf of, any county
 34 or municipality with a full-time medical director."
- 35 (g.1) A delegating physician may not enter into a nurse protocol agreement pursuant to this
 36 Code section with more than ten advanced practice registered nurses at any one time, may
 37 not supervise more than four advanced practice registered nurses at any one time pursuant
 38 to nurse protocol agreements, and shall not be required to conduct any meetings,
 39 observations, or review of medical records except as otherwise provided in this subsection,
 40 if the advanced practice registered nurses practice at a location that:
- 41 (1) Maintains evidence-based clinical practice guidelines;
 42 (2) Is accredited by an accrediting body, approved by the board, such as the Joint
 43 Commission or a nationally recognized accrediting organization with comparable
 44 standards;
 45 (3) Requires the delegating physician to document and maintain a record of review of
 46 at least 10 percent of the advanced practice registered nurses' medical records to monitor
 47 quality of care being provided to patients, which may be conducted electronically or
 48 onsite; and
 49 (4) Requires the delegating physician and advanced practice registered nurse to
 50 participate in and maintain documentation of quarterly clinical collaboration meetings,
 51 either by telephone, in person, or onsite, for purposes of monitoring care being provided
 52 to patients."

53 **SECTION 2.**

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