

The House Committee on Judiciary Non-Civil offers the following substitute to SB 125:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
2 physicians, assistants, and others, so as to authorize a physician to delegate to a physician
3 assistant or an advanced practice registered nurse the authority to prescribe hydrocodone
4 compound products; to provide for a limitation; to provide for additional continuing
5 education requirements regarding hydrocodone compound products; to provide for board
6 prescriptive authority; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
11 assistants, and others, is amended by revising paragraph (3) of subsection (a) and subsection
12 (k) and by adding a new subsection to Code Section 43-34-25, relating to delegation of
13 certain medical acts to advanced practice registered nurses, to read as follows:

14 "(3) 'Controlled substance' means any controlled substance as defined in Code Section
15 16-13-21 but shall not include any Schedule I controlled substance included in Code
16 Section 16-13-25 or any Schedule II controlled substance included in Code Section
17 16-13-26, except a hydrocodone compound product."

18 "(k) Nothing in this Code section shall be construed to authorize an advanced practice
19 registered nurse to issue a prescription drug order for a Schedule I or II controlled
20 substance, except a hydrocodone compound product in accordance with the provisions of
21 subsection (k.1) of this Code section, or to authorize refills of any drug for more than 12
22 months from the date of the original order except in the case of oral contraceptives,
23 hormone replacement therapy, or prenatal vitamins which may be refilled for a period of 24
24 months.

25 (k.1) A physician may delegate to an advanced practice registered nurse in accordance
 26 with a nurse protocol agreement the authority to issue a single nonrefillable prescription
 27 drug order for a hydrocodone compound product, subject to the following conditions:

28 (1) Such order is not in excess of a five-day supply consisting of not more than the lesser
 29 of 30 tablets or 300 milligrams of hydrocodone;

30 (2) Such order for a patient under 18 is not in excess of a five-day supply consisting of
 31 not more than the lesser of 30 pills or 100 milligrams;

32 (3) An advanced practice registered nurse delegated the authority to issue a prescription
 33 drug order for a hydrocodone compound product shall be required to complete three
 34 hours of continuing education biennially in the appropriate ordering and use of
 35 Schedule II controlled substances. The continuing education required pursuant to this
 36 subparagraph may be counted toward continuing education requirements contained in
 37 paragraph (1) of subsection (b.1) of Code Section 43-26-9; and

38 (4) Such advanced practice registered nurse delegated to issue a drug order for a
 39 hydrocodone compound product shall be required to have a minimum of 36 months' of
 40 clinical experience in his or her specialty area after receiving his or her advanced practice
 41 registered nurse designation."

42 **SECTION 2.**

43 Said chapter is further amended by adding a new subsection to Code Section 43-34-25,
 44 relating to delegation of certain medical acts to advanced practice registered nurses, to read
 45 as follows:

46 "(m.1) The board shall have the authority to govern all advanced practice registered nurse
 47 prescriptive authority, including exceptions to Schedule II, Schedule III, Schedule IV, and
 48 Schedule V controlled substances. The board shall require that each advanced practice
 49 registered nurse register with the board and receive a prescriber number which shall track
 50 each advanced practice registered nurse's prescribing history. The governing authority
 51 provided by this subsection to the board shall include the requirement that all reports and
 52 complaints regarding drug abuse or any drug related professional complaints are to be
 53 reported to the board and the board may revoke an advanced practice registered nurse's
 54 nurse protocol agreement or recommend disciplinary action to the Georgia Board of
 55 Nursing. The board shall have the authority to promulgate rules and regulations to carry
 56 out the intents and purposes of this subsection."

57 **SECTION 3.**

58 Said chapter is further amended by revising subsection (e.1) of Code Section 43-34-103,
 59 relating to delegation of authority to physician assistants, as follows:

60 "(e.1)(1)(A) In addition to and without limiting the authority granted by Code Section
61 43-34-23, a physician may delegate to a physician assistant, in accordance with a job
62 description, the authority to issue a prescription drug order or orders for any device as
63 defined in Code Section 26-4-5 or to issue any dangerous drug as defined in Code
64 Section 16-13-71, any hydrocodone compound product, or any Schedule III, IV, or V
65 controlled substance as defined in Code Section 16-13-21 on a prescription drug order
66 or prescription device order form as specified in paragraph (3) of this subsection.
67 Delegation of such authority shall be contained in the job description required by this
68 Code section. The delegating physician shall remain responsible for the medical acts
69 of the physician assistant performing such delegated acts and shall adequately supervise
70 the physician assistant. If an existing job description for a physician assistant does not
71 contain such authority to order a prescription drug or device order as provided by this
72 subsection, that physician assistant may not issue any such prescription drug or device
73 order until a new job description delegating such authority is submitted to and approved
74 by the board. Nothing in this Code section shall be construed to authorize the written
75 prescription drug order of a Schedule I or II controlled substance, except a hydrocodone
76 compound product.

77 (B) A physician may delegate to a physician assistant, in accordance with a job
78 description, the authority to issue a single nonrefillable prescription drug order for a
79 hydrocodone compound product so long as such nonrefillable prescription drug order
80 is not in excess of a five-day supply consisting of not more than the lesser of 30 tablets
81 or 300 milligrams of hydrocodone. However, such delegation for a single nonrefillable
82 prescription drug order for a hydrocodone compound product to a patient under 18
83 years of age shall not exceed a five-day supply consisting of not more than the lesser
84 of 30 pills or 100 milligrams.

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

94 (3) The physician assistant shall only be authorized to exercise the rights granted under
95 this subsection using a prescription drug or device order form which includes the name,
96 address, and telephone number of the prescribing supervising or alternate supervising

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

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

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

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

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

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

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

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

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

129 (10) A physician assistant authorized by a primary supervising physician to order
130 controlled substances pursuant to this Code section is authorized to register with the
131 ~~federal~~ United States Drug Enforcement Administration.

132 (11)(A) A physician assistant delegated the authority by the primary supervising
133 physician to issue a prescription drug or device order shall be required to complete a

134 minimum of three hours of continuing education biennially in practice specific
135 pharmaceuticals in which the physician assistant has prescriptive order privileges.

136 (B) A physician assistant delegated the authority by the primary supervising physician
137 to issue a prescription drug or device order for a hydrocodone compound product shall
138 be required to complete three hours of continuing education biennially in the
139 appropriate ordering and use of Schedule II controlled substances. The continuing
140 education required pursuant to this subparagraph may be counted toward compliance
141 with the continuing education required pursuant to subparagraph (A) of this paragraph.

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

145 **SECTION 4.**

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