

House Bill 409

By: Representatives Powell of the 32nd, Stephens of the 164th, Benton of the 31st, McCall of the 33rd, Clark of the 98th, and others

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 nurse, so as to authorize
3 the delegation by a physician to an advanced practice registered nurse to order radiographic
4 imaging tests in non-life-threatening situations; to revise definitions; to increase the number
5 of advanced practice registered nurses with whom a delegating physician can enter into a
6 nurse protocol agreement and supervise at one time; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Code Section 43-34-25 of the Official Code of Georgia Annotated, relating to delegation of
11 certain medical acts to advanced practice registered nurse, is amended by revising paragraphs
12 (9), (10), and (11) of subsection (a) and by revising subsections (b), (g), (g.1), and (g.2) as
13 follows:

14 "(9) ~~'Life threatening' means an emergency situation in which a patient's life or physical~~
15 ~~well-being will be harmed if certain testing is not performed immediately.~~ Reserved.

16 (10) 'Nurse protocol agreement' means a written document mutually agreed upon and
17 signed by an advanced practice registered nurse and a physician, by which document the
18 physician delegates to that advanced practice registered nurse the authority to perform
19 certain medical acts pursuant to this Code section, and which acts may include, without
20 being limited to, the ordering of drugs, medical devices, medical treatments, diagnostic
21 studies, or ~~in life-threatening situations~~ radiographic imaging tests. Such agreements
22 shall conform to the provisions set forth in subsection (c) of this Code section.

23 (11) 'Order' means to prescribe pursuant to a nurse protocol agreement which drug,
24 medical device, medical treatment, diagnostic study, or ~~in life-threatening situations~~
25 radiographic imaging test is appropriate for a patient and to communicate the same in
26 writing, orally, via facsimile, or electronically."

27 "(b) In addition to and without limiting the authority granted pursuant to Code
 28 Section 43-34-23, a physician may delegate to an advanced practice registered nurse in
 29 accordance with a nurse protocol agreement the authority to order drugs, medical devices,
 30 medical treatments, diagnostic studies, or, ~~in life-threatening situations,~~ radiographic
 31 imaging tests."

32 ~~"(g) Except as otherwise provided in subsection (g.1) or (g.2) of this Code section, a A~~
 33 ~~delegating physician may not enter into a nurse protocol agreement pursuant to this Code~~
 34 ~~section with more than four eight advanced practice registered nurses at any one time and~~
 35 ~~may not supervise more than eight advanced practice registered nurses at any one time,~~
 36 ~~except this limitation shall not apply to an advanced practice registered nurse who is~~
 37 ~~practicing:~~

- 38 (1) In a hospital licensed under Title 31;
- 39 (2) In any college or university as defined in Code Section 20-8-1;
- 40 (3) In the Department of Public Health;
- 41 (4) In any county board of health;
- 42 (4.1) In any community service board;
- 43 (5) In any free health clinic;
- 44 (6) In a birthing center;
- 45 (7) In any entity:
 - 46 (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
 47 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or
 48 indigent Medicaid and medicare patients; or
 - 49 (B) Which has been established under the authority of or is receiving funds pursuant
 50 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;
- 51 (8) In any local board of education which has a school nurse program;
- 52 (9) In a health maintenance organization that has an exclusive contract with a medical
 53 group practice and arranges for the provision of substantially all physician services to
 54 enrollees in health benefits of the health maintenance organization; or
- 55 (10) In any emergency medical services system operated by, or on behalf of, any county,
 56 municipality, or hospital authority with a full-time medical director and who does not
 57 order drugs.

58 (g.1) ~~A delegating physician may not enter into a nurse protocol agreement pursuant to this~~
 59 ~~Code section with more than eight advanced practice registered nurses at any one time,~~
 60 ~~may not supervise more than four advanced practice registered nurses at any one time~~
 61 ~~pursuant to nurse protocol agreements, and shall not be required to conduct any meetings,~~
 62 ~~observations, or review of medical records except as otherwise provided in this subsection,~~
 63 ~~if the advanced practice registered nurses practice at a location that:~~

- 64 (1) Maintains evidence-based clinical practice guidelines;
- 65 (2) Is accredited by an accrediting body, approved by the board, such as the Joint
66 Commission or a nationally recognized accrediting organization with comparable
67 standards;
- 68 (3) Requires the delegating physician to document and maintain a record of review of
69 at least 10 percent of the advanced practice registered nurses' medical records to monitor
70 quality of care being provided to patients, which may be conducted electronically or
71 onsite;
- 72 (4) Requires the delegating physician and advanced practice registered nurse to
73 participate in and maintain documentation of quarterly clinical collaboration meetings,
74 either by telephone, in person, or onsite, for purposes of monitoring care being provided
75 to patients; and
- 76 (5) Requires the delegating physician's name, contact information, and record of the visit
77 to be provided to the patient's primary care provider of choice with the patient's consent
78 within 24 hours of the visit.
- 79 ~~(g.2) A delegating physician may not enter into a nurse protocol agreement pursuant to this~~
80 ~~Code section with more than eight advanced practice registered nurses at any one time or~~
81 ~~supervise more than four advanced practice registered nurses at any one time in any~~
82 ~~emergency medical services system operated by, or on behalf of, any county, municipality,~~
83 ~~or hospital authority with a full-time medical director."~~

84 **SECTION 2.**

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