

Senate Bill 525

By: Senators Robertson of the 29th, Tillery of the 19th and Albers of the 56th

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 provide for the licensure of pathologists' assistants;
3 to provide for continuing education requirements; to provide a short title; to provide for
4 definitions; to provide for licensure requirements; to provide for renewal requirements; to
5 prohibit holding oneself out as a pathologists' assistant without licensure; to provide for the
6 duties and powers of the Georgia Composite Medical Board with respect to pathologists'
7 assistants; to provide for an advisory committee; to provide for statutory construction; to
8 provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
12 assistants, and others, is amended by revising subsection (a) of Code Section 43-34-11,
13 relating to continuing education requirements for physicians, acupuncture, physician
14 assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and
15 orthotics and prosthetics practice, as follows:

16 "(a)(1) The board shall be authorized to require persons seeking renewal of a license,
17 certificate, or permit under this chapter to complete board approved continuing education
18 of not less than 40 hours biennially. The board shall be authorized to approve courses
19 offered by institutions of higher learning, specialty societies, or professional
20 organizations, including, but not limited to, the American Medical Association, the
21 National Medical Association, and the American Osteopathic Association, the number
22 of hours required, and the category in which these hours should be earned. This
23 paragraph shall not apply to respiratory care professionals, persons seeking renewal of
24 certification as respiratory care professionals, clinical perfusionists, persons seeking
25 renewal of licensure as a clinical perfusionist, licensed orthotists or prosthetists, persons
26 seeking renewal of licensure as an orthotist or prosthetist, genetic counselors, ~~or persons~~
27 seeking renewal of licensure as a genetic counselor, pathologists' assistants, or persons
28 seeking renewal of licensure as a pathologists' assistant.

29 (2) The board shall be authorized to require persons seeking renewal of certification as
30 respiratory care professionals under Article 6 of this chapter to complete board approved
31 continuing education. The board shall be authorized to establish the number of hours of
32 continuing education required biennially for renewal of certification as a respiratory care
33 professional and the categories in which these hours should be earned. The board shall
34 be authorized to approve courses offered by institutions of higher learning, specialty
35 societies, or professional organizations. Any action taken by the board pursuant to this
36 paragraph shall be taken in conformity with the provisions of Code Section 43-34-143.

37 (3) The board shall be authorized to require persons seeking renewal of licensure as
38 clinical perfusionists under Article 7 of this chapter to complete board approved
39 continuing education. The board shall be authorized to establish the number of hours of
40 continuing education required biennially for renewal of licensure as a clinical perfusionist
41 and the categories in which these hours should be earned. The board shall be authorized
42 to approve courses offered by institutions of higher learning, specialty societies, or

professional organizations. Any action taken by the board pursuant to this paragraph shall be taken in conformity with the provisions of Code Section 43-34-172.

(4) The board shall be authorized to require persons seeking renewal of licensure to practice orthotics or prosthetics under Article 8 of this chapter to complete board approved continuing education. The board shall be authorized to establish the number of hours of continuing education required biennially for renewal of licensure to practice orthotics or prosthetics and the categories in which these hours should be earned, provided that the maximum number of hours of continuing education required for renewal of licensure shall not exceed 40 hours. The board shall be authorized to approve courses offered by institutions of higher learning, specialty societies, or professional organizations. Any action taken by the board pursuant to this paragraph shall be taken in conformity with the provisions of subsection (a) of Code Section 43-34-200.

(5) The board shall be authorized to require persons seeking renewal of licensure to practice genetic counseling under Article 12 of this chapter to complete board approved continuing education. The board shall be authorized to establish the number of hours of continuing education required biennially for renewal of licensure to practice genetic counseling and the categories in which these hours should be earned, provided that the number of hours of continuing education required for renewal of licensure shall not be less than 30 hours biennially. The board shall be authorized to approve courses offered by institutions of higher learning, specialty societies, or professional organizations. Any action taken by the board pursuant to this paragraph shall be taken in conformity with the provisions of subsection (b) of Code Section 43-34-313.

(6) The board shall be authorized to require persons seeking renewal of licensure to practice as a pathologists' assistant under Article 13 of this chapter to complete board approved continuing education. The board shall be authorized to establish the number of hours of continuing education required biennially for renewal of licensure to practice as a pathologists' assistant and the categories in which these hours should be earned. The

board shall be authorized to approve courses offered by institutions of higher learning, specialty societies, or professional organizations. Any action taken by the board pursuant to this paragraph shall be taken in conformity with the provisions of subsection (b) of Code Section 43-34-334.

~~(6)~~(7) On and after January 1, 2022, all physicians shall be required to receive one-time education and training, for a minimum of two hours, regarding professional boundaries and physician sexual misconduct. Such education and training shall include subject matter relating to how to proceed with basic as well as sensitive or intimate examinations and the communication with patients that is required as a component of such examinations. Such education and training shall be established by the board and shall be informed by members of the public, as best possible."

SECTION 2.

Said chapter is further amended by adding a new article to read as follows:

"ARTICLE 13

43-34-330.

This article shall be known and may be cited as the 'Pathologists' Assistant Act.'

43-34-331.

As used in this article, the term:

(1) 'Board' means the Georgia Composite Medical Board.

(2) 'Direction and supervision' means continuous direction and supervision, but shall not be construed as necessarily requiring the physical presence of the supervising physician.

(3) 'Pathologists' assistant' means a person licensed pursuant to this article to assist physicians who practice pathology by providing services within the permitted scope of practice for pathologists' assistants.

(4) 'Scope of practice for pathologists' assistants' means the provision of the following services under the direction and supervision of a licensed physician who practices anatomic pathology at the time and place where such services are performed:

(A) Preparing gross tissue sections for pathology analysis, including, but not limited to, cutting, staining as required, describing gross anatomic features, dissecting surgical specimens, and submitting tissues for bio-banking, histologic processing, or other analyses;

(B) Performing human postmortem examinations, including, but not limited to, selection of tissues and fluids for further examination, external examination, dissection, and gathering and recording information for autopsy reports; and

(C) Other functions and responsibilities in furtherance of and consistent with the foregoing as determined by the board.

The term does not include the authority to diagnose or provide a medical opinion. Services of a pathologists' assistant must be performed in a laboratory or other site authorized under law for performance of such services.

43-34-332.

(a) A person shall be qualified for licensure as a pathologists' assistant and the board may issue a license if that person:

(1) Has applied in writing in form and substance satisfactory to the board and is at least 21 years of age;

(2) Has not engaged in conduct or activities which would constitute grounds for discipline under this article;

(3) Has a bachelor's or higher degree in pathologists' assistant, granted on the basis of completion of a program of pathologists' assistant registered with the board or the substantial equivalent thereof, in accordance with the board's regulations;

(4) Has successfully completed examination for licensure, approved by the board;

(5) Has paid the fees required by rule; and

(6) Has met any other requirements established by rule.

(b) A temporary license may be issued to an individual who has made application to the board; has submitted evidence to the board of admission to examination for licensure; has met all of the requirements for licensure in accordance with this Code section, except for the examination requirement contained in paragraph (4) of subsection (a) of this Code section; and has met any other condition established by rule. The holder of a temporary license shall be authorized to practice as a pathologists' assistant only under the direction and supervision of a licensed physician who practices anatomic pathology and pursuant to the order and direction of such licensed physician. A temporary license shall expire one year from the date of issuance. A temporary license may be extended for one additional year for good cause as determined by the board.

43-34-333.

An individual who meets the requirements for licensure as a pathologists' assistant except for the education and examination requirements contained in paragraphs (3) and (4) of subsection (a) of Code Section 43-34-332 but who has been performing the duties of a pathologists' assistant for two of the five years prior to July 1, 2022, may be licensed without meeting additional requirements, provided that such individual submits an application to the department no later than July 1, 2023. For this purpose, the applicant's supervising physicians must attest to the applicant's experience and competence.

140 43-34-334.

141 (a) Licenses issued by the board pursuant to this article shall be subject to renewal and
142 shall be valid for up to two years unless otherwise specified by this article and shall be
143 renewable biennially on the renewal date established by the board.

144 (b) The board shall be authorized to, in conformance with paragraph (5) of subsection (a)
145 of Code Section 43-34-11:

146 (1) Require persons seeking renewal of licensure under this article to complete board
147 approved continuing education; and

148 (2) Establish the number of hours of continuing education to be completed as well as the
149 categories in which the continuing education is to be completed.

150 (c) A person who has permitted his or her license to expire or who has had his or her
151 license on inactive status may have his or her license restored by:

152 (1) Making application to the board;

153 (2) Filing proof acceptable to the board of his or her fitness to have his or her license
154 restored, including, but not limited to, sworn evidence certifying to active practice in
155 another jurisdiction satisfactory to the board; and

156 (3) Paying the required restoration fee.

157 If the person has not maintained an active practice in another jurisdiction satisfactory to the
158 board, the board shall determine, by an evaluation program established by rule, such
159 person's fitness to resume active status and may require such person to complete a period
160 of evaluated clinical experience and successful completion of an examination.

161 (d) A person who notifies the board on forms prescribed thereby may elect to place his or
162 her license on an inactive status and shall, subject to rules of the board, be excused from
163 payment of renewal fees until he or she notifies the board of his or her desire to resume
164 active status. A person requesting restoration from inactive status shall be required to pay
165 the current renewal fee and shall be required to restore his or her license as provided in

subsection (c) of this Code section. A pathologists' assistant whose license is on inactive status shall not engage in the scope of practice for pathologists' assistants in this state.

(e) A person whose license expired while he or she was:

(1) In federal service on active duty within the armed forces of the United States or with the state militia and called into service or training; or

(2) In training or education under the supervision of the United States preliminary to induction into military service

may have his or her license renewed or restored without paying a lapsed renewal fee if, within two years after termination from the service, training, or education except under conditions other than honorable, he or she furnishes the board with satisfactory evidence that he or she has been so engaged and that his or her service, training, or education has been terminated.

43-34-335.

(a) On and after July 1, 2023, a person shall not engage in the scope of practice for pathologists' assistants in this state without a valid license issued by the board pursuant to this article.

(b) A person shall not hold himself or herself out as a pathologists' assistant unless he or she holds a license issued by the board in accordance with this article. A person not licensed by the board pursuant to this article shall not use in connection with his or her name or place of business the terms 'pathologists' assistant' or 'Path A,' or any words, letters, abbreviations, or insignia indicating or implying that the person holds a license as a pathologists' assistant.

43-34-336.

The board shall have the power and responsibility to:

190 (1) Determine the qualifications and fitness of applicants for licensure and renewal of
191 licensure;

192 (2) Adopt and revise rules consistent with the laws of the State of Georgia that are
193 necessary to conduct its business, carry out its duties, and administer this article;

194 (3) Examine for, approve, issue, deny, revoke, suspend, sanction, and renew the licenses
195 of applicants and pathologists' assistants under this article and conduct hearings in
196 connection with these actions;

197 (4) Conduct hearings on complaints concerning violations of this article and the rules
198 adopted under this article and cause the prosecution and enjoinder of the violations;

199 (5) Establish application, examination, and certification fees; and

200 (6) Establish continuing education requirements.

201 43-34-337.

202 The board shall appoint an advisory committee. The advisory committee shall consist of
203 no fewer than five individuals and shall include at least one licensed physician who
204 practices pathology, three licensed pathologists' assistants, and one consumer
205 representative. Members shall receive no compensation for service on the committee. The
206 committee shall have such advisory duties and responsibilities as the board may determine,
207 including, but not limited to, consulting with the board on the issuance, denial, suspension,
208 and revocation of licenses and the promulgation of rules and regulations under this article.

209 The initial members of the advisory committee may include persons eligible for licensing
210 under this article. Subsequent advisory committee members must be licensed pursuant to
211 this article.

212 43-34-338.

213 Nothing in this article shall be construed to prohibit:

214 (1) The performance of any tasks or responsibilities by any student engaged in clinical
215 training in a general hospital, provided such practice is limited to clinical training that
216 shall be carried out under the direct supervision of a licensed physician who practices
217 anatomic pathology;
218 (2) The performance of any tasks or responsibilities by any person licensed under this
219 title, provided such tasks or responsibilities are permitted by the article governing the
220 profession pursuant to which such person is licensed; or
221 (3) The performance of any tasks or responsibilities by any legally qualified pathologists'
222 assistants of any other state or territory who is serving in the armed forces or the public
223 health service of the United States or who is employed by the United States Department
224 of Veterans Affairs, while engaged in the performance of his or her duties."

225 **SECTION 3.**

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