

House Bill 981

By: Representatives Powell of the 33<sup>rd</sup>, Ehrhart of the 36<sup>th</sup>, O'Steen of the 169<sup>th</sup>, Jackson of the 128<sup>th</sup>, and Jones of the 47<sup>th</sup>

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 expand certain advanced practice registered nurse  
3 and physician assistant prescriptive authorizations; to provide for a definition; to increase  
4 certain prescriptive authorizations from five-day to 30 day supplies; to remove certain  
5 prohibitions on writing prescriptions for minors; to provide for certain prescriptive  
6 authorization to order stimulants; to provide for related matters; to repeal conflicting laws;  
7 and for other 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 adding a new paragraph to subsection (a) of and by  
12 revising subsection (d.1), paragraph (10) of subsection (g), and paragraph (2) of subsection  
13 (m) of Code Section 43-34-25, relating to delegation of certain medical acts to advanced  
14 practice registered nurse, construction and limitations of such delegation, definitions,  
15 conditions of nurse protocol, and issuance of prescription drug orders, to read as follows:

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16 "(16) 'Stimulant' means any material, compound, mixture, or preparation that increases  
17 heart rate, breathing, or brain function as provided in paragraph (3) of Code Section  
18 16-13-26."

19 "(d.1) An advanced practice registered nurse who has at least one year of post-licensure  
20 clinical experience and is in good standing with the board may be authorized under a nurse  
21 protocol agreement to issue prescription drug orders for stimulants, hydrocodone,  
22 oxycodone, or compounds thereof in emergency situations pursuant to the following  
23 requirements:

24 (1) The authorization is specifically included in the nurse protocol agreement;

25 (2) The advanced practice registered nurse has directly evaluated the patient;

26 (3) The prescription drug order is limited to an initial prescription, not to exceed a  
27 ~~five-day~~ 30 day supply; and

28 ~~(4) The prescription drug order is for an individual 18 years of age or older; and~~

29 ~~(5)~~(4) The advanced practice registered nurse completes one hour of continuing  
30 education biennially in the appropriate ordering and use of stimulants, hydrocodone,  
31 oxycodone, and compounds thereof."

32 "(10) Notwithstanding the provisions of subsection (d.1) of this Code section, in any  
33 emergency medical services system operated by, or on behalf of, any county,  
34 municipality, or hospital authority with a full-time physician medical director who does  
35 not order drugs, except that he or she may order up to a 14 day supply of drugs as  
36 necessary in an emergency situation, ~~excluding benzodiazepines and all Schedule II~~  
37 ~~controlled substances except hydrocodone, oxycodone, or compounds thereof~~; provided,  
38 however, that an advanced practice registered nurse shall not order radiographic imaging,  
39 diagnostic studies, or medical devices pursuant to this paragraph; and provided, further,  
40 that a patient shall be referred to a physician, a dentist, or a federally qualified health  
41 center."

42 "(2)(A) Further, the board shall be authorized to:

- 43 (i) Require that a nurse protocol agreement shall be filed by the delegating physician  
44 with the board within a reasonable time from the date of execution;
- 45 (ii) Determine, after review of a filed nurse protocol agreement, if such nurse  
46 protocol agreement fails to meet accepted standards of medical practice as established  
47 by the board; and
- 48 (iii) Require the delegating physician to amend any such noncompliant nurse protocol  
49 agreement in order to meet such accepted standards.
- 50 (B) If a medical practice has an existing approved nurse protocol agreement and an  
51 alternate delegating physician or a change in the delegating physician within the same  
52 or similar specialty, such new nurse protocol agreement for the new alternate delegating  
53 physician or a change in the delegating physician, upon submission, shall be  
54 automatically deemed ~~approved~~ authorized by the board.
- 55 (C) If a delegating physician submits a nurse protocol agreement for a new advanced  
56 practice registered nurse and such nurse protocol agreement has substantially the same  
57 terms and provisions as a nurse protocol agreement previously submitted by such  
58 delegating physician for another advanced practice registered nurse and approved by  
59 the board, the nurse protocol agreement for the new advanced practice registered nurse,  
60 upon submission, shall be automatically deemed ~~approved~~ authorized by the board."

61

**SECTION 2.**

62 Said chapter is further amended by revising paragraphs (1) and (10) of subsection (e.1) of  
63 Code Section 43-34-103, relating to delegation of authority to physician assistants, as  
64 follows:

65 "(e.1)(1)(A) In addition to and without limiting the authority granted by Code Section  
66 43-34-23, a physician may delegate to a physician assistant, in accordance with a job  
67 description, the authority to issue a prescription drug order or orders for any device as  
68 defined in Code Section 26-4-5 or to issue any dangerous drug as defined in Code

69 Section 16-13-71, stimulants, hydrocodone, oxycodone, or compounds thereof in  
70 accordance with subparagraph (B) of this paragraph, or any Schedule III, IV, or V  
71 controlled substance as defined in Code Section 16-13-21 on a prescription drug order  
72 or prescription device order form as specified in paragraph (3) of this subsection.  
73 Delegation of such authority shall be contained in the job description required by this  
74 Code section. The delegating physician shall remain responsible for the medical acts  
75 of the physician assistant performing such delegated acts and shall adequately supervise  
76 the physician assistant. If an existing job description for a physician assistant does not  
77 contain such authority to order a prescription drug or device order as provided by this  
78 subsection, that physician assistant may not issue any such prescription drug or device  
79 order until a new job description delegating such authority is submitted to and approved  
80 by the board. Nothing in this Code section shall be construed to authorize the written  
81 prescription drug order of a Schedule I or II controlled substance, except as authorized  
82 pursuant to subparagraph (B) of this paragraph.

83 (B) A physician may delegate to a physician assistant who has at least one year of  
84 post-licensure clinical experience and is in good standing with the board the authority  
85 to issue prescription drug orders for stimulants, hydrocodone, oxycodone, or  
86 compounds thereof in emergency situations pursuant to the following requirements:

- 87 (i) The authorization is specifically included in the job description;  
88 (ii) The physician assistant has directly evaluated the patient; and  
89 (iii) The drug order is limited to an initial prescription not to exceed a five-day 30  
90 day supply; and  
91 ~~(iv) The prescription drug order is for an individual 18 years of age or older."~~

92 "(10)(A) A physician assistant delegated the authority by the primary supervising  
93 physician to issue a prescription drug or device order shall be required to complete a  
94 minimum of three hours of continuing education biennially in practice specific  
95 pharmaceuticals in which the physician assistant has prescriptive order privileges.

96 (B) A physician assistant delegated the authority by the primary supervising physician  
97 to issue a prescription drug or device order for stimulants, hydrocodone, oxycodone,  
98 or compounds thereof shall be required to complete one additional hour of continuing  
99 education biennially in the appropriate ordering and use of stimulants, hydrocodone,  
100 oxycodone, or compounds thereof."

101 **SECTION 3.**

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