

House Bill 1273

By: Representatives O'Steen of the 169th, Greene of the 154th, Mathiak of the 82nd, Powell of the 33rd, and Taylor of the 173rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated,
2 relating to physician assistants, so as to authorize physician assistants to receive certain
3 delegated authorities from podiatric physicians; to provide for definitions; to amend
4 Chapter 35 of Title 43 of the Official Code of Georgia Annotated, relating to podiatry
5 practice, so as to authorize podiatric physicians to delegate certain authorities to physician
6 assistants; to provide for definitions; to provide for supervising and alternate supervising
7 podiatric physicians; to make conforming changes; to provide for new authorities for the
8 State Board of Podiatry Examiners; to provide for administrative hearings; to provide for
9 certain procedures and notifications; to provide for job descriptions; to provide for
10 conforming changes; to provide for related matters; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Article 4 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
15 physician assistants, is amended by revising Code Section 43-34-102, relating to definitions,
16 as follows:

H. B. 1273

17 "43-34-102.

18 As used in this article, the term:

19 (1) 'Alternate supervising physician' means a physician to whom a board approved
20 primary supervising physician has delegated the responsibility of supervising a physician
21 assistant who is licensed to that primary supervising physician and who agrees to
22 supervise the physician assistant for the primary supervising physician and who is on
23 record with the board.

24 (2) 'Alternate supervising podiatric physician' means a podiatric physician to whom a
25 State Board of Podiatry Examiners approved primary supervising podiatric physician has
26 delegated the responsibility of supervising a physician assistant who is supervised by that
27 primary supervising podiatric physician and who agrees to supervise the physician
28 assistant for the primary supervising podiatric physician and who is on record with the
29 State Board of Podiatry Examiners.

30 ~~(1)~~(3) 'Applicant' means an individual seeking licensure as a physician assistant pursuant
31 to this article.

32 ~~(2)~~ 'Alternate supervising physician' means a physician to whom a board approved
33 primary supervising physician has delegated the responsibility of supervising a physician
34 assistant who is licensed to that primary supervising physician and who agrees to
35 supervise the physician assistant for the primary supervising physician and who is on
36 record with the board.

37 ~~(3)~~(4) 'Board' means the Georgia Composite Medical Board.

38 ~~(4)~~(5) 'Job description' means a document, signed by the primary supervising physician
39 or supervising podiatric physician and the physician assistant, in which the primary
40 supervising physician or supervising podiatric physician delegates to that physician
41 assistant authority to perform certain medical or podiatric medical acts and which
42 describes the professional background and specialty of the primary supervising physician
43 or supervising podiatric physician and the qualifications including related experience of

44 the physician assistant; and includes a general description of how the physician assistant
45 will be utilized in the practice. A job description shall not be required to contain every
46 activity the physician or podiatric physician deems the physician assistant qualified to
47 perform but shall confine the activities of the physician assistant to those in the scope of
48 practice of the primary supervising physician or supervising podiatric physician.

49 ~~(5)~~(6) 'Order' means to prescribe pursuant to a job description which drug, medical
50 device, medical or podiatric treatment, or diagnostic study is appropriate for a patient and
51 to communicate the same in writing, orally, via facsimile, or electronically.

52 ~~(6)~~(7) 'Physician' means a person lawfully licensed in this state to practice medicine and
53 surgery pursuant to Article 2 of this chapter.

54 ~~(7)~~(8) 'Physician assistant' means a skilled person who is licensed to a supervising
55 physician or supervising podiatric physician and who is qualified by academic and
56 practical training to provide patients' services not necessarily within the physical presence
57 but under the personal direction or supervision of the supervising physician or
58 supervising podiatric physician.

59 (9) 'Podiatric physician' means a physician and surgeon of the human foot and leg who
60 is licensed in this state pursuant to Chapter 35 of this title.

61 ~~(8)~~(10) 'Prescription drug order' means a written or oral order of a physician assistant for
62 a drug or medical device for a specific patient. Such term includes an electronic visual
63 image prescription drug order and an electronic data prescription drug order.

64 ~~(9)~~(11) 'Primary supervising physician' means the physician to whom the board licenses
65 a physician assistant pursuant to a board approved job description and who has the
66 primary responsibility for supervising the practice of a physician assistant pursuant to that
67 physician assistant's job description.

68 (12) 'Primary supervising podiatric physician' means the podiatric physician who has the
69 primary responsibility for supervising the practice of a physician assistant pursuant to that
70 physician assistant's job description."

71 **SECTION 2.**

72 Said article is further amended by revising Code Section 43-34-103, relating to application
73 for licensure as a physician assistant, authorized delegating authority, and prohibited acts,
74 as follows:

75 "43-34-103.

76 (a)(1) In order to obtain licensure as a physician assistant, an applicant shall submit an
77 application to the board. Such application shall include:

78 (A) Evidence submitted by the applicant of his or her good moral character; and

79 (B) Evidence of his or her competency in a health care area related to the job
80 description which, as a minimum, shall include:

81 (i) Evidence of satisfactory completion of a training program approved by the board.

82 If the applicant is not a graduate of an accredited school approved by the board, he or
83 she shall be required to receive board approved refresher training and testing; and

84 (ii) Evidence that the applicant has passed the Physician Assistant National
85 Certification Examination (PANCE) administered by the National Commission for
86 the Certification of Physician Assistants (NCCPA), or its successor, or the National
87 Association for the Certification of Anesthesia Assistants; (NACAA),₂ or its successor.

88 The board may issue a temporary permit to any applicant for licensure who has satisfied
89 the provisions of division (i) of this subparagraph and who is an applicant for the next
90 available board approved or administered examination or who has completed this
91 examination and is awaiting the results of such examination. The temporary permit shall
92 expire upon notification of the applicant's failure to achieve a satisfactory score on the
93 board approved or administered examination. A physician assistant licensed pursuant to
94 this paragraph shall not be authorized to perform any medical or podiatric acts of any sort
95 except as approved for utilization by a physician or podiatric physician, respectively, in
96 a job description pursuant to paragraph (2) of this subsection. The board may grant an
97 inactive licensure status to a physician assistant who is licensed pursuant to this article

98 but who is not practicing with the supervision of a board approved primary supervising
99 physician or a State Board of Podiatry Examiners approved primary supervising podiatric
100 physician.

101 (2) In order to obtain approval for the utilization of a physician assistant, whether the
102 utilization is in a private practice or through a public or private health care institution or
103 organization, the licensed physician or podiatric physician who will be responsible for
104 the performance of such physician assistant shall submit an application to the board or
105 State Board of Podiatry Examiners, respectively, which shall include:

106 (A) Evidence that the physician assistant is licensed pursuant to paragraph (1) of this
107 subsection;

108 (B) A job description meeting the requirements of paragraph ~~(4)~~ (5) of Code Section
109 43-34-102; and

110 (C) A fee, established by the board or State Board of Podiatry Examiners, respectively;
111 provided, however, that no fee will be required if the physician assistant is an employee
112 of the state or a county government.

113 (b)(1) No primary supervising physician or supervising podiatric physician shall enter
114 into a job description with a physician assistant pursuant to this Code section or, in the
115 case of a physician, a nurse protocol agreement with an advanced practice registered
116 nurse pursuant to Code Section 43-34-25, with more than the combined equivalent of
117 eight physician assistants or advanced practice registered nurses or supervise more than
118 the combined equivalent of eight physician assistants or, in the case of a physician,
119 advanced practice registered nurses at a time except as provided in paragraph (3) or (4)
120 of this subsection.

121 (2) A primary supervising physician or supervising podiatric physician shall designate
122 in writing to the board such other physicians who may serve as an alternate supervising
123 physician or supervising podiatric physician for each physician assistant with which such
124 primary supervising physician or supervising podiatric physician has entered into a job

125 description. The board shall have authority to approve or deny such designations in
126 whole or in part; provided, however, that a physician or podiatric physician may be listed
127 as an alternate supervising physician or supervising podiatric physician for any number
128 of physician assistants so long as he or she only supervises as many physician assistants
129 at any one time as allowed by paragraph (1) of this subsection in the case of a podiatric
130 physician or paragraphs (1) and (3) of this subsection in the case of a physician.

131 (3) No primary supervising physician shall have more than eight physician assistants
132 who have completed a board approved anesthesiologist assistant program licensed to him
133 or her at a time or supervise more than four physician assistants who have completed a
134 board approved anesthesiologist assistant program at any one time.

135 (4) Except for physician assistants who have completed a board approved
136 anesthesiologist assistant program, the limitation in paragraph (1) of this subsection shall
137 not apply to a physician assistant who is practicing:

138 (A) In a hospital licensed under Title 31;

139 (B) In any college or university as defined in Code Section 20-8-1;

140 (C) In the Department of Public Health;

141 (D) In any county board of health;

142 (E) In any community service board;

143 (F) In any free health clinic;

144 (G) In a birthing center;

145 (H) In any entity:

146 (i) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
147 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or
148 indigent Medicaid and Medicare patients; or

149 (ii) Which has been established under the authority of or is receiving funds pursuant
150 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act; or

151 (I) In a health maintenance organization that has an exclusive contract with a medical
152 group practice and arranges for the provision of substantially all physician services to
153 enrollees in health benefits of the health maintenance organization.

154 (c)(1) At all times while providing patient services, a physician assistant shall have a
155 signed job description submitted by his or her primary supervising physician or
156 supervising podiatric physician and approved by the board or State Board of Podiatry
157 Examiners, respectively.

158 (2) Nothing in this article shall prevent a primary supervising physician or supervising
159 podiatric physician from submitting to the board or State Board of Podiatry Examiners,
160 respectively, a new or amended physician assistant job description.

161 (3) If a medical or podiatric practice has an existing approved job description and an
162 alternate supervising physician or supervising podiatric physician or a change in the
163 supervising physician or supervising podiatric physician within the same or similar
164 specialty, such new job description for the new alternate supervising physician or
165 supervising podiatric physician or a change in the supervising physician or supervising
166 podiatric physician, upon submission, shall be automatically deemed approved by the
167 board.

168 (4) If a primary supervising physician or supervising podiatric physician submits a job
169 description for a new physician assistant and such job description has substantially the
170 same terms and provisions as a job description previously submitted by such primary
171 supervising physician or supervising podiatric physician for another physician assistant
172 and approved by the board or State Board of Podiatry Examiners, respectively, the job
173 description for the new physician assistant, upon submission, shall be automatically
174 deemed approved by the board or State Board of Podiatry Examiners.

175 (d) Nothing in this article shall prohibit the rendering of services to a patient by a
176 physician assistant who is not in the physical presence of the supervising physician or
177 supervising podiatric physician or preclude a physician assistant from making house calls,

178 performing hospital duties, serving as an ambulance attendant, or performing any functions
179 authorized by the supervising physician or supervising podiatric physician which the
180 physician assistant is qualified to perform and is in the scope of practice of the supervising
181 physician or supervising podiatric physician.

182 (e) A physician assistant may not be utilized to perform the duties of a pharmacist licensed
183 under Chapter 4 of Title 26, relating to pharmacists.

184 (e.1)(1)(A) In addition to and without limiting the authority granted by Code Section
185 43-34-23 or 43-35-3.1, respectively, a physician or podiatric physician may delegate
186 to a physician assistant, in accordance with a job description, the authority to issue a
187 prescription drug order or orders for any device as defined in Code Section 26-4-5 or
188 to issue any dangerous drug as defined in Code Section 16-13-71, hydrocodone,
189 oxycodone, or compounds thereof in accordance with subparagraph (B) of this
190 paragraph, or any Schedule III, IV, or V controlled substance as defined in Code
191 Section 16-13-21 on a prescription drug order or prescription device order form as
192 specified in paragraph (3) of this subsection. Delegation of such authority shall be
193 contained in the job description required by this Code section. The delegating
194 physician or podiatric physician shall remain responsible for the medical or podiatric
195 acts of the physician assistant performing such delegated acts and shall adequately
196 supervise the physician assistant. If an existing job description for a physician assistant
197 does not contain such authority to order a prescription drug or device order as provided
198 by this subsection, that physician assistant may not issue any such prescription drug or
199 device order until a new job description delegating such authority is submitted to and
200 approved by the board. Nothing in this Code section shall be construed to authorize the
201 written prescription drug order of a Schedule I or II controlled substance, except as
202 authorized pursuant to subparagraph (B) of this paragraph.

203 (B) A physician or podiatric physician may delegate to a physician assistant who has
204 at least one year of post-licensure clinical experience and is in good standing with the

205 board the authority to issue prescription drug orders for hydrocodone, oxycodone, or
206 compounds thereof in emergency situations pursuant to the following requirements:

- 207 (i) The authorization is specifically included in the job description;
208 (ii) The physician assistant has directly evaluated the patient;
209 (iii) The drug order is limited to an initial prescription not to exceed a five-day
210 supply; and
211 (iv) The prescription drug order is for an individual 18 years of age or older.

212 (2) Nothing in this subsection shall be construed to create a presumption of liability,
213 either civil or criminal, on the part of a pharmacist who is duly licensed under Title 26
214 and who in good faith fills a prescription drug or device order presented by a patient
215 pursuant to this subsection. The pharmacist shall presume that the prescription drug or
216 device order was issued by a physician assistant duly licensed under this article who has
217 qualified under this Code section to prescribe pharmaceutical agents. The pharmacist
218 shall also presume that the pharmaceutical agent prescribed by the physician assistant is
219 an approved pharmaceutical agent, unless the pharmacist has actual or constructive
220 knowledge to the contrary.

221 (3) The physician assistant shall only be authorized to exercise the rights granted under
222 this subsection using a prescription drug or device order form which includes the name,
223 address, and telephone number of the prescribing supervising or alternate supervising
224 physician or supervising podiatric physician, the patient's name and address, the drug or
225 device prescribed, the number of refills, and directions to the patient with regard to the
226 taking and dosage of the drug. A prescription drug order which is transmitted either
227 electronically or via facsimile shall conform to the requirements set out in paragraphs (1)
228 and (2) of subsection (c) of Code Section 26-4-80, respectively. Any form containing
229 less information than that described in this paragraph shall not be offered to or accepted
230 by any pharmacist who is duly licensed under Title 26.

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

234 (5) A supervising physician or supervising podiatric physician or alternate supervising
235 physician or supervising podiatric physician shall evaluate or examine, at least every
236 three months, any patient receiving controlled substances.

237 (6) In addition to the copy of the prescription drug or device order delivered to the
238 patient, a record of such prescription shall be maintained in the patient's medical or
239 podiatric record in the following manner:

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

242 (B) The supervising physician or supervising podiatric physician shall periodically
243 review patient records. Such review may be achieved with a sampling of such records
244 as determined by the supervising physician or supervising podiatric physician.

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

247 (8) The board and State Board of Podiatry Examiners shall adopt rules establishing
248 procedures to evaluate an application for a job description containing the authority to
249 order a prescription drug or device and any other rules the board or State Board of
250 Podiatry Examiners deem ~~deems~~ necessary or appropriate to regulate the practice of
251 physician assistants working in the field of medicine or podiatry, respectively, to carry
252 out the intent and purpose of this article, or to protect the public welfare.

253 (9) A physician assistant authorized by a primary supervising physician or supervising
254 podiatric physician to order controlled substances pursuant to this Code section is
255 authorized to register with the United States Drug Enforcement Administration.

256 (10)(A) A physician assistant delegated the authority by the primary supervising
257 physician or supervising podiatric physician to issue a prescription drug or device order

258 shall be required to complete a minimum of three hours of continuing education
259 biennially in practice specific pharmaceuticals in which the physician assistant has
260 prescriptive order privileges.

261 (B) A physician assistant delegated the authority by the primary supervising physician
262 or supervising podiatric physician to issue a prescription drug or device order for
263 hydrocodone, oxycodone, or compounds thereof shall be required to complete one
264 additional hour of continuing education biennially in the appropriate ordering and use
265 of hydrocodone, oxycodone, or compounds thereof.

266 (11) A managed care system, health plan, hospital, insurance company, or other similar
267 entity shall not require a physician or podiatric physician to be a party to a job description
268 as a condition for participation in or reimbursement from such entity.

269 (e.2) A physician assistant may be delegated the authority to request, receive, and sign for
270 professional samples and may distribute professional samples to patients so long as
271 delegation of such authority is contained in a job description and the professional samples
272 are within the specialty of the supervising physician or supervising podiatric physician.
273 The office or facility at which the physician assistant is working must maintain a general
274 list of professional samples approved by the supervising physician or supervising podiatric
275 physician for request, receipt, and distribution by the physician assistant as well as a
276 complete list of the specific number and dosage of each professional sample received.
277 Professional samples that are distributed by a physician assistant shall be so noted in the
278 patient's medical record. In addition to the requirements of this Code section, all
279 professional samples shall be maintained as required by applicable state and federal law
280 and regulations. As used in this subsection, the term 'professional samples' means
281 complimentary doses of a drug, medication vouchers, or medical devices provided by the
282 manufacturer for use in patient care.

283 (f) A physician or podiatric physician employed by the Department of Public Health or by
284 any institution thereof or by a local health department whose duties are administrative in

285 nature and who does not normally provide health care to patients as such employee shall
286 not be authorized to apply for or utilize the services of any physician assistant employed
287 by the Department of Public Health or by any institution thereof or by a local health
288 department.

289 (g) Nothing in this article shall be construed to prohibit a physician assistant from
290 performing those acts the performance of which have been delegated to that physician
291 assistant pursuant to and in conformity with Code Section 43-34-23 or 43-35-3.1.

292 (h) A physician or podiatric physician and a physician assistant may enter into a temporary
293 practice agreement exempt from any filing fees with the board by which agreement the
294 physician or podiatric physician supervises the services provided by the physician assistant
295 to patients at a specific facility or program that provides medical services only to indigent
296 patients in medically underserved or critical need population areas of the state, as
297 determined by the board, or pursuant to Article 8 of Chapter 8 of Title 31, provided that:

- 298 (1) Such services are provided primarily to financially disadvantaged patients;
- 299 (2) Such services are free or at a charge to the patient based solely on the patient's ability
300 to pay and provided, further, that such charges do not exceed the actual cost to the facility
301 or program;
- 302 (3) The supervising physician or supervising podiatric physician and the physician
303 assistant voluntarily and gratuitously donate their services;
- 304 (4) Prior to providing any patient services, a copy of the temporary practice agreement,
305 signed by both the supervising physician or supervising podiatric physician and the
306 physician assistant, is on file at the facility or program and is sent to the board or State
307 Board of Podiatry Examiners;
- 308 (5) The temporary practice agreement is for a specified period of time, limits the services
309 of the physician assistant to those within the usual scope of practice of the supervising
310 physician or supervising podiatric physician, and is signed by both the supervising

311 physician or supervising podiatric physician and the physician assistant prior to the
312 physician assistant providing patient services; and

313 (6) The facility or program has notified the board of its intent to provide patient services
314 and utilize licensed physicians or podiatric physicians and physician assistants under the
315 conditions set out in this subsection.

316 (i)(1) Notwithstanding any provision of this article to the contrary, a physician assistant
317 licensed pursuant to this article or licensed, certified, or otherwise authorized to practice
318 in any other state or federal jurisdiction and whose license, certification, or authorization
319 is in good standing who responds to a need for medical or podiatric care created by
320 conditions which characterize those of a state of emergency or public health emergency
321 may render such care that the physician assistant is able to provide with such supervision
322 as is available at the immediate scene or at the local site where such need for medical or
323 podiatric care exists or at a relief site established as part of a state or local safety plan
324 established pursuant to Chapter 3 of Title 38. Such services shall be provided by a
325 physician assistant in response to the request of an appropriate state or local official
326 implementing a state or local emergency management plan or program, and in accordance
327 with applicable guidelines established by such officials or plans. The authority granted
328 by this Code section shall last no longer than 48 hours or such time as the board or State
329 Board of Podiatry Examiners may establish under guidelines for supervision of the
330 physician assistant rendering medical or podiatric care.

331 (2) For the purposes of this subsection, the term 'public health emergency' has the same
332 meaning as in paragraph (6) of Code Section 38-3-3, and the term 'state of emergency'
333 has the same meaning as in paragraph (7) of Code Section 38-3-3.

334 (j) A physician assistant shall be allowed to make a pronouncement of death pursuant to
335 authority delegated by the supervising physician of the physician assistant and to certify
336 such pronouncement in the same manner as a physician, including by signing death

337 certificates. A selection box shall be added to death certificates to be checked off by
338 nonphysicians completing the form.

339 (k) It shall be unlawful for a physician or podiatric physician to be an employee of a
340 physician assistant, alone or in combination with others, if the physician or podiatric
341 physician is required to supervise the physician assistant; provided, however, that this shall
342 not apply to arrangements of this nature which were approved by the board or State Board
343 of Podiatry Examiners on or before July 1, 2009. Arrangements approved prior to such
344 date are nontransferable. Such conduct shall be subject to sanctions by the board as to the
345 physician and the physician assistant and by the State Board of Podiatry Examiners as to
346 the podiatric physician and the physician assistant.

347 (l) Except for assigning a percentage of a disability rating, a physician assistant may be
348 delegated the authority to sign, certify, and endorse all documents relating to health care
349 provided to a patient within his or her scope of authorized practice, including, but not
350 limited to, documents relating to physical examination forms of all state agencies and
351 verification and evaluation forms of the Department of Human Services, the State Board
352 of Education, local boards of education, the Department of Community Health, and the
353 Department of Corrections."

354

SECTION 3.

355 Said article is further amended by revising Code Section 43-34-104, relating to notice of
356 application approval or disapproval and issuance of license, as follows:

357 "43-34-104.

358 (a) Within a reasonable time after receipt of the documents required by this article, the
359 board or State Board of Podiatry Examiners shall give to the applicant written notice of
360 approval or disapproval of the physician assistant's application; and, if approval of the
361 application is given, the board or State Board of Podiatry Examiners, respectively, shall
362 issue to the assistant a license authorizing the assistant to perform medical tasks under the

363 direction and supervision of the physician or podiatric tasks under the direction and
364 supervision of the podiatric physician.

365 (b) The board or State Board of Podiatry Examiners shall not approve an application
366 unless it finds from the information forwarded with the application that the applicant has
367 complied with the requirements in this article."

368 **SECTION 4.**

369 Said article is further amended by revising Code Section 43-34-105, relating to performance
370 of tasks in accordance with job description, as follows:

371 "43-34-105.

372 On receipt of notice of approval by the board or State Board of Podiatry Examiners ~~the~~
373 ~~board's approval~~, a physician assistant, under the direction of the applying physician or
374 podiatric physician, may perform the tasks described in the job description, provided that
375 nothing in this Code section shall make unlawful the performance of a medical or podiatric
376 task by the physician assistant, whether or not such task is specified in the general job
377 description, when it is performed under the direct supervision and in the presence of the
378 physician or podiatric physician utilizing him or her."

379 **SECTION 5.**

380 Said article is further amended by revising Code Section 43-34-106, relating to posting notice
381 that assistants are being utilized, as follows:

382 "43-34-106.

383 Any physician, podiatric physician, clinic, or hospital using a physician assistant shall post
384 a notice to that effect in a prominent place."

385

SECTION 6.

386 Said article is further amended by revising Code Section 43-34-107, relating to termination
387 of approval and revocation of license, notice and hearing, and sanctions, as follows:

388 "43-34-107.

389 (a) The approval of a physician's or podiatric physician's utilization of a physician assistant
390 may be terminated or suspended by the board or State Board of Podiatry Examiners,
391 respectively, and the license revoked or suspended by the board or State Board of Podiatry
392 Examiners, respectively, when, after due notice and a hearing, in accordance with this Code
393 section, it and other relevant law, the board or the State Board of Podiatry Examiners shall
394 find that the assistant is incompetent or has committed unethical or immoral acts, including,
395 but not limited to, holding himself or herself out or permitting another to represent him or
396 her as a licensed physician or podiatric physician; performing otherwise than at the
397 direction of a physician or podiatric physician approved by the board or State Board of
398 Podiatry Examiners to utilize the assistant's services; habitually using intoxicants or drugs
399 to such an extent that he or she is unable safely to perform as an assistant to the physician
400 or podiatric physician; or being convicted in any court, state or federal, of any felony or
401 other criminal offense involving moral turpitude.

402 (b) Before the board or State Board of Podiatry Examiners shall give written notice to the
403 physician assistant of termination of approval granted by it to an assistant, it will give to
404 the assistant a timely and reasonable written notice indicating the general nature of the
405 charges, accusation, or complaint preferred against him or her and stating that the assistant
406 will be given an opportunity to be heard concerning such charges or complaints; and it shall
407 hold a public hearing within a reasonable time. Following such hearing, the board or State
408 Board of Podiatry Examiners shall determine, on the basis of its respective regulations and
409 other relevant law, whether the approval of the assistant shall be terminated and, with
410 regard to the board, whether the assistant's license shall also be revoked or suspended.

411 (c) In hearings held pursuant to this Code section, the board and the State Board of
412 Podiatry Examiners shall apply the rules of evidence as prescribed in Chapter 13 of Title
413 50, the 'Georgia Administrative Procedure Act.'

414 (d) The State Board of Podiatry Examiners may also issue a private reprimand letter to a
415 physician assistant working in the field of podiatry. The issuance of such letter shall not
416 be considered a contested case within the meaning of Chapter 13 of Title 50, the 'Georgia
417 Administrative Procedure Act'; notice and hearing within the meaning of said chapter shall
418 not be required, but the assistant shall be allowed to appear before the State Board of
419 Podiatry Examiners if he or she so requests. Such letter shall not be considered a
420 disciplinary action or a contested case under Chapter 13 of Title 50, the 'Georgia
421 Administrative Procedure Act,' and shall not be disclosed to any person except the
422 physician's assistant.

423 (e) In the event that the State Board of Podiatry Examiners terminates or suspends the
424 approval described in subsection (a) this Code section of a physician assistant working in
425 the field of podiatry, the State Board of Podiatry Examiners shall notify the board of such
426 action.

427 ~~(e)~~(f) The board may impose on a physician assistant any sanction authorized under
428 subsection (b) of Code Section 43-34-8 upon a finding of any conduct specified in
429 subsection (a) of Code Section 43-34-8."

430 **SECTION 7.**

431 Said article is further amended by revising Code Section 43-34-108, relating to powers and
432 duties of the board, as follows:

433 "43-34-108.

434 In addition to the powers specifically delegated to it in this article, the board and the State
435 Board of Podiatry Examiners shall have the authority to perform all acts which are
436 necessary, proper, or incidental to the efficient development of the category of health care

437 established by this article and with regard to the State Board of Podiatry Examiners, such
438 category of health care as it may relate to the field of podiatry. The board and the State
439 Board of Podiatry Examiners shall have the authority to promulgate rules and regulations
440 governing the definitions of delegation by physicians and podiatric physicians,
441 respectively, to qualified persons other than physician assistants of any acts, duties, or
442 functions which are permitted by law or established by custom. Any power vested by law
443 in the board or the State Board of Podiatry Examiners, but not implemented by specific
444 provisions for the exercise thereof, may be executed and carried out by the board or the
445 State Board of Podiatry Examiners in a reasonable manner, pursuant to such rules,
446 regulations, and procedures as the board or the State Board of Podiatry Examiners may
447 adopt and subject to such limitations as may be provided by law. The board shall cooperate
448 with the State Board of Podiatry Examiners to ensure the protection of the public and
449 compliance with state law governing the conduct of physician assistants working in the
450 field of podiatry."

451 **SECTION 8.**

452 Said article is further amended by revising Code Section 43-34-109, relating to involvement
453 of supervising physician in patient's care, as follows:

454 "43-34-109.

455 When a patient receives medical or podiatric services from a physician assistant, the
456 supervising physician's or podiatric physician's involvement in the patient's care, including
457 patient evaluation and follow-up care by the supervising physician or supervising podiatric
458 physician, shall be appropriate to the nature of the practice and the acuity of the patient's
459 medical or podiatric issue, as determined by the supervising physician or supervising
460 podiatric physician."

461 **SECTION 9.**

462 Chapter 35 of Title 43 of the Official Code of Georgia Annotated, relating to podiatry
463 practice, is amended by revising Code Section 43-35-3, relating to definitions, as follows:
464 "43-35-3.

465 As used in this chapter, the term:

466 (1) 'Administer' means to give a unit dose of any drug or to perform any podiatric
467 medical treatment or diagnostic study.

468 ~~(1)~~(2) 'Board' means the State Board of Podiatry Examiners.

469 (3) 'Controlled substance' means any controlled substance, as defined in Code Section
470 16-13-21, except any Schedule I controlled substance listed in Code Section 16-13-25.

471 (4) 'Dangerous drug' means any dangerous drug, as defined in Code Section 16-13-71,
472 but does not include any controlled substance, as defined in Code Section 16-13-21, or
473 Schedule I controlled substance listed in Code Section 16-13-25.

474 (5) 'Dispense' means to issue one or more doses of any drug in a suitable container with
475 appropriate labeling for subsequent administration to, or use by, a patient.

476 (6) 'Dispensing procedure' means a written document that is signed by a licensed
477 pharmacist and a licensed physician and that establishes the appropriate manner under
478 which drugs may be dispensed pursuant to this Code section.

479 (7) 'Drug' means any dangerous drug or controlled substance.

480 (8) 'Job description' means a document, signed by the primary supervising podiatric
481 physician and the physician assistant, in which the primary supervising podiatric
482 physician delegates to that physician assistant authority to perform certain podiatric acts
483 and which describes the professional background and specialty of the primary supervising
484 podiatric physician and the qualifications including related experience of the physician
485 assistant; and includes a general description of how the physician assistant will be utilized
486 in the practice. A job description shall not be required to contain every activity the
487 podiatric physician deems the physician assistant qualified to perform but shall confine

488 the activities of the physician assistant to those in the scope of practice of the primary
 489 supervising podiatric physician.

490 ~~(2)~~(9) 'License' means a valid and current certificate of registration issued by the division
 491 director on behalf of the board which shall give the person to whom it is issued authority
 492 to engage in the practice prescribed thereon.

493 ~~(3)~~(10) 'Licensee' means one who holds a license under this chapter.

494 (11) 'Order' means to select a drug, medical treatment, or diagnostic study through
 495 podiatric physician delegation in accordance with a physician assistant's job description.
 496 Ordering under such delegation shall not be construed to be prescribing nor shall ordering
 497 of a drug be construed to authorize the issuance of a written prescription.

498 ~~(4)~~(12) 'Person' means a human person only.

499 (13) 'Physician assistant' means a skilled person who is:

500 (A) Licensed as a physician assistant pursuant to Article 4 of Chapter 34 of this title,
 501 the 'Physician Assistant Act';

502 (B) Approved by the board to work under a supervising podiatric physician; and

503 (C) Qualified by academic and practical training to provide patient services not
 504 necessarily within the physical presence but under the personal direction or supervision
 505 of the supervising podiatric physician.

506 ~~(5)~~(14) 'Podiatric medicine,' which includes chiropody, podiatry, and podiatric medicine
 507 and surgery, means that portion of the practice of medicine identified by the acts
 508 described in any one or more of the following:

509 (A) Charging a fee or other compensation, either directly or indirectly, for any history
 510 or physical examination of a patient in a person's office or in a hospital, clinic, or other
 511 similar facility prior to, incident to, and necessary for the diagnosis and treatment, by
 512 primary medical care, surgical or other means, of diseases, ailments, injuries, cosmetic
 513 conditions, or abnormal conditions of the human foot and leg. As used in this
 514 subparagraph, the term 'cosmetic' means a surgical or medical procedure intended to

515 enhance the physical appearance or function of the foot, ankle, or leg, including, but not
516 limited to, skin problems such as blemishes, spider veins, and scar revisions;

517 (B) Holding oneself out to the public, either directly or indirectly, as being engaged in
518 the practice of podiatric medicine;

519 (C) Displaying or using a title or abbreviation such as 'Doctor of Podiatric Medicine,'
520 'D.P.M.,' 'Foot Doctor,' 'Foot Specialist,' 'Foot Surgeon,' 'Foot and Ankle Surgeon,' or
521 other letters, designations, or symbols or signs of any type which expressly or implicitly
522 indicate to the general public that the user renders treatment to the foot, ankle, and leg
523 under the provisions of this chapter;

524 (D) Performing surgery on the foot or leg of a patient, except that when such surgery
525 is performed under general anesthesia it shall be permissible only when said surgery is
526 performed at a facility permitted and regulated as a hospital or ambulatory surgical
527 treatment center under Article 1 of Chapter 7 of Title 31 and when said general
528 anesthesia is administered under the direction of a duly licensed physician;

529 (E) Performing amputations of the toe; or

530 (F) Performing amputations distal to and including the tarsometatarsal joint but only
531 when performed in a facility permitted and regulated as a hospital or ambulatory
532 surgical treatment center under Article 1 of Chapter 7 of Title 31.

533 (15) 'Podiatric physician' means a physician and surgeon of the human foot and leg who
534 is subject to this chapter.

535 ~~(6)~~(16) 'Podiatric resident' means a person who is engaged in a postgraduate program of
536 study or practice within this state approved by the board.

537 ~~(7)~~ 'Podiatrist' means a physician and surgeon of the human foot and leg who is subject
538 to this chapter.

539 (17) 'Prescription drug order' means a written or oral order of a physician assistant for
540 a drug or medical device for a specific patient. Such term includes an electronic visual
541 image prescription drug order and an electronic data prescription drug order.

542 (18) 'Primary supervising podiatric physician' means the podiatric physician to whom the
543 Georgia Composite Medical Board licenses a physician assistant pursuant to a board
544 approved job description and who has the primary responsibility for supervising the
545 practice of a physician assistant pursuant to that physician assistant's job description.'

546 **SECTION 10.**

547 Said chapter is further amended by adding a new Code section to read as follows:

548 "43-35-3.1.

549 (a)(1)(A) A podiatric physician may delegate the authority contained in subparagraph
550 (B) of this paragraph to a physician assistant in accordance with a job description.

551 (B) A podiatric physician may delegate to an authorized physician assistant:

552 (i) The authority to order controlled substances selected from a formulary of such
553 drugs established by the board and the authority to order dangerous drugs, podiatric
554 treatments, and diagnostic studies;

555 (ii) The authority to request, receive, and sign for professional samples and to
556 distribute professional samples to patients. The office or facility at which the
557 physician assistant is working shall maintain a general list of the professional samples
558 approved by the delegating podiatric physician for request, receipt, and distribution
559 by the podiatric physician as well as a complete list of the specific number and dosage
560 of each professional sample and medication voucher received. Professional samples
561 that are distributed by such physician assistant shall be so noted in the patient's
562 podiatric medical record. In addition to the requirements of this Code section, all
563 professional samples shall be maintained as required by applicable state and federal
564 laws and regulations; and

565 (iii) The authority to sign, certify, and endorse all documents relating to podiatric
566 healthcare provided to a patient within his or her scope of authorized practice.

567 (2) A podiatric physician may delegate to a physician assistant the authority to order
568 dangerous drugs, podiatric treatments, or diagnostic studies and a physician assistant is
569 authorized to dispense dangerous drugs, in accordance with a dispensing procedure and
570 under the authority of an order issued in conformity with a job description:

571 (A) As an agent or employee of any organization:

572 (i) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
573 Revenue Code, as defined in Code Section 48-1-2, other than an organization which
574 is a hospital, preferred provider organization, health maintenance organization, or
575 similar organization; or

576 (ii) Established under the authority of or a community health center receiving funds
577 pursuant to 42 U.S.C. Section 330 of the United States Public Health Service Act, if
578 such center has determined that podiatric services qualify as an additional health
579 service needed to meet the community's needs,

580 which organization provides that those services and dangerous drugs which are ordered
581 or dispensed by its physician assistants will be provided at no cost to the patient or at
582 a cost based solely upon the patient's ability to pay; and

583 (B) In conformity with subsection (b) of Code Section 26-4-130 and the rules and
584 regulations established pursuant thereto by the State Board of Pharmacy.

585 (3) In addition, a podiatric physician may delegate to a physician assistant the authority
586 to order dangerous drugs, medical treatments, or diagnostic studies and a physician
587 assistant is authorized to dispense dangerous drugs, in accordance with a dispensing
588 procedure and under the authority of an order issued in conformity with a job description,
589 if that physician assistant orders or dispenses such drugs, treatments, or studies to a
590 patient of an outpatient clinic:

591 (A) Which is owned or operated by a licensed hospital;

592 (B) Which provides such drugs, treatments, or studies free or at a charge to the patient
593 based solely upon the patient's ability to pay; provided, however, that such charge shall
594 not exceed the actual cost to the outpatient clinic; and

595 (C) Whose services are primarily provided to the medically disadvantaged
596 and that physician assistant orders or dispenses such drugs in conformity with
597 subsection (b) of Code Section 26-4-130 and the rules and regulations established
598 pursuant thereto by the State Board of Pharmacy.

599 (4) Delegation of authority to a physician assistant pursuant to this subsection shall be
600 authorized only if that delegation is contained in the job description approved for that
601 physician assistant by the board.

602 (b) The board is authorized to promulgate rules and regulations governing podiatric
603 physicians and physician assistants to carry out the intents and purposes of this Code
604 section, including, but not limited to, establishing criteria and standards governing podiatric
605 physicians, physician assistants, and job descriptions. The board shall be authorized to
606 require that job descriptions not falling within such established criteria and standards be
607 submitted to the board for review and approval or rejection.

608 (c) Notwithstanding any other provision of law to the contrary, a physician assistant may
609 perform any act authorized to be performed by that person pursuant to and in conformity
610 with this chapter without such act constituting the practice of podiatry or medicine.

611 (d) Nothing in this Code section shall be construed to limit or repeal any Code section in
612 Chapter 34 of this title, relating to physicians, osteopathic physicians, physician assistants,
613 and others.

614 (e) Nothing in this Code section shall be construed to limit or repeal any existing authority
615 of a licensed physician to delegate to a physician assistant any acts, duties, or functions
616 which are otherwise permitted by law or established by custom.

617 (f) Nothing in this Code section shall be construed to authorize or permit the issuance of
618 a United States Drug Enforcement Administration license to a physician assistant who does

619 not meet the qualifications described in division (i) or (ii) of subparagraph (b)(2)(A) of this
620 Code section.

621 (g) Nothing in this Code section shall be construed to limit or repeal the authority of any
622 organization established under the authority of or receiving funds pursuant to 42 U.S.C.
623 Section 330 of the United States Public Health Service Act, to supervise its agents or
624 employees or interfere with the employer and employee relationship of any such agents or
625 employees.

626 (h) Notwithstanding any other provision of law to the contrary, a physician assistant may
627 perform any act deemed necessary to provide treatment to a hospital or nursing home
628 patient in a life-threatening situation when such act is authorized by standing procedures
629 established by the medical staff of the hospital or nursing home."

630 **SECTION 11.**

631 Said chapter is further amended by adding a new Code section to read as follows:

632 "43-35-11.1.

633 (a) The authority of a podiatric physician to delegate tasks to a physician assistant shall not
634 become effective until the Georgia Composite Medical Board has licensed a person in
635 accordance with Code Section 43-34-103 and the requirements of this chapter are met.

636 (b) The board shall cooperate with the Georgia Composite Medical Board to ensure the
637 protection of the public and compliance with state law governing the conduct of physician
638 assistants working in the field of podiatry."

639 **SECTION 12.**

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