House Bill 617 (AS PASSED HOUSE AND SENATE)

By: Representatives Graves of the 106th, Childers of the 13th, Post 1, Wilkinson of the 41st, and Watson of the 60th, Post 2

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncture, physician´s assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice, so as to change provisions relating to physician´s assistants; to provide for a definition; to change the provisions relating to application for an assistant; to provide for an inactive licensure status; to change the provisions relating to clinical perfusionists; to change the period of time for which a provisional license shall be valid; to provide for licensure of provisional licensees; to provide for revocation of a provisional license for failure to meet certain licensure requirements; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncture, physician´s assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice, is amended by striking Code Section 43-34-102, relating to definitions, and inserting in its place the following:

″43-34-102.

As used in this article, the term:

(1) 'Alternate supervising physician' means a physician to whom a primary supervising physician has delegated the responsibility of supervising a physician´s assistant who is licensed to that primary supervising physician and who agrees to supervise the physician´s assistant for the primary supervising physician and who is on record with the board.

(2) 'Board' means the Composite State Board of Medical Examiners as created by Code Section 43-34-21.

(3) 'Carry out a prescription drug or device order' means to complete, on a form established and approved by the board, a written prescription drug order or a prescription device order pursuant to the authority delegated by a supervising physician.

(4) 'Evaluation agency' means a public or private hospital, school, laboratory, clinic, federal or state institution or agency, or similar facility which has been approved by the board as possessing personnel and equipment and as having had practice in a health care field sufficient to be able to make an objective appraisal, in a manner prescribed by the board, of the proposed physician´s assistant´s qualifications to perform the tasks described in the job description.

(5) 'Job description' means a document, signed by the primary supervising physician and the physician´s assistant whom the primary supervising physician is supervising, which describes the professional background and specialty of the primary supervising physician; the qualifications, including related experience of the physician´s assistant; and a general description of how the physician´s assistant will be utilized in the practice. A job description shall not be required to contain every activity the physician deems the physician´s assistant qualified to perform but shall confine the activities of the physician´s assistant to those in the scope of practice of the primary supervising physician.

~~(5)~~ (6) 'Physician' means a person lawfully licensed in this state to practice medicine and surgery pursuant to Article 2 of this chapter.

~~(6)~~ (7) 'Physician´s assistant' means a skilled person qualified by academic and practical training to provide patients´ services not necessarily within the physical presence but under the personal direction or supervision of the applying physician.

~~(7)~~ (8) 'Primary supervising physician' means the physician to whom the board licenses a physician´s assistant pursuant to a board approved job description and who has the primary responsibility for supervising the practice of that physician´s assistant.″

SECTION 2.

Said chapter is further amended by striking subsection (a) of Code Section 43-34-103, relating to application for a physician´s assistant, and inserting in its place the following:

″(a) In order to obtain approval for the utilization of a person as a physician´s assistant, whether the utilization is in a private practice or through a public or private health care institution or organization, the licensed physician who will be responsible for the performance of that assistant shall submit an application to the board. Such application shall include:

(1) Evidence submitted by the proposed physician´s assistant of his or her good moral character;

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

(A) Evidence of satisfactory completion of a training program approved by the board. If the applicant is not a graduate of an accredited school approved by the board, he or she shall be required to receive board approved refresher training and testing;

(B) A finding by the board approved evaluation agency that the proposed physician´s assistant is qualified to perform the tasks described in the job description;

(C) Any nursing task by a student enrolled in a nursing program approved by the Georgia Board of Nursing where any such task is performed under the supervision of an authorized instructor lawfully licensed in this state to perform such tasks; and

(D) Evidence that the person who is to be used as a physician´s assistant has achieved a satisfactory score on an appropriate examination outlined, approved, or administered by the board. The board may issue a temporary permit to any applicant for licensure who has satisfied the provisions of subparagraphs (A) and (B) of this paragraph and who is an applicant for the next available board approved or administered examination or who has completed this examination and is awaiting the results of such examination. The temporary permit shall expire upon notification of the applicant´s failure to achieve a satisfactory score on the board approved or administered examination. The board may grant an inactive licensure status to a physician´s assistant who is licensed pursuant to this article but who is not practicing with the supervision of a board approved primary supervising physician;

(3) A job description~~, signed by the applying physician, which shall include:~~

~~(A) The qualifications, including related experience, possessed by the proposed physician´s assistant;~~

~~(B) The professional background and specialty of the physician submitting the application; and~~

~~(C) A description of the physician´s practice and the way in which the assistant is to be utilized; and~~ meeting the requirements of paragraph (5) of Code Section 43-34-102; and

(4) A fee, established by the board; provided, however, that no fee will be required if the physician´s assistant is an employee of the state or county government."

SECTION 3.

Said chapter is further amended by striking subsections (c) and (d) of Code Section 43-34-175, relating to issuance of provisional licensed clinical perfusionist license, supervision of licensee, renewal, and revocation, and inserting in their respective places the following:

″(c) A provisional license shall be valid for ~~one year~~ two years from the date it is issued and may not be renewed ~~no more than one time by the same procedures established for the renewal of licenses pursuant to this article, if the application for renewal is signed by a supervising licensed clinical perfusionist~~. The provisional licensee must comply with all of the requirements for licensure under Code Section 43-34-173 prior to the expiration of the two-year provisional license period. A provisional licensee may submit an application for licensure as a licensed clinical perfusionist once he or she has complied with all of the requirements for licensure under Code Section 43-34-173.

(d) If a person fails ~~any portion of the licensure examination~~ to meet the requirements for licensure under Code Section 43-34-173 on or before the expiration of the two-year provisional license period, such person´s provisional license shall be automatically revoked and surrendered to the board.″

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

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