

Senate Bill 351

By: Senators Unterman of the 45th, Hufstetler of the 52nd, Kirk of the 13th, McKoon of the 29th, Sims of the 12th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated,
2 relating to medical practice, so as to revise provisions related to delegation of certain medical
3 acts to advanced practice nurse; to revise definitions to provide for changes to radiographic
4 imaging tests; to provide for changes to the ratio of a delegating physician to advanced
5 practice registered nurses; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
10 medical practice, is amended in Code Section 43-34-25, relating to delegation of certain
11 medical acts to advanced practice registered nurse, construction and limitations of such
12 delegation, definitions, conditions of nurse protocol, and issuance of prescription drug orders,
13 by revising paragraphs (9), (10), and (11) of subsection (a), and subsections (b), (g), (g.1),
14 and (g.2) as follows:

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

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

24 (11) 'Order' means to prescribe pursuant to a nurse protocol agreement which drug,
25 medical device, medical treatment, diagnostic study, or ~~in life-threatening situations~~

26 radiographic imaging test is appropriate for a patient and to communicate the same in
27 writing, orally, via facsimile, or electronically."

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

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

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

59 (g.1) A delegating physician ~~may not enter into a nurse protocol agreement pursuant to this~~
60 ~~Code section with more than eight advanced practice registered nurses at any one time,~~
61 ~~may not supervise more than four advanced practice registered nurses at any one time~~
62 ~~pursuant to nurse protocol agreements, and shall not be required to conduct any meetings,~~

63 observations, or review of medical records except as otherwise provided in this subsection,
64 if the advanced practice registered nurses practice at a location that:

- 65 (1) Maintains evidence-based clinical practice guidelines;
- 66 (2) Is accredited by an accrediting body, approved by the board, such as the Joint
67 Commission or a nationally recognized accrediting organization with comparable
68 standards;
- 69 (3) Requires the delegating physician to document and maintain a record of review of
70 at least 10 percent of the advanced practice registered nurses' medical records to monitor
71 quality of care being provided to patients, which may be conducted electronically or
72 onsite;
- 73 (4) Requires the delegating physician and advanced practice registered nurse to
74 participate in and maintain documentation of quarterly clinical collaboration meetings,
75 either by telephone, in person, or onsite, for purposes of monitoring care being provided
76 to patients; and
- 77 (5) Requires the delegating physician's name, contact information, and record of the visit
78 to be provided to the patient's primary care provider of choice with the patient's consent
79 within 24 hours of the visit.

80 (g.2) A delegating physician may not enter into a nurse protocol agreement pursuant to this
81 Code section with more than eight advanced practice registered nurses at any one time or
82 supervise more than ~~four~~ eight advanced practice registered nurses at any one time in any
83 emergency medical services system operated by, or on behalf of, any county, municipality,
84 or hospital authority with a full-time medical director."

85 **SECTION 2.**

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