

The House Committee on Health offers the following substitute to SB 164:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to provide for the licensure and regulation of healthcare providers; to
3 provide for licensure of advanced practice registered nurses; to revise definitions; to provide
4 for licensure requirements; to provide for renewal of licenses; to provide for a misdemeanor
5 to practice advanced practice registered nursing without a license; to enact the
6 "Anesthesiologist Assistant Act"; to provide for an anesthesiologist assistant to be appointed
7 in an advisory capacity to the Georgia Composite Medical Board; to provide for definitions;
8 to provide for powers and duties of the Georgia Composite Medical Board as they relate to
9 anesthesiologist assistants; to provide for licensure rules and requirements; to define the
10 scope of practice for anesthesiologist assistants; to provide for regulation of the profession;
11 to provide for rules and requirements for licensure reinstatement; to provide for penalties for
12 unauthorized practice; to provide for practice during emergencies; to provide for related
13 matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 164 (SUB)

- 1 -

SECTION 1.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended in Code Section 43-26-3, relating to definitions relative to nurses, by revising paragraphs (1) and (1.1) as follows:

"(1) 'Advanced nursing practice' means practice in a population focus by a registered professional nurse who is licensed by the board under this article or who holds a multistate license under Article 4 of this chapter who meets those educational, practice, certification requirements, or any combination of such requirements as specified in Code Section 43-26-7.1 and established by the board, and includes certified nurse midwives, certified nurse practitioners, certified registered nurse anesthetists, clinical nurse specialists and clinical nurse specialists in psychiatric/mental health, and others recognized by the board.

(1.1) 'Advanced practice registered nurse' means:

(A) A person ~~a registered professional nurse~~ who is licensed by the board ~~under this article or who holds a multistate license under Article 4 of this chapter, who is recognized by the board~~ as having met the requirements as specified in Code Section 43-26-7.1 and established by the board to engage in advanced nursing practice, ~~and who holds a master's degree or other graduate degree from an approved nursing education program and national board certification in his or her area of specialty, within one of the following roles: a certified nurse midwife, a certified nurse practitioner, a certified registered nurse anesthetist, or a clinical nurse specialist or clinical nurse specialist in psychiatric/mental health;~~ or

(B) A ~~a~~ person who was recognized as an advanced practice registered nurse by the board on or before June 30, 2006.

This paragraph shall not be construed to require a certified registered nurse anesthetist who graduated from an approved nurse anesthetist educational program prior to January 1, 1999, to hold a master's degree or other graduate degree. Further, this paragraph shall

not be construed to require a registered professional nurse who holds a multistate license under Article 4 of this chapter authorizing such nurse to practice in another party state under a multistate licensure privilege to obtain a single-state license from the board as a condition of receiving ~~authorization~~ licensure by the board to practice in this state as an advanced practice registered nurse."

SECTION 2.

Said title is further amended in Chapter 26, relating to nurses, by adding a new Code section to read as follows:

"43-26-7.1.

(a) Any applicant who meets the requirements of this Code section shall be eligible for licensure as an advanced practice registered nurse.

(b) An applicant for initial licensure to practice as an advanced practice registered nurse shall:

(1) Submit a completed written application and fee;

(2) Be currently licensed by the board as a registered professional nurse or hold a multistate license under Article 4 of this chapter;

(3) Have completed an accredited graduate or postgraduate level advanced practice registered nursing program in one of the four roles specified under subparagraph (A) of paragraph (1.1) of Code Section 43-26-3 and in at least one population focus;

(4) Be currently certified by a national certifying body recognized by the board in an advanced practice registered nursing program in a role and population focus appropriate for educational preparation;

(5) Have satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for licensure under this subsection shall constitute express consent and authorization for the board to perform a criminal background check.

Each applicant who submits an application to the board for licensure agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such criminal background check; and

(6) Meet such other criteria as established by the board.

(c) An applicant for reinstatement of licensure who has previously held a valid advanced practice registered nurse license in Georgia shall:

(1) Submit a completed written application and fee;

(2) Meet continuing competency requirements as established by the board;

(3) Have satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for reinstatement of licensure under this subsection shall constitute express consent and authorization for the board to perform a criminal background check. Each applicant who submits an application to the board for reinstatement of licensure agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such criminal background check; and

(4) Meet such other criteria as established by the board."

SECTION 3.

Said title is further amended by revising Code Section 43-26-9, relating to biennial renewal of nursing licenses, continuing competency requirements, voluntary surrender or failure to renew license, and restoration and reissuance of license, as follows:

"43-26-9.

(a) Licenses issued under this article shall be renewed biennially according to schedules and fees approved by the board.

(b) A renewed license shall be issued to a registered professional nurse or licensed undergraduate nurse who remits the required fee and complies with requirements established by the board.

~~(b.1)~~(c) Beginning with the 2016 license renewal cycle, an applicant for license renewal as a registered professional under this article shall meet one of the following continuing competency requirements during the previous licensure period:

(1) Completion of 30 continuing education hours by a board approved provider;

(2) Maintenance of certification or recertification by a national certifying body recognized by the board;

(3) Completion of an accredited academic program of study in nursing or a related field, as recognized by the board;

(4) Verification of competency by a health care facility or entity licensed under Chapter 7 of Title 31 or by a physician's office that is part of a health system and at least 500 hours practiced as evidenced by employer certification on a form approved by the board;
or

(5) Other activities as prescribed and approved by the board that show competency in the nursing field.

Failure to meet the minimum continuing competency requirement for renewal of a license shall be grounds for denial of a renewal application. The board may waive or modify the requirements contained in this subsection in cases of hardship, disability, or illness or under such other circumstances as the board, in its discretion, deems appropriate. An applicant who is renewing a license for the first time shall not be required to meet the requirements of this subsection until the time of the second renewal if the applicant's initial license period is six months or less.

(d) Advanced practice registered nurse licenses issued under this article shall be issued to an advanced practice registered nurse who remits the required fee and complies with requirements established by the board.

~~(c)~~(e) The voluntary surrender of a license or the failure to renew a license by the end of an established penalty period shall have the same effect as a revocation of said license, subject to reinstatement at the discretion of the board. The board may restore and reissue a license and, as a condition thereof, may impose any disciplinary sanction provided by Code Section 43-1-19 or 43-26-11."

SECTION 4.

Said title is further amended by revising Code Section 43-26-10, relating to practicing as a registered professional nurse without a license prohibited, as follows:

"43-26-10.

It shall be a misdemeanor for any person, including any corporation, association, or individual, to:

(1) Practice nursing as a registered professional nurse; or advanced practice registered nurse without a valid, current license, except as otherwise permitted under Code Section 43-26-12;

(2) Practice nursing as a registered professional nurse or advanced practice registered nurse under cover of any diploma, license, or record illegally or fraudulently obtained, signed, or issued;

(3) Practice nursing as a registered professional nurse or advanced practice registered nurse during the time the license is suspended, revoked, surrendered, or administratively revoked for failure to renew;

(4) Use any words, abbreviations, figures, letters, title, sign, card, or device implying that such person is a registered professional nurse or advanced practice registered nurse unless

such person is duly licensed or recognized by the board so to practice under the provisions of this article;

(5) Fraudulently furnish a license to practice nursing as a registered professional nurse or advanced practice registered nurse;

(6) Knowingly employ any person to practice nursing as a registered professional nurse or advanced practice registered nurse who is not a registered professional nurse or advanced practice registered nurse;

(7) Conduct a nursing education program preparing persons to practice nursing as registered professional nurses unless the program has been approved by the board; or

(8) Knowingly aid or abet any person to violate this article."

SECTION 5.

Said title is further amended by revising subsection (e) of Code Section 43-34-2, relating to creation of the Georgia Composite Medical Board, members, physician assistants advisory committee, review of qualifications, and required training, as follows:

"(e)(1) The board shall appoint a Physician Assistants Advisory Committee composed of four physicians, at least two of whom shall be members of the board, and four licensed physician assistants, who shall each serve for terms of office of two years and until their successors are appointed and qualified. The committee shall review matters to come before the board which relate to physician assistants, including, but not limited to, applicants for physician assistant licensure and relicensure and education requirements therefor, and proposed board regulations concerning physician assistants. The committee shall periodically make recommendations to the board regarding matters reviewed. Each member of the advisory committee shall be entitled to the same expense allowances, mileage allowances, and reimbursement as members of the board as provided for in this chapter.

(2) The committee shall appoint a physician assistant in an advisory capacity to the board. The advisory person shall serve at the pleasure of the committee as an ex officio adviser to the board in all matters relating to physician assistants and shall share in the privileges and benefits of the board without a vote.

(3) The committee shall appoint an anesthesiologist assistant in an advisory capacity to the board. The advisory person shall serve at the pleasure of the committee as an ex officio adviser to the board in all matters relating to anesthesiologist assistants and shall share in the privileges and benefits of the board without a vote."

SECTION 6.

Said title is further amended in Chapter 34, relating to professions and businesses, by enacting a new article to read as follows:

"ARTICLE 13

43-34-320.

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

43-34-321.

As used in this article, the term:

(1) 'Alternate supervising anesthesiologist' means an anesthesiologist to whom a board approved supervising anesthesiologist has delegated the responsibility of supervising an anesthesiologist assistant and who agrees to supervise the anesthesiologist assistant for the supervising anesthesiologist and who is on record with the board.

(2) 'Anesthesiologist' means a physician licensed pursuant to this chapter who has completed a residency in anesthesiology approved by the American Board of Anesthesiology or the American Osteopathic Board of Anesthesiology.

(3) 'Anesthesiologist assistant' means a person who has met the requirements of Code Section 43-34-323 and is licensed to practice medicine under the supervision of an anesthesiologist.

(4) 'Certification examination' means the initial certifying examination approved by the board for the certification of anesthesiologist assistants, which may include the examination administered by the National Commission for the Certification of Anesthesiologist Assistants or other national anesthesiologist assistant certifying agency that has been reviewed and approved by the board.

(5) 'Immediately available' means that a supervising anesthesiologist is immediately available if he or she is in physical proximity that allows the anesthesiologist to reestablish direct contact with the patient to meet medical needs and any urgent or emergent clinical problems. These responsibilities may also be met through coordination among anesthesiologists of the same group or department.

(6) 'Job description' means a document, signed by the supervising anesthesiologist and the anesthesiologist assistant whom the supervising anesthesiologist is supervising, in which the supervising anesthesiologist delegates to that anesthesiologist assistant authority to perform certain medical acts and which describes the professional background and specialty of the supervising anesthesiologist; describes the qualifications, including related experience of the anesthesiologist assistant; and includes a general description of how the anesthesiologist assistant will be utilized in the practice. A job description shall not be required to contain every activity the anesthesiologist deems the anesthesiologist assistant qualified to perform but shall confine the activities of the anesthesiologist assistant to those in the scope of practice of the supervising anesthesiologist.

(7) 'Supervising anesthesiologist' means the anesthesiologist who has the primary responsibility for supervising the practice of an anesthesiologist assistant pursuant to that anesthesiologist assistant's job description.

219 (8) 'Supervision' means the availability of an anesthesiologist to delegate, coordinate,
220 direct, and consult on the implementation of his or her intentions.

221 43-34-322.

222 (a) The board shall review and determine the qualifications and fitness of all persons
223 applying for a license to practice as an anesthesiologist assistant.

224 (b) The board shall:

225 (1) Grant, deny, revoke, and reinstate licenses;

226 (2) Investigate allegations regarding improper conduct by anesthesiologist assistants that
227 would be grounds for revocation of licensure;

228 (3) Conduct informal interviews and hearings;

229 (4) Adopt rules governing the practice of anesthesiologist assistants; and

230 (5) Retain jurisdiction over all licensees who receive temporary or full licenses under this
231 article, regardless of whether the license has expired or lapsed, or was relinquished during
232 or after any alleged occurrence of conduct.

233 43-34-323.

234 (a) A person shall not practice in this state as an anesthesiologist assistant or use the title
235 or otherwise represent that the person is a licensed anesthesiologist assistant or use the
236 credentials 'A.A.', 'C.A.A.', or anesthesiologist without having a license granted by the board
237 pursuant to this article.

238 (b) The board may grant an anesthesiologist assistant license to an applicant who:

239 (1) Graduated from an anesthesiologist assistant program accredited by the Commission
240 on Accreditation of Allied Health Education Programs or its predecessor or successor
241 organization;

(2) Successfully completed a certification examination and that is or was certified as of July 1, 2023, or was licensed in this state as a physician assistant in anesthesiology as of July 1, 2023;

(3) Completes an application form prescribed by the board; and

(4) Pays the required application fees as prescribed by the board in its rules.

(c) A license issued pursuant to this article, other than a temporary license, shall be valid for a period of two years. A licensee shall renew the license every other year by completing and submitting to the board a renewal application form as prescribed by the board and the prescribed renewal fee before the current license expires. The board shall provide renewal notices to licensees at least one month before the expiration date.

(d) The board may reinstate a lapsed license if the applicant pays a reinstatement fee as prescribed by the board in rule and meets the requirements for initial licensure.

(e) Any person who has not successfully completed a certification examination may be issued a temporary license by the board if such person:

(1) Completes a temporary license application;

(2) Pays the required temporary license fee as prescribed by the board in rule; and

(3) Has successfully graduated from a program accredited by the Commission on Accreditation of Allied Health Education Programs, or another board approved program for educating and training anesthesiologist assistants.

Such person shall take the next available certification examination after receiving a temporary license. A temporary license shall not be issued for a period of more than 90 days and is subject to any other requirements the board adopts by rule.

43-34-324.

(a) This Code section shall not apply to persons who are enrolled in an anesthesiologist assistant education program approved by the board.

267 (b) An anesthesiologist assistant may practice medicine only under the supervision of an
268 anesthesiologist. The anesthesiologist assistant may perform only those duties and
269 responsibilities delegated to the anesthesiologist assistant by the supervising
270 anesthesiologist pursuant to a job description.

271 (c) The supervising anesthesiologist or an alternate supervising anesthesiologist shall be
272 allowed to supervise anesthesiologist assistants in a manner consistent with federal rules
273 or regulations for reimbursement for anesthesia services.

274 (d) The supervising anesthesiologist or an alternate supervising anesthesiologist shall be
275 immediately available to the anesthesiologist assistant such that the supervising
276 anesthesiologist or an alternate supervising anesthesiologist is able to intervene if needed
277 in the delivery of medical care.

278 (e) An anesthesiologist assistant's practice may not exceed his or her education, training,
279 or the scope of practice of the supervising anesthesiologist or an alternate supervising
280 anesthesiologist.

281 (f) Nothing in this article shall prevent an anesthesiologist assistant from having access to
282 and being able to administer prescription drugs as directed by the supervising
283 anesthesiologist or an alternate supervising anesthesiologist.

284 43-34-325.

285 (a) A supervising anesthesiologist or an alternate supervising anesthesiologist may
286 delegate the authority contained in subsection (b) of this Code section to an
287 anesthesiologist assistant in accordance with a job description.

288 (b) A supervising anesthesiologist or an alternate supervising anesthesiologist may
289 delegate to an anesthesiologist assistant the authority to order controlled substances
290 selected from a formulary of such drugs established by the board and the authority to order
291 dangerous drugs, medical treatments, and diagnostic studies.

(c) An anesthesiologist assistant authorized by a supervising anesthesiologist to order controlled substances pursuant to this Code section is authorized to register with the United States Drug Enforcement Administration.

43-34-326.

The board shall have all authority to impose on an anesthesiologist assistant any sanction authorized under Code Section 43-34-8 upon a finding of any conduct specified in Code Section 43-34-8.

43-34-327.

(a) The board may issue a new license to an anesthesiologist assistant whose license was previously revoked by the board if the applicant applies in writing to the board and demonstrates to the board's satisfaction that the applicant is completely rehabilitated with respect to the conduct that was the basis for the revocation. In making its decision, the board shall determine:

(1) Whether the applicant has engaged in any conduct during the revocation period that would constitute a basis for revocation pursuant to rules adopted by the board;

(2) If a criminal conviction was a basis of the revocation, whether the applicant's civil rights have been fully restored pursuant to statute or judicial or executive order;

(3) Whether the applicant has made restitution to any aggrieved person as ordered by a court of competent jurisdiction; and

(4) Whether the applicant demonstrates any other standard of rehabilitation the board determines is appropriate.

(b) Except as provided in subsection (c) of this Code section, a person shall not apply for license reinstatement until two years after the date of revocation.

(c) If a license revocation was based on a conviction of a felony or an offense involving moral turpitude and that conviction has been reversed on appeal, the board shall reverse its

previous order to revoke the license, and the anesthesiologist assistant may apply for reinstatement as soon as the court enters its reversal.

(d) An application for reinstatement shall comply with all initial licensure requirements prescribed by this article and rules and regulations adopted by the board pursuant to this article.

43-34-328.

Any person practicing as an anesthesiologist assistant or representing that he or she is an anesthesiologist assistant without a license, or any person employing an unlicensed person to practice as an anesthesiologist assistant, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than one year, or both. Each violation constitutes a separate offense for which the penalty in this Code section may be assessed.

43-34-329.

(a) Notwithstanding any provision of this article to the contrary, an anesthesiologist assistant licensed pursuant to this article or licensed, certified, or otherwise authorized to practice in any other state or federal jurisdiction and whose license, certification, or authorization is in good standing who responds to a need for medical care created by conditions which characterize those of a state of emergency or public health emergency may render such care that the anesthesiologist assistant is able to provide with such supervision as is available at the immediate scene or at the local site where such need for medical care exists or at a relief site established as part of a state or local safety plan established pursuant to Chapter 3 of Title 38. Such services shall be provided by an anesthesiologist assistant in response to the request of an appropriate state or local official implementing a state or local emergency management plan or program, and in accordance with applicable guidelines established by such officials or plans. The authority granted by

342 this Code section shall last no longer than 48 hours or such time as the board may establish
343 under guidelines for supervision of the anesthesiologist assistant rendering medical care.
344 (b) For the purposes of this Code section, the term 'public health emergency' has the same
345 meaning as in paragraph (6) of Code Section 38-3-3, and the term 'state of emergency' has
346 the same meaning as in paragraph (7) of Code Section 38-3-3."

347 **SECTION 7.**

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