

House Bill 54

By: Representatives Clark of the 100th, Jones of the 47th, Powell of the 33rd, Barrett of the 24th, Mathiak of the 82nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 16, 31, and 43 of the Official Code of Georgia Annotated, relating to crimes
2 and offenses, health, and professions and businesses, respectively, so as to authorize
3 advanced practice registered nurses and physician assistants to order home healthcare
4 services to patients of licensed home health agencies; to provide for definitions; to provide
5 for the approval of continuing education regarding death certificates for certain physician
6 assistants by the Georgia Composite Medical Board and for certain advanced practice
7 registered nurses by the Georgia Board of Nursing; to provide for related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
12 amended by revising paragraph (4.2) of Code Section 16-13-72, relating to the sale,
13 distribution, or possession of dangerous drugs, as follows:

14 "(4.2) A registered professional nurse licensed under Article 1 of Chapter 26 of Title 43
15 who is employed or engaged by a licensed home health agency may possess sterile saline,

16 sterile water, and diluted heparin for use as intravenous maintenance for use in a home
17 health setting, and such nurse may administer such items to patients of the home health
18 agency upon the order of a licensed physician, advanced practice registered nurse acting
19 pursuant to the authority of Code Section 43-34-25, or licensed physician assistant acting
20 pursuant to the authority of subsection (e.1) of Code Section 43-34-103. The State Board of
21 Pharmacy shall be authorized to adopt regulations governing the storage, quantity, use, and
22 administration of such items; provided, however, that nothing in this paragraph or in such
23 regulations shall be construed to restrict any authority of nurses existing under other
24 provisions of law;"

25

SECTION 2.

26 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
27 paragraph (20) of Code Section 31-6-2, relating to definitions relative to state health planning
28 and development, as follows:

29 "(20) 'Home health agency' means a public agency or private organization, or a
30 subdivision of such an agency or organization, which is primarily engaged in providing
31 to individuals who are under a written plan of care of a physician, advanced practice
32 registered nurse acting pursuant to the authority of Code Section 43-34-25, or licensed
33 physician assistant acting pursuant to the authority of subsection (e.1) of Code Section
34 43-34-103, on a visiting basis in the places of residence used as such individuals' homes,
35 part-time or intermittent nursing care provided by or under the supervision of a registered
36 professional nurse, and one or more of the following services:

- 37 (A) Physical therapy;
38 (B) Occupational therapy;
39 (C) Speech therapy;
40 (D) Respiratory therapy;

41 (E) Skilled nursing care;
 42 (F) Medical social services under the direction of a physician, advanced practice
 43 registered nurse acting pursuant to the authority of Code Section 43-34-25, or licensed
 44 physician assistant acting pursuant to the authority of subsection (e.1) of Code Section
 45 43-34-103; or
 46 ~~(E)~~(G) Part-time or intermittent services of a home health aide."

47 **SECTION 3.**

48 Such title is further amended by revising Code Section 31-7-150, relating to definitions, as
 49 follows:

50 "31-7-150.

51 As used in this article, the term:

52 (1) 'Advanced practice registered nurse' has the same meaning as provided in Code
 53 Section 43-26-3.

54 (2) 'Branch office' means a location or site, identified in the application or endorsement
 55 thereto, from which a home health agency provides services within a portion of the total
 56 geographic area served by the parent agency and which is part of the home health agency
 57 and is located sufficiently close to share administration, supervision, and services in a
 58 manner that renders it unnecessary for the branch independently to meet the requirements
 59 of this article.

60 ~~(1.1)~~(3) 'Department' means the Department of Community Health.

61 ~~(2)~~(4) 'Home health agency' means a public, nonprofit, or proprietary organization,
 62 whether owned or operated by one or more persons or legal entities, which is engaged in
 63 furnishing home ~~health~~ healthcare services.

64 ~~(3)~~(5) 'Home ~~health~~ healthcare services' means those items and services furnished to an
 65 individual according to a written plan of treatment signed by the patient's physician, an

66 advanced practice registered nurse, or a physician assistant; by a home health agency; or
 67 by others under arrangement with the home health agency, on a visit or hourly basis, in
 68 a place of temporary or permanent residence used as the individual's home, as follows:

69 (A) Part-time or intermittent skilled nursing care as ordered by a physician, advanced
 70 practice registered nurse, or physician assistant and provided by or under the
 71 supervision of a registered nurse and at least one other service listed in
 72 subparagraphs (B) through (D) of this paragraph;

73 (B) Physical, occupational, or speech therapy;

74 (C) Medical social services; and

75 (D) Home health aide services.

76 ~~(4)~~(6) 'License' means a license issued by the department.

77 ~~(5)~~(7) 'Licensee' means the individual, corporation, or public entity with whom rests the
 78 ultimate responsibility for maintaining approved standards for the home health agency.

79 ~~(6)~~(8) 'Parent home health agency' means the agency that develops and maintains
 80 administrative controls of subunits or branch offices.

81 ~~(7)~~(9) 'Physician' means an individual currently licensed or authorized to practice
 82 medicine, surgery, or osteopathy in this state.

83 (10) 'Physician assistant' means an individual licensed pursuant to Article 4 of
 84 Chapter 34 of Title 43 and acting pursuant to the authority of subsection (e.1) of Code
 85 Section 43-34-103.

86 ~~(8)~~(11) 'Plan of treatment' means a plan written, signed, and reviewed at least every two
 87 months by the patient's physician, an advanced practice registered nurse, or a physician
 88 assistant prescribing items and services for the patient's condition.

89 ~~(9)~~(12) 'Registered nurse' means an individual who is currently licensed as a registered
 90 professional nurse in this state.

91 ~~(10)~~(13) 'Subunit' means a semiautonomous organization which serves patients in a
92 geographic area different from that of the parent agency and which, by virtue of the
93 distance between it and the parent agency, is judged incapable of sharing administration,
94 supervision, and services on a daily basis with the parent agency and ~~must~~ shall,
95 therefore, independently meet the licensing requirements for a home health agency and
96 shall be separately licensed."

97 **SECTION 4.**

98 Said title is further amended by revising Code Section 31-7-153, relating to standards for
99 patient care and agency operation, regulations as to issuance, denial, suspension, or
100 revocation of licenses, and hearings, as follows:

101 "31-7-153.

102 The department shall promulgate regulations which define standards for the care, treatment,
103 health, safety, welfare, and comfort of patients served by home health agencies and for the
104 maintenance and operation of home health agencies which will promote safe and adequate
105 care and treatment of the patients. These regulations shall be no less stringent than those
106 required for participation of home health agencies in the Title XVIII ~~medicare~~ Medicare
107 program and shall include, but not be limited to, a provision requiring the agency to have
108 policies established by a professional group which includes at least one physician and one
109 registered nurse and appropriate representation from other professional disciplines;
110 provisions governing the services the agency provides; provisions for the supervision of
111 services by a physician, advanced practice registered nurse, physician assistant, or
112 registered nurse, as appropriate, and maintenance of clinical records on all patients,
113 including a plan of treatment ~~prescribed by a physician~~. The department is authorized to
114 issue, deny, suspend, or revoke licenses in accordance with regulations promulgated

115 pursuant to this Code section. Such regulations shall also include hearing procedures
116 related to denial, suspension, or revocation of licenses."

117 **SECTION 5.**

118 Said title is further amended by revising Code Section 31-7-154, relating to inspections, as
119 follows:

120 "31-7-154.

121 Each home health agency for which a license has been issued shall be periodically
122 inspected by an authorized representative of the department. Such inspections shall be for
123 the purpose of ensuring that this article is being followed. The department is directed to
124 ensure by inspection that the licensee is providing quality care to its patients in accordance
125 with the orders of the patient's physician, an advanced practice registered nurse, or a
126 physician assistant; provided, however, that an agency shall be exempt from an additional
127 on-site licensure inspection if certified in a federal program for reimbursement of ~~medicare~~
128 Medicare or Medicaid services."

129 **SECTION 6.**

130 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
131 is amended by revising paragraph (1) of subsection (b) of Code Section 43-34-23, relating
132 to the delegation of authority to nurse or physician assistant, and by adding a new paragraph
133 to read as follows:

134 "(b)(1)(A) A physician may delegate the authority contained in subparagraph ~~(B)~~ of
135 this paragraph (b)(1)(B) of this Code section to:

136 (i) A physician assistant in accordance with a job description; or

137 (ii) ~~A nurse recognized by the Georgia Board of Nursing as a certified nurse~~
138 ~~midwife, certified registered nurse anesthetist, certified nurse practitioner, or~~

139 ~~clinical nurse specialist in psychiatric/mental health~~ An advanced practice registered
140 nurse in accordance with a nurse protocol.

141 (B) A physician may delegate to those healthcare professionals identified in
142 subparagraph ~~(A) of this paragraph~~ (b)(1)(A) of this Code section:

143 (i) The authority to order controlled substances selected from a formulary of such
144 drugs established by the board and the authority to order dangerous drugs, medical
145 treatments, and diagnostic studies;

146 (ii) The authority to request, receive, and sign for professional samples and to
147 distribute professional samples to patients. The office or facility at which the
148 healthcare professional identified in subparagraph ~~(A) of this paragraph~~ (b)(1)(A) of
149 this Code section is working shall maintain a general list of the professional samples
150 approved by the delegating physician for request, receipt, and distribution by the
151 healthcare professional identified in subparagraph ~~(A) of this paragraph~~ (b)(1)(A) of
152 this Code section as well as a complete list of the specific number and dosage of each
153 professional sample and medication voucher received. Professional samples that are
154 distributed by a healthcare professional identified in subparagraph ~~(A) of this~~
155 ~~paragraph~~ (b)(1)(A) of this Code section shall be so noted in the patient's medical
156 record. In addition to the requirements of this Code section, all professional samples
157 shall be maintained as required by applicable state and federal laws and regulations;
158 and

159 (iii) The authority to sign, certify, and endorse all documents relating to healthcare
160 provided to a patient within his or her scope of authorized practice, including, but not
161 limited to, documents relating to physical examination forms of all state agencies and
162 verification and evaluation forms of the Department of Human Services, the State
163 Board of Education, local boards of education, the Department of Community Health,
164 and the Department of Corrections; provided, however, that a healthcare professional

165 identified in subparagraph ~~(A) of this paragraph~~ (b)(1)(A) of this Code section shall
166 not have the authority to assign a percentage of a disability rating.

167 (1.1) Healthcare professionals identified in subparagraph (b)(1)(A) of this paragraph
168 must Code section shall complete biennial continuing education regarding the recognition
169 and documentation of the causes of death and appropriate execution of death certificates,
170 as approved by the board for a physician assistant as identified in division (b)(1)(A)(i) of
171 this Code section or by the Board of Nursing for an advanced practice registered nurse
172 as identified in division (b)(1)(A)(ii) of this Code section."

173 **SECTION 7.**

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