

The Senate Committee on Regulated Industries and Utilities offered the following substitute to HB 54:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 16, 31, 43, and 48 of the Official Code of Georgia Annotated, relating to  
2 crimes and offenses, health, professions and businesses, and revenue and taxation,  
3 respectively, so as to authorize physician assistants to order home healthcare services to  
4 patients of home health agencies; to provide for definitions; to provide for the approval of  
5 continuing education regarding death certificates; to provide for authorizing job descriptions;  
6 to provide for tax credits for qualified caregiving expenses to include physician assistants;  
7 to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "(4.2) A registered professional nurse licensed under Article 1 of Chapter 26 of Title 43  
14 who is employed or engaged by a licensed home health agency may possess sterile saline,  
15 sterile water, and diluted heparin for use as intravenous maintenance for use in a home  
16 health setting, and such nurse may administer such items to patients of the home health

17 agency upon the order of a licensed physician or a physician assistant acting pursuant to  
 18 the authority of Code Section 43-34-103. The State Board of Pharmacy shall be  
 19 authorized to adopt regulations governing the storage, quantity, use, and administration  
 20 of such items; provided, however, that nothing in this paragraph or in such regulations  
 21 shall be construed to restrict any authority of nurses existing under other provisions of  
 22 law;"

23 **SECTION 2.**

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

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

34 (A) Physical therapy;

35 (B) Occupational therapy;

36 (C) Speech therapy;

37 (D) Respiratory therapy;

38 (E) Skilled nursing care;

39 ~~(F)~~(F) Medical social services under the direction of a physician or a physician  
 40 assistant acting pursuant to the authority of Code Section 43-34-103; or

41 ~~(G)~~(G) Part-time or intermittent services of a home health aide."

42

**SECTION 3.**

43 Said title is further amended by revising Code Section 31-7-150, relating to definitions, as  
44 follows:

45 "31-7-150.

46 As used in this article, the term:

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

53 ~~(1.1)~~(2) 'Department' means the Department of Community Health.

54 ~~(2)~~(3) 'Home health agency' means a public, nonprofit, or proprietary organization,  
55 whether owned or operated by one or more persons or legal entities, which is engaged in  
56 furnishing home ~~health~~ healthcare services.

57 ~~(3)~~(4) 'Home ~~health~~ healthcare services' means those items and services furnished to an  
58 individual according to a written plan of treatment signed by the patient's physician; or  
59 a physician assistant acting pursuant to the authority of Code Section 43-34-103; by a  
60 home health agency; ; or by others under arrangement with the home health agency, on  
61 a visit or hourly basis, in a place of temporary or permanent residence used as the  
62 individual's home, as follows:

63 (A) Part-time or intermittent skilled nursing care as ordered by a physician or a  
64 physician assistant acting pursuant to the authority of Code Section 43-34-103 and  
65 provided by or under the supervision of a registered nurse and at least one other service  
66 listed in subparagraphs (B) through (D) of this paragraph;

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

68 (C) Medical social services; and

69 (D) Home health aide services.

70 ~~(4)~~(5) 'License' means a license issued by the department.

71 ~~(5)~~(6) 'Licensee' means the individual, corporation, or public entity with whom rests the  
72 ultimate responsibility for maintaining approved standards for the home health agency.

73 ~~(6)~~(7) 'Parent home health agency' means the agency that develops and maintains  
74 administrative controls of subunits or branch offices.

75 ~~(7)~~(8) 'Physician' means an individual currently licensed or authorized to practice  
76 medicine, surgery, or osteopathy in this state.

77 (9) 'Physician assistant' means an individual licensed pursuant to Article 4 of Chapter 34  
78 of Title 43 and acting pursuant to the authority of Code Section 43-34-103.

79 ~~(8)~~(10) 'Plan of treatment' means a plan written, signed, and reviewed at least every two  
80 months by the patient's physician or a physician assistant acting pursuant to the authority  
81 of Code Section 43-34-103 prescribing items and services for the patient's condition.

82 ~~(9)~~(11) 'Registered nurse' means an individual who is currently licensed as a registered  
83 professional nurse in this state.

84 ~~(10)~~(12) 'Subunit' means a semiautonomous organization which serves patients in a  
85 geographic area different from that of the parent agency and which, by virtue of the  
86 distance between it and the parent agency, is judged incapable of sharing administration,  
87 supervision, and services on a daily basis with the parent agency and ~~must~~ shall,  
88 therefore, independently meet the licensing requirements for a home health agency and  
89 shall be separately licensed."

90

#### SECTION 4.

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

94 "31-7-153.  
95 The department shall promulgate regulations which define standards for the care, treatment,  
96 health, safety, welfare, and comfort of patients served by home health agencies and for the  
97 maintenance and operation of home health agencies which will promote safe and adequate  
98 care and treatment of the patients. These regulations shall be no less stringent than those  
99 required for participation of home health agencies in the Title XVIII ~~medicare~~ Medicare  
100 program and shall include, but not be limited to, a provision requiring the agency to have  
101 policies established by a professional group which includes at least one physician and one  
102 registered nurse and appropriate representation from other professional disciplines;  
103 provisions governing the services the agency provides; provisions for the supervision of  
104 services by a physician, a physician assistant, or a registered nurse, as appropriate, and  
105 maintenance of clinical records on all patients, including a plan of treatment ~~prescribed by~~  
106 ~~a physician~~. The department is authorized to issue, deny, suspend, or revoke licenses in  
107 accordance with regulations promulgated pursuant to this Code section. Such regulations  
108 shall also include hearing procedures related to denial, suspension, or revocation of  
109 licenses."

110 **SECTION 5.**

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

113 "31-7-154.  
114 Each home health agency for which a license has been issued shall be periodically  
115 inspected by an authorized representative of the department. Such inspections shall be for  
116 the purpose of ensuring that this article is being followed. The department is directed to  
117 ensure by inspection that the licensee is providing quality care to its patients in accordance  
118 with the orders of the patient's physician or a physician assistant; provided, however, that

119 an agency shall be exempt from an additional on-site licensure inspection if certified in a  
120 federal program for reimbursement of ~~medicare~~ Medicare or Medicaid services."

121 **SECTION 6.**

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

126 "(b)(1)(A) A physician may delegate the authority contained in subparagraph (B) of  
127 this paragraph to:

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

129 (ii) A nurse recognized by the Georgia Board of Nursing as a certified nurse midwife,  
130 certified registered nurse anesthetist, certified nurse practitioner, or clinical nurse  
131 specialist in psychiatric/mental health in accordance with a nurse protocol.

132 (B) A physician may delegate to those healthcare professionals identified in  
133 subparagraph (A) of this paragraph:

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

137 (ii) The authority to request, receive, and sign for professional samples and to  
138 distribute professional samples to patients. The office or facility at which the  
139 healthcare professional identified in subparagraph (A) of this paragraph is working  
140 shall maintain a general list of the professional samples approved by the delegating  
141 physician for request, receipt, and distribution by the healthcare professional  
142 identified in subparagraph (A) of this paragraph as well as a complete list of the  
143 specific number and dosage of each professional sample and medication voucher  
144 received. Professional samples that are distributed by a healthcare professional

145 identified in subparagraph (A) of this paragraph shall be so noted in the patient's  
146 medical record. In addition to the requirements of this Code section, all professional  
147 samples shall be maintained as required by applicable state and federal laws and  
148 regulations; and

149 (iii) The authority to sign, certify, and endorse all documents relating to healthcare  
150 provided to a patient within his or her scope of authorized practice, including, but not  
151 limited to, documents relating to physical examination forms of all state agencies and  
152 verification and evaluation forms of the Department of Human Services, the State  
153 Board of Education, local boards of education, the Department of Community Health,  
154 and the Department of Corrections; provided, however, that a healthcare professional  
155 identified in subparagraph (A) of this paragraph shall not have the authority to assign  
156 a percentage of a disability rating.

157 (1.1) Healthcare professionals identified in subparagraph (A) of this paragraph must  
158 paragraph (1) of this subsection shall complete biennial continuing education regarding  
159 the recognition and documentation of the causes of death and appropriate execution of  
160 death certificates, as approved by the board for a physician assistant as identified in  
161 division (b)(1)(A)(i) of this Code section or by the Board of Nursing for a healthcare  
162 professional identified in division (b)(1)(A)(ii) of this Code section."

163 **SECTION 7.**

164 Said title is further amended in Code Section 43-34-103, relating to application for licensure  
165 as a physician assistant, authorized delegated authority, and prohibited acts, by adding a new  
166 subsection to read as follows:

167 "(m) In addition to and without limiting the authority granted by Code Section 43-34-23,  
168 a physician may delegate to a physician assistant, in accordance with a job description, the  
169 authority to order home healthcare services to a patient."

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**SECTION 8.**

171 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
172 amended by revising paragraph (1) of subsection (a) of Code Section 48-7-29.2, relating to  
173 tax credits for qualified caregiving expenses, as follows:

174 "(1) 'Qualified caregiving expenses' means payments by the taxpayer for home health  
175 agency services, personal care services, personal care attendant services, homemaker  
176 services, adult day care, respite care, or healthcare equipment and supplies which  
177 equipment and supplies have been determined to be medically necessary by a physician  
178 or a physician assistant acting pursuant to the authority of Code Section 43-34-103, which  
179 services, care, or equipment and supplies are:

180 (A) Provided to the qualifying family member; and

181 (B) Purchased or obtained from an organization or individual not related to the  
182 taxpayer or the qualifying family member."

183

**SECTION 9.**

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