

House Bill 1150

By: Representatives Powell of the 33rd, Jones of the 47th, O'Steen of the 169th, and Donatucci of the 105th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
2 physicians, assistants, and others, so as to expand certain advanced practice registered nurse
3 and physician assistant prescriptive authorizations; to provide for a definition; to provide for
4 certain limitations; to remove certain prohibitions on writing prescriptions for minors; to
5 provide for certain prescriptive authorization to order stimulants; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
10 assistants, and others, 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 paragraph (3) of and adding a new paragraph to subsection (a), by revising
14 subsection (d.1), by revising paragraph (10) of subsection (g), by revising subsection (k), and
15 by adding a new subsection to read as follows:

H. B. 1150

- 1 -

16 "(3) 'Controlled substance' means any controlled substance as defined in Code Section
17 16-13-21 but shall not include any Schedule I controlled substance included in Code
18 Section 16-13-25 or any Schedule II controlled substance included in Code Section
19 16-13-26, except as authorized pursuant to ~~subsection (d.1)~~ subsections (d.1) and (d.2)
20 of this Code section."

21 "(16) 'Stimulant' means any material, compound, mixture, or preparation that increases
22 heart rate, breathing, or brain function as provided in paragraph (3) of Code
23 Section 16-13-26."

24 "(d.1) An advanced practice registered nurse who has at least one year of post-licensure
25 clinical experience and is in good standing with the board may be authorized under a nurse
26 protocol agreement to issue prescription drug orders in emergency situations for
27 hydrocodone, oxycodone, or compounds thereof ~~in emergency situations~~ pursuant to the
28 following requirements:

- 29 (1) The authorization is specifically included in the nurse protocol agreement;
- 30 (2) The advanced practice registered nurse has directly evaluated the patient;
- 31 (3) The prescription drug order is limited to an initial prescription, not to exceed a
32 five-day supply;
- 33 (4) The prescription drug order is for an individual 18 years of age or older; and
- 34 (5) The advanced practice registered nurse completes one hour of continuing education
35 biennially in the appropriate ordering and use of hydrocodone, oxycodone, and
36 compounds thereof."

37 "(d.2) An advanced practice registered nurse who has at least one year of post-licensure
38 clinical experience and is in good standing with the board may be authorized under a nurse
39 protocol agreement to issue prescription drug orders for stimulants pursuant to the
40 following requirements:

- 41 (1) The authorization is specifically included in the nurse protocol agreement;
- 42 (2) The advanced practice registered nurse has directly evaluated the patient; and

43 (3) The advanced practice registered nurse completes one hour of continuing education
44 biennially in the appropriate ordering and use of stimulants."

45 "(10) Notwithstanding the provisions of ~~subsection (d.1)~~ subsections (d.1) and (d.2) of
46 this Code section, in any emergency medical services system operated by, or on behalf
47 of, any county, municipality, or hospital authority with a full-time physician medical
48 director who does not order drugs, except that he or she may order up to a 14 day supply
49 of drugs as necessary in an emergency situation, excluding benzodiazepines and all
50 Schedule II controlled substances except hydrocodone, oxycodone, or compounds
51 thereof; provided, however, that an advanced practice registered nurse shall not order
52 radiographic imaging, diagnostic studies, or medical devices pursuant to this paragraph;
53 and provided, further, that a patient shall be referred to a physician, a dentist, or a
54 federally qualified health center."

55 "(k) Nothing in this Code section shall be construed to authorize an advanced practice
56 registered nurse to issue a prescription drug order for a Schedule I or II controlled
57 substance, except as otherwise authorized pursuant to ~~subsection (d.1)~~ subsections (d.1)
58 and (d.2) of this Code section, or authorize refills of any drug for more than 12 months
59 from the date of the original order except in the case of oral contraceptives, hormone
60 replacement therapy, or prenatal vitamins which may be refilled for a period of 24 months."

61 **SECTION 2.**

62 Said chapter is further amended by revising paragraphs (1) and (10) of subsection (e.1) of
63 Code Section 43-34-103, relating to delegation of authority to physician assistants, as
64 follows:

65 "(e.1)(1)(A) In addition to and without limiting the authority granted by Code Section
66 43-34-23, a physician may delegate to a physician assistant, in accordance with a job
67 description, the authority to issue a prescription drug order or orders for any device as
68 defined in Code Section 26-4-5 or to issue any dangerous drug as defined in Code

69 Section 16-13-71, stimulants, and in emergency situations, hydrocodone, oxycodone,
70 or compounds thereof in accordance with ~~subparagraph (B)~~ subparagraphs (B) and (C)
71 of this paragraph, or any Schedule III, IV, or V controlled substance as defined in Code
72 Section 16-13-21 on a prescription drug order or prescription device order form as
73 specified in paragraph (3) of this subsection. Delegation of such authority shall be
74 contained in the job description required by this Code section. The delegating
75 physician shall remain responsible for the medical acts of the physician assistant
76 performing such delegated acts and shall adequately supervise the physician assistant.
77 If an existing job description for a physician assistant does not contain such authority
78 to order a prescription drug or device order as provided by this subsection, that
79 physician assistant may not issue any such prescription drug or device order until a new
80 job description delegating such authority is submitted to and approved by the board.
81 Nothing in this Code section shall be construed to authorize the written prescription
82 drug order of a Schedule I or II controlled substance, except as authorized pursuant to
83 ~~subparagraph (B)~~ subparagraphs (B) and (C) of this paragraph.

84 (B) A physician may delegate to a physician assistant who has at least one year of
85 post-licensure clinical experience and is in good standing with the board the authority
86 to issue prescription drug orders in emergency situations for hydrocodone, oxycodone,
87 or compounds thereof ~~in emergency situations~~ pursuant to the following requirements:

- 88 (i) The authorization is specifically included in the job description;
89 (ii) The physician assistant has directly evaluated the patient; and
90 (iii) The drug order is limited to an initial prescription not to exceed a five-day
91 supply; and
92 (iv) ~~The prescription drug order is for an individual 18 years of age or older.~~

93 (C) A physician may delegate to a physician assistant who has at least one year of
94 post-licensure clinical experience and is in good standing with the board the authority
95 to issue prescription drug orders for stimulants pursuant to the following requirements:

96 (i) The authorization is specifically included in the job description; and

97 (ii) The physician assistant has directly evaluated the patient."

98 "(10)(A) A physician assistant delegated the authority by the primary supervising
99 physician to issue a prescription drug or device order shall be required to complete a
100 minimum of three hours of continuing education biennially in practice specific
101 pharmaceuticals in which the physician assistant has prescriptive order privileges.

102 (B) A physician assistant delegated the authority by the primary supervising physician
103 to issue a prescription drug or device order for stimulants, hydrocodone, oxycodone,
104 or compounds thereof shall be required to complete one additional hour of continuing
105 education biennially in the appropriate ordering and use of stimulants, hydrocodone,
106 oxycodone, or compounds thereof."

107 **SECTION 3.**

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