

House Bill 213

By: Representatives Robichaux of the 48th, Bazemore of the 63rd, Schofield of the 60th, Jackson of the 64th, and Hopson of the 153rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-13-21, Part 3 of Article 16 of Chapter 2 of Title 20, Article 6 of
2 Chapter 4 of Title 26, Title 31, Article 1 of Chapter 26 of Title 43, and Chapter 34 of Title
3 43 of the Official Code of Georgia Annotated, relating to definitions relative to controlled
4 substances; health of students; pharmacies; health; registered professional nurses; and
5 physicians, acupuncture, physician assistants, and others, respectively, so as to provide full
6 practice authority for advanced practice registered nurses; to authorize the Georgia Board of
7 Nursing to enact rules and regulations; to provide for definitions; to provide for applicability;
8 to provide for statutory construction under the Medical Practice Act; to repeal a provision on
9 delegation of certain medical acts to advanced practice registered nurses by physicians; to
10 provide for conforming changes; to provide for related matters; to repeal conflicting laws;
11 and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions
15 relative to controlled substances, is amended by revising paragraph (23) as follows:

SECTION 3.

Said part is further amended in Code Section 20-2-776.3, relating to stock supply of levalbuterol sulfate, requirements, and limited liability, by revising paragraph (2) of subsection (a) as follows:

"(2) 'Licensed practitioner' means a physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to the authority of Code Section ~~43-34-25~~ 43-26-11.2, and a physician assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103."

SECTION 4.

Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacies, is amended by revising Code Section 26-4-116.1, relating to licensed health practitioners authorized to prescribe auto-injectable epinephrine for schools, as follows:

"26-4-116.1.

(a) A physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to the authority of Code Section ~~43-34-25~~ 43-26-11.2, and a physician assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103 may prescribe auto-injectable epinephrine in the name of a public or private school for use in accordance with Code Section 20-2-776.2 and in accordance with protocol specified by such physician, advanced practice registered nurse, or physician assistant.

(b) A physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to the authority of Code Section ~~43-34-25~~ 43-26-11.2, and a physician assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103 may prescribe auto-injectable epinephrine in the name of an authorized entity in accordance with Code Section 31-1-14.

67 (c) A pharmacist may dispense auto-injectable epinephrine pursuant to a prescription
68 issued in accordance with subsection (a) or (b) of this Code section."

69 **SECTION 5.**

70 Said article is further amended by revising Code Section 26-4-116.3, relating to licensed
71 health practitioners authorized to prescribe levalbuterol sulfate or albuterol sulfate for
72 schools, as follows:

73 "26-4-116.3.

74 (a) A physician licensed to practice medicine in this state, an advanced practice registered
75 nurse acting pursuant to the authority of Code Section ~~43-34-25~~ 43-26-11.2, and a
76 physician assistant acting pursuant to the authority of subsection (e.1) of Code Section
77 43-34-103 may prescribe levalbuterol sulfate or albuterol sulfate in the name of a public
78 or private school for use in accordance with Code Section 20-2-776.3.

79 (b) A pharmacist may dispense levalbuterol sulfate or albuterol sulfate pursuant to a
80 prescription issued in accordance with subsection (a) of this Code section."

81 **SECTION 6.**

82 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Code
83 Section 31-1-15, relating to storage, maintenance, control, and oversight of auto-injectable
84 epinephrine by certain authorized entities, by revising paragraph (3) of subsection (a) as
85 follows:

86 "(3) 'Health care practitioner' means a physician licensed to practice medicine in this
87 state, an advanced practice registered nurse acting pursuant to the authority of Code
88 Section ~~43-34-25~~ 43-26-11.2, and a physician assistant acting pursuant to the authority
89 of subsection (e.1) of Code Section 43-34-103."

SECTION 7.

Said title is further amended in Code Section 31-10-16, relating to criteria for pronouncing death and immunity from liability, by revising subsection (a) as follows:

"(a) A person may be pronounced dead by a qualified physician, by a registered professional nurse or nurse practitioner authorized to make a pronouncement of death under Code Section 31-7-16 or 31-7-176.1, by an advanced practice registered nurse authorized to make a pronouncement of death under ~~subsection (e) of Code Section 43-34-25~~ 43-26-11.2, or by a physician assistant authorized to make a pronouncement of death under Code Section 31-7-16 or 31-7-176.1 or subsection (j) of Code Section 43-34-103, if it is determined that the individual has sustained either (1) irreversible cessation of circulatory and respiratory function or (2) irreversible cessation of all functions of the entire brain, including the brain stem."

SECTION 8.

Said title is further amended in Code Section 31-17-7.1, relating to expedited partner therapy, by revising paragraph (2) of subsection (a) as follows:

"(2) 'Licensed practitioner' means a physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to Code Section 43-26-11.2, ~~or a~~ physician assistant acting pursuant to delegated authority by a physician in accordance with Code Section 43-34-23 ~~or 43-34-25~~ or subsection (e.1) of Code Section 43-34-103, or a registered professional nurse employed by the department or a county board of health."

SECTION 9.

Article 1 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to registered professional nurses, is amended in Code Section 43-26-5, relating to general

114 powers and responsibilities of the board, by revising paragraph (12) and by adding a new
115 paragraph to read as follows:

116 "(12) Be authorized to enact rules and regulations for registered professional nurses in
117 their performing acts under a nurse protocol as authorized in Code Section 43-34-23 and
118 enact rules and regulations for advanced practice registered nurses in performing acts as
119 authorized in Code Section 43-34-25;

120 (12.1) Be authorized to enact rules and regulations for advanced practice registered
121 nurses in performing acts authorized pursuant to Code Section 43-26-11.2;"

122 **SECTION 10.**

123 Said article is amended by adding a new Code section to read as follows:

124 "43-26-11.2.

125 (a) As used in this Code section, the term:

126 (1) 'Diagnostic study' means a laboratory test, X-ray, ultrasound, or procedure used to
127 identify a characteristic or distinguishing feature of a particular disease or condition.

128 (2) 'Pharmacological agent' includes over-the-counter drugs, dangerous drugs, and
129 controlled substances.

130 (3) 'Radiographic imaging test' means a computed tomography, magnetic resonance
131 imaging, positron emission tomography, or nuclear medicine.

132 (b) An advanced practice registered nurse shall have the authority to order, prescribe,
133 procure, administer, dispense, or furnish any pharmacological agent, medical device,
134 medical treatment, diagnostic study, or radiographic imaging test as deemed appropriate
135 by such advanced practice registered nurse for a patient.

136 (c) An advanced practice registered nurse shall have the authority to request, receive, and
137 sign for professional samples and may distribute professional samples to patients.

(d) An advanced practice registered nurse shall have the authority to make a pronouncement of death and to certify such pronouncement in the same manner and with the same effect as a physician.

(e) Whenever any provision of Georgia statute or rule or any form provided to any person in this state requires a signature, certification, stamp, verification, affidavit, or other endorsement by a physician, such statute, rule, or form shall be deemed to include a signature, certification, stamp, verification, affidavit, or other endorsement by an advanced practice registered nurse.

(f) Advanced practice registered nurses shall not be subject to any requirements contained in Code Section 43-34-23."

SECTION 11.

Said article is further amended in Code Section 43-26-12, relating to exceptions to operation of the article and burden of proof, by revising division (a)(9)(A)(i) as follows:

"(i) Such individual or a person legally authorized to act on behalf of such individual has executed a written informed consent designating a proxy caregiver and delegating responsibility to such proxy caregiver to receive training and to provide health maintenance activities to such disabled individual pursuant to the written orders of an attending physician, ~~or an advanced practice registered nurse, or a physician assistant working under a nurse protocol agreement or job description, respectively,~~ pursuant to Code Section ~~43-34-25~~ or 43-34-23;"

SECTION 12.

Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncture, physician assistants, and others, is amended in Code Section 43-34-8, relating to authority to refuse license, certificate, or permit or issue discipline, suspension,

restoration, investigations, hearings on fitness, immunity, and publication of final disciplinary actions, by revising paragraph (23) of subsection (a) as follows:

"(23) Except for ~~practice settings identified in paragraph (7) of subsection (g) of Code Section 43-34-25~~ and arrangements approved by the board prior to July 1, 2009, as set forth in subsection (k) of Code Section 43-34-103, been a physician that has been or is employed by one the physician:

- (A) Delegates medical acts to;
- (B) Enters a protocol or job description with; or
- (C) Is responsible for supervising."

SECTION 13.

Said chapter is further amended in Code Section 43-34-22, relating to practicing medicine without a license, titles and abbreviations, and exceptions, by revising subsection (b) as follows:

"(b) Nothing in this chapter shall be construed to prohibit:

- (1) Gratuitous services in cases of emergency;
- (2) The practice of the religious tenets or general beliefs of any church whatsoever;
- (3) The requiring of a fee for examination by opticians, at their established places of business, who do not prescribe or use drugs or medicines or attach to their names titles indicative that any such persons are engaged in the practice of medicine, as defined in this article;
- (4) The performance of their duties for the federal government by federal physicians, both military and civilian;
- (5) The consultation on special cases approved by the board in this state of regularly licensed physicians from other states or territories;
- (6) The licensed practice of dentistry, optometry, psychology, podiatry, or chiropractic;

(7) The licensed practice of midwifery or nursing, including, but not limited to, the performance of any acts authorized pursuant to Code Section 43-26-11.2 by an advanced practice registered nurse;

(8) The utilization of a physician assistant to perform tasks approved by the board, and the performance of such tasks by the physician assistant; the delegation by a physician to a qualified person other than a physician assistant of any acts, duties, or functions which are otherwise permitted by law or established by custom; and the performance of such acts, duties, or functions by such a person other than a physician assistant; or

(9) The performance of:

(A) Any medical task by a student enrolled in a medical school, osteopathic medical school, or physician assistant training program approved by the board;

(B) Any dental task by a student enrolled in a dental college approved by the Georgia Board of Dentistry; or

(C) Any nursing task by a student enrolled in a nursing program approved by the Georgia Board of Nursing

where any such task is performed under the supervision of an authorized instructor lawfully licensed in this state to perform such tasks."

SECTION 14.

Said chapter is further amended by repealing and reserving Code Section 43-34-25, relating to delegation of certain medical acts to advanced practice registered nurse, construction and limitations of such delegation, definitions, conditions of nurse protocol, and issuance of prescription drug orders.

SECTION 15.

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