

House Bill 557 (AS PASSED HOUSE AND SENATE)

By: Representatives Stephens of the 164th, Jones of the 47th, Parrish of the 158th, Powell of the 33rd, Schofield of the 63rd, and others

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 authorize physicians to delegate the authority to
3 advanced practice registered nurses and physician assistants to prescribe certain Schedule II
4 controlled substances; to provide for requirements; to provide for automatic approval of
5 nurse protocol agreements and job descriptions under certain conditions; to amend Article 3
6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige
7 license plates and special plates for certain persons and vehicles, so as to authorize advanced
8 practice registered nurses and physician assistants to execute affidavits certifying an
9 individual is disabled for purposes of obtaining special vehicle decals for persons with
10 disabilities; to provide for legislative findings; to provide for related matters; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 SECTION 1.

14 The General Assembly finds:

15 (1) Governor Kemp created the Georgia Healthcare Workforce Commission in 2022;

16 (2) The commission recognized that Georgia is now in the minority of states with
17 restrictions on certain healthcare occupations, such as nurse practitioners and physician
18 assistants, and that research also suggests that in appropriate circumstances, revising
19 practice restrictions on certain healthcare occupations and granting increased practice
20 authority have the potential to improve access to care without compromising quality or
21 increasing costs;

22 (3) The commission believes that exploring updating scope of practice limitations could
23 potentially ease pressure on the healthcare workforce by allowing certain healthcare
24 occupations to perform more advanced work in healthcare settings which could decrease
25 work burden on other clinical providers;

26 (4) Georgia is one of only three states that forbids physician assistants and nurse
27 practitioners from prescribing any Schedule II medications; and

28 (5) A more streamlined process at the Georgia Composite Medical Board will allow
29 already licensed and certified practitioners to more quickly begin work.

30

SECTION 2.

31 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
32 assistants, and others, is amended by revising paragraph (3) of subsection (a), paragraph (10)
33 of subsection (g), and subsections (k) and (m) of Code Section 43-34-25, relating to
34 delegation of certain medical acts to advanced practice registered nurse, construction and
35 limitations of such delegation, definitions, conditions of nurse protocol, and issuance of
36 prescription drug orders, and by adding a new subsection to read as follows:

37 "(3) 'Controlled substance' means any controlled substance as defined in Code Section
38 16-13-21 but shall not include any Schedule I controlled substance included in Code
39 Section 16-13-25 or any Schedule II controlled substance included in Code Section
40 16-13-26, except as authorized pursuant to subsection (d.1) of this Code section."

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

45 (1) The authorization is specifically included in the nurse protocol agreement;

46 (2) The advanced practice registered nurse has directly evaluated the patient;

47 (3) The prescription drug order is limited to an initial prescription, not to exceed a
48 five-day supply;

49 (4) The prescription drug order is for an individual 18 years of age or older; and

50 (5) The advanced practice registered nurse completes one hour of continuing education
51 biennially in the appropriate ordering and use of hydrocodone, oxycodone, and
52 compounds thereof."

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

63 "(k) Nothing in this Code section shall be construed to authorize an advanced practice
64 registered nurse to issue a prescription drug order for a Schedule I or II controlled
65 substance, except as otherwise authorized pursuant to subsection (d.1) of this Code section,
66 or authorize refills of any drug for more than 12 months from the date of the original order

67 except in the case of oral contraceptives, hormone replacement therapy, or prenatal
68 vitamins which may be refilled for a period of 24 months."

69 "(m)(1) The board shall have the authority to promulgate rules and regulations governing
70 a delegating physician in order to carry out the intents and purposes of this Code section.

71 (2)(A) Further, the board shall be authorized to:

72 ~~(1)~~(i) Require that a nurse protocol agreement shall be filed by the delegating
73 physician with the board within a reasonable time from the date of execution;

74 ~~(2)~~(ii) Determine, after review of a filed nurse protocol agreement, if such nurse
75 protocol agreement fails to meet accepted standards of medical practice as established
76 by the board; and

77 ~~(3)~~(iii) Require the delegating physician to amend any such noncompliant nurse
78 protocol agreement in order to meet such accepted standards.

79 (B) If a medical practice has an existing approved nurse protocol agreement and an
80 alternate delegating physician or a change in the delegating physician within the same
81 or similar specialty, such new nurse protocol agreement for the new alternate delegating
82 physician or a change in the delegating physician, upon submission, shall be
83 automatically deemed approved by the board.

84 (C) If a delegating physician submits a nurse protocol agreement for a new advanced
85 practice registered nurse and such nurse protocol agreement that has substantially the
86 same terms and provisions as a nurse protocol agreement previously submitted by such
87 delegating physician for another advanced practice registered nurse and approved by
88 the board, the nurse protocol agreement for the new advanced practice registered nurse,
89 upon submission, shall be automatically deemed approved by the board."

90

SECTION 3.

91 Said chapter is further amended by revising subsections (c) and (e.1) of Code Section
92 43-34-103, relating to delegation of authority to physician assistants, as follows:

93 "(c)(1) At all times while providing patient services, a physician assistant shall have a
94 signed job description submitted by his or her primary supervising physician and
95 approved by the board.

96 (2) Nothing in this article shall prevent a primary supervising physician from submitting
97 to the board a new or amended physician assistant job description.

98 (3) If a medical practice has an existing approved job description and an alternate
99 supervising physician or a change in the supervising physician within the same or similar
100 specialty, such new job description for the new alternate supervising physician or a
101 change in the supervising physician, upon submission, shall be automatically deemed
102 approved by the board.

103 (4) If a primary supervising physician submits a job description for a new physician
104 assistant and such job description that has substantially the same terms and provisions as
105 a job description previously submitted by such primary supervising physician for another
106 physician assistant and approved by the board, the job description for the new physician
107 assistant, upon submission, shall be automatically deemed approved by the board."

108 "(e.1)(1)(A) In addition to and without limiting the authority granted by Code Section
109 43-34-23, a physician may delegate to a physician assistant, in accordance with a job
110 description, the authority to issue a prescription drug order or orders for any device as
111 defined in Code Section 26-4-5 or to issue any dangerous drug as defined in Code
112 Section 16-13-71, hydrocodone, oxycodone, or compounds thereof in accordance with
113 subparagraph (B) of this paragraph, or any Schedule III, IV, or V controlled substance
114 as defined in Code Section 16-13-21 on a prescription drug order or prescription device
115 order form as specified in paragraph (3) of this subsection. Delegation of such
116 authority shall be contained in the job description required by this Code section. The
117 delegating physician shall remain responsible for the medical acts of the physician
118 assistant performing such delegated acts and shall adequately supervise the physician
119 assistant. If an existing job description for a physician assistant does not contain such

120 authority to order a prescription drug or device order as provided by this subsection,
121 that physician assistant may not issue any such prescription drug or device order until
122 a new job description delegating such authority is submitted to and approved by the
123 board. Nothing in this Code section shall be construed to authorize the written
124 prescription drug order of a Schedule I or II controlled substance, except as authorized
125 pursuant to subparagraph (B) of this paragraph.

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

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

131 (ii) The physician assistant has directly evaluated the patient;

132 (iii) The drug order is limited to an initial prescription not to exceed a five-day
133 supply; and

134 (iv) The prescription drug order is for an individual 18 years of age or older.

135 (2) Nothing in this subsection shall be construed to create a presumption of liability,
136 either civil or criminal, on the part of a pharmacist who is duly licensed under Title 26
137 and who in good faith fills a prescription drug or device order presented by a patient
138 pursuant to this subsection. The pharmacist shall presume that the prescription drug or
139 device order was issued by a physician assistant duly licensed under this article who has
140 qualified under this Code section to prescribe pharmaceutical agents. The pharmacist
141 shall also presume that the pharmaceutical agent prescribed by the physician assistant is
142 an approved pharmaceutical agent, unless the pharmacist has actual or constructive
143 knowledge to the contrary.

144 (3) The physician assistant shall only be authorized to exercise the rights granted under
145 this subsection using a prescription drug or device order form which includes the name,
146 address, and telephone number of the prescribing supervising or alternate supervising

147 physician, the patient's name and address, the drug or device prescribed, the number of
148 refills, and directions to the patient with regard to the taking and dosage of the drug. A
149 prescription drug order which is transmitted either electronically or via facsimile shall
150 conform to the requirements set out in paragraphs (1) and (2) of subsection (c) of Code
151 Section 26-4-80, respectively. Any form containing less information than that described
152 in this paragraph shall not be offered to or accepted by any pharmacist who is duly
153 licensed under Title 26.

154 (4) Nothing in this Code section shall be construed to authorize a physician assistant to
155 authorize refills of any drug for more than 12 months from the date of the original
156 prescription drug or device order.

157 (5) A supervising physician or alternate supervising physician shall evaluate or examine,
158 at least every three months, any patient receiving controlled substances.

159 (6) In addition to the copy of the prescription drug or device order delivered to the
160 patient, a record of such prescription shall be maintained in the patient's medical record
161 in the following manner:

162 (A) The physician assistant carrying out a prescription drug or device order shall
163 document such order either in writing or by electronic means; and

164 (B) The supervising physician shall periodically review patient records. Such review
165 may be achieved with a sampling of such records as determined by the supervising
166 physician.

167 (7) A physician assistant is not permitted to prescribe drugs or devices except as
168 authorized in the physician assistant's job description and in accordance with this article.

169 (8) The board shall adopt rules establishing procedures to evaluate an application for a
170 job description containing the authority to order a prescription drug or device and any
171 other rules the board deems necessary or appropriate to regulate the practice of physician
172 assistants, to carry out the intent and purpose of this article, or to protect the public
173 welfare.

174 (9) A physician assistant authorized by a primary supervising physician to order
175 controlled substances pursuant to this Code section is authorized to register with the
176 federal United States Drug Enforcement Administration.

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

181 (B) A physician assistant delegated the authority by the primary supervising physician
182 to issue a prescription drug or device order for hydrocodone, oxycodone, or compounds
183 thereof shall be required to complete one additional hour of continuing education
184 biennially in the appropriate ordering and use of hydrocodone, oxycodone, or
185 compounds thereof.

186 (11) A managed care system, health plan, hospital, insurance company, or other similar
187 entity shall not require a physician to be a party to a job description as a condition for
188 participation in or reimbursement from such entity."

189 **SECTION 4.**

190 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
191 prestige license plates and special plates for certain persons and vehicles, is amended by
192 revising Code Section 40-2-74.1, relating to temporary, permanent, and special permanent
193 parking permits for persons with disabilities, as follows:

194 "40-2-74.1.

195 (a) The department shall issue parking permits for persons with disabilities and may
196 delegate to county tag agents the responsibility for issuance of such permits to residents of
197 the county served by the tag agent. The department shall receive applications for and issue
198 parking permits by mail to persons with disabilities upon presentation of an affidavit of a
199 licensed doctor of medicine, licensed doctor of osteopathic medicine, licensed doctor of

200 podiatric medicine, licensed optometrist, ~~or~~ licensed chiropractor, licensed advanced
201 practice registered nurse acting pursuant to the authority of Code Section 43-34-25, or
202 licensed physician assistant acting pursuant to the authority of subsection (e.1) of Code
203 Section 43-34-103 stating that such person is a disabled person, the specific disability that
204 limits or impairs the person's ability to walk, and that he or she is a person with disabilities
205 as specified in paragraph (5) of Code Section 40-6-221. Permits shall be in such form as
206 the department prescribes but shall be of sufficient size and sufficiently distinctively
207 marked to be easily visible when placed on or affixed to the driver's side of the dashboard
208 or hung from the rearview mirror of the parked vehicle. Permits shall be made of a
209 substrate as determined by the commissioner and shall be of sufficient quality to ensure
210 that the coloring of the permit and the ink used thereon will resist fading for a period of at
211 least four years. Permits shall be issued to individuals, and the name of the individual and
212 an identification number shall appear on the permit. The individual to whom a permit is
213 issued may use the permit for any vehicle he or she is operating or in which he or she is a
214 passenger. Permits shall also be issued to institutions when the primary purpose of a
215 vehicle operated by the institution is to transport individuals with disabilities. The name
216 of the institution, the license number of the particular vehicle, and an identification number
217 shall appear on the permit. The institution shall use such permit only for a vehicle which
218 is operated by the institution and which is used primarily to transport individuals with
219 disabilities.

220 (b) The department shall issue a temporary permit to any temporarily disabled person upon
221 presentation of an affidavit of a licensed doctor of medicine, licensed doctor of osteopathic
222 medicine, licensed doctor of podiatric medicine, licensed optometrist, ~~or~~ licensed
223 chiropractor, licensed advanced practice registered nurse acting pursuant to the authority
224 of Code Section 43-34-25, or licensed physician assistant acting pursuant to the authority
225 of subsection (e.1) of Code Section 43-34-103 stating that such person is a temporarily
226 disabled person, the specific disability that limits or impairs the person's ability to walk,

227 that he or she is a person with disabilities as specified in paragraph (5) of Code Section
228 40-6-221, and a date until which such person is likely to remain disabled. The temporary
229 permit shall show prominently on its face an expiration date the same as the date specified
230 by such doctor for the likely termination of the disability, which date shall not be more than
231 180 days after the date the permit is issued. The expiration date shall be printed with
232 permanent ink and in boldface type of sufficient size to be legible when the permit is
233 displayed on the driver's side of the dashboard or hung from the rearview mirror.

234 (c) The department shall issue a permanent permit to any permanently disabled person
235 upon presentation of an affidavit of a licensed doctor of medicine, licensed doctor of
236 osteopathic medicine, licensed doctor of podiatric medicine, licensed optometrist, ~~or~~
237 licensed chiropractor, licensed advanced practice registered nurse acting pursuant to the
238 authority of Code Section 43-34-25, or licensed physician assistant acting pursuant to the
239 authority of subsection (e.1) of Code Section 43-34-103 stating that such person is a
240 permanently disabled person. The affidavit shall further state the specific disability that
241 limits or impairs the person's ability to walk or that he or she is a person with disabilities
242 as specified in paragraph (5) of Code Section 40-6-221. The department shall also issue
243 a permanent permit to an institution which operates vehicles used primarily for the
244 transportation of individuals with disabilities upon presentation of a certification from the
245 institution regarding use of its vehicles. The institution shall receive permits only for the
246 number of vehicles so used and shall affix the permits to the driver's side of the dashboards
247 of such vehicles. The permanent permit shall be predominantly blue in color and shall
248 show prominently on its face an expiration date four years from the date it is issued. The
249 expiration date shall be machine printed, not handwritten, in boldface type of sufficient size
250 to be legible when the permit is displayed on the driver's side of the dashboard or hung
251 from the rearview mirror.

252 (d) Any individual to whom a specially designated disabled veteran's license plate has
253 been issued pursuant to Code Sections 40-2-69 through 40-2-72 and any individual to

254 whom a specially designated disabled person's license plate has been issued pursuant to
255 Code Section 40-2-74 shall be authorized to park the passenger motor vehicle on which the
256 specially designated license plate is attached in a parking place for persons with disabilities
257 without the necessity of obtaining a parking permit for persons with disabilities pursuant
258 to this Code section.

259 (e) The department shall issue a special permanent permit to any person who:

260 (1) Because of a physical disability drives a motor vehicle which has been equipped with
261 hand controls for the operation of the vehicle's brakes and accelerator; or

262 (2) Is physically disabled due to the loss of, or loss of use of, both upper extremities.

263 This special permanent permit shall be gold in color and shall show prominently on its face
264 an expiration date four years from the date it is issued. The expiration date shall be printed
265 in a size of print that is legible when the permit is displayed on the driver's side of the
266 dashboard or hung from the rearview mirror. Such a special permit shall be used in the
267 same manner as, and shall be subject to the provisions of this Code section relating to,
268 other permanent parking permits for persons with disabilities and shall also be used as
269 provided in Code Section 10-1-164.1. In addition to any other required printing, the
270 following shall be printed upon this special gold permit:

271 'Code Section 10-1-164.1 of the Official Code of Georgia Annotated requires that any
272 owner or operator of a gasoline station that sells full-service gasoline at one price and
273 self-service at a lower price shall provide the service of dispensing gasoline at the
274 self-service price for the holder of this special permit when such holder requests such
275 service and is the operator of the vehicle and is not accompanied by another person 16
276 years of age or older who is not mobility impaired or blind.'

277 (f) The department and county tag agents shall not charge or collect any fee for issuing
278 parking permits for persons with disabilities under this Code section.

279 (g) Any special disabled person decal issued under the former provisions of this Code
280 section shall be valid until its expiration date but shall not be reissued.

281 (h) For purposes of this Code section, an active duty military physician shall be entitled
282 to submit an affidavit in support of the application of active duty or retired military
283 personnel for parking permits for persons with disabilities whether or not such physician
284 is licensed to practice in Georgia. Such affidavit shall state that the applicant is in active
285 military service and is stationed in Georgia pursuant to military orders or is retired from
286 the military and is a resident of Georgia and that such person is a disabled person, the
287 specific disability that limits or impairs the person's ability to walk, and that he or she is
288 a person with disabilities as specified in paragraph (5) of Code Section 40-6-221.

289 (i) For purposes of this Code section, the department shall accept, in lieu of an affidavit,
290 a signed and dated statement from the doctor, advanced practice registered nurse, or
291 physician assistant which includes the same information as required in an affidavit written
292 upon security paper as defined in paragraph (38.5) of Code Section 26-4-5."

293

SECTION 5.

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