

Senate Bill 115

By: Senators Unterman of the 45th, Walker III of the 20th, Burke of the 11th, Beach of the 21st, Gooch of the 51st and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated,
2 relating to the "Medical Practice Act of the State of Georgia," so as to provide for
3 telemedicine licenses for physicians licensed in other states to engage in the practice of
4 medicine with patients in this state through telemedicine; to provide for requirements for
5 issuance of a telemedicine license; to provide for restrictions; to provide for notice of
6 restrictions placed on a license by another state; to provide for rules and regulations; to
7 provide for revocation; to provide for the removal of the geographic limitation on
8 pharmacists; to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the
12 "Medical Practice Act of the State of Georgia," is amended by revising subsection (a) of
13 Code Section 43-34-31, relating to practice of medicine from foreign jurisdiction by
14 electronic means, as follows:

15 "(a) A person who is physically located in another state or foreign country and who,
16 through the use of any means, including electronic, radiographic, or other means of
17 telecommunication, through which medical information or data are transmitted, performs
18 an act that is part of a patient care service located in this state, including but not limited to
19 the initiation of imaging procedures or the preparation of pathological material for
20 examination, and that would affect the diagnosis or treatment of the patient is engaged in
21 the practice of medicine in this state. Any person who performs such acts through such
22 means shall be required to have a license to practice medicine in this state or a telemedicine
23 license issued pursuant to Code Section 43-34-31.1 and shall be subject to regulation by
24 the board. Any such out-of-state or foreign practitioner shall not have ultimate authority
25 over the care or primary diagnosis of a patient who is located in this state."

26 **SECTION 2.**

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

28 "43-34-31.1.29 (a) The board shall be authorized to issue telemedicine licenses to physicians who are
30 licensed in other states but not licensed in this state to engage in the practice of medicine
31 through telemedicine, as defined in Code Section 33-24-56.4.32 (b) To be eligible for a telemedicine license, the physician shall:33 (1) Hold a full and unrestricted license to practice medicine in another state;34 (2) Not have had any disciplinary or other action taken against him or her by any other
35 state or jurisdiction; and36 (3) Meet such other requirements established by the board pursuant to subsection (c) of
37 this Code section as deemed necessary by the board to ensure patient safety.38 (c) The board shall adopt rules as to the eligibility for and the issuance of a telemedicine
39 license. Such rules shall include limiting licensees to the practice of telemedicine. A
40 person issued a telemedicine license pursuant to this Code section shall not be authorized
41 to engage in the practice of medicine while physically present in this state with respect to
42 a patient also physically present in this state; provided, however, that this subsection shall
43 not apply to consultation provided in response to an emergency.44 (d) A person issued a telemedicine license pursuant to this Code section shall immediately
45 notify the board of any restrictions placed on his or her license or revocation of his or her
46 license by a licensing board or entity in another state.47 (e) A person issued a telemedicine license pursuant to this Code section shall be required
48 to comply with all applicable requirements of the laws of this state relating to the
49 maintenance of patient records and the confidentiality of patient information, regardless of
50 where such physician may be located and regardless of where or how the records of any
51 patient located in this state are maintained.52 (f) Except as otherwise provided in this Code section, a person issued a telemedicine
53 license pursuant to this Code section shall be subject to and shall comply with the
54 provisions of this article and the rules and regulations of the board.55 (g) The license of any person who violates this Code section shall be subject to revocation
56 by the board after notice and opportunity for hearing."57 **SECTION 3.**58 Said article is further amended in Code Section 43-34-26.1, relating to vaccine protocol
59 agreements, by revising subsections (b) and (j) as follows:60 "(b) A physician engaged in the active practice of medicine may prescribe a vaccine for
61 a group of patients via a vaccine order contained in a vaccine protocol agreement to be

62 administered by a pharmacist, provided the physician resides in Georgia and is registered
 63 with the vaccination registry established by the Department of Public Health pursuant to
 64 Code Section 31-12-3.1, commonly known as the Georgia Registry of Immunization
 65 Transactions and Services; ~~the pharmacist is located within the county of the physician's~~
 66 ~~place of registration with the vaccination registry or a county contiguous thereto;~~ the
 67 pharmacist holds current certification in Basic Cardiac Life Support and has completed a
 68 course of training accredited by the Accreditation Council for Pharmacy Education or
 69 similar health authority or professional body approved by the Georgia State Board of
 70 Pharmacy; and the pharmacist completes a training program recognized by the Centers for
 71 Disease Control and Prevention in the basics of immunology which focuses on practice
 72 implementation and legal and regulatory issues, composed of: (1) at least 12 hours of
 73 self-study and an assessment exam; (2) at least eight hours of live seminar with a final
 74 exam; and (3) a hands-on assessment of intramuscular and subcutaneous injection
 75 technique. A physician who is a party to a vaccine protocol agreement may also prescribe
 76 epinephrine via a vaccine order contained in a vaccine protocol agreement for
 77 administration by a pharmacist upon the occurrence of an actual or perceived anaphylactic
 78 adverse reaction to the administered vaccine, provided that the vaccine protocol agreement
 79 sets forth the signs and symptoms that warrant the administration of epinephrine."
 80 "(j) A delegating physician may not enter into a vaccine protocol agreement with more
 81 than ten pharmacists or nurses, or any combination thereof, at any one time; provided,
 82 however, and notwithstanding the geographic ~~limitations~~ limitation provided in ~~subsections~~
 83 ~~(b) and subsection~~ (c) of this Code section, a delegating physician may enter into a vaccine
 84 protocol agreement with more than ten pharmacists or nurses, or any combination thereof,
 85 at any one time so long as the ~~pharmacists or nurses~~ are in the same public health district
 86 as established pursuant to Code Section 31-3-15 and the pharmacists and nurses are
 87 employees or agents of the same corporate entity."

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SECTION 4.

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