

House Bill 1046 (COMMITTEE SUBSTITUTE)

By: Representatives Clark of the 100th, Jones of the 47th, Powell of the 33rd, Barrett of the 24th, Mathiak of the 74th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-10-15 and Chapter 34 of Title 43 of the Official Code of Georgia
2 Annotated, relating to death certificates and physicians, physician assistants, and others,
3 respectively, so as to authorize advanced practice registered nurses and physician assistants
4 to sign death certificates; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 31-10-15 of the Official Code of Georgia Annotated, relating to death
9 certificates, filing, medical certification, forwarding death certificate to decedent's county of
10 residence, and purging voter registration list, is amended by revising subsections (c) and (e)
11 as follows:

12 "(c)(1) The medical certification as to the cause and circumstances of death shall be
13 completed, signed, and returned to the funeral director or person acting as such within 72
14 hours after death by the physician, or advanced practice registered nurse acting pursuant
15 to the authority of Code Sections 43-34-23 and 43-34-25 or licensed physician assistant
16 acting pursuant to the authority of Code Sections 43-34-23 and 43-34-103, who is in

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17 charge of the patient's care for the illness or condition which resulted in death, except
18 when inquiry is required by Article 2 of Chapter 16 of Title 45, the 'Georgia Death
19 Investigation Act.' In the absence of said physician, advanced practice registered nurse,
20 or licensed physician assistant or with that physician's approval, the certificate may be
21 completed and signed by an associate physician, the chief medical officer of the
22 institution in which death occurred, or the physician who performed an autopsy upon the
23 decedent, provided that such individual has access to the medical history of the case,
24 views the deceased at or after death, and death is due to natural causes. If, 30 days after
25 a death, the physician, or advanced practice registered nurse acting pursuant to the
26 authority of Code Sections 43-34-23 and 43-34-25 or licensed physician assistant acting
27 pursuant to the authority of Code Sections 43-34-23 and 43-34-103, who is in charge of
28 the patient's care for the illness or condition which resulted in death has failed to
29 complete, sign, and return the medical certification as to the cause and circumstances of
30 death to the funeral director or person acting as such, the funeral director or person acting
31 as such shall be authorized to report such physician, advanced practice registered nurse,
32 or licensed physician assistant to their respective licensing boards for disciplinary action
33 ~~to the Georgia Composite Medical Board for discipline pursuant to Code Section~~
34 ~~43-34-8.~~

35 (2) In any area in this state which is in a state of emergency as declared by the Governor
36 due to an influenza pandemic, in addition to any other person authorized by law to
37 complete and sign a death certificate, any registered professional nurse employed by a
38 long-term care facility, ~~advanced practice nurse, physician assistant,~~ registered nurse
39 employed by a home health agency, or nursing supervisor employed by a hospital shall
40 be authorized to complete and sign the death certificate, provided that such person has
41 access to the medical history of the case, such person views the deceased at or after death,
42 the death is due to natural causes, and an inquiry is not required under Article 2 of
43 Chapter 16 of Title 45, the 'Georgia Death Investigation Act.' In such a state of

44 emergency, the death certificate shall be filed by the funeral director in accordance with
 45 subsection (b) of this Code section; or, if the certificate is not completed and signed by
 46 an appropriate physician, advanced practice registered nurse acting pursuant to the
 47 authority of Code Sections 43-34-23 and 43-34-25, licensed physician assistant acting
 48 pursuant to the authority of Code Sections 43-34-23 and 43-34-103, or coroner, the public
 49 health director of preparedness shall cause the death certificate to be completed, signed,
 50 and filed by some other authorized person within ten days after death."

51 "(e) If the cause of death cannot be determined within 48 hours after death, the medical
 52 certification shall be completed as provided by regulation. The attending physician,
 53 advanced practice registered nurse acting pursuant to the authority of Code Sections
 54 43-34-23 and 43-34-25, licensed physician assistant acting pursuant to the authority of
 55 Code Sections 43-34-23 and 43-34-103, or coroner shall give the funeral director or person
 56 acting as such notice of the reason for the delay, and final disposition of the body shall not
 57 be made until authorized by the attending physician, coroner, or medical examiner."

58 SECTION 2.

59 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
 60 physician assistants, and others, is amended by revising subparagraph (b)(1)(B) of Code
 61 Section 43-34-23, relating to delegation of authority to nurse or physician assistant, as
 62 follows:

63 "(B) A physician may delegate to those ~~health care~~ healthcare professionals identified
 64 in subparagraph (A) of this paragraph:

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

68 (ii) The authority to request, receive, and sign for professional samples and to
 69 distribute professional samples to patients. The office or facility at which the ~~health~~

70 ~~care~~ healthcare professional identified in subparagraph (A) of this paragraph is
 71 working shall maintain a general list of the professional samples approved by the
 72 delegating physician for request, receipt, and distribution by the ~~health-care~~ healthcare
 73 professional identified in subparagraph (A) of this paragraph as well as a complete list
 74 of the specific number and dosage of each professional sample and medication
 75 voucher received. Professional samples that are distributed by a ~~health-care~~
 76 healthcare professional identified in subparagraph (A) of this paragraph shall be so
 77 noted in the patient's medical record. In addition to the requirements of this Code
 78 section, all professional samples shall be maintained as required by applicable state
 79 and federal laws and regulations; and

80 (iii) The authority to sign, certify, and endorse all documents relating to ~~health-care~~
 81 healthcare provided to a patient within his or her scope of authorized practice,
 82 including, but not limited to, documents relating to physical examination forms of all
 83 state agencies and verification and evaluation forms of the Department of Human
 84 Services, the State Board of Education, local boards of education, the Department of
 85 Community Health, and the Department of Corrections; provided, however, that a
 86 ~~health-care~~ healthcare professional identified in subparagraph (A) of this paragraph
 87 shall not have the authority to ~~sign death certificates~~ or assign a percentage of a
 88 disability rating.

89 Healthcare professionals identified in subparagraph (A) of this paragraph must
 90 complete biennial continuing education regarding the recognition and documentation
 91 of the causes of death and appropriate execution of death certificates, as approved by
 92 the board."

93 SECTION 3.

94 Said chapter is further amended by revising subsections (b), (e.1), and (m) of Code Section
 95 43-34-25, relating to delegation of certain medical acts to advanced practice registered nurse,

96 construction and limitations of such delegation, definitions, conditions of nurse protocol, and
 97 issuance of prescription drug orders, as follows:

98 "(b) In addition to and without limiting the authority granted pursuant to Code Section
 99 43-34-23, a physician may delegate to an advanced practice registered nurse in accordance
 100 with a nurse protocol agreement the authority to order drugs, medical devices, medical
 101 treatments, diagnostic studies, or radiographic imaging tests or to sign death certificates.
 102 A selection box shall be added to death certificates to be checked off by nonphysicians
 103 completing the form."

104 "(e.1) Except for ~~death certificates~~ and assigning a percentage of a disability rating, an
 105 advanced practice registered nurse may be delegated the authority to sign, certify, and
 106 endorse all documents relating to ~~health care~~ healthcare provided to a patient within his or
 107 her scope of authorized practice, including, but not limited to, documents relating to
 108 physical examination forms of all state agencies and verification and evaluation forms of
 109 the Department of Human Services, the State Board of Education, local boards of
 110 education, the Department of Community Health, and the Department of Corrections."

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

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

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

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

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

121 (B) If a medical practice has an existing authorized nurse protocol agreement and an
 122 alternate delegating physician or a change in the delegating physician within the same

123 or similar specialty, such new nurse protocol agreement for the new alternate delegating
124 physician or a change in the delegating physician, upon submission, shall be
125 automatically deemed authorized by the board.

126 (C) If a delegating physician submits a nurse protocol agreement for a new advanced
127 practice registered nurse and such nurse protocol agreement has substantially the same
128 terms and provisions as a nurse protocol agreement previously submitted by such
129 delegating physician for another advanced practice registered nurse and authorized by
130 the board, the nurse protocol agreement for the new advanced practice registered nurse,
131 upon submission, shall be automatically deemed authorized by the board."

132 **SECTION 4.**

133 Said chapter is further amended by revising subsections (j) and (l) of Code Section
134 43-34-103, relating to application for licensure as a physician assistant, authorized delegated
135 authority, and prohibited acts, as follows:

136 "(j) A physician assistant shall be allowed to make a pronouncement of death pursuant to
137 authority delegated by the supervising physician of the physician assistant and to certify
138 such pronouncement in the same manner as a physician, including by signing death
139 certificates. A selection box shall be added to death certificates to be checked off by
140 nonphysicians completing the form."

141 "(l) Except for ~~death certificates~~ and assigning a percentage of a disability rating, a
142 physician assistant may be delegated the authority to sign, certify, and endorse all
143 documents relating to health care provided to a patient within his or her scope of authorized
144 practice, including, but not limited to, documents relating to physical examination forms
145 of all state agencies and verification and evaluation forms of the Department of Human
146 Services, the State Board of Education, local boards of education, the Department of
147 Community Health, and the Department of Corrections."

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SECTION 5.

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