

House Bill 1516

By: Representatives Lott of the 131<sup>st</sup>, Powell of the 33<sup>rd</sup>, Pirkle of the 169<sup>th</sup>, Stephens of the 164<sup>th</sup>, and Washburn of the 144<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapters 26 and 34 of Title 43 of the Official Code of Georgia Annotated, relating  
2 to nurses and physicians, acupuncture, physician assistants, cancer and glaucoma treatment,  
3 respiratory care, clinical perfusionists, and orthotics and prosthetics practice, respectively,  
4 so as to provide that a nurse protocol agreement shall be submitted to the Georgia Board of  
5 Nursing for approval or disapproval; to authorize the Georgia Board of Nursing to review  
6 nurse protocol agreements; to provide for rules and regulations; to provide for the approval  
7 or disapproval of a nurse protocol agreement in a complete application in a timely manner;  
8 to provide for administrative proceedings; to provide for related matters; to repeal conflicting  
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is  
13 amended in Code Section 43-26-5, relating to general powers and responsibilities of board,  
14 by revising paragraph (12) of subsection (a) as follows:

15 "(12) Be authorized to enact rules and regulations for registered professional nurses in  
16 their performing acts under a nurse protocol as authorized in Code Section 43-34-23 and

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17 enact rules and regulations for reviewing nurse protocol agreements and for governing  
 18 advanced practice registered nurses in performing acts as authorized in Code  
 19 Section 43-34-25;"

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## SECTION 2.

21 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,  
 22 acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical  
 23 perfusionists, and orthotics and prosthetics practice, is amended in Code Section 43-34-23,  
 24 relating to delegation of authority to nurse or physician assistant, by revising subsection (c)  
 25 as follows:

26 "(c) The board shall be empowered to promulgate rules and regulations governing  
 27 physicians and physician assistants to carry out the intents and purposes of this Code  
 28 section, including establishing criteria and standards governing physicians, physician  
 29 assistants, and job descriptions, and nurse protocols. The ~~board~~ Georgia Board of Nursing  
 30 shall be empowered to promulgate rules and regulations governing nurses and nurse  
 31 protocols pursuant to this Code section and shall be authorized to require that nurse  
 32 protocols not falling within such established criteria and standards be submitted to the such  
 33 board for review and approval or rejection. Proceedings before the Georgia Board of  
 34 Nursing wherein a nurse protocol is rejected shall be considered contested cases within the  
 35 meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

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## SECTION 3.

37 Said chapter is further amended in Code Section 43-34-25, relating to delegation of certain  
 38 medical acts to advanced practice registered nurse, construction and limitations of such  
 39 delegation, definitions, conditions of nurse protocol, and issuance of prescription drug orders,  
 40 by revising subsection (m) and adding a new subsection to read as follows:

41 “(b.1) The Georgia Board of Nursing shall be authorized to approve or disapprove a nurse  
42 protocol agreement between a physician and an advanced practice registered nurse pursuant  
43 to this Code section. The Georgia Board of Nursing shall approve or disapprove a nurse  
44 protocol agreement submitted to such board in a timely manner of the board's receipt of a  
45 complete nurse protocol agreement application. An application shall be complete when the  
46 Georgia Board of Nursing has received any required fee, any required documentation, and  
47 any additional documentation reasonably required by such board to complete its review of  
48 such agreement. The Georgia Board of Nursing shall be authorized to extend the time to  
49 approve or disapprove a nurse protocol agreement. A nurse protocol agreement shall be  
50 deemed approved if the Georgia Board of Nursing fails to approve or disapprove such  
51 agreement within the time limit. The Georgia Board of Nursing may reasonably revoke  
52 any approval of a nurse protocol agreement as provided under rule or regulation.  
53 Proceedings before the Georgia Board of Nursing wherein a nurse protocol agreement is  
54 disapproved or revoked shall be considered contested cases within the meaning of  
55 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.’”

56 “(m) The board shall have the authority to promulgate rules and regulations governing a  
57 delegating physician in order to carry out the intents and purposes of this Code section.  
58 The Georgia Board of Nursing shall have the authority to promulgate rules and regulations  
59 governing an advanced practice registered nurse and governing a nurse protocol agreement  
60 in order to carry out the intents and purposes of this Code section. Further, the board  
61 Georgia Board of Nursing shall be authorized to:

- 62 (1) Require that a nurse protocol agreement shall be filed by the ~~delegating physician~~  
63 advanced practice registered nurse with the ~~board~~ Georgia Board of Nursing within a  
64 reasonable time from the date of execution;
- 65 (2) Determine, after review of a filed nurse protocol agreement, if such nurse protocol  
66 agreement fails to meet accepted standards of medical practice as established by the  
67 Georgia Board of Nursing in consultation with the board; and

68 (3) Require the ~~delegating physician~~ advanced practice registered nurse to amend any  
69 such noncompliant nurse protocol agreement in order to meet such accepted standards."

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**SECTION 4.**

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