

The House Committee on Judiciary Non-Civil offers the following substitute to SB 125:

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 a physician to delegate to a physician
3 assistant the authority to prescribe hydrocodone compound products; to provide for
4 limitations; to provide for additional continuing education requirements regarding
5 hydrocodone compound products; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
10 assistants, and others, is amended by revising subsection (e.1) of Code Section 43-34-103,
11 relating to delegation of authority to physician assistants, as follows:

12 "(e.1)(1)(A) In addition to and without limiting the authority granted by Code Section
13 43-34-23, a physician may delegate to a physician assistant, in accordance with a job
14 description, the authority to issue a prescription drug order or orders for any device as
15 defined in Code Section 26-4-5 or to issue any dangerous drug as defined in Code
16 Section 16-13-71, any hydrocodone compound product, or any Schedule III, IV, or V
17 controlled substance as defined in Code Section 16-13-21 on a prescription drug order
18 or prescription device order form as specified in paragraph (3) of this subsection.
19 Delegation of such authority shall be contained in the job description required by this
20 Code section. The delegating physician shall remain responsible for the medical acts
21 of the physician assistant performing such delegated acts and shall adequately supervise
22 the physician assistant. If an existing job description for a physician assistant does not
23 contain such authority to order a prescription drug or device order as provided by this
24 subsection, that physician assistant may not issue any such prescription drug or device
25 order until a new job description delegating such authority is submitted to and approved
26 by the board. Nothing in this Code section shall be construed to authorize the written

27 prescription drug order of a Schedule I or II controlled substance, except a hydrocodone
28 compound product.

29 (B) A physician may delegate to a physician assistant, in accordance with a job
30 description, the authority to issue a single nonrefillable prescription drug order for a
31 hydrocodone compound product so long as such nonrefillable prescription drug order
32 is not in excess of a five-day supply consisting of not more than the lesser of 30 tablets
33 or 300 milligrams of hydrocodone. However, such delegation for a single nonrefillable
34 prescription drug order for a hydrocodone compound product to a patient under 18
35 years of age shall not exceed a five-day supply consisting of not more than the lesser
36 of 30 pills or 100 milligrams.

37 (2) Nothing in this subsection shall be construed to create a presumption of liability,
38 either civil or criminal, on the part of a pharmacist who is duly licensed under Title 26
39 and who in good faith fills a prescription drug or device order presented by a patient
40 pursuant to this subsection. The pharmacist shall presume that the prescription drug or
41 device order was issued by a physician assistant duly licensed under this article who has
42 qualified under this Code section to prescribe pharmaceutical agents. The pharmacist
43 shall also presume that the pharmaceutical agent prescribed by the physician assistant is
44 an approved pharmaceutical agent, unless the pharmacist has actual or constructive
45 knowledge to the contrary.

46 (3) The physician assistant shall only be authorized to exercise the rights granted under
47 this subsection using a prescription drug or device order form which includes the name,
48 address, and telephone number of the prescribing supervising or alternate supervising
49 physician, the patient's name and address, the drug or device prescribed, the number of
50 refills, and directions to the patient with regard to the taking and dosage of the drug. A
51 prescription drug order which is transmitted either electronically or via facsimile shall
52 conform to the requirements set out in paragraphs (1) and (2) of subsection (c) of Code
53 Section 26-4-80, respectively. Any form containing less information than that described
54 in this paragraph shall not be offered to or accepted by any pharmacist who is duly
55 licensed under Title 26.

56 (4) The physician assistant or office staff shall notify the patient that the patient has the
57 right to see the physician prior to any prescription drug or device order being issued by
58 the physician assistant.

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

62 (6) A supervising physician or alternate supervising physician shall evaluate or examine,
63 at least every three months, any patient receiving controlled substances.

64 (7) In addition to the copy of the prescription drug or device order delivered to the
 65 patient, a record of such prescription shall be maintained in the patient's medical record
 66 in the following manner:

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

69 (B) Except in facilities operated by the Department of Public Health, the supervising
 70 physician shall review the prescription drug or device order copy and medical record
 71 entry for prescription drug or device orders issued within the past 30 days by the
 72 physician assistant. Such review may be achieved with a sampling of no less than 50
 73 percent of such prescription drug or device order copies and medical record entries.

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

76 (9) The board shall adopt rules establishing procedures to evaluate an application for a
 77 job description containing the authority to order a prescription drug or device and any
 78 other rules the board deems necessary or appropriate to regulate the practice of physician
 79 assistants, to carry out the intent and purpose of this article, or to protect the public
 80 welfare.

81 (10) A physician assistant authorized by a primary supervising physician to order
 82 controlled substances pursuant to this Code section is authorized to register with the
 83 ~~federal~~ United States Drug Enforcement Administration.

84 (11)(A) A physician assistant delegated the authority by the primary supervising
 85 physician to issue a prescription drug or device order shall be required to complete a
 86 minimum of three hours of continuing education biennially in practice specific
 87 pharmaceuticals in which the physician assistant has prescriptive order privileges.

88 (B) A physician assistant delegated the authority by the primary supervising physician
 89 to issue a prescription drug or device order for a hydrocodone compound product shall
 90 be required to complete three hours of continuing education biennially in the
 91 appropriate ordering and use of Schedule II controlled substances. The continuing
 92 education required pursuant to this subparagraph may be counted toward compliance
 93 with the continuing education required pursuant to subparagraph (A) of this paragraph.

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

97 **SECTION 2.**

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