

House Bill 214

By: Representatives Powell of the 33rd, Anderson of the 10th, Mitchell of the 88th, Jasperse of the 11th, Reeves of the 99th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 2 of Title 40 and Chapter 34 of Title 43 of the Official Code
2 of Georgia Annotated, relating to prestige license plates and special plates for certain persons
3 and vehicles and physicians, physician assistants, and others, respectively, so as to authorize
4 advanced practice registered nurses and physician assistants to execute affidavits certifying
5 an individual is disabled for purposes of obtaining special vehicle decals for persons with
6 disabilities; to authorize physicians to delegate the authority to physician assistants and
7 advanced practice registered nurses to prescribe Schedule II controlled substances under
8 certain conditions; to provide for automatic approval of identical job descriptions under
9 certain conditions; to provide for related matters; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

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

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17 "40-2-74.1.

18 (a) The department shall issue parking permits for persons with disabilities and may
19 delegate to county tag agents the responsibility for issuance of such permits to residents of
20 the county served by the tag agent. The department shall receive applications for and issue
21 parking permits by mail to persons with disabilities upon presentation of an affidavit of a
22 licensed doctor of medicine, licensed doctor of osteopathic medicine, licensed doctor of
23 podiatric medicine, licensed optometrist, ~~or licensed chiropractor,~~ advanced practice
24 registered nurse acting pursuant to the authority of Code Section 43-34-25, or physician
25 assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103
26 stating that such person is a disabled person, the specific disability that limits or impairs
27 the person's ability to walk, and that he or she is a person with disabilities as specified in
28 paragraph (5) of Code Section 40-6-221. Permits shall be in such form as the department
29 prescribes but shall be of sufficient size and sufficiently distinctively marked to be easily
30 visible when placed on or affixed to the driver's side of the dashboard or hung from the
31 rearview mirror of the parked vehicle. Permits shall be made of a substrate as determined
32 by the commissioner and shall be of sufficient quality to ensure that the coloring of the
33 permit and the ink used thereon will resist fading for a period of at least four years. Permits
34 shall be issued to individuals, and the name of the individual and an identification number
35 shall appear on the permit. The individual to whom a permit is issued may use the permit
36 for any vehicle he or she is operating or in which he or she is a passenger. Permits shall
37 also be issued to institutions when the primary purpose of a vehicle operated by the
38 institution is to transport individuals with disabilities. The name of the institution, the
39 license number of the particular vehicle, and an identification number shall appear on the
40 permit. The institution shall use such permit only for a vehicle which is operated by the
41 institution and which is used primarily to transport individuals with disabilities.

42 (b) The department shall issue a temporary permit to any temporarily disabled person upon
43 presentation of an affidavit of a licensed doctor of medicine, licensed doctor of osteopathic

44 medicine, licensed doctor of podiatric medicine, licensed optometrist, ~~or~~ licensed
45 chiropractor, advanced practice registered nurse acting pursuant to the authority of Code
46 Section 43-34-25, or physician assistant acting pursuant to the authority of subsection (e.1)
47 of Code Section 43-34-103 stating that such person is a temporarily disabled person, the
48 specific disability that limits or impairs the person's ability to walk, that he or she is a
49 person with disabilities as specified in paragraph (5) of Code Section 40-6-221, and a date
50 until which such person is likely to remain disabled. The temporary permit shall show
51 prominently on its face an expiration date the same as the date specified by such doctor,
52 optometrist, chiropractor, advanced practice registered nurse, or physician assistant for the
53 likely termination of the disability, which date shall not be more than 180 days after the
54 date the permit is issued. The expiration date shall be printed with permanent ink and in
55 boldface type of sufficient size to be legible when the permit is displayed on the driver's
56 side of the dashboard or hung from the rearview mirror.

57 (c) The department shall issue a permanent permit to any permanently disabled person
58 upon presentation of an affidavit of a licensed doctor of medicine, licensed doctor of
59 osteopathic medicine, licensed doctor of podiatric medicine, licensed optometrist, ~~or~~
60 licensed chiropractor, advanced practice registered nurse acting pursuant to the authority
61 of Code Section 43-34-25, or physician assistant acting pursuant to the authority of
62 subsection (e.1) of Code Section 43-34-103 stating that such person is a permanently
63 disabled person. The affidavit shall further state the specific disability that limits or
64 impairs the person's ability to walk or that he or she is a person with disabilities as specified
65 in paragraph (5) of Code Section 40-6-221. The department shall also issue a permanent
66 permit to an institution which operates vehicles used primarily for the transportation of
67 individuals with disabilities upon presentation of a certification from the institution
68 regarding use of its vehicles. The institution shall receive permits only for the number of
69 vehicles so used and shall affix the permits to the driver's side of the dashboards of such
70 vehicles. The permanent permit shall be predominantly blue in color and shall show

71 prominently on its face an expiration date four years from the date it is issued. The
72 expiration date shall be machine printed, not handwritten, in boldface type of sufficient size
73 to be legible when the permit is displayed on the driver's side of the dashboard or hung
74 from the rearview mirror.

75 (d) Any individual to whom a specially designated disabled veteran's license plate has
76 been issued pursuant to Code Sections 40-2-69 through 40-2-72 and any individual to
77 whom a specially designated disabled person's license plate has been issued pursuant to
78 Code Section 40-2-74 shall be authorized to park the passenger motor vehicle on which the
79 specially designated license plate is attached in a parking place for persons with disabilities
80 without the necessity of obtaining a parking permit for persons with disabilities pursuant
81 to this Code section.

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

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

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

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

94 'Code Section 10-1-164.1 of the Official Code of Georgia Annotated requires that any
95 owner or operator of a gasoline station that sells full-service gasoline at one price and
96 self-service at a lower price shall provide the service of dispensing gasoline at the
97 self-service price for the holder of this special permit when such holder requests such

98 service and is the operator of the vehicle and is not accompanied by another person 16
99 years of age or older who is not mobility impaired or blind.'

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

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

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

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

116 **SECTION 2.**

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

121 "(B) A physician may delegate to those health care professionals identified in
122 subparagraph (A) of this paragraph:

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

126 (ii) The authority to request, receive, and sign for professional samples and to
127 distribute professional samples to patients. The office or facility at which the health
128 care professional identified in subparagraph (A) of this paragraph is working shall
129 maintain a general list of the professional samples approved by the delegating
130 physician for request, receipt, and distribution by the health care professional
131 identified in subparagraph (A) of this paragraph as well as a complete list of the
132 specific number and dosage of each professional sample and medication voucher
133 received. Professional samples that are distributed by a health care professional
134 identified in subparagraph (A) of this paragraph shall be so noted in the patient's
135 medical record. In addition to the requirements of this Code section, all professional
136 samples shall be maintained as required by applicable state and federal laws and
137 regulations; and

138 (iii) The authority to sign, certify, and endorse all documents relating to health care
139 provided to a patient within his or her scope of authorized practice, including, but not
140 limited to, documents relating to physical examination forms of all state agencies and
141 verification and evaluation forms of the Department of Human Services, the State
142 Board of Education, local boards of education, the Department of Community Health,
143 the Department of Revenue, and the Department of Corrections; provided, however,
144 that a health care professional identified in subparagraph (A) of this paragraph shall
145 not have the authority to sign death certificates or assign a percentage of a disability
146 rating."

SECTION 3.

147
148 Said chapter is further amended by revising paragraph (3) of subsection (a), subsection (e.1),
149 paragraph (10) of subsection (g), subsections (k) and (m), and by adding new subsections to
150 Code Section 43-34-25, relating to delegation of certain medical acts to advanced practice
151 registered nurse, construction and limitations of such delegation, definitions, conditions of
152 nurse protocol, and issuance of prescription drug orders, as follows:

153 "(3) 'Controlled substance' means any controlled substance as defined in Code Section
154 16-13-21 but shall not include any Schedule I controlled substance included in Code
155 Section 16-13-25 ~~or any~~ and shall only include Schedule II controlled ~~substance~~
156 substances included in Code Section 16-13-26, if authorized pursuant to subsection (d.1)
157 of this Code section."

158 "(d.1) An advanced practice registered nurse may be authorized under a nurse protocol
159 agreement to issue prescription drug orders for Schedule II controlled substances in
160 emergency situations pursuant to the following requirements:

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

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

163 (3) The prescription drug order is limited to a single prescription not to exceed a
164 three-day supply;

165 (4) The advanced practice registered nurse notifies the delegating physician of such
166 prescription drug order issued as soon as possible, but in no event later than 72 hours of
167 issuance; and

168 (5) The advanced practice registered nurse completes one hour of continuing education
169 annually in the appropriate ordering and use of Schedule II controlled substances.

170 (d.2) Prior to authorization under a nurse protocol agreement to issue prescription drug
171 orders pursuant to subsection (d.1) of this Code section, an advanced practice registered
172 nurse shall provide evidence of completion of six contact hours of education within the
173 previous two years in pharmacotherapeutics approved by the board. Such education shall

174 address controlled substance prescribing practices, signs of the abuse or misuse of
175 controlled substances, and controlled substance prescribing for chronic pain management.
176 Any advanced practice registered nurse who completes his or her postgraduate degree on
177 or after June 30, 2025, shall also provide evidence of completion of at least three semester
178 credits or five quarter credits in advanced pharmacology."

179 "(e.1) Except for death certificates and assigning a percentage of a disability rating, an
180 advanced practice registered nurse may be delegated the authority to sign, certify, and
181 endorse all documents relating to health care provided to a patient within his or her scope
182 of authorized practice, including, but not limited to, documents relating to physical
183 examination forms of all state agencies and verification and evaluation forms of the
184 Department of Human Services, the State Board of Education, local boards of education,
185 the Department of Community Health, the Department of Revenue, and the Department of
186 Corrections."

187 "(10) In any emergency medical services system operated by, or on behalf of, any
188 county, municipality, or hospital authority with a full-time physician medical director and
189 who does not order drugs, except that he or she may order up to a 14 day supply of drugs
190 as necessary in an emergency situation, excluding ~~Schedule II controlled substances and~~
191 benzodiazepines; provided, however, that an advanced practice registered nurse shall not
192 order radiographic imaging, diagnostic studies, or medical devices pursuant to this
193 paragraph; and provided, further, that a patient shall be referred to a physician, a dentist,
194 or a federally qualified health center."

195 "(k) Nothing in this Code section shall be construed to authorize an advanced practice
196 registered nurse to issue a prescription drug order for a Schedule I or II controlled
197 substance, except as otherwise authorized pursuant to subsection (d.1) of this Code section,
198 or authorize refills of any drug for more than 12 months from the date of the original order
199 except in the case of oral contraceptives, hormone replacement therapy, or prenatal
200 vitamins which may be refilled for a period of 24 months."

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

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

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

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

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

211 (B) If a delegating physician submits a nurse protocol agreement for a new advanced
212 practice registered nurse and such nurse protocol agreement is identical to a nurse
213 protocol agreement previously submitted by such delegating physician for another
214 advanced practice registered nurse and approved by the board, the nurse protocol
215 agreement for the new advanced practice registered nurse shall be automatically
216 deemed approved by the board if the board has taken no action on the nurse protocol
217 agreement within ten days of submittal by the delegating physician."

218

SECTION 4.

219 Said chapter is further amended by revising subsections (c) and (e.1) of Code Section
220 43-34-103, relating to application for licensure as a physician assistant, authorized delegated
221 authority, and prohibited acts, as follows:

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

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

227 (3) If a primary supervising physician submits a job description for a new physician
228 assistant and such job description is identical to a job description previously submitted
229 by such primary supervising physician for another physician assistant and approved by
230 the board, the job description for the new physician assistant shall be automatically
231 deemed approved by the board if the board has taken no action on the job description
232 within ten days of submittal by the primary supervising physician."

233 "(e.1)(1)(A) In addition to and without limiting the authority granted by Code Section
234 43-34-23, a physician may delegate to a physician assistant, in accordance with a job
235 description, the authority to issue a prescription drug order or orders for any device as
236 defined in Code Section 26-4-5 or to issue any dangerous drug as defined in Code
237 Section 16-13-71, any Schedule II controlled substance in accordance with
238 subparagraph (B) of this paragraph, or any Schedule III, IV, or V controlled substance
239 as defined in Code Section 16-13-21 on a prescription drug order or prescription device
240 order form as specified in paragraph (3) of this subsection. Delegation of such
241 authority shall be contained in the job description required by this Code section. The
242 delegating physician shall remain responsible for the medical acts of the physician
243 assistant performing such delegated acts and shall adequately supervise the physician
244 assistant. If an existing job description for a physician assistant does not contain such
245 authority to order a prescription drug or device order as provided by this subsection,
246 that physician assistant may not issue any such prescription drug or device order until
247 a new job description delegating such authority is submitted to and approved by the
248 board. Nothing in this Code section shall be construed to authorize the written
249 prescription drug order of a Schedule I or H controlled substance.

250 (B) A physician may delegate to a physician assistant the authority to issue prescription
251 drug orders for Schedule II controlled substances in emergency situations pursuant to
252 the following requirements:

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

254 (ii) The physician assistant has directly evaluated the patient;
255 (iii) The drug order is limited to a single prescription not to exceed a three-day
256 supply; and
257 (iv) The physician assistant notifies the supervising physician of such prescription
258 drug order issued as soon as possible, but in no event later than 72 hours of issuance.
259 (C) Prior to delegating the authority to a physician assistant to issue prescription drug
260 orders pursuant to subparagraph (B) of this paragraph, a physician assistant shall
261 provide evidence of completion of six contact hours of education within the previous
262 two years in pharmacotherapeutics approved by the board. Such education shall
263 address controlled substance prescribing practices, signs of the abuse or misuse of
264 controlled substances, and controlled substance prescribing for chronic pain
265 management. Any physician assistant who completes his or her postgraduate degree
266 on or after June 30, 2025, shall also provide evidence of completion of at least three
267 semester credits or five quarter credits in advanced pharmacology.
268 (2) Nothing in this subsection shall be construed to create a presumption of liability,
269 either civil or criminal, on the part of a pharmacist who is duly licensed under Title 26
270 and who in good faith fills a prescription drug or device order presented by a patient
271 pursuant to this subsection. The pharmacist shall presume that the prescription drug or
272 device order was issued by a physician assistant duly licensed under this article who has
273 qualified under this Code section to prescribe pharmaceutical agents. The pharmacist
274 shall also presume that the pharmaceutical agent prescribed by the physician assistant is
275 an approved pharmaceutical agent, unless the pharmacist has actual or constructive
276 knowledge to the contrary.
277 (3) The physician assistant shall only be authorized to exercise the rights granted under
278 this subsection using a prescription drug or device order form which includes the name,
279 address, and telephone number of the prescribing supervising or alternate supervising
280 physician, the patient's name and address, the drug or device prescribed, the number of

281 refills, and directions to the patient with regard to the taking and dosage of the drug. A
282 prescription drug order which is transmitted either electronically or via facsimile shall
283 conform to the requirements set out in paragraphs (1) and (2) of subsection (c) of Code
284 Section 26-4-80, respectively. Any form containing less information than that described
285 in this paragraph shall not be offered to or accepted by any pharmacist who is duly
286 licensed under Title 26.

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

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

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

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

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

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

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

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

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

314 (B) A physician assistant delegated the authority by the primary supervising physician
315 to issue a prescription drug or device order for a Schedule II controlled substance shall
316 be required to complete one additional hour of continuing education annually in the
317 appropriate ordering and use of Schedule II controlled substances.

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

321 **SECTION 5.**

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