

Georgia Composite Medical Board

Executive Director
Robert Jeffery, MBA

Deputy Executive Director
Karl Reimers



Chairperson
John S. Antalis, MD

Vice Chairperson
E. Daniel DeLoach, MD, FACS

2 Peachtree Street, NW • 36th Floor • Atlanta, Georgia 30303 • (404) 656-3913 • www.medicalboard.georgia.gov

NOTICE OF INTENT TO AMEND AND ADOPT RULES

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Composite Medical Board (hereinafter "Board") proposes amendments to the Georgia Composite Medical Board Rules by amending **Rule 360-32-.01, "Definitions."** An exact copy of the proposed rule is attached to this Notice.

This notice, together with an exact copy of the proposed rules and a synopsis of the proposed amendments may be reviewed between 8:00 a.m. and 4:00 p.m., Monday through Friday, except official State holidays, at 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303. These documents can also be reviewed online at <http://medicalboard.georgia.gov/notice-intent-amendadopt-rules>.

A public hearing is scheduled to begin at **8:30 a.m.** on **June 9, 2017** at 1430 John Wesley Gilbert Drive, Augusta, Georgia 30901 to provide the public an opportunity to comment upon and provide input into the proposed rules. At the public hearing, any interested person may present data, make a statement or comment, or offer a viewpoint or argument orally or in writing. Lengthy statements and statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. To ensure their consideration, written comments must be sent to Briana.Fry-Jones@dch.ga.gov or to the Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303, and must be received by June 1, 2017.

The Board voted to adopt this Notice of Intent on **May 4, 2017**. Upon conclusion of the public hearing on **June 9, 2017**, the Board will consider whether the formulation and adoption of these proposed rule amendments imposes excessive regulatory costs on any license or entity, and whether any cost to comply with the proposed rule amendments could be reduced by a less expensive alternative that accomplishes the objectives of the statutes which are the basis of the proposed rule. Additionally, the Board will consider whether it is legal or feasible in meeting the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A),(B),(C), and (D).

This Notice is adopted and posted in compliance with O.C.G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rules and an economic impact statement are attached to this Notice. The authority for promulgation of these rules is O.C.G.A. §§ 43-34-5, 43-34-25, and 43-34-26.3.

Issued this day, May 8, 2017.

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ECONOMIC IMPACT AND SYNOPSIS FOR AMENDMENTS TO CHAPTER 360-32

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34. The Georgia Composite Medical Board licenses and regulates nine professions. The formulation and adoption of these rules do not impose excessive regulatory cost on any licensee, and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated. Additionally, it is not legal or feasible to meet the objectives of the Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated to adopt or implement differing actions for businesses listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

Rule Chapter 360-32-.01, “Definitions.”

Purpose/Main Feature: The purpose of this proposed amendment is to correct a typographical error.

Authority: O.C.G.A. §§ 43-34-5, 43-34-25, and 43-34-26.3.

Rule 360-32-.01. Definitions

As used in this Chapter the term

- (1) "Advanced practice registered nurse," (hereinafter referred to as "APRN"), means a registered professional nurse licensed under Title 43, Chapter 25 of the Official Code of Georgia Annotated, who is recognized by the Georgia Board of Nursing as having met the requirements established by the Georgia Board of Nursing to engage in advanced nursing practice and who holds a masters degree or other graduate degree approved by the Georgia Board of Nursing and national board certification in his or her area of specialty, or a person who is recognized as an advanced practice registered nurse by the Georgia Board of Nursing on or before June 30, 2006.
- (2) "Other Designated Physician" means a physician who:
 - (a) practices medicine in this state; and
 - (b) whose scope of practice is the same as that of the "Delegating Physician;" and
 - (c) who has concurred in writing with the terms of the nurse protocol agreement, and has agreed in writing to provide consultation in the absence of the Delegating Physician.
- (3) "Board" means the Georgia Composite Medical Board.
- (4) "Controlled substance" means any controlled substance as defined in Code Section 16-13-21, but shall not include any Schedule I controlled substance included in Code Section 16-13-25 or any Schedule II controlled substance included in Code Section 16-13-26.
- (5) "Dangerous drug" means any dangerous drug as defined in Code Section 16-13-71.
- (6) "Drug" means any dangerous drug or controlled substance.
- (7) "Immediate consultation" means that the delegating physician shall be available for direct communication or by telephone or other telecommunications.
- (8) "Nurse Protocol Agreement" means a written document, mutually agreed upon and signed by an APRN and a physician, by which the physician delegates to that APRN the authority to perform certain medical acts pursuant to Code Section 43-34-25, which may include without being limited to, the ordering of drugs, medical devices, medical treatments, diagnostic studies, or in life-threatening situations radiographic imaging tests.
- (9) "Order" means to prescribe pursuant to a protocol agreement, as authorized by Code Section 43-34-25, which drug, medical device, medical treatment, diagnostic study, or in life-threatening situations radiographic imaging test is appropriate for a patient and to communicate the same in writing, orally, via facsimile or electronically.
- (10) "Physician" means a person licensed to practice medicine pursuant to Article 2, Chapter 34 of Title 43; and

- (a) Whose principal place of practice is within this state; or
- (b) Whose principal place of practice is outside this state but is within 50 miles from the location where the nurse protocol agreement is being utilized.

(11) "Delegating Physician" means a physician who

- (a) practices medicine in this State; and
- (b) authorizes an APRN to perform certain delegated medical acts pursuant to a nurse protocol agreement.

Authority: O.C.G.A. Secs. 43-34-5, 43-34-24, 43-34-25, and 43-34-26.3.