

House Bill 1043 (AS PASSED HOUSE AND SENATE)

By: Representatives Kelley of the 16<sup>th</sup> and Cooper of the 43<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated,  
2 relating to medical practice relative to physicians, assistants, and others, so as to provide for  
3 certain requirements for advertisement or publication of representations of board certification  
4 by physicians; to amend Code Section 43-34-26.1 of the Official Code of Georgia Annotated,  
5 relating to vaccine protocol agreements, so as to revise a provision relating to taking the case  
6 history of a vaccine recipient; to exempt activities conducted by a hospital or health system  
7 with respect to influenza vaccinations from certain requirements; to provide for conditions;  
8 to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 0.1.

11 Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to  
12 medical practice relative to physicians, assistants, and others, is amended by adding a new  
13 Code section to read as follows:

14 "43-34-22.1.

15 (a) No physician shall advertise or hold himself or herself out to the public in any manner  
16 as being certified or board certified in any specialty or subspecialty by a public or private  
17 board, including, but not limited to, a multidisciplinary board, unless:

18 (1) The advertisement or publication states the full name of the certifying board; and

19 (2) Such certifying board either:

20 (A) Is a member board of the American Board of Medical Specialties or the American  
21 Osteopathic Association; or

22 (B) Requires successful completion of a postgraduate training program approved by  
23 the Accreditation Commission for Graduate Medical Education or the American  
24 Osteopathic Association that provides complete training in the specialty or subspecialty  
25 certified, followed by prerequisite certification by the American Board of Medical  
26 Specialties or the American Osteopathic Association board for that training field, and

27 further successful completion of an examination in the specialty or subspecialty  
 28 certified.  
 29 (b) The board may take any disciplinary action provided under subsection (b) of Code  
 30 Section 43-34-8 upon a finding of any conduct in violation of this Code section.

### 31 SECTION 1.

32 Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to vaccine  
 33 protocol agreements, is amended by revising paragraph (3) of subsection (d) and subsection  
 34 (o) as follows:

35 "(3) Require the pharmacist or nurse to take ~~a complete~~ an appropriate case history and  
 36 determine whether the patient has had a physical examination within the past year and  
 37 shall not administer a vaccine to a patient with any condition for which such vaccine is  
 38 contraindicated;"

39 "(o)(1) This Code section shall not apply to any activities conducted within a hospital,  
 40 physician's office, nursing home, or other health care facility designated by the  
 41 department or conducted within any other facility or entity owned, operated, or leased by  
 42 a hospital.

43 (2) Except as otherwise provided in paragraph (1) of this subsection, any activities  
 44 conducted by a hospital or health system for the administration of the influenza vaccine  
 45 shall not be subject to paragraphs (5) through (9), (15), or (16) of subsection (d) of this  
 46 Code section as long as the following conditions are met:

47 (A) A signed and dated consent form by which the vaccine recipient consents to the  
 48 administration of the vaccine is obtained;

49 (B) If the vaccine recipient is a patient within the hospital or health system, the  
 50 administration of the influenza vaccine shall be noted in such patient's health record  
 51 maintained by the hospital or health system, including, but not limited to, the  
 52 administering pharmacist's or nurse's name, address, telephone number, and  
 53 professional license number; the name, dose, manufacturer, and lot number of the  
 54 vaccine; and the date of administration and injection site;

55 (C) If the vaccine recipient is not a patient within the hospital or health system, a  
 56 personal immunization card on card stock paper containing the vaccine recipient's  
 57 name, the pharmacist's or nurse's name and phone number, the name and dosage of the  
 58 vaccine, the injection site on the vaccine recipient, the date of the administration of the  
 59 vaccine in legible writing or printed type in a format made available by the Department  
 60 of Public Health, and written information developed by the Department of Public  
 61 Health on the importance of having and periodically seeing a primary care physician  
 62 shall be provided to the vaccine recipient; and

63 (D) If requested by the patient, the influenza vaccine shall be administered in an area  
64 or location with portable screening, at a minimum.

65 As used in this paragraph, the term 'health system' means (i) a parent corporation of one  
66 or more hospitals and any entity affiliated with such parent corporation through  
67 ownership, governance, membership, or other means; or (ii) a hospital and any entity  
68 affiliated with such hospital through ownership, governance, membership, or other  
69 means."

70 **SECTION 2.**

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