

House Bill 968

By: Representatives Bordeaux of the 151st, Dodson of the 94th, West of the 101st, Parsons of the 40th and Unterman of the 84th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to
2 nurses, so as to provide for a multistate compact, short title, findings, purposes, and
3 definitions; to provide for multistate licensures to practice registered nursing and for
4 qualifications, sanctions, practices, and procedures relating thereto; to provide for
5 administrators and their powers and functions and practice limitations; to provide for license
6 recognition; to provide for application and license restrictions; to provide for change of
7 residence; to provide for reports, investigations, and adverse actions; to provide additional
8 powers to the Georgia Board of Nursing; to provide for a coordinated licensure information
9 system and confidentiality and expungement relating thereto; to provide for immunity from
10 liability; to provide for effective dates and amendment of and withdrawal from the compact;
11 to provide for other agreements; to provide for construction and severability; to provide for
12 dispute settlement; to provide for effective date and automatic repeal; to amend Article 1 of
13 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as
14 to change the provisions relating to definitions; to change the powers of the Georgia Board
15 of Nursing; to change the provisions regarding use of certain titles and identification
16 requirements; to change the provisions relating to sanctions; to provide for evaluations,
17 reports, and findings thereof; to repeal conflicting laws; and for other purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **SECTION 1.**

20 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
21 amended by adding a new Article 3 to read as follows:

22 **"ARTICLE 3**

23 43-26-60.

24 This article shall be known as the 'Multistate Compact.'

1 43-26-61.

2 (a) The General Assembly finds that:

3 (1) The health and safety of the public are affected by the degree of compliance with and
4 the effectiveness of enforcement activities related to state nurses licensure laws;

5 (2) Violations of nurse licensure and other laws requiring the practice of nursing may
6 result in injury or harm to the public;

7 (3) That expanded mobility of nurses and the use of advanced communication
8 technologies as part of Georgia's health care delivery system require greater coordination
9 and cooperation among states in the areas of nurse licensure and regulation;

10 (4) That new practice modalities and technology make compliance with individual state
11 nurse licensure difficult; and

12 (5) That the current system of duplicative licensure for nurses practicing in multiple
13 states is cumbersome and redundant to both nurses and states.

14 (b) The General Assembly enters into a multistate nurse license compact for the purpose
15 of:

16 (1) Facilitating the state's responsibility to protect the public's health and safety;

17 (2) To ensure and encourage the cooperation of party states in the areas of nurse
18 licensure and regulation;

19 (3) To facilitate the exchange of information between party states in the areas of nurse
20 regulation, investigation, and adverse actions;

21 (4) To promote compliance with the laws governing the practice of nursing in each
22 jurisdiction; and

23 (5) To invest the state with the authority to hold a nurse accountable for meeting all the
24 state practice law when the patient is located in the state where care is rendered through
25 the mutual recognition of party state licenses.

26 43-26-62.

27 (a) As used in this article, the term:

28 (1) 'Adverse Action' means a home or remote state action.

29 (2) 'Alternative program' means a voluntary, nondisciplinary monitoring program
30 approved by the Georgia Board of Nursing.

31 (3) 'Coordinated licensure information system' means an integrated process for
32 collecting, storing, and sharing information on nurse licensure and enforcement activities
33 related to nurse licensure laws, which is administered by a nonprofit organization
34 composed of and controlled by state nurse licensing boards.

35 (4) 'Current significant investigative information' means:

- 1 (A) Investigative information that the Georgia Board of Nursing, after a preliminary
2 inquiry that includes notification and an opportunity for the nurse to respond, has
3 reason to believe is not groundless and, if proved true, would indicate more than a
4 minor infraction; or
- 5 (B) Investigative information that indicates that the nurse represents an immediate
6 threat to public health and safety regardless of whether the nurse has been notified and
7 had an opportunity to respond.
- 8 (5) 'Home state' means the party state which is the nurse's primary state of residence.
- 9 (6) 'Home state action' means any administrative, civil, equitable, or criminal action
10 permitted by the home state's laws which are imposed on a nurse by the home state's
11 licensing board or other authority including actions against an individual's license such
12 as: revocation, suspension, probation, or any other action which affects a nurse's
13 authorization to practice.
- 14 (7) 'Licensing board' means the party state regulatory body responsible for issuing nurse
15 licenses.
- 16 (8) 'Multistate licensure privilege' means current official authority from a remote state
17 permitting the practice of nursing as a registered nurse. All party states have the
18 authority, in accordance with existing state due process law, to take actions against the
19 nurse's privilege such as: revocation, suspension, probation, or any other action which
20 affects a nurse's authorization to practice.
- 21 (9) 'Nurse' means a registered nurse as defined by each party's state practice law.
- 22 (10) 'Party state' means any state that has adopted this Compact.
- 23 (11) 'Remote state' means a party state, other than the home state;
- 24 (A) Where the patient is located at the time nursing care is provided; or
25 (B) In the case of the practice of nursing not involving a patient, in such party state
26 where the recipient of nursing practice is located.
- 27 (12) 'Remote state action' means:
- 28 (A) Any administrative, civil, equitable, or criminal action permitted by a remote
29 state's laws which are imposed on a nurse by the remote state's licensing board or other
30 authority including actions against an individual's multistate licensure privilege to
31 practice in the remote state; and
32 (B) Cease and desist and other injunctive or equitable orders issued by remote states
33 or the licensing boards thereof.
- 34 (13) 'State' means a state, territory, or possession of the United States, the District of
35 Columbia, or the Commonwealth of Puerto Rico.
- 36 (14) 'State practice laws' means those individual party's state laws and regulations that
37 govern the practice of nursing, define the scope of nursing practice, and create the

1 methods and grounds for imposing discipline. State practice laws does not include the
2 initial qualifications for licensure or requirements necessary to obtain and retain a license,
3 except for qualifications or requirements of the home state.

4 43-26-63.

5 (a) A license to practice registered nursing issued by a home state to a resident in that state
6 will be recognized by each party state as authorizing a multistate licensure privilege to
7 practice as a registered nurse in such party state. In order to obtain or retain a license, an
8 applicant must meet the home state's qualifications for licensure and license renewal as
9 well as all other applicable state laws.

10 (b) Party states may, in accordance with state due process laws, limit or revoke the
11 multistate licensure privilege of any nurse to practice in their state and may take any other
12 actions under their applicable state laws necessary to protect the health and safety of their
13 citizens. If a party state takes such action, it shall promptly notify the administrator of the
14 coordinated licensure information system. The administrator of the coordinated licensure
15 information system shall promptly notify the home state of any such actions by remote
16 states.

17 (c) Every nurse practicing in a party state must comply with the state practice laws of the
18 state in which the patient is located at the time care is rendered. In addition, the practice
19 of nursing is not limited to patient care but shall include all nursing practice as defined by
20 the state practice laws of a party state. The practice of nursing will subject a nurse to the
21 jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party
22 state.

23 (d) This Compact does not affect additional requirements imposed by states for advanced
24 practice registered nursing. However, a multistate licensure privilege to practice registered
25 nursing granted by a party state shall be recognized by other party states as a license to
26 practice registered nursing if one is required by state law as a precondition for qualifying
27 for advanced practice registered nurse authorization.

28 (e) Individuals not residing in a party state shall continue to be able to apply for nurse
29 licensure as provided for under the laws of each party state. However, the license granted
30 to these individuals will not be recognized as granting the privilege to practice nursing in
31 any other party state unless explicitly agreed to by that party state.

32 43-26-64.

33 (a) Upon application for a license, the licensing board in a party state shall ascertain,
34 through the coordinated licensure information system, whether the applicant has ever held,
35 or is the holder of, a license issued by any other state, whether there are any restrictions on

1 the multistate licensure privilege, and whether any other adverse action by any state has
2 been taken against the license.

3 (b) A nurse in a party state shall hold licensure in only one party state at a time, issued by
4 the home state.

5 (c) A nurse who intends to change primary state of residence may apply for licensure in
6 the new home state in advance of such change. However, new licenses will not be issued
7 by a party state until after a nurse provides evidence of change in primary state of residence
8 satisfactory to the new home state's licensing board.

9 (d) When a nurse changes primary state of residency by:

10 (1) Moving between two party states and obtains a license from the new home state, the
11 license from the former home state is no longer valid;

12 (2) Moving from a nonparty state to a party state and obtains a license from the new
13 home state, the individual state license issued by the nonparty state is not affected and
14 will remain in full force if so provided by the laws of the nonparty state;

15 (3) Moving from a party state to a nonparty state, the license issued by the prior home
16 state converts to an individual state license, valid only in the former home state, without
17 the multistate licensure privilege to practice in other party states.

18 43-26-65.

19 In addition to the general provisions described in Code Section 43-26-63, the following
20 provisions apply:

21 (1) The licensing board of a remote state shall promptly report to the administrator of the
22 coordinated licensure information system any remote state actions including the factual
23 and legal basis for such action, if known. The licensing board of a remote state shall also
24 promptly report any significant current investigative information yet to result in a remote
25 state action. The administrator of the coordinated licensure information system shall
26 promptly notify the home state of any such reports.

27 (2) The licensing board of a party state shall have the authority to complete any pending
28 investigations for a nurse who changes primary state of residence during the course of
29 such investigations. It shall also have the authority to take any appropriate actions and
30 shall promptly report the conclusions of such investigations to the administrator of the
31 coordinated licensure information system. The administrator of the coordinated licensure
32 information system shall promptly notify the new home state of any such actions.

33 (3) A remote state may take adverse action affecting the multistate licensure privilege
34 to practice within that party state. However, only the home state shall have the power to
35 impose adverse action against the license issued by the home state.

1 (4) For purposes of imposing adverse action, the licensing board of the home state shall
2 give the same priority and effect to reported conduct received from a remote state as it
3 would if such conduct had occurred within the home state. In so doing, it shall apply its
4 own state laws to determine appropriate action.

5 (5) The home state may take adverse action based on the factual findings of the remote
6 state, so long as each state follows its own procedures for imposing such adverse action.

7 (6) Nothing in this Compact shall override a party state's decision that participation in
8 an alternative program may be used in lieu of licensure action and that such participation
9 shall remain nonpublic if required by the party state's laws. Party states must require
10 nurses who enter any alternative programs to agree not to practice in any other party state
11 during the term of the alternative program without prior authorization from such other
12 party state.

13 43-26-66.

14 Notwithstanding any other powers, party state nurse licensing boards shall have the
15 authority to:

16 (1) If otherwise permitted by state law, recover from the affected nurse the costs of
17 investigations and disposition of cases resulting from any adverse action taken against
18 that nurse;

19 (2) Issue subpoenas for both hearings and investigations which require the attendance
20 and testimony of witnesses and the production of evidence. Subpoenas issued by a nurse
21 licensing board in a party state for the attendance and testimony of witnesses or the
22 production of evidence from another party state, or both, shall be enforced in the latter
23 state by any court of competent jurisdiction, according to the practice and procedure of
24 that court applicable to subpoenas issued in proceedings pending before it. The issuing
25 authority shall pay any witness fees, travel expenses, mileage, and other fees required by
26 the service statutes of the state where the witnesses or evidence, or both, are located.

27 (3) Issue cease and desist order to limit or revoke a nurse's authority to practice in their
28 state;

29 (4) Promulgate uniform rules and regulations as provided for in subsection (c) of Code
30 Section 43-26-68.

31 43-26-67.

32 (a) All party states shall participate in a cooperative effort to create a coordinated data base
33 of all licensed registered nurses and licensed practical or vocational nurses. This system
34 will include information on the licensure and disciplinary history of each nurse, as

1 contributed by party states, to assist in the coordination of nurse licensure and enforcement
2 efforts.

3 (b) Notwithstanding any other provision of law, all party states' licensing boards shall
4 promptly report adverse actions, actions against multistate licensure privileges, any current
5 significant investigative information yet to result in adverse action, denials of applications,
6 and the reasons for such denials to the coordinated licensure information system.

7 (c) Current significant investigative information shall be transmitted through the
8 coordinated licensure information system only to party state licensing boards.

9 (d) Notwithstanding any other provision of law, all party states' licensing boards
10 contributing information to the coordinated licensure information system may designate
11 information that may not be shared with nonparty states or disclosed to other entities or
12 individuals without the express permission of the contributing state.

13 (e) Any personally identifiable information obtained by a party states' licensing board
14 from the coordinated licensure information system may not be shared with nonparty states
15 or disclosed to other entities or individuals except to the extent permitted by the laws of the
16 party state contributing the information.

17 (f) Any information contributed to the coordinated licensure information system that is
18 subsequently required to be expunged by the laws of the party state contributing that
19 information shall also be expunged from the coordinated licensure information system.

20 (g) The Compact administrators, acting jointly with each other and in consultation with
21 the administrator of the coordinated licensure information system, shall formulate
22 necessary and proper procedures for the identification, collection, and exchange of
23 information under this Compact.

24 43-26-68.

25 (a) The division director of the professional licensing boards of Georgia shall be the
26 administrator of this Compact.

27 (b) The Compact administrator of each party state shall furnish to the Compact
28 administrator of each other party state any information and documents including, but not
29 limited to, a uniform data set of investigations, identifying information, licensure data, and
30 disclosable alternative program participation information to facilitate the administration of
31 this Compact.

32 (c) Compact administrators shall have the authority to develop uniform rules to facilitate
33 and coordinate implementation of this Compact. These uniform rules shall be adopted by
34 party states under the authority invested under paragraph (4) of Code Section 43-26-66.

1 43-26-69.

2 No party state or the officers or employees or agents of a party state's nurse licensing board
3 who acts in accordance with the provisions of this Compact shall be liable on account of
4 any act or omission in good faith while engaged in the performance of their duties under
5 this Compact. Good faith in this article shall not include willful misconduct, gross
6 negligence, or recklessness.

7 43-26-70.

8 (a) This Compact shall enter into force and become effective as to any state when it has
9 been enacted into the laws of that state. Any party state may withdraw from this Compact
10 by enacting a statute repealing the same but no such withdrawal shall take effect until six
11 months after the withdrawing state has given notice of the withdrawal to the executive
12 heads of all other party states.

13 (b) No withdrawal shall affect the validity or applicability by the licensing boards of states
14 remaining party to the Compact of any report of adverse action occurring prior to the
15 withdrawal.

16 (c) Nothing contained in this Compact shall be construed to invalidate or prevent any nurse
17 licensure agreement or other cooperative arrangement between a party state and a nonparty
18 state that is made in accordance with the other provisions of this Compact.

19 (d) This Compact may be amended by the party states. No amendment to this Compact
20 shall become effective and binding upon the party states unless and until it is enacted into
21 the laws of all party states.

22 43-26-71.

23 (a) This Compact shall be liberally construed so as to effectuate the purposes thereof. The
24 provisions of this Compact shall be severable and if any phrase, clause, sentence, or
25 provision of this Compact is declared to be contrary to the constitution of any party state
26 or of the United States or the applicability thereof to any government, agency, person, or
27 circumstance is held invalid, the validity of the remainder of this Compact and the
28 applicability thereof to any government, agency, person, or circumstance shall not be
29 affected thereby. If this Compact shall be held contrary to the constitution of any state
30 party thereto, the Compact shall remain in full force and effect as to the remaining party
31 states and in full force and effect as to the party state affected as to all severable matters.

32 (b) In the event party states find a need for settling disputes arising under this Compact:
33 (1) The party states may submit the issues in dispute to an arbitration panel which will
34 be comprised of an individual appointed by the Compact administrator in the home state;
35 an individual appointed by the Compact administrator in each remote state involved; and

1 an individual mutually agreed upon by the Compact administrators of all the party states
2 involved in the dispute.

3 (2) The decision of a majority of the arbitrators shall be final and binding.

4 43-26-72.

5 (a) Except as provided by subsection (b) of this section, this article shall become effective
6 on January 1, 2003.

7 (b) This article shall stand repealed October 1, 2006."

8 **SECTION 2.**

9 Article 1 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated, the "Georgia
10 Registered Professional Nurse Practice Act", is amended by striking Code Section 43-26-3,
11 relating to definitions, and inserting in its place the following:

12 "43-26-3.

13 As used in this article, the term:

14 (1) 'Advanced nursing practice' means practice by a registered professional nurse who
15 meets those educational, practice, certification requirements, or any combination of such
16 requirements, as specified by the board and includes certified nurse midwives, nurse
17 practitioners, certified registered nurse anesthetists, clinical nurse specialists in
18 psychiatric/mental health, and others recognized by the board.

19 (2) 'Board' means the Georgia Board of Nursing created in Code Section 43-26-4.

20 (2.1) 'Compact' means the multistate compact provided for in Code Section 43-26-60.

21 (2.2) 'Compact Administrator' shall be the division director of the professional licensing
22 boards of Georgia.

23 (3) 'Consumer member' means a United States citizen and Georgia resident who is
24 knowledgeable about consumer health concerns, does not derive that person's primary
25 livelihood from the practice of nursing, and shall neither be, nor ever have been, a health
26 care provider or enrolled in any health related educational program.

27 (4) 'License' means a current document, issued by the board, permitting a person to
28 practice nursing as a registered professional nurse or a licensed undergraduate nurse.

29 (5) 'Licensure' means the bestowing of a current license by the board permitting a person
30 to practice nursing as a registered professional nurse or a licensed undergraduate nurse.

31 (5.1) 'License,' for purposes of discipline, includes the multistate licensure privilege to
32 practice granted by the compact.

33 (6) 'Practice nursing' or 'practice of nursing' means to perform for compensation or the
34 performance for compensation of any act in the care and counsel of the ill, injured, or
35 infirm, and in the promotion and maintenance of health with individuals, groups, or both

1 throughout the life span. It requires substantial specialized knowledge of the humanities,
2 natural sciences, social sciences, and nursing theory as a basis for assessment, nursing
3 diagnosis, planning, intervention, and evaluation. It includes, but is not limited to,
4 provision of nursing care; administration, supervision, evaluation, or any combination
5 thereof, of nursing practice; teaching; counseling; the administration of medications and
6 treatments as prescribed by a physician practicing medicine in accordance with Article
7 2 of Chapter 34 of this title, or a dentist practicing dentistry in accordance with Chapter
8 11 of this title, or a podiatrist practicing podiatry in accordance with Chapter 35 of this
9 title.

10 (7) 'Practice nursing as a licensed undergraduate nurse' means to practice nursing by
11 performing for compensation selected acts in the care of the ill, injured, or infirm under
12 the direction of a registered professional nurse, a physician practicing medicine in
13 accordance with Article 2 of Chapter 34 of this title, a dentist practicing dentistry in
14 accordance with Chapter 11 of this title, or a podiatrist practicing podiatry in accordance
15 with Chapter 35 of this title.

16 (8) 'Practice nursing as a registered professional nurse' means to practice nursing by
17 performing for compensation any of the following:

18 (A) Assessing the health status of individuals, groups, or both throughout the life span;

19 (B) Establishing a nursing diagnosis;

20 (C) Establishing nursing goals to meet identified health care needs;

21 (D) Planning, implementing, and evaluating nursing care;

22 (E) Providing for safe and effective nursing care rendered directly or indirectly;

23 (F) Managing and supervising the practice of nursing;

24 (G) Collaborating with other members of the health care team in the management of
25 care;

26 (H) Teaching the theory and practice of nursing;

27 (I) Administering, ordering, and dispensing medications, diagnostic studies, and
28 medical treatments authorized by protocol, when such acts are authorized by other
29 general laws and such acts are in conformity with those laws;

30 (J) Administering medications and treatments as prescribed by a physician practicing
31 medicine in accordance with Article 2 of Chapter 34 of this title, a dentist practicing
32 dentistry in accordance with Chapter 11 of this title, or a podiatrist practicing podiatry
33 in accordance with Chapter 35 of this title; or

34 (K) Performing any other nursing act in the care and counsel of the ill, injured, or
35 infirm, and in the promotion and maintenance of health with individuals, groups, or
36 both throughout the life span.

1 (9) 'Privilege to practice' means the authorization to practice nursing in the state as
 2 described in the compact.

3 ~~(9)~~(10) 'Registered professional nurse' means a person who is authorized by a license
 4 issued under this article or privileged under the compact to practice nursing as a
 5 registered professional nurse."

6 SECTION 3.

7 Said Article is further amended by striking Code Section 43-26-5, relating to general powers
 8 of the board, and inserting in its place the following:

9 "(a) The board shall:

10 (1) Be responsible for the enforcement of the provisions of this article and shall be
 11 specifically granted all of the necessary duties, powers, and authority to carry out this
 12 responsibility;

13 (2) Be authorized to draft, adopt, amend, repeal, and enforce such rules as it deems
 14 necessary for the administration and enforcement of this article in the protection of public
 15 health, safety, and welfare;

16 (3) Enforce qualifications for licensure;

17 (4) Develop and enforce reasonable and uniform standards for nursing education and
 18 nursing practice;

19 (5) Periodically evaluate nursing education programs and approve such programs as meet
 20 the board's requirements;

21 (6) Deny or withdraw approval from noncompliant nursing education programs;

22 (7) License duly qualified applicants by examination, endorsement, or reinstatement;

23 (8) Be authorized to issue temporary permits;

24 (9) Renew licenses of registered professional nurses and licensed undergraduate nurses
 25 in accordance with this article;

26 (10) Be authorized to set standards for competency of licensees continuing in or
 27 returning to practice;

28 (11) Set standards for and regulate advanced nursing practice;

29 (12) Be authorized to enact rules and regulations for registered professional nurses in
 30 their performing acts under a nurse protocol as authorized in Code Section 43-34-26.1;

31 (13) Implement the disciplinary process;

32 (14) Be authorized to issue orders when a license is surrendered to the board while a
 33 complaint, investigation, or disciplinary action against such license is pending;

34 (15) Issue a limited license to practice nursing subject to such terms and conditions as
 35 the board may impose;

1 (16) Provide consultation and conduct conferences, forums, studies, and research on
2 nursing education and nursing practice;

3 (17) Approve the selection of a qualified person to serve as executive director;

4 (18) Be authorized to appoint standing or ad hoc committees as necessary to inform and
5 make recommendations to the board about issues and concerns and to facilitate
6 communication amongst the board, licensees, and the community;

7 (19) Maintain membership in the national organization which develops and regulates the
8 nursing licensing examination;

9 (20) Be authorized to collect data regarding existing nursing resources in Georgia and
10 coordinate planning for nursing education and nursing practice;

11 (21) Determine fees; and

12 (22) Adopt a seal which shall be in the care of the executive director and shall be affixed
13 only in such a manner as prescribed by the board.

14 (23) Determine whether a right or obligation on license holders applies to nurses
15 privileged to practice in this state under a license by a state that is a party to the compact
16 unless that determination is inconsistent with the compact;

17 (24) Be responsible for taking action against registered professional nurses privileged to
18 practice in this state under a license issued by a state that is a party to the multistate
19 compact as authorized by the compact. The action shall be taken in accordance with the
20 same procedures for taking action against a registered professional nurse licensed by
21 Georgia;

22 (25) Provide, for a reasonable fee, a registered professional nurse licensed in Georgia
23 with a copy of information regarding the nurse maintained by the coordinated licensure
24 information system of the compact;

25 (26) Disclose personally identifiable information about the registered professional nurse,
26 including social security number, to the coordinated licensure information system of the
27 compact. The coordinated licensure information system may not share personally
28 identifiable information with a state not a party to the compact unless the state agrees not
29 to disclose that information to any other person; and

30 (27) Enter into multistate compacts, contracts or agreements to facilitate the practice and
31 regulation of nursing in this state.

32 (b) The board shall be the sole professional licensing board for determining if a registered
33 professional nurse or any other person has engaged illegally in the practice of nursing. If
34 a registered professional nurse is charged with the unauthorized practice of any other health
35 profession by any other board, such board shall notify the Georgia Board of Nursing before
36 conducting any hearing. Nothing contained in this article shall be construed to limit any
37 powers of any other board.

1 (c) Chapter 1 of this title is expressly adopted and incorporated by reference into this
2 article as if all the provisions of such chapter were included in this article."

3 **SECTION 4.**

4 Article 1 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to
5 nurses, is amended by striking Code Section 43-26-6, relating to use of the title of registered
6 nurse, and inserting in its place the following:

7 "43-26-6.

8 (a) Any person who is licensed as a registered professional nurse or has a privilege to
9 practice under the compact shall have the right to use the title 'registered professional nurse'
10 and the abbreviation 'R.N.' No other person shall assume such title or use such
11 abbreviation or any other words, letters, signs, or symbols to indicate that such person is
12 a registered professional nurse in Georgia. Nothing in this subsection shall be construed to
13 repeal the right of any person who is licensed as a registered professional nurse on April
14 4, 1990, to be licensed and to use the title 'registered professional nurse.'

15 (b) Any person holding a license to practice nursing as a licensed undergraduate nurse,
16 which license was issued by the board and valid on July 1, 1975, shall be deemed to be
17 licensed to practice nursing as a licensed undergraduate nurse under this article and shall
18 have the right to use the title 'licensed undergraduate nurse' and the abbreviation 'L.U.N.'
19 No other person shall assume such title or use such abbreviation or any other words, letters,
20 signs, or symbols to indicate that such person is licensed to practice nursing as a licensed
21 undergraduate nurse. After July 1, 1975, there shall be no new certificates issued for
22 licensure to practice nursing as a licensed undergraduate nurse.

23 (c) An applicant who holds an examination temporary permit may use the title 'graduate
24 nurse' and the abbreviation 'G.N.' until the license to practice nursing as a registered
25 professional nurse has been issued. An applicant who fails the first examination may no
26 longer use the title 'graduate nurse' or abbreviation 'G.N.' An individual who is qualified
27 to use the title 'graduate nurse' must practice under the on-site supervision of a registered
28 professional nurse or physician.

29 (d) Any person who is licensed as a registered professional nurse or has a privilege to
30 practice under the compact shall identify that he or she is so licensed or privileged by
31 displaying either the title 'registered professional nurse' or 'registered nurse' or the
32 abbreviation 'R.N.' on a name tag or other similar form of identification during times when
33 such person is providing direct patient care."

SECTION 5.

Article 1 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is amended by striking Code Section 43-26-11, relating to denial or sanction of licenses, and inserting in its place the following:

"43-26-11.

In addition to the authority granted in Code Section 43-1-19, the board shall have the authority to refuse to grant a license to an applicant, to revoke the license of a licensee, or to discipline a licensee practicing under their Georgia license or has a privilege to practice under the compact upon a finding by the board that the applicant or licensee has:

(1) Been convicted of any felony, crime involving moral turpitude, or crime violating a federal or state law relating to controlled substances or dangerous drugs in the courts of this state, any other state, territory, or country, or in the courts of the United States, including but not limited to a plea of nolo contendere entered to the charge; or

(2) Displayed an inability to practice nursing as a registered professional nurse or licensed undergraduate nurse with reasonable skill and safety due to illness, use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition.

(A) In enforcement of this paragraph, the board may, upon reasonable grounds, require a licensee or applicant to submit to a mental or physical examination by a board approved health care professional. The results of such examination shall be admissible in any hearing before the board, notwithstanding any claim of privilege under a contrary law or rule. Every person who is licensed to practice nursing as a registered professional nurse or licensed undergraduate nurse in this state, or who shall file an application shall be deemed to have given such person's consent to submit to such mental or physical examination and to have waived all objections to the admissibility of the results in any hearing before the board upon the grounds that the same constitutes a privileged communication. If a licensee or applicant fails to submit to such an examination when properly directed to do so by the board, unless such failure was due to circumstances beyond that person's control, the board may enter a final order upon proper notice, hearing, and proof of such refusal. Any licensee or applicant who is prohibited from practicing under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate to the board that such person can resume or begin to practice with reasonable skill and safety nursing as a registered professional nurse or licensed undergraduate nurse.

(B) In enforcement of this paragraph the board may, upon reasonable grounds, obtain any and all records relating to the mental or physical condition of a licensee or applicant, including psychiatric records; and such records shall be admissible in any

1 hearing before the board, notwithstanding any privilege under a contrary rule of law or
2 statute. Every person who is licensed as a registered professional nurse or licensed
3 undergraduate nurse in this state or who shall file an application shall be deemed to
4 have given such person's consent to the board's obtaining any such records and to have
5 waived all objections to the admissibility of such records in any hearing before the
6 board upon the grounds that the same constitute a privileged communication."

7 SECTION 6.

8 Said article if further amended by adding a new Code Section 43-26-5.1 to read as follows:

9 "43-26-5.1

10 (a) Not later than January 1, 2004, the Georgia Board of Nursing shall participate in a
11 nurse licensure compact evaluation initiative designed to evaluate the effectiveness and
12 operability of the compact.

13 (b) The evaluation initiative shall be conducted by a qualified researcher. A component
14 of the evaluation initiative shall be a state practice identification system through which
15 nurses designate the states in which they practice and that provides for updating the
16 information at the time of issuance and renewal of licenses.

17 (c) The evaluation initiative shall continue at least through June 1, 2006, after which a
18 report shall be produced and submitted for comments by the Georgia Board of Nursing.

19 (d) The report and the board's comments shall be submitted to the General Assembly not
20 later than October 1, 2006, in the form of a compact evaluation report.

21 (e) The board may accept and spend money made available by the federal or state
22 government or by another public or private source to fund participation in the evaluation
23 initiative."

24 SECTION 7.

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