

Senate Bill 430

By: Senators Unterman of the 45th, Thomas of the 54th, Goggans of the 7th, Balfour of the 9th and Butler of the 55th

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 telephonic nursing as a registered
4 nurse and to provide for qualifications, sanctions, practices, and procedures relating thereto;
5 to provide for administrators and their powers and functions and practice limitations; to
6 provide for license recognition; to provide for application and license restrictions; to provide
7 for change of residence; to provide for reports, investigations, and adverse actions; to provide
8 additional powers to the Georgia Board of Nursing; to provide for a coordinated licensure
9 information system and confidentiality and expungement relating thereto; to provide for
10 immunity from liability; to provide for effective dates and amendment of and withdrawal
11 from the compact; to provide for other agreements; to provide for construction and
12 severability; to provide for dispute settlement; to provide for effective date and automatic
13 repeal; to change the provisions relating to definitions for the "Georgia Registered
14 Professional Nurse Practice Act"; to change the powers of the Georgia Board of Nursing; to
15 change provisions regarding use of certain titles and identification requirements; to change
16 provisions relating to denial or revocation of licenses; to repeal conflicting laws; and for
17 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 to read as follows:

22 "ARTICLE 4

23 43-26-70.

24 (a) This article shall be known as the 'Nurse Licensure Compact.'

25 (b) The Nurse Licensure Compact as set forth in this article is hereby enacted into law and
 26 entered into with all other jurisdictions legally joining therein.

27 43-26-71.

28 (a) The General Assembly finds that:

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

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

33 (3) That expanded mobility of nurses and the use of advanced communication
 34 technologies, including, but not limited to telephonic nursing as part of Georgia's health
 35 care delivery system require greater coordination and cooperation among states in the
 36 areas of nurse licensure and regulation;

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

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

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

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

44 (2) Ensuring and encouraging the cooperation of party states in the areas of nurse
 45 licensure and regulation;

46 (3) Facilitating the exchange of information between party states in the areas of nurse
 47 regulation, investigation, and adverse actions;

48 (4) Promoting compliance with the laws governing the practice of nursing in each
 49 jurisdiction;

50 (5) Investing the state with the authority to hold a nurse accountable for meeting all the
 51 state practice law when the patient is located in the state where care is rendered through
 52 the mutual recognition of party state licenses; and

53 (6) Enabling registered professional nurses in party states to practice telephonic nursing
 54 in a manner consistent with this compact.

55 43-26-72.

56 As used in this article, the term:

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

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

- 60 (3) 'Compact' means the Nurse Licensure Compact provided for by this article.
- 61 (4) 'Coordinated licensure information system' means an integrated process for
62 collecting, storing, and sharing information on nurse licensure and enforcement activities
63 related to nurse licensure laws, which is administered by a nonprofit organization
64 composed of and controlled by state nurse licensing boards.
- 65 (5) 'Current significant investigative information' means:
- 66 (A) Investigative information that the Georgia Board of Nursing, after a preliminary
67 inquiry that includes notification and an opportunity for the nurse to respond, has
68 reason to believe is not groundless and, if proved true, would indicate more than a
69 minor infraction; or
- 70 (B) Investigative information that indicates that the nurse represents an immediate
71 threat to public health and safety regardless of whether the nurse has been notified and
72 had an opportunity to respond.
- 73 (6) 'Home state' means the party state which is the nurse's primary state of residence.
- 74 (7) 'Home state action' means any administrative, civil, equitable, or criminal action
75 permitted by the home state's laws which are imposed on a nurse by the home state's
76 licensing board or other authority including actions against an individual's license such
77 as: revocation, suspension, probation, or any other action which affects a nurse's
78 authorization to practice.
- 79 (8) 'Licensing board' means the party state regulatory body responsible for issuing nurse
80 licenses.
- 81 (9) 'Multistate licensure privilege' means current official authority from a remote state
82 permitting the practice of nursing as a registered nurse. All party states have the
83 authority, in accordance with existing state due process law, to take actions against the
84 nurse's privilege such as: revocation, suspension, probation, or any other action which
85 affects a nurse's authorization to practice.
- 86 (10) 'Nurse' means a registered nurse as defined by each party's state practice law.
- 87 (11) 'Party state' means any state that has adopted this compact.
- 88 (12) 'Remote state' means a party state, other than the home state;
- 89 (A) Where the patient is located at the time nursing care is provided; or
- 90 (B) In the case of the practice of nursing not involving a patient, in such party state
91 where the recipient of nursing practice is located.
- 92 (13) 'Remote state action' means:
- 93 (A) Any administrative, civil, equitable, or criminal action permitted by a remote
94 state's laws which are imposed on a nurse by the remote state's licensing board or other
95 authority including actions against an individual's multistate licensure privilege to
96 practice in the remote state; and

97 (B) Cease and desist and other injunctive or equitable orders issued by remote states
98 or the licensing boards thereof.

99 (14) 'State' means a state, territory, or possession of the United States, the District of
100 Columbia, or the Commonwealth of Puerto Rico.

101 (15) 'State practice laws' means those individual party's state laws and regulations that
102 govern the practice of nursing, define the scope of nursing practice, and create the
103 methods and grounds for imposing discipline. Such term shall not include the initial
104 qualifications for licensure or requirements necessary to obtain and retain a license,
105 except for qualifications or requirements of the home state.

106 (16) 'Telephonic nurse' means a nurse practicing telephonic nursing.

107 (17) 'Telephonic nursing' means the practice of nursing, as a registered professional
108 nurse, by the means of technology to provide communication over distances, for audio,
109 video, and data communications, including, but not limited to telephone, facsimile
110 transmissions, electronic mail, or a combination thereof.

111 43-26-73.

112 (a) A license to practice registered nursing issued by a home state to a resident in that state
113 will be recognized by each party state as authorizing a multistate licensure privilege to
114 practice telephonic nursing as a registered nurse in such party state. In order to obtain or
115 retain a license, an applicant shall meet the home state's qualifications for licensure and
116 license renewal as well as all other applicable state laws.

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

124 (c) Every nurse practicing in a party state shall comply with the state practice laws of the
125 state in which the patient is located at the time care is rendered. In addition, the practice
126 of nursing shall not be limited to patient care but shall include all nursing practice as
127 defined by the state practice laws of a party state. The practice of nursing will subject a
128 nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in
129 that party state.

130 (d) This compact shall not affect additional requirements imposed by states for advanced
131 practice registered nursing.

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

136 43-26-74.

137 (a) Upon application for a license, the licensing board in a party state shall ascertain,
138 through the coordinated licensure information system, whether the applicant has ever held,
139 or is the holder of, a license issued by any other state, whether there are any restrictions on
140 the multistate licensure privilege, and whether any other adverse action by any state has
141 been taken against the license.

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

144 (c) A nurse who intends to change his or her primary state of residence may apply for
145 licensure in the new home state in advance of such change. However, new licenses shall
146 not be issued by a party state until after a nurse provides evidence of change in primary
147 state of residence satisfactory to the new home state's licensing board.

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

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

151 (2) Moving from a nonparty state to a party state and obtaining a license from the new
152 home state, the individual state license issued by the nonparty state shall not be affected
153 and shall remain in full force if so provided by the laws of the nonparty state; and

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

157 43-26-75.

158 In addition to the general provisions described in Code Section 43-26-73, the following
159 provisions apply:

160 (1) The licensing board of a remote state shall promptly report to the administrator of the
161 coordinated licensure information system any remote state actions including the factual
162 and legal basis for such action, if known. The licensing board of a remote state shall also
163 promptly report any significant current investigative information yet to result in a remote
164 state action. The administrator of the coordinated licensure information system shall
165 promptly notify the home state of any such reports;

166 (2) The licensing board of a party state shall have the authority to complete any pending
167 investigations for a nurse who changes primary state of residence during the course of
168 such investigations. It shall also have the authority to take any appropriate actions and
169 shall promptly report the conclusions of such investigations to the administrator of the
170 coordinated licensure information system. The administrator of the coordinated licensure
171 information system shall promptly notify the new home state of any such actions;

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

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

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

182 (6) Nothing in this compact shall override a party state's decision that participation in an
183 alternative program may be used in lieu of licensure action and that such participation
184 shall remain nonpublic if required by the party state's laws. Party states shall require
185 nurses who enter any alternative programs to agree not to practice in any other party state
186 during the term of the alternative program without prior authorization from such other
187 party state.

188 43-26-76.

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

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

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

202 (3) Issue cease and desist orders to limit or revoke a nurse's authority to practice in their
203 state; and
204 (4) Promulgate uniform rules and regulations as provided for in subsection (c) of Code
205 Section 43-26-78.

206 43-26-77.

207 (a) All party states shall participate in a cooperative effort to create a coordinated data base
208 of all licensed registered nurses. This system shall include information on the licensure and
209 disciplinary history of each nurse, as contributed by party states, to assist in the
210 coordination of nurse licensure and enforcement efforts.

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

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

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

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

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

228 (g) The compact administrators, acting jointly with each other and in consultation with the
229 administrator of the coordinated licensure information system, shall formulate necessary
230 and proper procedures for the identification, collection, and exchange of information under
231 this compact.

232 43-26-78.

233 (a) The division director of the professional licensing boards of Georgia shall be the
234 administrator of this compact.

235 (b) The compact administrator of each party state shall furnish to the compact
236 administrator of each other party state any information and documents including, but not

237 limited to, a uniform data set of investigations, identifying information, licensure data, and
238 disclosable alternative program participation information to facilitate the administration of
239 this compact.

240 (c) Compact administrators shall have the authority to develop uniform rules to facilitate
241 and coordinate implementation of this compact. These uniform rules shall be adopted by
242 party states under the authority invested under paragraph (4) of Code Section 43-26-76.

243 43-26-79.

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

249 43-26-80.

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

255 (b) No withdrawal shall affect the validity or applicability by the licensing boards of states
256 remaining party to the compact of any report of adverse action occurring prior to the
257 withdrawal.

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

261 (d) This compact may be amended by the party states. No amendment to this compact
262 shall become effective and binding upon the party states unless and until it is enacted into
263 the laws of all party states.

264 43-26-81.

265 (a) This compact shall be liberally construed so as to effectuate the purposes thereof. The
266 provisions of this compact shall be severable, and, if any phrase, clause, sentence, or
267 provision of this compact is declared to be contrary to the constitution of any party state
268 or of the United States or the applicability thereof to any government, agency, person, or
269 circumstance is held invalid, the validity of the remainder of this compact and the

270 applicability thereof to any government, agency, person, or circumstance shall not be
 271 affected thereby. If this compact shall be held contrary to the constitution of any state party
 272 thereto, the compact shall remain in full force and effect as to the remaining party states
 273 and in full force and effect as to the party state affected as to all severable matters.

274 (b) In the event party states find a need for settling disputes arising under this compact:

275 (1) The party states may submit the issues in dispute to an arbitration panel which shall
 276 be composed of an individual appointed by the compact administrator in the home state;
 277 an individual appointed by the compact administrator in each remote state involved; and
 278 an individual mutually agreed upon by the compact administrators of all the party states
 279 involved in the dispute; and

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

281 43-26-82.

282 (a) This article shall become effective on January 1, 2011."

283 **SECTION 2.**

284 Said chapter is further amended by revising Code Section 43-26-3, relating to definitions for
 285 the "Georgia Registered Professional Nurse Practice Act," as follows:

286 "43-26-3.

287 As used in this article, the term:

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

293 (1.1) 'Advanced practice registered nurse' means a registered professional nurse licensed
 294 under this chapter who is recognized by the board as having met the requirements
 295 established by the board to engage in advanced nursing practice and who holds a master's
 296 degree or other graduate degree from an approved nursing education program and
 297 national board certification in his or her area of specialty, or a person who was recognized
 298 as an advanced practice registered nurse by the board on or before June 30, 2006. This
 299 paragraph shall not be construed to require a certified registered nurse anesthetist who
 300 graduated from an approved nurse anesthetist educational program prior to January 1,
 301 1999, to hold a master's degree or other graduate degree.

302 (1.2) 'Approved nursing education program' located in this state means a nursing
 303 education program approved by the board as meeting criteria established by the board.

304 An 'approved nursing education program' located outside this state means a nursing

305 education program that the board has determined to meet criteria similar to and not less
306 stringent than criteria established by the board. In order to be approved by the board, a
307 nursing education program must be one that is offered by:

308 (A) A unit of the University System of Georgia accredited by the Commission on
309 Colleges of the Southern Association of Colleges and Schools;

310 (B) An institution of the Technical College System of Georgia accredited by the
311 Commission on Colleges of the Southern Association of Colleges and Schools;

312 (C) A nonprofit postsecondary institution of higher education that is accredited by a
313 regional accrediting agency recognized by the United States Department of Education;
314 or

315 (D) A proprietary institution of higher education that is accredited by a regional
316 accrediting agency recognized by the United States Department of Education.

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

318 (2.1) 'Compact' means the Nurse Licensure Compact provided in Article 4 of this
319 chapter.

320 (2.2) 'Compact administrator' shall be the division director of the professional licensing
321 boards of Georgia.

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

326 (4) 'License' means a current document, issued by the board, permitting a person to
327 practice nursing as a registered professional nurse or a licensed undergraduate nurse. For
328 purposes of discipline, such term includes the multistate licensure privilege to practice
329 granted by the compact.

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

332 (6) 'Practice nursing' or 'practice of nursing' means to perform for compensation or the
333 performance for compensation of any act in the care and counsel of the ill, injured, or
334 infirm, and in the promotion and maintenance of health with individuals, groups, or both
335 throughout the life span. It requires substantial specialized knowledge of the humanities,
336 natural sciences, social sciences, and nursing theory as a basis for assessment, nursing
337 diagnosis, planning, intervention, and evaluation. It includes, but is not limited to,
338 provision of nursing care; administration, supervision, evaluation, or any combination
339 thereof, of nursing practice; teaching; counseling; the administration of medications and
340 treatments as prescribed by a physician practicing medicine in accordance with Article
341 2 of Chapter 34 of this title, or a dentist practicing dentistry in accordance with Chapter

342 11 of this title, or a podiatrist practicing podiatry in accordance with Chapter 35 of this
343 title.

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

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

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

353 (B) Establishing a nursing diagnosis;

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

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

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

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

358 (G) Collaborating with other members of the health care team in the management of
359 care;

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

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

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

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

371 (8.1) 'Privilege to practice' means the authorization to practice telephonic nursing in the
372 state as described in the compact.

373 (9) 'Registered professional nurse' means a person who is authorized by a license issued
374 under this article or privileged under the compact to practice nursing as a registered
375 professional nurse.

376

SECTION 3.

377 Said chapter is further amended by revising Code Section 43-26-5, relating to general powers
378 of the board, as follows:

379 "(a) The board shall:

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

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

386 (3) Enforce qualifications for licensure;

387 (4) Develop and enforce reasonable and uniform standards for nursing education and
388 nursing practice;

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

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

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

393 (8) Be authorized to issue temporary permits;

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

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

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

399 (12) Be authorized to enact rules and regulations for registered professional nurses in
400 their performing acts under a nurse protocol as authorized in Code Section 43-34-23 and
401 enact rules and regulations for advanced practice registered nurses in performing acts as
402 authorized in Code Section 43-34-25;

403 (13) Implement the disciplinary process;

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

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

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

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

- 411 (18) Be authorized to appoint standing or ad hoc committees as necessary to inform and
 412 make recommendations to the board about issues and concerns and to facilitate
 413 communication amongst the board, licensees, and the community;
- 414 (19) Maintain membership in the national organization which develops and regulates the
 415 nursing licensing examination;
- 416 (20) Be authorized to collect data regarding existing nursing resources in Georgia and
 417 coordinate planning for nursing education and nursing practice;
- 418 (21) Determine fees; ~~and~~
- 419 (22) Adopt a seal which shall be in the care of the executive director and shall be affixed
 420 only in such a manner as prescribed by the board.;
- 421 (23) Determine whether a right or obligation on license holders applies to nurses
 422 privileged to practice in this state under a license by a state that is a party to the compact
 423 unless that determination is inconsistent with the compact;
- 424 (24) Be responsible for taking action against registered professional nurses privileged to
 425 practice in this state under a license issued by a state that is a party to the multistate
 426 compact as authorized by the compact. The action shall be taken in accordance with the
 427 same procedures for taking action against a registered professional nurse licensed by
 428 Georgia;
- 429 (25) Provide, for a reasonable fee, a registered professional nurse licensed in Georgia
 430 with a copy of information regarding the nurse maintained by the coordinated licensure
 431 information system of the compact;
- 432 (26) Disclose personally identifiable information about the registered professional nurse,
 433 including social security number, to the coordinated licensure information system of the
 434 compact. The coordinated licensure information system shall not share personally
 435 identifiable information with a state not a party to the compact unless the state agrees not
 436 to disclose that information to any other person; and
- 437 (27) Enter into multistate compacts, contracts or agreements to facilitate the practice and
 438 regulation of nursing in this state."

439 **SECTION 4.**

440 Said chapter is further amended by revising subsections (a) and (c) of Code Section 43-26-6,
 441 relating to use of the title of registered nurse, as follows:

442 "(a) Any person who is licensed as a registered professional nurse or has a privilege to
 443 practice under the compact shall have the right to use the title 'registered professional nurse'
 444 and the abbreviation 'R.N.' Any person recognized by the board as an advanced practice
 445 registered nurse shall have the right to use the title 'advanced practice registered nurse' and
 446 the abbreviation 'A.P.R.N.' No other person shall assume such titles or use such

447 abbreviations or any other words, letters, signs, or symbols to indicate that such person is
 448 a registered professional nurse or an advanced practice registered nurse in Georgia.
 449 Nothing in this subsection shall be construed to repeal the right of any person who is
 450 licensed as a registered professional nurse or recognized by the board as an advanced
 451 practice registered nurse on June 30, 2006, to be licensed and to use the title 'registered
 452 professional nurse' or to use the title 'advanced practice registered nurse,' respectively."
 453 "(c) Any person who is licensed as a registered professional nurse or has a privilege to
 454 practice under the compact shall identify that he or she is so licensed or privileged by
 455 displaying either the title 'registered professional nurse' or 'registered nurse,' the
 456 abbreviation 'R.N.,' the title 'advanced practice registered nurse,' or the abbreviation
 457 'A.P.R.N.' on a name tag or other similar form of identification during times when such
 458 person is providing direct patient care. An advanced practice registered nurse shall meet
 459 the identification requirements of this subsection by displaying the title or abbreviation of
 460 his or her area of specialization."

461 **SECTION 5.**

462 Said chapter is further amended by revising Code Section 43-26-11, relating to denial or
 463 revocation of licenses, as follows:

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

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

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

476 (B) In enforcement of this paragraph, the board may, upon reasonable grounds, require
 477 a licensee or applicant to submit to a mental or physical examination by a board
 478 approved health care professional. The results of such examination shall be admissible
 479 in any hearing before the board, notwithstanding any claim of privilege under a
 480 contrary law or rule. Every person who is licensed to practice nursing as a registered
 481 professional nurse or licensed undergraduate nurse in this state or who shall file an
 482 application shall be deemed to have given such person's consent to submit to such

483 mental or physical examination and to have waived all objections to the admissibility
484 of the results in any hearing before the board upon the grounds that the same constitutes
485 a privileged communication. If a licensee or applicant fails to submit to such an
486 examination when properly directed to do so by the board, unless such failure was due
487 to circumstances beyond that person's control, the board may enter a final order upon
488 proper notice, hearing, and proof of such refusal. Any licensee or applicant who is
489 prohibited from practicing under this paragraph shall at reasonable intervals be afforded
490 an opportunity to demonstrate to the board that such person can resume or begin to
491 practice with reasonable skill and safety nursing as a registered professional nurse or
492 licensed undergraduate nurse.

493 (C) In enforcement of this paragraph the board may, upon reasonable grounds, obtain
494 any and all records relating to the mental or physical condition of a licensee or
495 applicant, including psychiatric records; and such records shall be admissible in any
496 hearing before the board, notwithstanding any privilege under a contrary rule of law or
497 statute. Every person who is licensed as a registered professional nurse or licensed
498 undergraduate nurse in this state or who shall file an application shall be deemed to
499 have given such person's consent to the board's obtaining any such records and to have
500 waived all objections to the admissibility of such records in any hearing before the
501 board upon the grounds that the same constitute a privileged communication."

502

SECTION 6.

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