

Senate Bill 45

By: Senators Harp of the 29th, Thomas of the 54th, Balfour of the 9th, Grant of the 25th, Henson of the 41st and others

**AS PASSED SENATE**

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 revise the requirements for nursing education programs required for licensure  
3 as an advanced practice registered nurse, registered professional nurse, or licensed practical  
4 nurse; to revise definitions; to provide for related matters; to repeal conflicting laws; and for  
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is  
9 amended by revising paragraph (1.1) of Code Section 43-26-3, relating to definitions, and  
10 adding a new paragraph as follows:

11 "(1.1) 'Advanced practice registered nurse' means a registered professional nurse licensed  
12 under this chapter who is recognized by the board as having met the requirements  
13 established by the board to engage in advanced nursing practice and who holds a master's  
14 degree or other graduate degree ~~approved by the board~~ from an approved nursing  
15 education program and national board certification in his or her area of specialty, or a  
16 person who was recognized as an advanced practice registered nurse by the board on or  
17 before June 30, 2006. This paragraph shall not be construed to require a certified  
18 registered nurse anesthetist who graduated from an approved nurse anesthetist  
19 educational program prior to January 1, 1999, to hold a master's degree or other graduate  
20 degree.

21 (1.2) 'Approved nursing education program' located in this state means a nursing  
22 education program approved by the board as meeting criteria established by the board.  
23 An 'approved nursing education program' located outside this state means a nursing  
24 education program that the board has determined to meet criteria similar to and not less  
25 stringent than criteria established by the board. In order to be approved by the board, a  
26 nursing education program must be one that is offered by:

- 27 (A) A unit of the University System of Georgia;  
 28 (B) An institution of the Technical College System of Georgia;  
 29 (C) A nonprofit postsecondary institution of higher education that is accredited by a  
 30 regional accrediting agency recognized by the United States Department of Education;  
 31 (D) A proprietary institution of higher education that is accredited by a regional  
 32 accrediting agency recognized by the United States Department of Education; or  
 33 (E) A hospital that is accredited by a regional accrediting agency recognized by the  
 34 United States Department of Education."

## 35 SECTION 2.

36 Said chapter is further amended by revising subsections (b), (c), and (d) of Code  
 37 Section 43-26-7, relating to requirements for licensure as registered professional nurse, as  
 38 follows:

- 39 "(b) An applicant for licensure by examination shall:
- 40 (1) Submit a completed written application and fee;
  - 41 (2) Have graduated from ~~a nursing education program approved by the board or which~~  
 42 ~~meets criteria similar to, and not less stringent than, those established by the board~~ an  
 43 approved nursing education program, as defined in Code Section 43-26-3;
  - 44 (3) Pass a board recognized licensing examination; provided, however, that such  
 45 examination may not be taken prior to graduation from the approved nursing education  
 46 program;
  - 47 (4) Have satisfactory results from a fingerprint record check report conducted by the  
 48 Georgia Crime Information Center and the Federal Bureau of Investigation, as  
 49 determined by the board. Application for a license under this Code section shall  
 50 constitute express consent and authorization for the board or its representative to perform  
 51 a criminal background check. Each applicant who submits an application to the board  
 52 for licensure by examination agrees to provide the board with any and all information  
 53 necessary to run a criminal background check, including, but not limited to, classifiable  
 54 sets of fingerprints. The applicant shall be responsible for all fees associated with the  
 55 performance of such background check; and
  - 56 (5) Meet such other criteria as established by the board.
- 57 (c) An applicant for licensure by endorsement shall:
- 58 (1) Submit a completed written application and fee;
  - 59 (2) Have passed a board recognized licensing examination following graduation from a  
 60 ~~nursing education program approved by the board or which meets criteria similar to, and~~  
 61 ~~not less stringent than, those established by the board~~ an approved nursing education  
 62 program, as defined in Code Section 43-26-3;

- 63 (3) Submit verification of initial and current licensure in any other licensing jurisdiction  
64 administering a board recognized licensing examination;
- 65 (4) Have practiced nursing as a registered professional nurse for a period of time as  
66 determined by the board or have graduated from a an approved nursing education  
67 program within the four years immediately preceding the date of the application;
- 68 (5) Have satisfactory results from a fingerprint record check report conducted by the  
69 Georgia Crime Information Center and the Federal Bureau of Investigation, as  
70 determined by the board. Application for a license under this Code section shall  
71 constitute express consent and authorization for the board or its representative to perform  
72 a criminal background check. Each applicant who submits an application to the board  
73 for licensure by examination agrees to provide the board with any and all information  
74 necessary to run a criminal background check, including, but not limited to, classifiable  
75 sets of fingerprints. The applicant shall be responsible for all fees associated with the  
76 performance of such background check; and
- 77 (6) Meet such other criteria as established by the board.
- 78 (d) An applicant for reinstatement who has previously held a valid license in Georgia shall:
- 79 (1) Submit a completed written application and fee;
- 80 (2) Have practiced nursing as a registered professional nurse for a period of time as  
81 determined by the board or have graduated from a ~~nursing education program approved~~  
82 ~~by the board or which meets criteria similar to, and not less stringent than, those~~  
83 ~~established by the board~~ an approved nursing education program, as defined in Code  
84 Section 43-26-3, within the four years immediately preceding the date of the application;
- 85 (3) Have satisfactory results from a fingerprint record check report conducted by the  
86 Georgia Crime Information Center and the Federal Bureau of Investigation, as  
87 determined by the board. Application for a license under this Code section shall  
88 constitute express consent and authorization for the board or its representative to perform  
89 a criminal background check. Each applicant who submits an application to the board  
90 for licensure by examination agrees to provide the board with any and all information  
91 necessary to run a criminal background check, including, but not limited to, classifiable  
92 sets of fingerprints. The applicant shall be responsible for all fees associated with the  
93 performance of such background check; and
- 94 (4) Meet such other criteria as established by the board."

95

**SECTION 3.**

96 Said chapter is further amended by revising Code Section 43-26-32, relating to definitions,  
97 by adding a new paragraph to read as follows:

98 "(1.1) 'Approved nursing education program' located in this state means a nursing  
 99 education program approved by the board as meeting criteria established by the board. An  
 100 'approved nursing education program' located outside this state means a nursing education  
 101 program that the board has determined to meet criteria similar to and not less stringent than  
 102 criteria established by the board. In order to be approved by the board, a nursing education  
 103 program must be one that is offered by:

104 (A) A unit of the University System of Georgia;

105 (B) An institution of the Technical College System of Georgia;

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

108 (D) A proprietary institution of higher education that is accredited by a regional  
 109 accrediting agency recognized by the United States Department of Education; or

110 (E) A hospital that is accredited by a regional accrediting agency recognized by the  
 111 United States Department of Education."

#### 112 **SECTION 4.**

113 Said chapter is further amended by revising subparagraph (a)(1)(C) of Code  
 114 Section 43-26-36, relating to application for licensure, as follows:

115 "(C) Has graduated from a nursing education program approved by this board or which  
 116 meets criteria similar to, and not less stringent than, those established by this board an  
 117 approved nursing education program, as defined in Code Section 43-26-32;".

#### 118 **SECTION 5.**

119 Said chapter is further amended by revising subsections (a) and (b) of Code  
 120 Section 43-26-38, relating to license by endorsement, as follows:

121 "(a) The board, at its discretion, may issue a license to practice as a licensed practical  
 122 nurse, without examination, to any person who has a high school diploma or general  
 123 educational development (GED) diploma and has been duly licensed or registered as a  
 124 practical or vocational nurse or who is entitled to perform similar service under a different  
 125 designation under the laws of another state or territory of the United States if the license  
 126 or registration in that other state or territory is current and in good standing and was issued  
 127 based upon completion of an approved ~~program~~ nursing education program, as defined in  
 128 Code Section 43-26-32, and passage of an examination, which ~~program and~~ examination  
 129 ~~have~~ has been determined by the board to be substantially equal to or greater than the  
 130 requirements for licensure as a licensed practical nurse in this state and if such person has  
 131 engaged in the active practice of practical nursing as a licensed practical nurse within five  
 132 years immediately preceding the application; provided, however, that the requirement for

133 active practice shall not apply to an applicant who has graduated from an approved nursing  
134 education program within one year of the date of application or who was initially licensed  
135 within one year of the date of application.

136 (b) The board, at its discretion, may issue a license to practice as a licensed practical nurse,  
137 with examination, to any person who has a high school diploma or general educational  
138 development (GED) diploma and has been duly licensed or registered as a practical or  
139 vocational nurse or who is entitled to perform similar service under a different designation  
140 under the laws of another state or territory of the United States if the license or registration  
141 in that other state or territory is current and in good standing and was issued based upon  
142 completion of an approved ~~program~~ nursing education program, as defined in Code  
143 Section 43-26-32, substantially equal to or greater than the requirements of such programs  
144 ~~in this state~~, except however, such applicant has not been duly examined according to the  
145 prescribed examination approved by this board and if such person has engaged in active  
146 practice of practical nursing as a licensed practical nurse within five years immediately  
147 preceding the application."

148 **SECTION 6.**

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