

House Bill 475 (AS PASSED HOUSE AND SENATE)

By: Representatives Cooper of the 41st, Harbin of the 118th, Lindsey of the 54th, Houston of the 170th, Wilkinson of the 52nd, and others

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 certain provisions relating to requirements for registered professional nurses
5 in nontraditional nursing education programs; to provide for temporary permits for approved
6 preceptorships; to provide for related matters; to provide for an effective date; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

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

23 (1.2) 'Approved nursing education program' located in this state means a nursing
24 education program approved by the board as meeting criteria established by the board.
25 An 'approved nursing education program' located outside this state means a nursing
26 education program that the board has determined to meet criteria similar to and not less

27 stringent than criteria established by the board. In order to be approved by the board, a
 28 nursing education program must be one that is offered by:

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

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

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

35 or

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

38 SECTION 2.

39 Said chapter is further amended by revising Code Section 43-26-7, relating to requirements
 40 for licensure as a registered professional nurse, as follows:

41 "43-26-7.

42 (a) Any applicant who meets the requirements of this Code section shall be eligible for
 43 licensure as a registered professional nurse.

44 (b) An applicant for licensure by examination shall:

45 (1) Submit a completed written application and fee;

46 (2)(A) ~~Have graduated from a nursing education program approved by the board or~~
 47 ~~which meets criteria similar to, and not less stringent than, those established by the~~
 48 ~~board~~ an approved nursing education program, as defined in Code Section 43-26-3; or

49 (B)(i) Notwithstanding subparagraph (A) of this paragraph, have graduated from a
 50 nontraditional nursing education program approved by the board which meets the
 51 requirements in subsection (e) of this Code section; and

52 (ii)(I) If entered the nontraditional nursing education program as a licensed
 53 practical nurse with at least three years of clinical experience in a health care facility
 54 as a licensed practical nurse whose academic education as a licensed practical nurse
 55 included clinical training in pediatrics, obstetrics and gynecology, medical-surgical,
 56 and mental illness, have completed a 350 hour postgraduate preceptorship arranged
 57 by the applicant under the oversight of a registered professional nurse where such
 58 applicant is transitioned from the role of a licensed practical nurse to a registered
 59 professional nurse. The preceptorship shall have prior approval of the board and
 60 successful completion of the preceptorship shall be verified in writing by the
 61 preceptor; or

62 (II) If entered the nontraditional nursing education program as (1) a military
63 medical corpsman or paramedic or (2) a licensed practical nurse with less than three
64 years of clinical experience in a health care facility as a licensed practical nurse
65 whose academic training as a licensed practical nurse did not include clinical
66 training in pediatrics, obstetrics and gynecology, medical-surgical, and mental
67 illness, have completed a 700 hour postgraduate preceptorship arranged by the
68 applicant under the oversight of a registered professional nurse and approved by the
69 board. Such preceptorship shall include clinical practice in a health care facility in
70 pediatrics, obstetrics and gynecology, medical-surgical, mental illness, and
71 transition into the role of a registered professional nurse. The preceptorship shall
72 have prior approval of the board and successful completion of the preceptorship
73 shall be verified in writing by the preceptor.

74 Applicants who, before July 1, 2008, entered a nontraditional nursing education
75 program which meets the requirements of subsection (e) of this Code section and
76 complete such program no later than June 30, 2011, shall be deemed to meet the criteria
77 of this paragraph; provided, however, that the board shall have the discretion to require
78 additional clinical hours of experience of applicants who (i) did not enter the
79 nontraditional nursing education program as a licensed practical nurse, or (ii) entered
80 the nontraditional nursing education program as a licensed practical nurse but does not
81 have at least one year of clinical experience in a health care facility as a licensed
82 practical nurse, if such applicant's clinical experience is deemed lacking by the board;

83 (3) Pass a board recognized licensing examination; provided, however, that such
84 examination may not be taken prior to graduation from the approved nursing education
85 program. In no way shall the passage of such examination by a graduate of a
86 nontraditional nursing education program who does not meet the other requirements of
87 this subsection be construed to authorize such individual to practice nursing, to require
88 the board to license such individual as a registered professional nurse other than to issue
89 in its sole discretion a temporary permit pursuant to Code Section 43-26-8, or to be
90 endorsed from another state as a registered professional nurse;

91 (4) Have satisfactory results from a fingerprint record check report conducted by the
92 Georgia Crime Information Center and the Federal Bureau of Investigation, as
93 determined by the board. Application for a license under this Code section shall
94 constitute express consent and authorization for the board or its representative to perform
95 a criminal background check. Each applicant who submits an application to the board
96 for licensure by examination agrees to provide the board with any and all information
97 necessary to run a criminal background check, including, but not limited to, classifiable

- 98 sets of fingerprints. The applicant shall be responsible for all fees associated with the
99 performance of such background check; and
- 100 (5) Meet such other criteria as established by the board.
- 101 (c) An applicant for licensure by endorsement shall:
- 102 (1) Submit a completed written application and fee;
- 103 (2)(A) ~~Have passed a board recognized licensing examination following graduation~~
104 ~~from a nursing education program approved by the board or which meets criteria~~
105 ~~similar to, and not less stringent than, those established by the board; an approved~~
106 ~~nursing education program, as defined in Code Section 43-26-3; or~~
- 107 (B) Notwithstanding subparagraph (A) of this paragraph, have graduated from a
108 nontraditional nursing education program approved by the board which meets the
109 requirements in subsection (e) of this Code section;
- 110 (3) Submit verification of initial and current licensure in any other licensing jurisdiction
111 administering a board recognized licensing examination;
- 112 (4)(A) Have practiced nursing as a registered professional nurse for a period of time
113 as determined by the board or have graduated from a nursing education program within
114 the four years immediately preceding the date of the application;
- 115 (B) If graduated from a nontraditional nursing education program, have practiced
116 nursing as a registered professional nurse in a health care facility for at least one year
117 in the three years preceding the date of the application and such practice is documented
118 by the applicant and approved by the board;
- 119 (C) If entered a nontraditional nursing education program as a licensed practical nurse
120 and graduated from such program and practiced nursing as a registered professional
121 nurse in a health care facility for less than one year in the three years preceding the date
122 of the application, have completed a 350 hour postgraduate preceptorship arranged by
123 the applicant under the oversight of a registered professional nurse and where such
124 applicant is transitioned from the role of a licensed practical nurse to a registered
125 professional nurse. The preceptorship shall have prior approval of the board and
126 successful completion of the preceptorship shall be verified in writing by the preceptor;
127 or
- 128 (D) If entered a nontraditional nursing education program as a military medical
129 corpsman or paramedic and graduated from such program and practiced nursing as a
130 registered professional nurse in a health care facility for less than one year in the three
131 years preceding the date of the application, have completed a 700 hour postgraduate
132 preceptorship arranged by the applicant under the oversight of a registered professional
133 nurse. Such preceptorship shall include clinical practice in a health care facility in
134 pediatrics, obstetrics and gynecology, medical-surgical, mental illness, and transition

135 into the role of a registered professional nurse. The preceptorship shall have prior
 136 approval of the board and successful completion of the preceptorship shall be verified
 137 in writing by the preceptor;

138 (5) Have satisfactory results from a fingerprint record check report conducted by the
 139 Georgia Crime Information Center and the Federal Bureau of Investigation, as
 140 determined by the board. Application for a license under this Code section shall
 141 constitute express consent and authorization for the board or its representative to perform
 142 a criminal background check. Each applicant who submits an application to the board
 143 for licensure by examination agrees to provide the board with any and all information
 144 necessary to run a criminal background check, including, but not limited to, classifiable
 145 sets of fingerprints. The applicant shall be responsible for all fees associated with the
 146 performance of such background check; and

147 (6) Meet such other criteria as established by the board.

148 (d) An applicant for reinstatement who has previously held a valid license in Georgia shall:

149 (1) Submit a completed written application and fee;

150 (2) Have practiced nursing as a registered professional nurse for a period of time as
 151 determined by the board or have graduated from ~~a nursing education program approved~~
 152 ~~by the board or which meets criteria similar to, and not less stringent than, those~~
 153 ~~established by the board~~ an approved nursing education program, as defined in Code
 154 Section 43-26-3, within the four years immediately preceding the date of the application;

155 (3) Have satisfactory results from a fingerprint record check report conducted by the
 156 Georgia Crime Information Center and the Federal Bureau of Investigation, as
 157 determined by the board. Application for a license under this Code section shall
 158 constitute express consent and authorization for the board or its representative to perform
 159 a criminal background check. Each applicant who submits an application to the board
 160 for licensure by examination agrees to provide the board with any and all information
 161 necessary to run a criminal background check, including, but not limited to, classifiable
 162 sets of fingerprints. The applicant shall be responsible for all fees associated with the
 163 performance of such background check; and

164 (4) Meet such other criteria as established by the board.

165 (e) A nontraditional nursing education program shall meet the following requirements:

166 (1) Is part of an institution of higher education that is approved by the appropriate
 167 regulatory authorities of its home state;

168 (2) Holds regional and specialty accreditation by an accrediting body or bodies
 169 recognized by the United States Secretary of Education or the Council for Higher
 170 Education Accreditation;

- 171 (3) Requires its program applicants to be a licensed practical/vocational nurse, military
 172 medical corpsman, or paramedic;
 173 (4) Requires its students to pass faculty determined program outcomes including
 174 competency based assessments of nursing knowledge and a summative performance
 175 assessment of clinical competency of a minimum of 2 1/2 days developed by faculty
 176 subject matter experts that follows nationally recognized standards for educational
 177 testing; and
 178 (5) Its graduates pass a board recognized licensing examination at a rate equivalent to
 179 the minimum rate required for board approved traditional nursing education programs."

180 **SECTION 3.**

181 Said chapter is further amended by revising Code Section 43-26-8, relating to temporary
 182 permits, as follows:

183 "43-26-8.

- 184 (a) A temporary permit may be issued to an applicant for licensure by examination,
 185 endorsement, or reinstatement in accordance with criteria established by the board.
 186 (b) A six-month temporary permit may be issued to a graduate of a nontraditional nursing
 187 education program that meets the requirements of subsection (e) of Code Section 43-26-7
 188 to practice nursing only as a part of their board approved preceptorship. A temporary
 189 permit issued pursuant to this subsection may be renewed only one time for an additional
 190 six-month period."

191 **SECTION 4.**

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

194 "(1.1) 'Approved nursing education program' located in this state means a nursing
 195 education program approved by the board as meeting criteria established by the board. An
 196 'approved nursing education program' located outside this state means a nursing education
 197 program that the board has determined to meet criteria similar to and not less stringent than
 198 criteria established by the board. In order to be approved by the board, a nursing education
 199 program must be one that is offered by:

- 200 (A) A unit of the University System of Georgia accredited by the Commission on
 201 Colleges of the Southern Association of Colleges and Schools;
 202 (B) An institution of the Technical College System of Georgia;
 203 (C) A nonprofit postsecondary institution of higher education that is accredited by a
 204 regional accrediting agency recognized by the United States Department of Education;
 205 or

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

208 **SECTION 5.**

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

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

214 **SECTION 6.**

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

217 "(a) The board, at its discretion, may issue a license to practice as a licensed practical
 218 nurse, without examination, to any person who has a high school diploma or general
 219 educational development (GED) diploma and has been duly licensed or registered as a
 220 practical or vocational nurse or who is entitled to perform similar service under a different
 221 designation under the laws of another state or territory of the United States if the license
 222 or registration in that other state or territory is current and in good standing and was issued
 223 based upon completion of an approved ~~program~~ nursing education program, as defined in
 224 Code Section 43-26-32, and passage of an examination, which ~~program and~~ examination
 225 have ~~has~~ been determined by the board to be substantially equal to or greater than the
 226 requirements for licensure as a licensed practical nurse in this state and if such person has
 227 engaged in the active practice of practical nursing as a licensed practical nurse within five
 228 years immediately preceding the application; provided, however, that the requirement for
 229 active practice shall not apply to an applicant who has graduated from an approved nursing
 230 education program within one year of the date of application or who was initially licensed
 231 within one year of the date of application.

232 (b) The board, at its discretion, may issue a license to practice as a licensed practical nurse,
 233 with examination, to any person who has a high school diploma or general educational
 234 development (GED) diploma and has been duly licensed or registered as a practical or
 235 vocational nurse or who is entitled to perform similar service under a different designation
 236 under the laws of another state or territory of the United States if the license or registration
 237 in that other state or territory is current and in good standing and was issued based upon
 238 completion of an approved ~~program~~ nursing education program, as defined in Code
 239 Section 43-26-32, substantially equal to or greater than the requirements of such programs
 240 in this state, except however, such applicant has not been duly examined according to the

241 prescribed examination approved by this board and if such person has engaged in active
242 practice of practical nursing as a licensed practical nurse within five years immediately
243 preceding the application."

244 **SECTION 7.**

245 This Act shall become effective upon its approval by the Governor or upon its becoming law
246 without such approval.

247 **SECTION 8.**

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