

House Bill 1040

By: Representatives Pruett of the 144<sup>th</sup>, Cooper of the 41<sup>st</sup>, Cole of the 125<sup>th</sup>, and Ramsey of the 72<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 43-26-12 of the Official Code of Georgia Annotated, relating to  
2 exceptions to the operation of the "Georgia Registered Professional Nurse Practice Act," so  
3 as to provide that the performance of health maintenance activities by a designated caregiver  
4 under certain conditions shall not require licensure as a registered professional nurse; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 43-26-12 of the Official Code of Georgia Annotated, relating to exceptions to  
9 the operation of the "Georgia Registered Professional Nurse Practice Act," is amended by  
10 revising subsection (a) as follows:

11 "(a) No provision in this article shall be construed to require licensure in Georgia as a  
12 registered professional nurse in:

13 (1) The practice of nursing by students that is an integral part of a curriculum in a board  
14 approved nursing education program leading to initial licensure;

15 (2) The rendering of assistance by anyone in the case of an emergency or disaster;

16 (3) The incidental care of the sick by members of the family, friends, or persons  
17 primarily utilized as housekeepers, provided that such care does not constitute the  
18 practice of nursing within the meaning of this article;

19 (4) Caring for the sick in accordance with tenets or practices of any church or religious  
20 denomination which teaches reliance upon spiritual means through prayer for healing;

21 (5) The performance of auxiliary services in the care of patients when such care and  
22 activities do not require the knowledge and skill required of a person practicing nursing  
23 as a registered professional nurse and when such care and activities are performed under  
24 orders or directions of a licensed physician, licensed dentist, licensed podiatrist, or person  
25 licensed to practice nursing as a registered professional nurse;

26 (6) The practice of nursing as a registered professional nurse, by a person licensed so to  
 27 practice in another state, who is employed by the United States government or any  
 28 bureau, division, or agency thereof while in the discharge of that person's official duties;

29 (7) The practice of nursing as a registered professional nurse, by a person currently  
 30 licensed so to practice in another state, who is employed by an individual, agency, or  
 31 corporation located in another state and whose employment responsibilities include  
 32 transporting patients into, out of, or through this state for a period not to exceed 24 hours;  
 33 and

34 (8) The practice of nursing as a registered professional nurse by a person currently  
 35 licensed so to practice in another state, who is visiting Georgia as a nonresident, in order  
 36 to provide specific, nonclinical, short-term, time limited services including, but not  
 37 limited to, consultation, accreditation site visits, and the participation in continuing  
 38 education programs; and

39 (9) The performance of health maintenance activities for an individual with disabilities  
 40 by a designated caregiver when such activities are performed pursuant to the written  
 41 orders of an attending physician, or a nurse practitioner or physician assistant working  
 42 under a nurse protocol or job description, respectively, pursuant to Code Section  
 43 43-34-23, and such orders are incorporated into a written care plan for the disabled  
 44 individual if such individual, or his or her representative or guardian, has executed a  
 45 written informed consent and has waived liability for the licensed attending physician,  
 46 nurse practitioner, or physician assistant, the registered professional nurse who trained  
 47 such designated caregiver, and, when applicable, the licensed home or community based  
 48 agency relative to their involvement in the performance of health maintenance activities  
 49 by the designated caregiver. For purposes of this paragraph, the term:

50 (A) 'Health maintenance activities' mean those activities which enable an individual  
 51 with disabilities to live as independently as possible in a home or community setting  
 52 and include identified specialized procedures, beyond the activities of daily living,  
 53 which the licensed attending physician, or nurse practitioner or physician assistant  
 54 working under a nurse protocol or job description, respectively, has determined in  
 55 writing can be performed outside a hospital or nursing home setting.

56 (B) 'Designated caregiver' means an unlicensed person who is designated in writing by  
 57 a registered professional nurse as a person that has been trained by such registered  
 58 professional nurse to perform documented health maintenance activities, including  
 59 identified specialized procedures, for an individual with disabilities if such individual,  
 60 or his or her representative or guardian, has executed a written informed consent  
 61 concerning the written orders of a licensed attending physician, or a nurse practitioner  
 62 or physician assistant working under a nurse protocol or job description, respectively.

63 and a written care plan. Such written informed consent signed by the disabled  
64 individual or his or her representative or guardian shall acknowledge receipt of  
65 documented health maintenance activities by an unlicensed designated caregiver,  
66 consent to such receipt, and waiver of liability of the licensed attending physician, nurse  
67 practitioner, or physician assistant, the registered professional nurse who trained such  
68 designated caregiver, and, when applicable, the licensed home or community based  
69 agency for the delivery of such health maintenance activities by the designated  
70 caregiver.

71 (C) 'Disabled individual' or 'individual with disabilities' is an individual that has a  
72 physical or mental impairment that substantially limits one or more major life activities  
73 and who meets the criteria for such disability under state or federal law."

74 **SECTION 2.**

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