

HOUSE SUBSTITUTE TO SENATE BILL 100

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 43-26-3 of the Official Code of Georgia Annotated, relating to
2 definitions relative to the "Georgia Registered Professional Nurse Practice Act," so as to
3 revise a definition; to amend Chapter 26 of Title 43 of the Official Code of Georgia
4 Annotated, relating to nurses, so as to prohibit the use of the title "nurse" unless licensed as
5 a registered professional nurse or a licensed practical nurse; to revise requirements for certain
6 applicants as a registered professional nurse; to revise requirements relating to nontraditional
7 nursing education programs; to provide for related matters; to provide for an effective date;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Code Section 43-26-3 of the Official Code of Georgia Annotated, relating to definitions
12 relative to the "Georgia Registered Professional Nurse Practice Act," is amended by revising
13 paragraph (1.2) as follows:

14 "(1.2) 'Approved nursing education program' located in this state means a nursing
15 education program approved by the board as meeting criteria established by the board.
16 An 'approved nursing education program' located outside this state means a nursing
17 education program that the board has determined to meet criteria similar to and not less
18 stringent than criteria established by the board. In order to be approved by the board, a
19 nursing education program must be one that is offered by:

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

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

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

26 or

27 (D) A proprietary institution of higher education that is accredited by a regional
 28 accrediting agency recognized by the United States Department of Education; or
 29 (E) A nonprofit postsecondary institution of higher education that is a four-year
 30 institution that is not accredited in accordance with subparagraph (C) of this paragraph,
 31 but whose curriculum has been determined by the board to meet criteria similar to and
 32 not less stringent than criteria established by the board for other approved nursing
 33 education programs."

34 SECTION 1A.

35 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
 36 amended in Code Section 43-26-6, relating to the use of certain titles by licensed registered
 37 nurses or advanced practice registered nurses, by adding a new subsection to read as follows:
 38 "(d) No person shall use the title 'nurse' or any other title or abbreviation that would
 39 represent to the public that a person is authorized to practice nursing unless the person is
 40 licensed or otherwise authorized under this article or Article 2 of this chapter."

41 SECTION 1B.

42 Said chapter is further amended in Code Section 43-26-33, relating to the use of certain titles
 43 by licensed practical nurses or applicants, by adding a new subsection to read as follows:
 44 "(c) No person shall use the title 'nurse' or any other title or abbreviation that would
 45 represent to the public that a person is authorized to practice nursing unless the person is
 46 licensed or otherwise authorized under this article or Article 1 of this chapter."

47 SECTION 1C.

48 Said chapter is further amended in Code Section 43-26-7, relating to requirements for
 49 licensure as a registered professional nurse, by revising subsections (b), (c), and (e) as
 50 follows:

51 "(b) An applicant for licensure by examination shall:

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

53 (2)(A) Have graduated from an approved nursing education program, as defined in
 54 Code Section 43-26-3; or

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

58 (ii)(I) If the applicant entered the nontraditional nursing education program as a
 59 licensed practical nurse and had an academic education as a licensed practical nurse
 60 that included clinical training in pediatrics, obstetrics and gynecology,

61 medical-surgical, and mental illness, have with at least three two years of clinical
 62 experience in the five years preceding the date of the application in a health care
 63 facility an acute care inpatient facility or a long-term acute care facility as a licensed
 64 practical nurse, as approved by the board. Such clinical experience shall be verified
 65 in writing by the applicant's immediate supervisor that the applicant has the critical
 66 thinking abilities, clinical skills, and leadership abilities necessary to practice as a
 67 registered professional nurse in an acute care inpatient facility or a long-term acute
 68 care facility whose academic education as a licensed practical nurse included
 69 clinical training in pediatrics, obstetrics and gynecology, medical-surgical, and
 70 mental illness, have completed a 350-hour postgraduate preceptorship arranged by
 71 the applicant under the oversight of a registered professional nurse where such
 72 applicant is transitioned from the role of a licensed practical nurse to a registered
 73 professional nurse. The preceptorship shall have prior approval of the board and
 74 successful completion of the preceptorship shall be verified in writing by the
 75 preceptor; or

76 (II) If the applicant entered the nontraditional nursing education program as a
 77 licensed practical nurse, had an academic education as a licensed practical nurse that
 78 included clinical training in pediatrics, obstetrics and gynecology, medical-surgical,
 79 and mental illness, and has at least two years of experience as a licensed practical
 80 nurse in any setting, although such experience shall be exclusive of night duty in a
 81 skilled nursing facility, but less than two years of experience in the five years
 82 preceding the date of the application in an acute care inpatient facility or a
 83 long-term acute care facility, as approved by the board, have completed a 320-hour
 84 postgraduate preceptorship. If the applicant can show that he or she cannot find a
 85 preceptorship in an acute care inpatient facility or a long-term acute care facility, the
 86 board may authorize a preceptorship pursuant to this subdivision in a skilled nursing
 87 facility, if such facility has 100 beds or more and such facility ensures to the board
 88 that the applicant will be providing health care to patients with similar health care
 89 needs as those patients in a long-term acute care facility;

90 ~~(H)~~(III) If the applicant entered the nontraditional nursing education program as (1)
 91 a military medical corpsman or paramedic with at least two years of experience as
 92 a paramedic or (2) a licensed practical nurse with less than three two years of
 93 clinical experience in the five years preceding the date of the application in a health
 94 care facility an acute care inpatient facility or a long-term acute care facility as a
 95 licensed practical nurse whose academic training as a licensed practical nurse did
 96 not include clinical training in pediatrics, obstetrics and gynecology,
 97 medical-surgical, and mental illness, have completed a 700-hour 480-hour

98 ~~postgraduate preceptorship arranged by the applicant under the oversight of a~~
 99 ~~registered professional nurse and approved by the board. Such preceptorship shall~~
 100 ~~include clinical practice in a health care facility~~ be in the area or areas as determined
 101 by the board on a case-by-case basis, which may include in pediatrics, obstetrics and
 102 gynecology, medical-surgical, mental illness, and transition into the role of a
 103 registered professional nurse. ~~The preceptorship shall have prior approval of the~~
 104 ~~board, and successful completion of the preceptorship shall be verified in writing~~
 105 ~~by the preceptor.;~~

106 (IV) If the applicant entered the nontraditional nursing education program as a
 107 military medical corpsman and has at least two years of experience as a military
 108 medical corpsman, have completed a postgraduate preceptorship of at least 480
 109 hours but not more than 640 hours, as determined by the board; or

110 (V) If the applicant does not meet the requirements of subdivision (I), (II), (III), or
 111 (IV) of this division and the applicant ~~Applicants who, before July 1, 2008, entered~~
 112 ~~a nontraditional nursing education program before July 1, 2008, which meets the~~
 113 ~~requirements of subsection (e) of this Code section and~~ complete completes such
 114 program no later than June 30, 2011 2012, he or she shall be deemed to meet the
 115 criteria of this paragraph; provided, however, that the board shall have the discretion
 116 to require ~~additional clinical hours of experience~~ a preceptorship of up to a
 117 maximum of 640 hours of any applicant ~~of applicants~~ who (i) did not enter the
 118 nontraditional nursing education program as a licensed practical nurse, or (ii)
 119 entered the nontraditional nursing education program as a licensed practical nurse
 120 but does not have at least one year of clinical experience in a health care facility as
 121 a licensed practical nurse, if such applicant's clinical experience is deemed lacking
 122 by the board.

123 All preceptorships required pursuant to this division shall be arranged by the applicant
 124 under the close supervision of a registered professional nurse where such applicant
 125 is transitioned into the role of a registered professional nurse and the applicant
 126 performs duties typically performed by registered professional nurses. Except as
 127 otherwise provided in subdivision (II) of this division, a preceptorship shall be in an
 128 acute care inpatient facility or a long-term acute care facility; provided, however, that
 129 the board may authorize a preceptorship in other facilities to obtain specialized
 130 experience in certain areas. The preceptorship shall have prior approval of the board,
 131 and successful completion of the preceptorship shall be verified in writing by the
 132 preceptor that the applicant has the critical thinking abilities, clinical skills, and
 133 leadership abilities necessary to practice as a registered professional nurse in an acute

134 care inpatient facility or a long-term acute care facility. The board shall make the
 135 determinations required by this division in accordance with its established guidelines;

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

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

153 (5) Meet such other criteria as established by the board.

154 (c) An applicant for licensure by endorsement shall:

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

156 (2)(A) Have passed a board recognized licensing examination following graduation
 157 from an approved nursing education program, as defined in Code Section 43-26-3; or

158 (B) Notwithstanding subparagraph (A) of this paragraph, have graduated from a
 159 nontraditional nursing education program approved by the board which meets the
 160 requirements in subsection (e) of this Code section;

161 (3) Submit verification of initial and current licensure in any other licensing jurisdiction
 162 administering a board recognized licensing examination;

163 (4)(A) Have practiced nursing as a registered professional nurse for a period of time
 164 as determined by the board or have graduated from a nursing education program within
 165 the four years immediately preceding the date of the application;

166 (B) If the applicant graduated from entered a nontraditional nursing education program
 167 as:

168 (i) A licensed practical nurse whose academic education as a licensed practical nurse
 169 included clinical training in pediatrics, obstetrics and gynecology, medical-surgical,
 170 and mental illness; or

171 (ii) A paramedic,
 172 have practiced nursing as a registered professional nurse in a ~~health care facility~~ an
 173 acute care inpatient facility or a long-term acute care facility for at least one year in the
 174 three years preceding the date of the application, and such practice is documented by
 175 the applicant and approved by the board; or

176 (C) If the applicant entered a nontraditional nursing education program as anything
 177 other than:

178 (i) A a licensed practical nurse whose academic education as a licensed practical
 179 nurse included clinical training in pediatrics, obstetrics and gynecology,
 180 medical-surgical, and mental illness; or

181 (ii) A paramedic,
 182 and have graduated from such program and practiced nursing as a registered
 183 professional nurse in a ~~health care facility~~ an acute care inpatient facility or a long-term
 184 acute care facility for ~~less than one year~~ at least three years in the ~~three~~ five years
 185 preceding the date of the application, and such practice is documented by the applicant
 186 and approved by the board, ~~have completed a 350-hour postgraduate preceptorship~~
 187 ~~arranged by the applicant under the oversight of a registered professional nurse and~~
 188 ~~where such applicant is transitioned from the role of a licensed practical nurse to a~~
 189 ~~registered professional nurse. The preceptorship shall have prior approval of the board~~
 190 ~~and successful completion of the preceptorship shall be verified in writing by the~~
 191 ~~preceptor; or~~

192 ~~(D) If entered a nontraditional nursing education program as a military medical~~
 193 ~~corpsman or paramedic and graduated from such program and practiced nursing as a~~
 194 ~~registered professional nurse in a health care facility for less than one year in the three~~
 195 ~~years preceding the date of the application, have completed a 700-hour postgraduate~~
 196 ~~preceptorship arranged by the applicant under the oversight of a registered professional~~
 197 ~~nurse. Such preceptorship shall include clinical practice in a health care facility in~~
 198 ~~pediatrics, obstetrics and gynecology, medical-surgical, mental illness, and transition~~
 199 ~~into the role of a registered professional nurse. The preceptorship shall have prior~~
 200 ~~approval of the board, and successful completion of the preceptorship shall be verified~~
 201 ~~in writing by the preceptor;~~

202 (5) Have satisfactory results from a fingerprint record check report conducted by the
 203 Georgia Crime Information Center and the Federal Bureau of Investigation, as
 204 determined by the board. Application for a license under this Code section shall
 205 constitute express consent and authorization for the board or its representative to perform
 206 a criminal background check. Each applicant who submits an application to the board
 207 for licensure by examination agrees to provide the board with any and all information

208 necessary to run a criminal background check, including, but not limited to, classifiable
 209 sets of fingerprints. The applicant shall be responsible for all fees associated with the
 210 performance of such background check; and

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

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

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

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

218 ~~(3) Requires its program applicants to be a licensed practical/vocational nurse, military
 219 medical corpsman, or paramedic;~~

220 ~~(4)~~(3) Requires its students to pass faculty determined program outcomes, including
 221 competency based assessments of nursing knowledge and a summative performance
 222 assessment of clinical competency of a minimum of 2 1/2 days developed by faculty
 223 subject matter experts that follows nationally recognized standards for educational
 224 testing; and

225 ~~(5)~~(4) Its graduates pass a board recognized licensing examination at a rate equivalent
 226 to the minimum rate required for board approved traditional nursing education programs."

227 **SECTION 2.**

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

230 **SECTION 3.**

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