

Senate Bill 376

By: Senators Carter of the 1st, Williams of the 19th, Jackson of the 2nd and Goggans of the 7th

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 add mandatory reporting provisions; to provide for related matters; to repeal
3 conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
7 amended by adding a new article to read as follows:

8 "ARTICLE 3

9 43-26-50.

10 As used in this article, the term 'board' means the Georgia Board of Nursing and the
11 Georgia Board of Examiners of Licensed Practical Nurses.

12 43-26-51.

13 A licensed nurse shall report names of subject individuals to the board if the nurse has
14 reasonable cause to suspect that a nurse or an applicant has violated any of the grounds for
15 discipline, except for minor incidents, as described by rules to enforce this article
16 promulgated by such board. Licensed professionals do not need to report to the board
17 professional knowledge obtained in the course of a health professional-client relationship
18 when the client is a nurse.

19 43-26-52.

20 (a) Hospitals, nursing homes, temporary staffing agencies, and other employers of
21 registered professional nurses, licensed practical nurses, or advanced practice registered
22 nurses shall report to the board the name of any licensee or applicant for nursing licensure

23 whose employment has been terminated or who has resigned in order to avoid termination
24 for any reasons stipulated in Code Section 43-26-10, 43-26-11, 43-26-40, or 43-26-42.

25 (b) A state agency that licenses, registers, or certifies a hospital, nursing home, home
26 health agency, or other type of health care facility or agency section, or surveys one of
27 these facilities or agencies, shall report to the board when that agency has evidence that the
28 nurse has violated Code Section 43-26-10, 43-26-11, 43-26-40, or 43-26-42.

29 (c) Each insurer that provides professional liability insurance that covers claims arising
30 from providing or failing to provide nursing care shall report to the board any payment
31 made above \$25,000.00 on behalf of a nurse in a claim or lawsuit.

32 (d) A person who is required to report a nurse under this Code section because the nurse
33 is impaired or suspected of being impaired by chemical dependency or mental illness may
34 report to an alternative to discipline program instead of reporting to the board, provided
35 that the board approves an alternative to discipline program and such alternative reporting.

36 (e) The board shall inform, in the manner such board determines appropriate, nurses,
37 facilities, agencies, and other persons of their duty to report under this Code section.

38 43-26-53.

39 Minor incidents are exceptions to reporting requirements for violations of Code
40 Section 43-26-10, 43-26-11, 43-26-40, or 43-26-42, when the continuing practice by the
41 subject nurse does not pose a risk of harm to a client or others and can be addressed
42 through corrective action by the nurse's employer. The board shall adopt rules governing
43 reporting of minor incidents. The board may evaluate a complaint and determine that it is
44 a minor incident under this Code section.

45 43-26-54.

46 The board may seek an order from a court of competent jurisdiction for a report from any
47 of the parties stipulated in Code Sections 43-26-51 and 43-26-52 if one is not forthcoming
48 voluntarily. The board may seek a citation for civil contempt if a court order for a report
49 is not obeyed by any of the parties stipulated in Code Sections 43-26-51 and 43-26-52.

50 43-26-55.

51 (a) Any organization or person reporting in good faith information to the board under this
52 article shall be immune from civil action as provided in Code Section 43-26-10, 43-26-11,
53 43-26-40, or 43-26-42.

54 (b) A physician or other licensed health care professional who, at the request of the board,
55 examines a nurse shall be immune from suit for damages by the nurse examined if the

56 examining physician or examining health care professional conducted the examination and
57 made findings or diagnoses in good faith."

58

SECTION 2.

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