

The Senate Health and Human Services Committee offered the following substitute to SB 376:

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 believe that a nurse has violated any of the grounds for discipline
15 provided for in Code Section 43-26-53. A licensed nurse need not duplicate a report if the
16 nurse has reasonable cause to believe that such report has been made to the board.
17 Licensed professionals do not need to report to the board professional knowledge obtained
18 in the course of a health professional-client relationship 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, or ensure that such report has in fact been made to the

23 board, the name of any licensee whose employment has been terminated or who has
24 resigned in order to avoid termination for any reasons stipulated in Code Section 43-26-53.

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 43-26-53 or ensure that such a report has in fact been
29 made to the board.

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

34 (d) The board shall inform, in the manner such board determines appropriate, nurses,
35 facilities, agencies, and other persons of their duty to report under this article.

36 43-26-53.

37 (a) The following incidents shall be reported to the board in the event any person is:

38 (1) Practicing nursing as a registered professional nurse, without a valid, current license,
39 except as otherwise permitted under Code Section 43-26-12;

40 (2) Practicing nursing as a registered professional nurse under cover of any diploma,
41 license, or record illegally or fraudulently obtained, signed, or issued;

42 (3) Practicing nursing as a registered professional nurse during the time the license is
43 suspended, revoked, surrendered, or administratively revoked for failure to renew;

44 (4) Using any words, abbreviations, figures, letters, title, sign, card, or device implying
45 that such person is a registered professional nurse or advanced practice registered nurse
46 unless such person is duly licensed or recognized by the board so to practice under the
47 provisions of this article;

48 (5) Fraudulently furnishing a license to practice nursing as a registered professional
49 nurse;

50 (6) Knowingly aiding or abetting any person to violate this chapter;

51 (7) While holding a nursing license, convicted of any felony, crime involving moral
52 turpitude, or crime violating a federal or state law relating to controlled substances or
53 dangerous drugs in the courts of this state, any other state, territory, or country, or in the
54 courts of the United States, including but not limited to a plea of nolo contendere entered
55 to the charge; or

56 (8) Displaying or has displayed an inability to practice nursing as a registered
57 professional nurse or licensed undergraduate nurse with reasonable skill and safety due
58 to use of alcohol, drugs, narcotics, or chemicals.

59 (b) Minor incidents are exceptions to reporting requirements for violations of subsection
60 (a) of this Code section, when the continuing practice by the subject nurse does not pose
61 a risk of harm to a client or others and can be addressed through corrective action by the
62 nurse's employer. The board shall adopt rules governing reporting of minor incidents. The
63 board may evaluate a complaint and determine that it is a minor incident under this Code
64 section.

65 43-26-54.

66 The board may seek an order from a court of competent jurisdiction for a report from any
67 of the parties stipulated in Code Section 43-26-51 if one is not forthcoming voluntarily.
68 The board may seek a citation for civil contempt if a court order for a report is not obeyed
69 by any of the parties stipulated in Code Section 43-26-51.

70 43-26-55.

71 (a) No licensed nurse, hospital, nursing home, temporary staffing agency, employer, or
72 other person required to report a nurse to the board under this article, who, in good faith,
73 either reports or fails to report, shall be subject to civil or criminal liability or discipline for
74 unprofessional conduct for such action or inaction.

75 (b) A physician or other licensed health care professional who, at the request of the board,
76 examines a nurse shall be immune from suit for damages by the nurse examined if the
77 examining physician or examining health care professional conducted the examination and
78 made findings or diagnoses in good faith."

79 **SECTION 2.**

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