

The House Committee on Health and Human Services offers the following substitute to SB 368:

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 provide for continuing competency requirements as the board of nursing may
3 require by rules or regulations as a requirement of renewal of licenses; to provide for inactive
4 licenses; to add mandatory reporting provisions for nurses; to provide for related matters; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
9 amended by revising Code Section 43-26-9, relating to the biennial renewal of licenses,
10 voluntary surrender or failure to renew a license, and restoration and reissuance of a license,
11 as follows:

12 "43-26-9.

13 (a) Licenses issued under this article shall be renewed biennially according to schedules
14 and fees approved by the board.

15 (b) A renewed license shall be issued to a registered professional nurse or licensed
16 undergraduate nurse who remits the required fee and complies with requirements
17 established by the board.

18 (b.1) Beginning with the 2015 license renewal cycle, an applicant for license renewal shall
19 also meet one of the following continuing competency requirements during the previous
20 licensure period:

21 (1) Completion of 30 continuing education hours by a board approved provider;

22 (2) Maintenance of certification or recertification by a national certifying body
23 recognized by the board;

24 (3) Completion of an accredited academic program of study in nursing or a related field
25 recognized by the board;

26 (4) Verification of competency by a facility licensed under Title 31 or by a physician's
 27 office that is part of a health system and at least 500 hours practiced as evidenced by
 28 employer certification on a form approved by the board; or

29 (5) Other activities as prescribed and approved by the board that show competency in the
 30 nursing field.

31 Failure to meet the minimum continuing competency requirement for renewal of a license
 32 shall be grounds for denial of a renewal application. The board may waive or modify the
 33 continuing competency requirement stated by rule or regulation in cases of hardship,
 34 disability, illness, or under such other circumstances as the board, in its discretion, deems
 35 appropriate.

36 (c) The voluntary surrender of a license or the failure to renew a license by the end of an
 37 established penalty period shall have the same effect as a revocation of said license, subject
 38 to reinstatement at the discretion of the board. The board may restore and reissue a license
 39 and, as a condition thereof, may impose any disciplinary sanction provided by Code
 40 Section 43-1-19 or 43-26-11 ~~or Code Section 43-1-19.~~"

41 **SECTION 2.**

42 Said chapter is further amended by adding a new Code section to read as follows:

43 "43-26-9.1.

44 (a) A person who notifies the board on forms prescribed thereby may elect to place his or
 45 her license on an inactive status and shall, subject to rules of the board, be excused from
 46 payment of renewal fees until he or she notifies the board of his or her desire to resume
 47 active status.

48 (b) A person who has had his or her license on inactive status may have his or her license
 49 restored by submitting an application to the board on a form prescribed by the board and
 50 paying the required restoration fee. The board shall require evidence of competency to
 51 resume the practice of nursing as a registered professional nurse in order to restore the
 52 license to active status.

53 (c) A registered professional nurse or advanced practice registered nurse whose license is
 54 on inactive status shall not practice nursing as a registered professional nurse or an
 55 advanced practice registered nurse in this state.

56 (d) The board shall provide at least 180 days prior notice to a registered professional nurse
 57 or advanced practice registered nurse whose license will be in inactive status for a period
 58 of 60 months from the date the license was placed in inactive status to provide notice to
 59 such nurse that he or she may be subject to a requirement to complete a reinstatement
 60 program prior to restoration of his or her license. Such notice may be provided by

61 electronic means or by United States mail to the last known e-mail or mailing address of
 62 such nurse."

63 **SECTION 3.**

64 Said chapter is further amended by adding a new article to read as follows:

65 "ARTICLE 3

66 43-26-50.

67 As used in this article, the term:

68 (1) 'Board' means the Georgia Board of Nursing, with respect to registered professional
 69 nurses, and the Georgia Board of Examiners of Licensed Practical Nurses, with respect
 70 to licensed practical nurses.

71 (2) 'Nurse' means a registered professional nurse licensed pursuant to Article 1 of this
 72 chapter or a licensed practical nurse licensed pursuant to Article 2 of this chapter.

73 43-26-51.

74 A nurse shall report names of subject individuals to the applicable board if the nurse has
 75 reasonable cause to believe that any other nurse has violated any of the grounds for
 76 discipline provided for in Code Section 43-26-53. A nurse need not duplicate a report if
 77 he or she has reasonable cause to believe that such report has been made to the applicable
 78 board. A licensed health care professional shall not be required to report a nurse to the
 79 board under this Code section as a result of professional knowledge obtained in the course
 80 of the health care professional-patient relationship when the nurse is the patient.

81 43-26-52.

82 (a) Hospitals, nursing homes, temporary staffing agencies, and other employers of
 83 registered professional nurses, licensed practical nurses, or advanced practice registered
 84 nurses shall report to the applicable board, or ensure that such report has in fact been made
 85 to such board, the name of any licensee whose employment has been terminated or who has
 86 resigned in order to avoid termination for any reasons stipulated in Code Section 43-26-53.

87 (b) A state agency that licenses, registers, or certifies a hospital, nursing home, home
 88 health agency, or other type of health care facility, or surveys one of these facilities or
 89 agencies, shall report to the applicable board when such state agency has evidence that a
 90 nurse has violated Code Section 43-26-53 or ensure that such a report has in fact been
 91 made to such board.

92 (c) In the event a nurse enters a voluntary alternative to discipline program approved by
93 the board, reporting to the applicable board shall not be required for such nurse by a person
94 under this Code section. The applicable boards shall approve alternative to discipline
95 programs for monitoring of nurses who agree to seek treatment for impairment by
96 chemical dependency or mental illness that could lead to disciplinary action by the board.
97 (d) The applicable board shall inform, in the manner such board determines appropriate,
98 nurses, facilities, agencies, and other persons of their duty to report under this article.

99 43-26-53.

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

102 (1) Practicing nursing as a registered professional nurse or a licensed practical nurse,
103 without a valid, current license, except as otherwise permitted under Code Section
104 43-26-12 or 43-26-41, as applicable;

105 (2) Practicing nursing as a registered professional nurse or a licensed practical nurse
106 under cover of any diploma, license, or record illegally or fraudulently obtained, signed,
107 or issued;

108 (3) Practicing nursing as a registered professional nurse or a licensed practical nurse
109 during the time the license is suspended, revoked, surrendered, or administratively
110 revoked for failure to renew;

111 (4) Using any words, abbreviations, figures, letters, title, sign, card, or device implying
112 that such person is a registered professional nurse, advanced practice registered nurse, or
113 licensed practical nurse unless such person is duly licensed or recognized by the
114 applicable board so to practice under the provisions of this chapter;

115 (5) Fraudulently furnishing a license to practice nursing as a registered professional
116 nurse or licensed practical nurse;

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

118 (7) While holding a license as a nurse, convicted of any felony, crime involving moral
119 turpitude, or crime violating a federal or state law relating to controlled substances or
120 dangerous drugs in the courts of this state, any other state, territory, or country, or in the
121 courts of the United States, including but not limited to a plea of nolo contendere entered
122 to the charge; or

123 (8) While holding a license as a nurse, displaying or has displayed an inability to practice
124 nursing as a registered professional nurse, licensed undergraduate nurse, or licensed
125 practical nurse with reasonable skill and safety due to use of alcohol, drugs, narcotics, or
126 chemicals.

127 (b) Minor incidents, as defined by the applicable board, shall not be required to be reported
128 pursuant to this article when the continuing practice by the subject nurse does not pose a
129 risk of harm to a patient or others and can be addressed through corrective action by the
130 nurse's employer. The applicable board shall adopt rules governing reporting of minor
131 incidents. The applicable board may evaluate a complaint and determine that it is a minor
132 incident under this Code section.

133 43-26-54.

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

138 43-26-55.

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

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

147 **SECTION 4.**

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