

Senate Bill 13 - Prefile

By: Senator Carter of the 1st

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 require mandatory reporting for nurses; to provide for related matters; to
3 repeal 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:

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

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

16 43-26-51.

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

24 43-26-52.

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

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

35 (c) In the event a nurse enters a voluntary alternative to discipline program approved by
 36 the board, reporting to the applicable board shall not be required for such nurse by a person
 37 under this Code section. Each board shall approve alternative to discipline programs for
 38 monitoring of nurses who agree to seek treatment for impairment by chemical dependency
 39 or mental illness that could lead to disciplinary action by such board.

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

42 43-26-53.

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

45 (1) Practicing nursing as a registered professional nurse or a licensed practical nurse,
 46 without a valid, current license, except as otherwise permitted under Code Section
 47 43-26-12 or 43-26-41, as applicable;

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

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

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

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

- 60 (6) Knowingly aiding or abetting any person in violating this chapter;
 61 (7) While holding a license as a nurse, convicted of any felony, crime involving moral
 62 turpitude, or crime violating a federal or state law relating to controlled substances or
 63 dangerous drugs in the courts of this state, any other state, territory, or country, or in the
 64 courts of the United States, including but not limited to a plea of nolo contendere entered
 65 to the charge; or
 66 (8) While holding a license as a nurse, currently or previously displaying an inability to
 67 practice nursing as a registered professional nurse, licensed undergraduate nurse, or
 68 licensed practical nurse with reasonable skill and safety due to use of alcohol, drugs,
 69 narcotics, or chemicals.
 70 (b) Minor incidents, as defined by the applicable board, shall not be required to be reported
 71 pursuant to this article when the continuing practice by the subject nurse does not pose a
 72 risk of harm to a patient or others and can be addressed through corrective action by the
 73 nurse's employer. The applicable board shall adopt rules governing reporting of minor
 74 incidents. The applicable board may evaluate a complaint and determine that it is a minor
 75 incident under this Code section.

76 43-26-54.

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

81 43-26-55.

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

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

90 **SECTION 2.**

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