

House Bill 394

By: Representatives Cooper of the 43rd, Clark of the 101st, Hatchett of the 150th, Smith of the 134th, Rynders of the 152nd, and others

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 revise various provisions relating to the licensure of registered professional
3 nurses and licensed practical nurses; to revise provisions relating to the powers and duties
4 of the Georgia Board of Nursing; to provide for acceptance of nursing education programs
5 located outside the United States; to provide for a time period for applicants who do not pass
6 the licensing examination; to revise provisions relating to renewal of licensure; to provide
7 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
12 amended in Code Section 43-26-5, relating to general powers and responsibilities of the
13 Georgia Board of Nursing, by revising subsection (a) as follows:

14 "(a) The board shall:

- 15 (1) Be responsible for the enforcement of the provisions of this chapter and shall be
16 specifically granted all of the necessary duties, powers, and authority to carry out this
17 responsibility;
- 18 (2) Be authorized to draft, adopt, amend, repeal, and enforce such rules as it deems
19 necessary for the administration and enforcement of this chapter in the protection of
20 public health, safety, and welfare;
- 21 (3) Enforce qualifications for licensure under this article or Article 2 of this chapter;
- 22 (4) Develop and enforce reasonable and uniform standards for nursing education and
23 nursing practice;
- 24 (5) Periodically evaluate nursing education programs and approve such programs as meet
25 the board's requirements;
- 26 (6) Deny or withdraw approval from noncompliant nursing education programs;

- 27 (7) License duly qualified applicants under this article or Article 2 of this chapter by
28 examination, endorsement, or reinstatement;
- 29 (8) Be authorized to issue temporary permits;
- 30 (9) Renew licenses of registered professional nurses, licensed undergraduate nurses, and
31 licensed practical nurses in accordance with this article or Article 2 of this chapter;
- 32 (10) Be authorized to set standards for competency of licensees under this article or
33 Article 2 of this chapter continuing in or returning to practice;
- 34 (11) Set standards for and regulate advanced nursing practice;
- 35 (12) Be authorized to enact rules and regulations for registered professional nurses in
36 their performing acts under a nurse protocol as authorized in Code Section 43-34-23 and
37 enact rules and regulations for advanced practice registered nurses in performing acts as
38 authorized in Code Section 43-34-25;
- 39 (13) Implement the disciplinary process;
- 40 (14) Be authorized to issue orders when a license under this article or Article 2 of this
41 chapter is surrendered to the board while a complaint, investigation, or disciplinary action
42 against such license is pending;
- 43 (15) Issue a limited license to practice nursing or licensed practical nursing subject to
44 such terms and conditions as the board may impose;
- 45 (16) Provide consultation and conduct conferences, forums, studies, and research on
46 nursing education and nursing practice;
- 47 (17) Approve the selection of a qualified person to serve as executive director;
- 48 (18) Be authorized to appoint standing or ad hoc committees as necessary to inform and
49 make recommendations to the board about issues and concerns and to facilitate
50 communication amongst the board, licensees under this article or Article 2 of this chapter,
51 and the community;
- 52 (19) Maintain membership in the national organization which develops and regulates the
53 nursing licensing examination and the practical nursing licensing examination;
- 54 (20) Be authorized to collect data regarding existing nursing and licensed practical
55 nursing resources in Georgia and coordinate planning for nursing education and nursing
56 practice;
- 57 (21) Determine fees; ~~and~~
- 58 (22) Adopt a seal which shall be in the care of the executive director and shall be affixed
59 only in such a manner as prescribed by the board; and
- 60 (23) Be authorized to enforce all investigative and disciplinary orders issued by the
61 former Georgia Board of Examiners of Licensed Practical Nurses."

SECTION 2.

62
63 Said chapter is further amended by revising Code Section 43-26-7, relating to requirements
64 for licensure as registered professional nurse and requirements for nontraditional nursing
65 education programs, as follows:

66 "43-26-7.

67 (a) Any applicant who meets the requirements of this Code section shall be eligible for
68 licensure as a registered professional nurse.

69 (b) An applicant for licensure by examination shall:

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

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

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

76 (ii)(I) If the applicant entered the nontraditional nursing education program as a
77 licensed practical nurse and had an academic education as a licensed practical nurse
78 that included clinical training in pediatrics, obstetrics and gynecology,
79 medical-surgical, and mental illness, have at least two years of clinical experience
80 in the five years preceding the date of the application in an acute care inpatient
81 facility or a long-term acute care facility as a licensed practical nurse, as approved
82 by the board. Such clinical experience shall be documented in writing by the
83 applicant's immediate supervisor stating that, in his or her opinion, the applicant has
84 exhibited the critical thinking abilities, clinical skills, and leadership abilities that
85 would indicate the ability to work as a beginning registered professional nurse;

86 (II) If the applicant entered the nontraditional nursing education program as a
87 licensed practical nurse, had an academic education as a licensed practical nurse that
88 included clinical training in pediatrics, obstetrics and gynecology, medical-surgical,
89 and mental illness, and has at least two years of experience as a licensed practical
90 nurse in any setting, although such experience shall be exclusive of night duty in a
91 skilled nursing facility, but less than two years of experience in the five years
92 preceding the date of the application in an acute care inpatient facility or a
93 long-term acute care facility, as approved by the board, have completed a 320 hour
94 postgraduate preceptorship. If the applicant can show that he or she cannot find a
95 preceptorship in an acute care inpatient facility or a long-term acute care facility, the
96 board may authorize a preceptorship pursuant to this subdivision in a skilled nursing
97 facility, if such facility has 100 beds or more and such facility ensures to the board

98 that the applicant will be providing health care to patients with similar health care
99 needs as those patients in a long-term acute care facility;

100 (III) If the applicant entered the nontraditional nursing education program as (1) a
101 paramedic with at least two years of experience as a paramedic or (2) a licensed
102 practical nurse with less than two years of clinical experience in the five years
103 preceding the date of the application in an acute care inpatient facility or a
104 long-term acute care facility as a licensed practical nurse whose academic training
105 as a licensed practical nurse did not include clinical training in pediatrics, obstetrics
106 and gynecology, medical-surgical, and mental illness, have completed a 480 hour
107 postgraduate preceptorship. Such preceptorship shall be in the area or areas as
108 determined by the board on a case-by-case basis, which may include pediatrics,
109 obstetrics and gynecology, medical-surgical, mental illness, and transition into the
110 role of a registered professional nurse;

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

115 (V) If the applicant does not meet the requirements of subdivision (I), (II), (III), or
116 (IV) of this division and the applicant entered a nontraditional nursing education
117 program before July 1, 2008, which meets the requirements of subsection (e) of this
118 Code section and completes such program no later than June 30, 2015, have
119 completed a 640 hour postgraduate preceptorship arranged by the applicant under
120 the supervision of a registered professional nurse. The preceptorship shall have
121 prior approval of the board, and successful completion of the preceptorship shall be
122 verified in writing by the preceptor. The preceptorship shall be in an acute care
123 inpatient facility or a long-term acute care facility; provided, however, that the
124 board may authorize a preceptorship pursuant to this subdivision in other facilities
125 to obtain specialized experience in certain areas.

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

135 preceptor stating that, in his or her opinion, the applicant has exhibited the critical
 136 thinking abilities, clinical skills, and leadership abilities necessary to practice as a
 137 beginning registered professional nurse. No later than August 1, 2011, the board shall
 138 develop and make available one or more standard forms for use by and assistance to
 139 applicants in securing and completing preceptorships. Such form or forms shall
 140 include information relating to the specific requirements for preceptorships, including
 141 the minimum qualifications of the preceptor, the type of training required, and the
 142 documentation required upon completion of the preceptorship. The board shall make
 143 the determinations required by this division in accordance with its established
 144 guidelines; or

145 (C) Have graduated from a nursing education program located outside of the United
 146 States that is determined by the board to be equivalent to and not less stringent than an
 147 approved nursing education program as defined in Code Section 43-26-3;

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

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

165 (5) Complete further education and training if the applicant has not passed the
 166 examination within a time period established by the board, which shall not exceed three
 167 years. Such education and training may include the successful completion of an approved
 168 nursing education program as defined in Code Section 43-26-3; and

169 ~~(5)(6)~~ Meet such other criteria as established by the board.

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

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

- 172 (2)(A) Have passed a board recognized licensing examination following graduation
173 from an approved nursing education program, as defined in Code Section 43-26-3; or
174 (B) Notwithstanding subparagraph (A) of this paragraph, have graduated from a
175 nontraditional nursing education program approved by the board which meets the
176 requirements in subsection (e) of this Code section;
- 177 (3) Submit verification of initial and current licensure in any other licensing jurisdiction
178 administering a board recognized licensing examination;
- 179 ~~(4)(A) Have practiced nursing as a registered professional nurse for a period of time~~
180 ~~as determined by the board or have graduated from a nursing education program within~~
181 ~~the four years immediately preceding the date of the application~~ Meet continuing
182 competency requirements as established by the board;
- 183 (B) If the applicant entered a nontraditional nursing education program as a licensed
184 practical nurse whose academic education as a licensed practical nurse included clinical
185 training in pediatrics, obstetrics and gynecology, medical-surgical, and mental illness,
186 have practiced nursing as a registered professional nurse in a health care facility for at
187 least one year in the three years preceding the date of the application, and such practice
188 is documented by the applicant and approved by the board; provided, however, that for
189 an applicant ~~that~~ who does not meet the experience requirement of this subparagraph,
190 the board shall require the applicant to complete a 320 hour postgraduate preceptorship
191 arranged by the applicant under the oversight of a registered nurse where such applicant
192 is transitioned into the role of a registered professional nurse. The preceptorship shall
193 have prior approval of the board, and successful completion of the preceptorship shall
194 be verified in writing by the preceptor; or
- 195 (C) If the applicant entered a nontraditional nursing education program as anything
196 other than a licensed practical nurse whose academic education as a licensed practical
197 nurse included clinical training in pediatrics, obstetrics and gynecology,
198 medical-surgical, and mental illness, have graduated from such program and practiced
199 nursing as a registered professional nurse in a health care facility for at least two years
200 in the five years preceding the date of the application, and such practice is documented
201 by the applicant and approved by the board; provided, however, that for an applicant
202 ~~that~~ who does not meet the experience requirement of this subparagraph, the board shall
203 require the applicant to complete a postgraduate preceptorship of at least 480 hours but
204 not more than 640 hours, as determined by the board, arranged by the applicant under
205 the oversight of a registered professional nurse where such applicant is transitioned into
206 the role of a registered professional nurse. The preceptorship shall have prior approval
207 of the board, and successful completion of the preceptorship shall be verified in writing
208 by the preceptor.

- 209 For purposes of this paragraph, the term 'health care facility' means an acute care
 210 inpatient facility, a long-term acute care facility, an ambulatory surgical center or
 211 obstetrical facility as defined in Code Section 31-6-2, and a skilled nursing facility, so
 212 long as such skilled nursing facility has 100 beds or more and provides health care to
 213 patients with similar health care needs as those patients in a long-term acute care facility;
- 214 (5) Have satisfactory results from a fingerprint record check report conducted by the
 215 Georgia Crime Information Center and the Federal Bureau of Investigation, as
 216 determined by the board. Application for a license under this Code section shall
 217 constitute express consent and authorization for the board or its representative to perform
 218 a criminal background check. Each applicant who submits an application to the board
 219 for licensure by examination agrees to provide the board with any and all information
 220 necessary to run a criminal background check, including, but not limited to, classifiable
 221 sets of fingerprints. The applicant shall be responsible for all fees associated with the
 222 performance of such background check; and
- 223 (6) Meet such other criteria as established by the board.
- 224 (d) An applicant for reinstatement who has previously held a valid license in Georgia shall:
- 225 (1) Submit a completed written application and fee;
- 226 (2) ~~Have practiced nursing as a registered professional nurse for a period of time as~~
 227 ~~determined by the board or have graduated from an approved nursing education program,~~
 228 ~~as defined in Code Section 43-26-3, within the four years immediately preceding the date~~
 229 ~~of the application~~ Meet continuing competency requirements as established by the board;
- 230 (3) Have satisfactory results from a fingerprint record check report conducted by the
 231 Georgia Crime Information Center and the Federal Bureau of Investigation, as
 232 determined by the board. Application for a license under this Code section shall
 233 constitute express consent and authorization for the board or its representative to perform
 234 a criminal background check. Each applicant who submits an application to the board
 235 for licensure by examination agrees to provide the board with any and all information
 236 necessary to run a criminal background check, including, but not limited to, classifiable
 237 sets of fingerprints. The applicant shall be responsible for all fees associated with the
 238 performance of such background check; and
- 239 (4) Meet such other criteria as established by the board.
- 240 (e) A nontraditional nursing education program shall meet the following requirements:
- 241 (1) Is part of an institution of higher education that is approved by the appropriate
 242 regulatory authorities of its home state;
- 243 (2) Holds regional and specialty accreditation by an accrediting body or bodies
 244 recognized by the United States Secretary of Education or the Council for Higher
 245 Education Accreditation;

246 (3) Requires its students to pass faculty determined program outcomes, including
 247 competency based assessments of nursing knowledge and a summative performance
 248 assessment of clinical competency of a minimum of 2 1/2 days developed by faculty
 249 subject matter experts that follows nationally recognized standards for educational
 250 testing; and

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

253 **SECTION 3.**

254 Said chapter is further amended by revising Code Section 43-26-33, relating to use of titles
 255 and abbreviations by licensed practical nurses and applicants, as follows:

256 "43-26-33.

257 (a) Any person who is licensed as a practical nurse shall have the right to use the title
 258 'Licensed Practical Nurse' and the abbreviation 'L.P.N.' and shall identify that he or she is
 259 so licensed by displaying either such title or abbreviation on a name tag or similar form of
 260 identification during times when such person is providing direct patient care. No other
 261 person shall assume such title or use such abbreviation or any other words, letters, signs,
 262 or symbols to indicate that such person is a licensed practical nurse in Georgia.

263 ~~(b) Any applicant for examination who holds an active temporary permit may use the title~~
 264 ~~'Graduate Practical Nurse' and the abbreviation 'G.P.N.' until the license to practice~~
 265 ~~practical nursing has been issued except that an applicant who fails the first examination~~
 266 ~~may no longer use the title 'Graduate Practical Nurse' or the abbreviation 'G.P.N.' An~~
 267 ~~individual who is qualified to use the title 'Graduate Practical Nurse' may engage in limited~~
 268 ~~practice as defined by board rules and must practice under the on-site supervision of a~~
 269 ~~registered professional nurse or licensed physician.~~

270 (e)(b) No person shall use the title 'nurse' or any other title or abbreviation that would
 271 represent to the public that a person is authorized to practice nursing unless the person is
 272 licensed or otherwise authorized under this article or Article 1 of this chapter."

273 **SECTION 4.**

274 Said chapter is further amended by revising Code Section 43-26-36, relating to application
 275 for licensure, examination, and temporary permits, as follows:

276 "43-26-36.

277 (a)(†) All applicants for a license to practice as a licensed practical nurse shall make
 278 application through the board. An applicant for licensure who has not been duly examined
 279 according to the prescribed examination approved by the board and who does not otherwise

280 qualify for licensure under this article must apply by examination. Such applicants shall
 281 submit to the board a designated fee and written evidence verifying that the applicant:

282 ~~(A)(1)~~ Is at least 18 years of age;

283 ~~(B)(2)~~ Has graduated from high school or the equivalent thereof;

284 ~~(C)(3)~~ Has graduated from an approved nursing education program, as defined in Code
 285 Section 43-26-32 or from a nursing education program located outside of the United
 286 States that is determined by the board to be equivalent to and not less stringent than an
 287 approved nursing education program as defined in Code Section 43-26-32;

288 ~~(D)(4)~~ Is in good physical and mental health; ~~and~~

289 ~~(E)(5)~~ In the case of an applicant who has graduated from a program conducted in a
 290 foreign country, has demonstrated the ability to speak, write, and understand the English
 291 language; ~~and~~

292 (6) Meets such other criteria as established by the board.

293 ~~(2)(b)~~ A person who is at least 17 years of age and meets all of the criteria set forth in
 294 paragraph (1) of this subsection (a) of this Code section may apply to the board for special
 295 consideration to take the examination for licensure.

296 ~~(b)(1) The board may issue a temporary permit to applicants for licensure by~~
 297 ~~examination pursuant to paragraph (8) of subsection (a) of Code Section 43-26-5. A~~
 298 ~~temporary permit issued to an applicant for licensure by examination shall be valid from~~
 299 ~~the date of issuance until the first examination scheduled for the applicant is graded and~~
 300 ~~a license is issued. If the applicant does not appear for the examination, the temporary~~
 301 ~~permit shall automatically become invalid the day of the examination. If the applicant~~
 302 ~~fails the examination, the permit shall automatically become invalid when the~~
 303 ~~examination is graded and may not be reissued.~~

304 ~~(2) An applicant who fails to appear at the first examination and can show proper cause~~
 305 ~~for failure to appear may receive a second temporary permit upon reapplying to take the~~
 306 ~~examination. Such second permit shall be governed by the same validity provisions as~~
 307 ~~the first permit. Upon failure to appear at a second examination, the applicant shall not~~
 308 ~~be eligible to receive another temporary permit."~~

309 SECTION 5.

310 Said chapter is further amended by revising Code Section 43-26-37, relating to issuance of
 311 license upon passing examination and requirements for admission to subsequent
 312 examination, as follows:

313 "43-26-37.

314 (a) Any applicant who meets the license requirements stated in Code Section 43-26-36 or
 315 subsection (b) of Code Section 43-26-38 and passes the required exam may be issued a
 316 license to practice as a licensed practical nurse.

317 ~~(b) Effective July 1, 1995, an applicant who has not passed the examination within five~~
 318 ~~years from the date of eligibility of such applicant to take the licensure examination as~~
 319 ~~determined by the board shall be required to complete successfully a regular full-time~~
 320 ~~board approved practical nursing program before such applicant is admitted to another~~
 321 ~~examination. Upon completion of the program, an application may be made for licensure~~
 322 ~~as a new applicant. An applicant who has not passed the examination within a time period~~
 323 ~~established by the board, which shall not exceed three years, shall be required to complete~~
 324 ~~further education and training which may include the successful completion of an approved~~
 325 ~~nursing education program as defined in Code Section 43-26-32.~~"

326

SECTION 6.

327 Said chapter is further amended by revising Code Section 43-26-38, relating to license by
 328 endorsement and temporary permits, as follows:

329 "43-26-38.

330 (a) The board, at its discretion, may issue a license to practice as a licensed practical nurse,
 331 without examination, to any person who has a high school diploma or general educational
 332 development (GED) diploma and has been duly licensed or registered as a practical or
 333 vocational nurse or who is entitled to perform similar service under a different designation
 334 under the laws of another state or territory of the United States if the license or registration
 335 in that other state or territory is current and in good standing and was issued based upon
 336 completion of an approved nursing education program, as defined in Code Section
 337 43-26-32, and passage of an examination, which examination has been determined by the
 338 board to be substantially equal to or greater than the requirements for licensure as a
 339 licensed practical nurse in this state, and if such person has ~~engaged in the active practice~~
 340 ~~of practical nursing as a licensed practical nurse within five years immediately preceding~~
 341 ~~the application; provided, however, that the requirement for active practice shall not apply~~
 342 ~~to an applicant who has graduated from an approved nursing education program within one~~
 343 ~~year of the date of application or who was initially licensed within one year of the date of~~
 344 ~~application met continuing competency requirements as established by the board.~~

345 (b) The board, at its discretion, may issue a license to practice as a licensed practical nurse,
 346 with examination, to any person who has a high school diploma or general educational
 347 development (GED) diploma and has been duly licensed or registered as a practical or
 348 vocational nurse or who is entitled to perform similar service under a different designation

349 under the laws of another state or territory of the United States if the license or registration
 350 in that other state or territory is current and in good standing and was issued based upon
 351 completion of an approved nursing education program, as defined in Code Section
 352 43-26-32, except however, such applicant has not been duly examined according to the
 353 prescribed examination approved by this board and if such person ~~has engaged in active~~
 354 ~~practice of practical nursing as a licensed practical nurse within five years immediately~~
 355 ~~preceding the application~~ meets continuing competency requirements as established by the
 356 board.

357 (c) Applicants for endorsement who have not been engaged in the active practice of
 358 practical nursing as licensed practical nurses for a period which exceeds ~~five years~~ a period
 359 of time established by the board shall be required to complete additional education and
 360 training as provided in the rules and regulations of the board, which may include but not
 361 be limited to returning to school for full training and taking the licensing examination.

362 (d) The approval or denial of a license by endorsement under this Code section shall be
 363 in the sole discretion of the board, and a denial thereof shall not be considered to be a
 364 contested case within the meaning of Chapter 13 of Title 50, the 'Georgia Administrative
 365 Procedure Act.' The applicant shall be allowed to appear before the board if the applicant
 366 so desires.

367 (e) Nothing in this Code section shall be construed to prevent an applicant who is denied
 368 a license by endorsement from taking the examination for licensure, provided that such
 369 applicant is otherwise eligible to take the examination and meets the requirements
 370 specified.

371 (f) The board may issue a temporary permit to qualified applicants under such terms and
 372 conditions as specified in the rules and regulations of the board, but in no event shall such
 373 a temporary permit be issued to an applicant who has failed to pass the required
 374 examination."

375 **SECTION 7.**

376 Said chapter is further amended by revising Code Section 43-26-39, relating to license
 377 renewal, voluntary surrender, application for reinstatement, and temporary permits, as
 378 follows:

379 "43-26-39.

380 (a) Licenses issued under this article shall be renewed biennially prior to the expiration of
 381 the license according to schedules and fees decided by the board and approved by the
 382 division director.

383 (b) A license shall be renewed for any licensed practical nurse who remits the required fee
 384 and complies with the requirements established by the board.

385 (b.1) Beginning with the ~~2016~~ 2017 license renewal cycle, an applicant for license renewal
386 under this article shall meet one of the following continuing competency requirements
387 during the previous licensure period:

388 (1) Completion of 20 continuing education hours by a board approved provider; or

389 (2) Completion of an accredited academic program of study in registered professional
390 nursing, as recognized by the board.

391 Failure to meet the minimum continuing competency requirement for renewal of a license
392 shall be grounds for denial of a renewal application. The board may waive or modify the
393 requirements contained in this subsection in cases of hardship, disability, or illness or under
394 such other circumstances as the board, in its discretion, deems appropriate. An applicant
395 who is renewing a license for the first time shall not be required to meet the requirements
396 of this subsection until the time of the second renewal if the applicant's initial license
397 period is six months or less.

398 (c) The voluntary surrender of a license or the failure to renew a license by the end of an
399 established renewal period shall have the same effect as revocation of said license, subject
400 to reinstatement at the discretion of the board. The board may restore and reissue a license
401 and, as a condition thereof, may impose any disciplinary sanction provided by Code
402 Section 43-1-19 upon such grounds as specified in Code Sections 43-1-19 and 43-26-40.

403 (d) Any license that is not renewed by the end of the renewal period may not thereafter be
404 renewed, and the licensee must apply for reinstatement. Applicants for reinstatement ~~who~~
405 ~~have not been engaged in the active practice of practical nursing as licensed practical~~
406 ~~nurses for a period which exceeds five years shall be required to obtain such additional~~
407 ~~education and training as provided in the rules and regulations of the board, which may~~
408 ~~include, but not be limited to, returning to school for full training and taking the licensing~~
409 ~~examination. Upon completion of the program, an application may be made for licensure~~
410 ~~as a new applicant shall meet continuing competency requirements as established by the~~
411 board.

412 (e) The board may issue a temporary permit to qualified applicants under such terms and
413 conditions as specified in the rules and regulations of the board, but in no event shall such
414 a temporary permit be issued to an applicant who has failed to pass the required
415 examination.

416 (f) Other criteria for reinstatement may be determined by the rules of the board, including,
417 but not limited to, additional coursework, a refresher course, supervised clinical practice,
418 or examination by the board."

419

SECTION 8.

420 Said chapter is further amended by revising paragraph (6) of subsection (a) of Code Section
 421 43-26-40, relating to refusal to grant license, revocation of license, and disciplining of
 422 licensees, as follows:

423 "(6) Displayed an inability to practice nursing as a licensed practical nurse ~~or graduate~~
 424 ~~practical nurse~~ with reasonable skill and safety due to illness, use of alcohol, drugs,
 425 narcotics, chemicals, or any other types of material, or as a result of any mental or
 426 physical condition:

427 (A) In enforcement of this paragraph, the board may, upon reasonable grounds, require
 428 a licensee or applicant to submit to a mental or physical examination by a board
 429 approved health care professional. The expense of such mental or physical examination
 430 shall be borne by the licensee or applicant. The results of such examination shall be
 431 admissible in any hearing before the board, notwithstanding any claim of privilege
 432 under contrary law or rule. Every person who is licensed to practice practical nursing
 433 as a licensed practical nurse ~~or graduate practical nurse~~ in this state, or an applicant for
 434 examination, endorsement, or reinstatement, shall be deemed to have given such
 435 person's consent to submit to such mental or physical examination and to have waived
 436 all objections to the admissibility of the results in any hearing before the board upon the
 437 grounds that the same constitutes a privileged communication. If a licensee or
 438 applicant fails to submit to such an examination when properly directed to do so by the
 439 board, unless such failure was due to circumstances beyond that person's control, the
 440 board may enter a final order upon proper notice, hearing, and proof of such refusal.
 441 Any licensee or applicant who is prohibited from practicing under this paragraph shall
 442 at reasonable intervals be afforded an opportunity to demonstrate to the board that such
 443 person can resume or begin to practice practical nursing as a licensed practical nurse
 444 ~~or graduate practical nurse~~ with reasonable skill and safety; and

445 (B) In enforcement of this paragraph, the board may, upon reasonable grounds, obtain
 446 any and all records relating to the mental or physical condition of a licensee or
 447 applicant, including psychiatric records; such records shall be admissible in any hearing
 448 before the board, notwithstanding any privilege under a contrary rule, law, or statute.
 449 Every person who is licensed in this state or who shall file an application for said
 450 license shall be deemed to have given such person's consent to the board's obtaining
 451 such records and to have waived all objections to the admissibility of such records in
 452 any hearing before the board upon the grounds that the same constitute a privileged
 453 communication."

454 **SECTION 9.**

455 Said chapter is further amended by revising paragraph (4) of Code Section 43-26-42, relating
456 to criminal violations, as follows:

457 "(4) Use any words, abbreviations, figures, letters, title, sign, card, or device implying
458 that such person is a licensed practical nurse ~~or graduate practical nurse~~ unless such
459 person is duly licensed to practice under the provisions of this article;"

460 **SECTION 10.**

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

463 **SECTION 11.**

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