

SENATE SUBSTITUTE TO HB 301:

AS PASSED SENATE

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 transfer the Georgia Board of Nursing from the jurisdiction of the Secretary
 3 of State to the Department of Community Health for administrative purposes only; to provide
 4 for definitions; to provide for the powers and duties of the board; to authorize the board to
 5 appoint an executive director; to provide for the powers and duties of such executive director;
 6 to revise certain provisions related to the division director; to amend Article 2 of Chapter 7
 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate,
 8 computation, and exemptions from income taxes, so as to delete an income tax deduction for
 9 certain physicians serving as community based faculty physicians; to create a new income
 10 tax credit for taxpayers who are licensed physicians, advanced practice registered nurses, or
 11 physician assistants and who provide uncompensated preceptorship training to medical
 12 students, advanced practice registered nurse students, or physician assistant students for
 13 certain periods of time; to provide for procedures, conditions, and limitations; to provide for
 14 related matters; to provide for automatic repeal; to provide for an effective date and
 15 applicability; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

19 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
 20 amended in Code Section 43-26-3, relating to definitions relative to the "Georgia Registered
 21 Professional Nurse Practice Act," by adding a new paragraph to read as follows:

22 "(3.1) 'Executive director' means the executive director appointed by the board pursuant
 23 to Code Section 43-26-4.1."

SECTION 1-2.

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

"43-26-4.1.

(a) The board shall not be under the jurisdiction of the Secretary of State but shall be an independent state agency assigned to the Department of Community Health for administrative purposes only, as provided in Code Section 50-4-3, except that such department shall prepare and submit the budget for the board. The board shall have, with respect to all matters within the jurisdiction of the board as provided under this chapter, the powers, duties, and functions of professional licensing boards as provided in Chapter 1 of this title.

(b) The board shall appoint and fix the compensation of an executive director of such board who shall serve at the pleasure of the board. The executive director shall have those duties and powers prescribed by the board and any power, duty, and function granted to the division director with respect to professional licensing boards under Chapter 1 of this title but shall not be subject to any approval or other powers exercised by the Secretary of State.

(c) Meetings and hearings of the board shall be held at the site of the office of the board or at such other site as may be specified by the president of the board. A majority of the members of the board shall constitute a quorum for the transaction of business of the board.

(d) The board, through the executive director, may hire investigators for the purpose of conducting investigations. Any person so employed, if a P.O.S.T. certified peace officer under Chapter 8 of Title 35, shall be considered to be a peace officer and shall have all powers, duties, and status of a peace officer of this state; provided, however, that such investigators shall only be authorized, upon written approval of the executive director, notwithstanding Code Sections 16-11-126 and 16-11-129, to carry firearms in the performance of their duties and exercise the powers of arrest in the performance of their duties.

(e) The venue of any action involving members of the board shall be the county in which is found the primary office of the governmental entity of which the defendant is an officer. The executive director shall not be considered a member of the board in determining the venue of any such action, and no court shall have jurisdiction of any such action solely by virtue of the executive director residing in or maintaining a residence within its jurisdiction.

(f) The board shall give point credit to veterans in the same manner as required under Code Sections 43-1-9 through 43-1-13.

(g) Initial judicial review of a final decision of the board shall be held solely in the superior court of the county of domicile of the board.

60 (h) The executive director shall make a report no later than December 31 of each year
 61 covering the activities of the board for that calendar year, which shall be made available
 62 to any member of the General Assembly upon request.

63 (i) The executive director shall prepare and maintain a public roster containing the names
 64 and business addresses of all current licensees, registration holders, and permit holders for
 65 each of the various registrants regulated by the board. A copy of the roster shall be
 66 available to any person upon request at a fee prescribed by the board sufficient to cover the
 67 cost of printing and distribution. The following shall be treated as confidential, not subject
 68 to Article 4 of Chapter 18 of Title 50, relating to inspection of public records, and shall not
 69 be disclosed without the approval of the board:

70 (1) Applications and other personal information submitted by applicants, except to the
 71 applicant, the staff, and the board;

72 (2) Information, favorable or unfavorable, submitted by a reference source concerning
 73 an applicant, except to the staff and the board;

74 (3) Examination questions and other examination materials, except to the staff and the
 75 board; and

76 (4) The deliberations of the board with respect to an application, an examination, a
 77 complaint, an investigation, or a disciplinary proceeding, except as may be contained in
 78 official board minutes; provided, however, that such deliberations may be released to a
 79 law enforcement agency or prosecuting attorney of this state or to another state or federal
 80 enforcement agency or lawful licensing authority. Releasing the documents pursuant to
 81 this paragraph shall not subject any otherwise privileged documents to the provisions of
 82 Code Section 50-18-70.

83 (j) The executive director, with the approval of the board, notwithstanding any other
 84 provisions of law to the contrary, shall enter into such contracts as are deemed necessary
 85 to carry out this article to provide for all services required of the board.

86 (k) It shall be the duty of the executive director to keep minutes and a record of all acts of
 87 the board and such other books and records as may be necessary to show the acts of the
 88 board."

89 **SECTION 1-3.**

90 Said chapter is further amended by revising Code Section 43-26-5, relating to general powers
 91 and responsibilities of the board, as follows:

92 "43-26-5.

93 (a) The board shall:

- 94 (1) Be responsible for the enforcement of the provisions of this chapter and shall be
95 specifically granted all of the necessary duties, powers, and authority to carry out this
96 responsibility;
- 97 (2) Be authorized to draft, adopt, amend, repeal, and enforce such rules as it deems
98 necessary for the administration and enforcement of this chapter in the protection of
99 public health, safety, and welfare;
- 100 (3) Enforce qualifications for licensure under this article or Article 2 or Article 4 of this
101 chapter;
- 102 (4) Develop and enforce reasonable and uniform standards for nursing education and
103 nursing practice;
- 104 (5) Periodically evaluate nursing education programs and approve such programs as meet
105 the board's requirements;
- 106 (6) Deny or withdraw approval from noncompliant nursing education programs;
- 107 (7) License duly qualified applicants under this article or Article 2 of this chapter by
108 examination, endorsement, or reinstatement;
- 109 (8) Be authorized to issue temporary permits;
- 110 (9) Renew licenses of registered professional nurses, licensed undergraduate nurses, and
111 licensed practical nurses in accordance with this article or Article 2 of this chapter;
- 112 (10) Be authorized to set standards for competency of licensees under this article or
113 Article 2 of this chapter continuing in or returning to practice;
- 114 (11) Set standards for and regulate advanced nursing practice;
- 115 (12) Be authorized to enact rules and regulations for registered professional nurses in
116 their performing acts under a nurse protocol as authorized in Code Section 43-34-23 and
117 enact rules and regulations for advanced practice registered nurses in performing acts as
118 authorized in Code Section 43-34-25;
- 119 (13) Implement the disciplinary process;
- 120 (14) Be authorized to issue orders when a license under this article or Article 2 of this
121 chapter is surrendered to the board while a complaint, investigation, or disciplinary action
122 against such license is pending;
- 123 (15) Issue a limited license to practice nursing or licensed practical nursing subject to
124 such terms and conditions as the board may impose;
- 125 (16) Provide consultation and conduct conferences, forums, studies, and research on
126 nursing education and nursing practice;
- 127 ~~(17) Approve the selection of a qualified person to serve as executive director;~~
- 128 ~~(18)~~(17) Be authorized to appoint standing or ad hoc committees as necessary to inform
129 and make recommendations to the board about issues and concerns and to facilitate

130 communication amongst the board, licensees under this article or Article 2 of this chapter,
 131 and the community;

132 ~~(19)~~(18) Maintain membership in the national organization which develops and regulates
 133 the nursing licensing examination and the practical nursing licensing examination;

134 ~~(20)~~(19) Be authorized to collect data regarding existing nursing and licensed practical
 135 nursing resources in Georgia and coordinate planning for nursing education and nursing
 136 practice;

137 ~~(21)~~(20) Determine fees;

138 ~~(22)~~(21) Adopt a seal which shall be in the care of the executive director and shall be
 139 affixed only in such a manner as prescribed by the board;

140 ~~(23)~~(22) Be authorized to enforce all investigative and disciplinary orders issued by the
 141 former Georgia Board of Examiners of Licensed Practical Nurses;

142 ~~(24)~~(23) Issue and renew multistate licenses pursuant to Article 4 of this chapter; and
 143 ~~(25)~~(24) Take any action with respect to a multistate license issued by this state pursuant
 144 to Article 4 of this chapter and with respect to the privilege to practice in this state under
 145 a multistate license issued by another party state pursuant to the compact in Code Section
 146 43-26-61 in the same manner as is authorized with respect to a license issued pursuant
 147 to this article or Article 2 of this chapter.

148 (b) The board shall be the sole professional licensing board for determining if a registered
 149 professional nurse, licensed practical nurse, or any other person has engaged illegally in
 150 the practice of nursing. If a registered professional nurse or licensed practical nurse is
 151 charged with the unauthorized practice of any other health profession by any other board,
 152 such board shall notify the Georgia Board of Nursing before conducting any hearing.
 153 Nothing contained in this chapter shall be construed to limit any powers of any other board.

154 ~~(c) Chapter 1 of this title is expressly adopted and incorporated by reference into this~~
 155 ~~chapter as if all the provisions of such chapter were included in this chapter."~~

156 SECTION 1-4.

157 Said chapter is further amended in Code Section 43-26-39, relating to renewal of license,
 158 continuing competency requirements, voluntary surrender, application for reinstatement, and
 159 temporary permit, by revising subsection (a) as follows:

160 "(a) Licenses issued under this article shall be renewed biennially prior to the expiration
 161 of the license according to schedules and fees decided by the board ~~and approved by the~~
 162 ~~division director."~~

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SECTION 1-5.

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Said chapter is further amended in Code Section 43-26-40, relating to refusal to grant license, revocation of license, and disciplining of licensees, by revising the introductory language of subsection (a) as follows:

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"(a) In addition to the ~~authority granted~~ grounds included in Code Section 43-1-19, the board shall have the authority to refuse to grant a license to an applicant, to revoke the license of a licensee, or to discipline a licensee upon a finding by the board that the applicant or licensee has:"

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PART II

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SECTION 2-1.

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Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, computation, and exemptions from income taxes, is amended by deleting paragraph (13.2) of subsection (a) of Code Section 48-7-27, relating to computation of taxable net income.

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SECTION 2-2.

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

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"48-7-29.21.

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(a) As used in this Code section, the term:

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(1) 'Advanced practice registered nurse student' means an individual participating in a training program in this state that is accredited by a nationally recognized accrediting body for advanced practice registered nursing programs training of individuals to become advanced practice registered nurses as defined in paragraph (1.1) of Code Section 43-26-3.

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(2) 'Community based faculty preceptor' means a taxpayer who is a physician as defined in paragraph (2) of Code Section 43-34-21, an advanced practice registered nurse as defined in paragraph (1.1) of Code Section 43-26-3, or a physician assistant as defined in paragraph (7) of Code Section 43-34-102.

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(3) 'Medical student' means an individual participating in his or her third or fourth year of a program in this state that is approved by the Georgia Composite Medical Board for the training of doctors of medicine or doctors of osteopathic medicine.

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(4) 'Physician assistant student' means an individual participating in a training program in this state that is approved by the Georgia Composite Medical Board for the training of individuals to become physician assistants as defined in paragraph (7) of Code Section 43-34-102.

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197 (5) 'Preceptorship rotation' means a period of preceptorship training of one or more
198 medical students, physician assistant students, or advanced practice registered nurse
199 students that in aggregate totals 160 hours.

200 (6) 'Preceptorship training' means uncompensated community based training of a medical
201 student, advanced practice registered nurse student, or physician assistant student in
202 Georgia.

203 (b)(1) A community based faculty preceptor shall be allowed a credit against the tax
204 imposed by Code Section 48-7-20 when he or she conducts a preceptorship rotation.

205 (2) Such credit shall be accrued on a per preceptorship rotation basis in the amount
206 of \$500.00 for the first, second, or third preceptorship rotation and \$1,000.00 for the
207 fourth, fifth, sixth, seventh, eighth, ninth, or tenth preceptorship rotation completed in one
208 calendar year by a community based faculty preceptor who is a physician as defined in
209 paragraph (2) of Code Section 43-34-21 and \$375.00 for the first, second, or third
210 preceptorship rotation and \$750.00 for the fourth, fifth, sixth, seventh, eighth, ninth, or
211 tenth preceptorship rotation completed in one calendar year by a community based
212 faculty preceptor who is an advanced practice registered nurse as defined in
213 paragraph (1.1) of Code Section 43-26-3 or a physician assistant as defined in paragraph
214 (7) of Code Section 43-34-102.

215 (3) A person shall not accrue credit for more than ten preceptorship rotations in one
216 calendar year.

217 (c) The state-wide Area Health Education Centers Program Office at Augusta University
218 shall administer the program and certify preceptorship rotations for the department.

219 (d) To receive the credit allowed by this Code section, a community based faculty
220 preceptor shall claim such credit on his or her return for the tax year in which he or she
221 completed the preceptorship rotation; shall certify that he or she did not receive payment
222 during such tax year from any source for the training of a medical student, advanced
223 practice registered nurse student, or physician assistant student; and shall submit supporting
224 documentation as prescribed by the commissioner.

225 (e) In no event shall the total amount of the tax credit under this Code section for a taxable
226 year exceed the taxpayer's income tax liability. No such tax credit shall be allowed the
227 taxpayer against prior or succeeding years' tax liability.

228 (f)(1) On August 1, 2019, and annually thereafter, the commissioner shall issue a report
229 to the Governor, the chairperson of the Senate Finance Committee, and the chairperson of
230 the House Committee on Ways and Means concerning the tax credit created by this Code
231 section.

232 (2) Such report shall include, for the prior calendar year, the:

233 (A) Number of community based faculty preceptors claiming a credit;

- 234 (B) Total number of preceptorship rotations completed;
235 (C) Number of medical students, advanced practice registered nurse students, and
236 physician assistant students who participated in a preceptorship rotation; and
237 (D) Total amount of credits awarded pursuant to this Code section.
238 (g) The commissioner shall be authorized to promulgate any rules and regulations
239 necessary to implement and administer the provisions of this Code section.
240 (g) This Code section shall be automatically repealed on December 31, 2023."

241 **PART III**
242 **SECTION 3-1.**

243 This Act shall become effective on July 1, 2018, and Part II of this Act shall be applicable
244 to all taxable years beginning on or after January 1, 2018.

245 **SECTION 3-2.**
246 All laws and parts of laws in conflict with this Act are repealed.