

House Bill 652 (AS PASSED HOUSE AND SENATE)

By: Representatives Dodson of the 94th, West of the 101st, Hudson of the 156th, Shaw of the 176th, Unterman of the 84th and others

A BILL TO BE ENTITLED

AN ACT

1 To provide for a short title and legislative findings and intent; to amend Chapter 1 of Title
2 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as
3 to authorize certain surveys of licensees and the reporting of certain data to academic
4 institutions or other state agencies; to provide for confidentiality of data; to provide for
5 related matters; to provide for automatic repeal; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Health Care Work Force Planning Act."

10 **SECTION 2.**

11 The General Assembly finds there currently exists a severe health care personnel shortage
12 as evidenced by a 13 percent vacancy rate of registered nurses in Georgia, along with a
13 shortage of almost 1,200 allied health personnel; a decline in enrollment in nursing programs
14 of 20.9 percent from 1995 to 1998; hospital budgets being severely impacted by overtime
15 and temporary agency staff; an increase in chronic illnesses in Georgia's aging population
16 contributing to expanded use of health care services; an increase in the average age of
17 registered nurses to approximately 45 years old; a greater need for experienced allied health
18 personnel and nurses in specialty areas to meet the more acute care needs of hospital
19 patients; an expansion of the nursing role into other settings such as home health, managed
20 care, and school nursing; active marketing for and recruitment of U.S. nurses by Canadian
21 hospitals; an increase in the average age of health care teaching faculty; and fewer students
22 pursuing a career in teaching health professional courses. The General Assembly further
23 finds that data exists regarding the number of such personnel currently licensed, the number
24 of educational programs for training such professionals and the enrollment capacity of those
25 programs, and the number of those personnel who are needed to staff adequately the state's

1 health care facilities. There is, however, no single entity which has access to the diverse data
2 sources and which can confidentially compile such data into an aggregate and useful format
3 whereby educational, professional, and industrial trends can be evaluated as a basis for
4 recommendations on measures needed to coordinate the supply with the demand for health
5 care providers into comprehensive short-range and long-range health care personnel policies
6 and to take those legislative initiatives to ensure such coordination. As a result, the General
7 Assembly finds that it is necessary to enact a "Health Care Work Force Planning Act."

8 **SECTION 3.**

9 Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to professions and
10 businesses, is amended by adding a new Code Section 43-1-30 to read as follows:

11 "43-1-30.

12 (a) Notwithstanding any other law to the contrary, health care related boards engaged in
13 the licensing, certifying, or registering of professionals under Chapter 7A, Chapter 9,
14 Chapter 10A, Chapter 11, Chapter 11A, Chapter 26, Chapter 28, Chapter 30, Chapter 33,
15 Chapter 35, Chapter 39, and Chapter 44 of this title and under Chapter 4 of Title 26 shall
16 upon issuance of license, certification, or registration and thereafter upon renewal of same,
17 or at other times as may be determined by the respective boards, distribute survey questions
18 for the purpose of gathering data related to work force supply and demographics. The data
19 which shall be limited to information on work place and practice settings, current practice
20 by specialty, geographical location, and future practice plans shall be collected by the
21 agency responsible for administration of the professional licensing functions. The failure
22 to complete, return, or complete and return the survey shall not be grounds to withhold
23 licensure, nonrenew, or revoke a license or to otherwise discipline a person licensed by that
24 board.

25 (b) For purposes of this Code section, 'the agency responsible for administration of the
26 professional licensing functions' shall be the Office of Secretary of State for persons
27 licensed, certified, or registered under Chapter 7A, Chapter 9, Chapter 10A, Chapter 11,
28 Chapter 11A, Chapter 26, Chapter 28, Chapter 30, Chapter 33, Chapter 35, Chapter 39, and
29 Chapter 44 of this title and under Chapter 4 of Title 26.

30 (c) The work force and demographic data collected pursuant to subsection (a) of this Code
31 section, along with identifying information required for analysis of the data collected,
32 including social security number, shall be provided by the agency responsible for
33 administration of the professional licensing functions to the University of Georgia Office
34 of Information Technology Outreach Services or other recognized state agency, public
35 academic institution, or other academic institution currently providing such service by
36 written agreement which shall ensure the confidentiality of said data, as well as to authorize

1 the compilation and release of aggregate data for use by and on behalf of the Health Care
2 Work Force Policy Advisory Committee and the state. The information and data shall be
3 used solely for the purpose of analyzing the supply and demand of health care personnel
4 and projecting trends and needs for the state's health care work force.

5 (d) A renewal form submitted by a licensee, individual identifying information, and the
6 responses to survey questions provided by any individual licensee shall be considered
7 confidential, may not be presented or utilized in any public forum or setting, and shall be
8 afforded the protections offered in Article 4 of Chapter 18 of Title 50, relating to inspection
9 of public records. Nothing in this subsection shall limit the ability of the appropriate board
10 to disclose such information pursuant to subsection (k) of Code Section 43-1-2.

11 (e) With regard to the release and use of aggregate data, the Department of Community
12 Health on behalf of the Health Care Work Force Policy Advisory Committee, the
13 University of Georgia Office of Information Technology Outreach Services or other
14 recognized state agency, or public academic institution or other academic institution
15 currently providing such service shall enter into a written agreement or agreements with
16 the appropriate agency responsible for administration of the professional licensing
17 functions to govern the collection, transfer, and safeguarding of such data. The written
18 agreement or agreements shall be structured to protect against any unauthorized release of
19 otherwise confidential information.

20 (f) The Department of Community Health on behalf of and with the Health Care Work
21 Force Policy Advisory Committee may use the data collected and analyzed under this Code
22 section to publish reports using aggregate data regarding:

- 23 (1) Educational and employment trends for health professions;
- 24 (2) Demographic characteristics of the work force;
- 25 (3) Supply and demand of health professions;
- 26 (4) Practice patterns and workplace trends for health professions; and
- 27 (5) Long-term regional, state-wide, and local needs for health care professionals.

28 (g) The functions and purposes outlined in this Code section shall be deemed
29 'administrative purposes' pursuant to division (a)(11.3)(B)(iii) of Code Section 50-18-72."

30 **SECTION 4.**

31 This Act shall be automatically repealed December 31, 2007.

32 **SECTION 5.**

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