

The Senate Health and Human Services Committee offered the following substitute to SB 13:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to require mandatory reporting for nurses; to provide for related matters; to provide for contingent effectiveness; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is amended by adding a new article to read as follows:

"ARTICLE 3

43-26-50.

As used in this article, the term:

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

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

43-26-51.

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

(6) Knowingly aiding or abetting any person in violating this chapter;

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

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

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

43-26-54.

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

43-26-55.

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

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

SECTION 2.

This Act shall become effective only when funds are specifically appropriated for purposes of this Act in an appropriations Act making specific reference to this Act.

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SECTION 3.

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