

House Bill 430 (COMMITTEE SUBSTITUTE)

By: Representatives Powell of the 32<sup>nd</sup>, Nix of the 69<sup>th</sup>, Collins of the 68<sup>th</sup>, Ehrhart of the 36<sup>th</sup>,  
Martin of the 49<sup>th</sup>, 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 provide for licensure of advanced practice registered nurses; to revise  
3 definitions; to provide for licensure requirements; to provide for renewal of licenses; to  
4 provide for a misdemeanor to practice advanced nursing practice without a license; to amend  
5 Article 3 of Chapter 2 of Title 40 and Article 2 of Chapter 34 of Title 43 of the Official Code  
6 of Georgia Annotated, relating to prestige license plates and special plates for certain persons  
7 and vehicles and medical practice, respectively, so as to authorize advanced practice  
8 registered nurses and physician assistants to execute affidavits certifying an individual is  
9 disabled for purposes of obtaining special vehicle decals for persons with disabilities; to  
10 provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**  
**SECTION 1-1.**

14 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is  
15 amended in Code Section 43-26-3, relating to definitions, by revising paragraphs (1) and  
16 (1.1) as follows:

17 "(1) 'Advanced nursing practice' means practice by a registered professional nurse who  
18 is licensed by the board under this article or who holds a multistate license under Article  
19 4 of this chapter who meets those educational, practice, certification requirements, or any  
20 combination of such requirements as specified in Code Section 43-26-7.1 and by the  
21 board, and includes certified nurse midwives, certified nurse practitioners, certified  
22 registered nurse anesthetists, clinical nurse specialists and clinical nurse specialists in  
23 psychiatric/mental health, and others recognized by the board.

24 (1.1) 'Advanced practice registered nurse' means a ~~registered professional nurse person~~  
25 who is licensed by the board ~~under this article or who holds a multistate license under~~  
26 ~~Article 4 of this chapter, who is recognized by the board~~ as having met the requirements  
27 contained in Code Section 43-26-7.1 and as established by the board to engage in  
28 advanced nursing practice, ~~and who holds a master's degree or other graduate degree from~~  
29 ~~an approved nursing education program and national board certification in his or her area~~  
30 ~~of specialty, within one of the following roles: certified nurse midwife, certified nurse~~  
31 ~~practitioner, certified registered nurse anesthetist, or clinical nurse specialist and clinical~~  
32 nurse specialist in psychiatric/mental health, and who functions in a population focus or  
33 a person who was recognized as an advanced practice registered nurse by the board on  
34 or before June 30, 2006. This paragraph shall not be construed to require a certified  
35 registered nurse anesthetist who graduated from an approved nurse anesthetist  
36 educational program prior to January 1, 1999, to hold a master's degree or other graduate  
37 degree. Further, this paragraph shall not be construed to require a registered professional

38 nurse who holds a multistate license under Article 4 of this chapter authorizing such nurse  
39 to practice in another party state under a multistate licensure privilege to obtain a  
40 single-state license from the board as a condition of receiving ~~authorization~~ licensure by  
41 the board to practice in this state as an advanced practice registered nurse."

42 **SECTION 1-2.**

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

44 "43-26-7.1.

45 (a) Any applicant who meets the requirements of this Code section shall be eligible for  
46 licensure as an advanced practice registered nurse.

47 (b) An applicant for initial licensure to practice as an advanced practice registered nurse  
48 shall:

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

50 (2) Be currently licensed by the board as a registered professional nurse or hold a  
51 multistate license under Article 4 of this chapter;

52 (3) Have completed an accredited graduate or postgraduate level advanced practice  
53 registered nursing program in one of the four roles specified under paragraph (1.1) of  
54 Code Section 43-26-3 and at least one population focus;

55 (4) Be currently certified by a national certifying body recognized by the board in the  
56 advanced practice registered nursing program role and population focuses appropriate to  
57 educational preparation;

58 (5) Have satisfactory results from a fingerprint record check report conducted by the  
59 Georgia Crime Information Center and the Federal Bureau of Investigation, as  
60 determined by the board. Application for licensure under this Code section shall  
61 constitute express consent and authorization for the board to perform a criminal  
62 background check. Each applicant who submits an application to the board for licensure  
63 agrees to provide the board with any and all information necessary to run a criminal

64 background check, including, but not limited to, classifiable sets of fingerprints. The  
65 applicant shall be responsible for all fees associated with the performance of such  
66 criminal background check; and

67 (6) Meet such other criteria as established by the board.

68 (c) An applicant for reinstatement who has previously held a valid advanced practice  
69 registered nurse license in Georgia shall:

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

71 (2) Meet continuing competency requirements as established by the board;

72 (3) Have satisfactory results from a fingerprint record check report conducted by the  
73 Georgia Crime Information Center and the Federal Bureau of Investigation, as  
74 determined by the board. Application for licensure under this Code section shall  
75 constitute express consent and authorization for the board to perform a criminal  
76 background check. Each applicant who submits an application to the board for licensure  
77 agrees to provide the board with any and all information necessary to run a criminal  
78 background check, including, but not limited to, classifiable sets of fingerprints. The  
79 applicant shall be responsible for all fees associated with the performance of such  
80 criminal background check; and

81 (4) Meet such other criteria as established by the board."

82 **SECTION 1-3.**

83 Said chapter is further amended by revising Code Section 43-26-9, relating to biennial  
84 renewal of licenses, continuing competency requirements, voluntary surrender or failure to  
85 renew license, and restoration and reissuance of license, as follows:

86 "43-26-9.

87 (a) Licenses issued under this article shall be renewed biennially according to schedules  
88 and fees approved by the board.

89 (b) A renewed license shall be issued to a registered professional nurse or licensed  
90 undergraduate nurse who remits the required fee and complies with requirements  
91 established by the board.

92 ~~(b.1)~~(c) Beginning with the 2016 license renewal cycle, an applicant for license renewal  
93 as a registered professional under this article shall meet one of the following continuing  
94 competency requirements during the previous licensure period:

95 (1) Completion of 30 continuing education hours by a board approved provider;

96 (2) Maintenance of certification or recertification by a national certifying body  
97 recognized by the board;

98 (3) Completion of an accredited academic program of study in nursing or a related field,  
99 as recognized by the board;

100 (4) Verification of competency by a health care facility or entity licensed under Chapter  
101 7 of Title 31 or by a physician's office that is part of a health system and at least 500  
102 hours practiced as evidenced by employer certification on a form approved by the board;  
103 or

104 (5) Other activities as prescribed and approved by the board that show competency in the  
105 nursing field.

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

113 (d) Advanced practice registered nurse licenses issued under this article shall be issued to  
114 an advanced practice registered nurse who remits the required fee and complies with  
115 requirements established by the board.

116 ~~(e)~~(e) The voluntary surrender of a license or the failure to renew a license by the end of  
117 an established penalty period shall have the same effect as a revocation of said license,  
118 subject to reinstatement at the discretion of the board. The board may restore and reissue  
119 a license and, as a condition thereof, may impose any disciplinary sanction provided by  
120 Code Section 43-1-19 or 43-26-11."

121 **SECTION 1-4.**

122 Said chapter is further amended by revising Code Section 43-26-10, relating to practicing as  
123 a registered professional nurse without a license prohibited, as follows:

124 "43-26-10.

125 It shall be a misdemeanor for any person, including any corporation, association, or  
126 individual, to:

127 (1) Practice nursing as a registered professional nurse; or advanced practice registered  
128 nurse without a valid, current license, except as otherwise permitted under Code Section  
129 43-26-12;

130 (2) Practice nursing as a registered professional nurse or advanced practice registered  
131 nurse under cover of any diploma, license, or record illegally or fraudulently obtained,  
132 signed, or issued;

133 (3) Practice nursing as a registered professional nurse or advanced practice registered  
134 nurse during the time the license is suspended, revoked, surrendered, or administratively  
135 revoked for failure to renew;

136 (4) Use any words, abbreviations, figures, letters, title, sign, card, or device implying that  
137 such person is a registered professional nurse or advanced practice registered nurse unless  
138 such person is duly licensed or recognized by the board so to practice under the  
139 provisions of this article;

140 (5) Fraudulently furnish a license to practice nursing as a registered professional nurse  
141 or advanced practice registered nurse;

- 142 (6) Knowingly employ any person to practice nursing as a registered professional nurse  
143 or advanced practice registered nurse who is not a registered professional nurse or  
144 advanced practice registered nurse;
- 145 (7) Conduct a nursing education program preparing persons to practice nursing as  
146 registered professional nurses unless the program has been approved by the board; or
- 147 (8) Knowingly aid or abet any person to violate this article."

148 **PART II**

149 **SECTION 2-1.**

150 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to  
151 prestige license plates and special plates for certain persons and vehicles, is amended by  
152 revising Code Section 40-2-74.1, relating to temporary, permanent, and special permanent  
153 parking permits for persons with disabilities, as follows:

154 "40-2-74.1.

155 (a) The department shall issue parking permits for persons with disabilities and may  
156 delegate to county tag agents the responsibility for issuance of such permits to residents of  
157 the county served by the tag agent. The department shall receive applications for and issue  
158 parking permits by mail to persons with disabilities upon presentation of an affidavit of a  
159 licensed doctor of medicine, licensed doctor of osteopathic medicine, licensed doctor of  
160 podiatric medicine, licensed optometrist, or licensed chiropractor, licensed advanced  
161 practice registered nurse acting pursuant to the authority of Code Section 43-34-25, or  
162 licensed physician assistant acting pursuant to the authority of subsection (e.1) of Code  
163 Section 43-34-103 stating that such person is a disabled person, the specific disability that  
164 limits or impairs the person's ability to walk, and that he or she is a person with disabilities  
165 as specified in paragraph (5) of Code Section 40-6-221. Permits shall be in such form as  
166 the department prescribes but shall be of sufficient size and sufficiently distinctively

167 marked to be easily visible when placed on or affixed to the driver's side of the dashboard  
168 or hung from the rearview mirror of the parked vehicle. Permits shall be made of a  
169 substrate as determined by the commissioner and shall be of sufficient quality to ensure  
170 that the coloring of the permit and the ink used thereon will resist fading for a period of at  
171 least four years. Permits shall be issued to individuals, and the name of the individual and  
172 an identification number shall appear on the permit. The individual to whom a permit is  
173 issued may use the permit for any vehicle he or she is operating or in which he or she is a  
174 passenger. Permits shall also be issued to institutions when the primary purpose of a  
175 vehicle operated by the institution is to transport individuals with disabilities. The name  
176 of the institution, the license number of the particular vehicle, and an identification number  
177 shall appear on the permit. The institution shall use such permit only for a vehicle which  
178 is operated by the institution and which is used primarily to transport individuals with  
179 disabilities.

180 (b) The department shall issue a temporary permit to any temporarily disabled person upon  
181 presentation of an affidavit of a licensed doctor of medicine, licensed doctor of osteopathic  
182 medicine, licensed doctor of podiatric medicine, licensed optometrist, ~~or~~ licensed  
183 chiropractor, licensed advanced practice registered nurse acting pursuant to the authority  
184 of Code Section 43-34-25, or licensed physician assistant acting pursuant to the authority  
185 of subsection (e.1) of Code Section 43-34-103 stating that such person is a temporarily  
186 disabled person, the specific disability that limits or impairs the person's ability to walk,  
187 that he or she is a person with disabilities as specified in paragraph (5) of Code Section  
188 40-6-221, and a date until which such person is likely to remain disabled. The temporary  
189 permit shall show prominently on its face an expiration date the same as the date specified  
190 by such doctor for the likely termination of the disability, which date shall not be more than  
191 180 days after the date the permit is issued. The expiration date shall be printed with  
192 permanent ink and in boldface type of sufficient size to be legible when the permit is  
193 displayed on the driver's side of the dashboard or hung from the rearview mirror.

194 (c) The department shall issue a permanent permit to any permanently disabled person  
195 upon presentation of an affidavit of a licensed doctor of medicine, licensed doctor of  
196 osteopathic medicine, licensed doctor of podiatric medicine, licensed optometrist, or  
197 licensed chiropractor, licensed advanced practice registered nurse acting pursuant to the  
198 authority of Code Section 43-34-25, or licensed physician assistant acting pursuant to the  
199 authority of subsection (e.1) of Code Section 43-34-103 stating that such person is a  
200 permanently disabled person. The affidavit shall further state the specific disability that  
201 limits or impairs the person's ability to walk or that he or she is a person with disabilities  
202 as specified in paragraph (5) of Code Section 40-6-221. The department shall also issue  
203 a permanent permit to an institution which operates vehicles used primarily for the  
204 transportation of individuals with disabilities upon presentation of a certification from the  
205 institution regarding use of its vehicles. The institution shall receive permits only for the  
206 number of vehicles so used and shall affix the permits to the driver's side of the dashboards  
207 of such vehicles. The permanent permit shall be predominantly blue in color and shall  
208 show prominently on its face an expiration date four years from the date it is issued. The  
209 expiration date shall be machine printed, not handwritten, in boldface type of sufficient size  
210 to be legible when the permit is displayed on the driver's side of the dashboard or hung  
211 from the rearview mirror.

212 (d) Any individual to whom a specially designated disabled veteran's license plate has  
213 been issued pursuant to Code Sections 40-2-69 through 40-2-72 and any individual to  
214 whom a specially designated disabled person's license plate has been issued pursuant to  
215 Code Section 40-2-74 shall be authorized to park the passenger motor vehicle on which the  
216 specially designated license plate is attached in a parking place for persons with disabilities  
217 without the necessity of obtaining a parking permit for persons with disabilities pursuant  
218 to this Code section.

219 (e) The department shall issue a special permanent permit to any person who:

220 (1) Because of a physical disability drives a motor vehicle which has been equipped with  
221 hand controls for the operation of the vehicle's brakes and accelerator; or

222 (2) Is physically disabled due to the loss of, or loss of use of, both upper extremities.

223 This special permanent permit shall be gold in color and shall show prominently on its face  
224 an expiration date four years from the date it is issued. The expiration date shall be printed  
225 in a size of print that is legible when the permit is displayed on the driver's side of the  
226 dashboard or hung from the rearview mirror. Such a special permit shall be used in the  
227 same manner as, and shall be subject to the provisions of this Code section relating to,  
228 other permanent parking permits for persons with disabilities and shall also be used as  
229 provided in Code Section 10-1-164.1. In addition to any other required printing, the  
230 following shall be printed upon this special gold permit:

231 'Code Section 10-1-164.1 of the Official Code of Georgia Annotated requires that any  
232 owner or operator of a gasoline station that sells full-service gasoline at one price and  
233 self-service at a lower price shall provide the service of dispensing gasoline at the  
234 self-service price for the holder of this special permit when such holder requests such  
235 service and is the operator of the vehicle and is not accompanied by another person 16  
236 years of age or older who is not mobility impaired or blind.'

237 (f) The department and county tag agents shall not charge or collect any fee for issuing  
238 parking permits for persons with disabilities under this Code section.

239 (g) Any special disabled person decal issued under the former provisions of this Code  
240 section shall be valid until its expiration date but shall not be reissued.

241 (h) For purposes of this Code section, an active duty military physician shall be entitled  
242 to submit an affidavit in support of the application of active duty or retired military  
243 personnel for parking permits for persons with disabilities whether or not such physician  
244 is licensed to practice in Georgia. Such affidavit shall state that the applicant is in active  
245 military service and is stationed in Georgia pursuant to military orders or is retired from  
246 the military and is a resident of Georgia and that such person is a disabled person, the

247 specific disability that limits or impairs the person's ability to walk, and that he or she is  
248 a person with disabilities as specified in paragraph (5) of Code Section 40-6-221.

249 (i) For purposes of this Code section the department shall accept, in lieu of an affidavit,  
250 a signed and dated statement from the doctor, advanced practice registered nurse, or  
251 physician assistant which includes the same information as required in an affidavit written  
252 upon security paper as defined in paragraph (38.5) of Code Section 26-4-5."

253 **SECTION 2-2.**

254 Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to  
255 medical practice, is amended in Code Section 43-34-23, relating to delegation of authority  
256 to nurse or physician assistant, by revising subparagraph (b)(1)(B) as follows:

257 "(B) A physician may delegate to those health care professionals identified in  
258 subparagraph (A) of this paragraph:

259 (i) The authority to order controlled substances selected from a formulary of such  
260 drugs established by the board and the authority to order dangerous drugs, medical  
261 treatments, and diagnostic studies;

262 (ii) The authority to request, receive, and sign for professional samples and to  
263 distribute professional samples to patients. The office or facility at which the health  
264 care professional identified in subparagraph (A) of this paragraph is working shall  
265 maintain a general list of the professional samples approved by the delegating  
266 physician for request, receipt, and distribution by the health care professional  
267 identified in subparagraph (A) of this paragraph as well as a complete list of the  
268 specific number and dosage of each professional sample and medication voucher  
269 received. Professional samples that are distributed by a health care professional  
270 identified in subparagraph (A) of this paragraph shall be so noted in the patient's  
271 medical record. In addition to the requirements of this Code section, all professional

272 samples shall be maintained as required by applicable state and federal laws and  
273 regulations; and  
274 (iii) The authority to sign, certify, and endorse all documents relating to health care  
275 provided to a patient within his or her scope of authorized practice, including, but not  
276 limited to, documents relating to physical examination forms of all state agencies and  
277 verification and evaluation forms of the Department of Human Services, the State  
278 Board of Education, local boards of education, the Department of Community Health,  
279 the Department of Revenue, and the Department of Corrections; provided, however,  
280 that a health care professional identified in subparagraph (A) of this paragraph shall  
281 not have the authority to sign death certificates or assign a percentage of a disability  
282 rating."

283 **SECTION 2-3.**

284 Said article is further amended in Code Section 43-34-25, relating to delegation of certain  
285 medical acts to advanced practice registered nurse, construction and limitations of such  
286 delegation, definitions, conditions of nurse protocol, and issuance of prescription drug orders,  
287 by revising subsection (e.1) as follows:

288 "(e.1) Except for death certificates and assigning a percentage of a disability rating, an  
289 advanced practice registered nurse may be delegated the authority to sign, certify, and  
290 endorse all documents relating to health care provided to a patient within his or her scope  
291 of authorized practice, including, but not limited to, documents relating to physical  
292 examination forms of all state agencies and verification and evaluation forms of the  
293 Department of Human Services, the State Board of Education, local boards of education,  
294 the Department of Community Health, the Department of Revenue, and the Department of  
295 Corrections."

296

**PART III**

297

**SECTION 3-1.**

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