Senate Bill 164

By: Senators Hufstetler of the 52nd, Dolezal of the 27th, Brass of the 28th, Walker III of the 20th, Summers of the 13th and others

AS PASSED SENATE

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 provide for licensure of advanced practice registered nurses; to revise definitions; to provide for licensure requirements; to provide for renewal of licenses; to provide for a misdemeanor to practice advanced nursing practice without a license; to provide for related matters; 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 in Code Section 43-26-3, relating to definitions, by revising paragraphs (1) and (1.1) as follows:

"(1) 'Advanced nursing practice' means practice <u>in a population focus</u> by a registered professional nurse who is licensed by the board under this article or who holds a multistate license under Article 4 of this chapter who meets those educational, practice, certification requirements, or any combination of such requirements as specified <u>in Code Section 43-26-7.1 and established</u> by the board, and includes certified nurse midwives, <u>certified</u> nurse practitioners, certified registered nurse anesthetists, <u>clinical nurse</u>

specialists and clinical nurse specialists in psychiatric/mental health, and others recognized by the board.

(1.1) 'Advanced practice registered nurse' means:

(A) A person ~~a registered professional nurse~~ who is licensed by the board ~~under this article or who holds a multistate license under Article 4 of this chapter, who is recognized by the board~~ as having met the requirements as specified in Code Section 43-26-7.1 and established by the board to engage in advanced nursing practice~~, and who holds a master's degree or other graduate degree from an approved nursing education program and national board certification in his or her area of specialty,~~ within one of the following roles: a certified nurse midwife, a certified nurse practitioner, a certified registered nurse anesthetist, or a clinical nurse specialist or clinical nurse specialist in psychiatric/mental health; or

(B) A ~~a~~ person who was recognized as an advanced practice registered nurse by the board on or before June 30, 2006.

This paragraph shall not be construed to require a certified registered nurse anesthetist who graduated from an approved nurse anesthetist educational program prior to January 1, 1999, to hold a master's degree or other graduate degree. Further, this paragraph shall not be construed to require a registered professional nurse who holds a multistate license under Article 4 of this chapter authorizing such nurse to practice in another party state under a multistate licensure privilege to obtain a single-state license from the board as a condition of receiving ~~authorization~~ licensure by the board to practice in this state as an advanced practice registered nurse."

SECTION 2.

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

"43-26-7.1.

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

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

(1) Submit a completed written application and fee;

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

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

(4) Be currently certified by a national certifying body recognized by the board in an advanced practice registered nursing program in a role and population focus appropriate for educational preparation;

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

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

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

(1) Submit a completed written application and fee;

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

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

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

SECTION 3.

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

″43-26-9.

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

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

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

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

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

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

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

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

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

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

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

SECTION 4.

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

"43-26-10.

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

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

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

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

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

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

(6) Knowingly employ any person to practice nursing as a registered professional nurse or advanced practice registered nurse who is not a registered professional nurse or advanced practice registered nurse;

(7) Conduct a nursing education program preparing persons to practice nursing as registered professional nurses unless the program has been approved by the board; or

(8) Knowingly aid or abet any person to violate this article."

SECTION 5.

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