

The House Committee on Health and Human Services offers the following substitute to HB 332:

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 reconstitute the Georgia Board of Nursing; to provide for membership; to
3 provide for appointment of members; to define a certain term; to repeal the Georgia Board
4 of Examiners of Licensed Practical Nurses; to provide effective dates; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
9 amended by revising Code Section 43-26-4, relating to the Georgia Board of Nursing,
10 membership, meetings, and officers, as follows:

11 "43-26-4.

12 (a) The Georgia Board of Nursing existing immediately prior to ~~April 4, 1990~~ July 1,
13 2014, is continued in existence and shall ~~continue to consist of eight members to be~~
14 ~~appointed by the Governor with the confirmation of the Senate~~ be constituted as provided
15 in this Code section. Those persons serving as members of the board immediately prior to
16 July 1, 2014, shall continue to serve out their respective terms of office and until their
17 successors are appointed. Members shall serve three-year terms and until their successors
18 are duly appointed and qualified. ~~Those persons serving as members of the board~~
19 ~~immediately prior to April 4, 1990, shall continue to serve out their respective terms of~~
20 ~~office and until their respective successors are appointed and qualified.~~ No member shall
21 be appointed to more than two consecutive full terms, and for purposes of this limitation,
22 an appointment to fill a vacancy for an unexpired term of two or more years shall constitute
23 an appointment for a full term.

24 (b) A vacancy on the board for any reason other than expiration of the term shall be filled
25 for the remainder of the unexpired term by appointment of the Governor with the
26 confirmation of the Senate. In the event a board member changes employment which

27 causes a conflict with this Code section, the position of the member making such change
 28 shall be immediately vacant and a new member appointed to fill the vacancy.

29 ~~(c) Each of seven members appointed to the board shall be a registered professional nurse;~~
 30 ~~shall have practiced nursing as a registered professional nurse for at least five years since~~
 31 ~~graduation and immediately prior to appointment; shall be engaged in paid employment in~~
 32 ~~clinical, educational, or administrative positions, or any combination thereof; shall be a~~
 33 ~~citizen of the United States; and a resident of Georgia. The eighth member shall be a~~
 34 ~~consumer member appointed by the Governor. The 13 members of the board shall be~~
 35 appointed by the Governor with the confirmation of the Senate and shall consist of two
 36 registered nursing educators, one practical nursing educator, two registered nurses
 37 employed in nursing service administration, one registered nurse employed in nursing
 38 home administration or nursing service administration, two advanced practice registered
 39 nurses, one additional registered nurse, three licensed practical nurses, and one consumer
 40 member.

41 ~~(d) No fewer than two members of the board shall hold master's or doctoral degrees or~~
 42 ~~both. No fewer than two members of the board shall be currently employed in nursing~~
 43 ~~service administration. No fewer than two members of the board shall be currently~~
 44 ~~employed in professional nursing education. No two members of the board shall be~~
 45 ~~employed by the same private school, school within the University System of Georgia,~~
 46 ~~private employer, agency of state government, or another public employer. In the event~~
 47 ~~a board member changes employment which causes a conflict with this subsection, the~~
 48 ~~position of the member making such change shall be immediately vacant and a new~~
 49 ~~member appointed to fill the vacancy.~~

50 ~~(e) The board shall meet annually and shall elect from its members a president, vice~~
 51 ~~president, and other officers as deemed necessary. All officers shall serve for terms of one~~
 52 ~~year and until their successors have been elected. The board may hold such other meetings~~
 53 ~~during the year as necessary to transact its business."~~

54 **SECTION 2.**

55 Said chapter is further amended by revising Code Section 43-26-5, relating to general powers
 56 of the Georgia Board of Nursing, as follows:

57 "43-26-5.

58 (a) The board shall:

59 (1) Be responsible for the enforcement of the provisions of this ~~article~~ chapter and shall
 60 be specifically granted all of the necessary duties, powers, and authority to carry out this
 61 responsibility;

- 62 (2) Be authorized to draft, adopt, amend, repeal, and enforce such rules as it deems
63 necessary for the administration and enforcement of this ~~article~~ chapter in the protection
64 of public health, safety, and welfare;
- 65 (3) Enforce qualifications for licensure under this article or Article 2 of this chapter;
- 66 (4) Develop and enforce reasonable and uniform standards for nursing education and
67 nursing practice;
- 68 (5) Periodically evaluate nursing education programs and approve such programs as meet
69 the board's requirements;
- 70 (6) Deny or withdraw approval from noncompliant nursing education programs;
- 71 (7) License duly qualified applicants under this article or Article 2 of this chapter by
72 examination, endorsement, or reinstatement;
- 73 (8) Be authorized to issue temporary permits;
- 74 (9) Renew licenses of registered professional nurses ~~and~~ licensed undergraduate nurses,
75 and licensed practical nurses in accordance with this article or Article 2 of this chapter;
- 76 (10) Be authorized to set standards for competency of licensees under this article or
77 Article 2 of this chapter continuing in or returning to practice;
- 78 (11) Set standards for and regulate advanced nursing practice;
- 79 (12) Be authorized to enact rules and regulations for registered professional nurses in
80 their performing acts under a nurse protocol as authorized in Code Section 43-34-23 and
81 enact rules and regulations for advanced practice registered nurses in performing acts as
82 authorized in Code Section 43-34-25;
- 83 (13) Implement the disciplinary process;
- 84 (14) Be authorized to issue orders when a license under this article or Article 2 of this
85 chapter is surrendered to the board while a complaint, investigation, or disciplinary action
86 against such license is pending;
- 87 (15) Issue a limited license to practice nursing or licensed practical nursing subject to
88 such terms and conditions as the board may impose;
- 89 (16) Provide consultation and conduct conferences, forums, studies, and research on
90 nursing education and nursing practice;
- 91 (17) Approve the selection of a qualified person to serve as executive director;
- 92 (18) Be authorized to appoint standing or ad hoc committees as necessary to inform and
93 make recommendations to the board about issues and concerns and to facilitate
94 communication amongst the board, licensees under this article or Article 2 of this chapter,
95 and the community;
- 96 (19) Maintain membership in the national organization which develops and regulates the
97 nursing licensing examination and the practical nursing licensing examination;

98 (20) Be authorized to collect data regarding existing nursing and licensed practical
 99 nursing resources in Georgia and coordinate planning for nursing education and nursing
 100 practice;

101 (21) Determine fees; and

102 (22) Adopt a seal which shall be in the care of the executive director and shall be affixed
 103 only in such a manner as prescribed by the board.

104 (b) The board shall be the sole professional licensing board for determining if a registered
 105 professional nurse, licensed practical nurse, or any other person has engaged illegally in
 106 the practice of nursing. If a registered professional nurse or licensed practical nurse is
 107 charged with the unauthorized practice of any other health profession by any other board,
 108 such board shall notify the Georgia Board of Nursing before conducting any hearing.
 109 Nothing contained in this ~~article~~ chapter shall be construed to limit any powers of any other
 110 board.

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

113 SECTION 3.

114 Said chapter is further amended by revising paragraphs (2) and (3) of Code Section 43-26-32,
 115 relating to definitions, as follows:

116 "(2) 'Board' means the Georgia Board of ~~Examiners of Licensed Practical Nurses~~ Nursing
 117 created in Code Section ~~43-26-34~~ 43-26-4.

118 (3) ~~'Consumer member' means a United States citizen and Georgia resident who is~~
 119 ~~knowledgeable about consumer health concerns, does not derive that person's primary~~
 120 ~~livelihood from the practice of nursing, and shall neither be nor ever have been a health~~
 121 ~~care provider or enrolled in any health related educational program. Reserved.~~"

122 SECTION 4.

123 Said chapter is further amended by revising Code Section 43-26-34, relating to the board of
 124 examiners created, appointment of members, terms, filling of vacancies, meetings, and
 125 reimbursement of expenses, as follows:

126 "43-26-34.

127 ~~(a) The Georgia Board of Examiners of Licensed Practical Nurses shall consist of seven~~
 128 ~~members appointed by the Governor. The members in office on July 1, 1992, shall serve~~
 129 ~~out the remainder of their respective terms and until their successors are appointed and~~
 130 ~~qualified. Members shall serve a three-year term and until their successors are duly~~
 131 ~~appointed and qualified. No member shall be appointed to more than two consecutive full~~

132 ~~terms and, for the purpose of this limitation, an appointment to fill a vacancy for an~~
 133 ~~unexpired term which exceeds two full years shall constitute an appointment for a full term.~~
 134 ~~(b) A vacancy on the board for any reason other than expiration of the term shall be filled~~
 135 ~~for the remainder of the unexpired term by appointment of the Governor. Vacancies shall~~
 136 ~~be filled in a timely manner.~~
 137 ~~(c) Each of the seven members appointed to the board shall be a citizen of the United~~
 138 ~~States and a resident of Georgia. One member shall be a registered professional nurse who~~
 139 ~~is currently engaged in practical nurse education and has been a graduate of an accredited~~
 140 ~~or approved school of nursing for a minimum of five years. One member shall be a nurse~~
 141 ~~currently serving in an administrative position in a hospital or nursing home and who is a~~
 142 ~~graduate of an accredited or approved nursing program. One member shall be a consumer.~~
 143 ~~The remaining four members shall be licensed practical nurses and graduates of an~~
 144 ~~accredited or approved school of practical nursing. All members except the consumer shall~~
 145 ~~have a current license in good standing, at least three years' experience in nursing, and shall~~
 146 ~~be currently employed in the health care delivery system. In order to have equal~~
 147 ~~representation of the board members, consideration in selection should be given for~~
 148 ~~geographical location and areas of specialty.~~
 149 ~~(d) No two members of the current board shall be employed by the same private school,~~
 150 ~~school within the Technical College System of Georgia, private employer, agency of state~~
 151 ~~government, or other public employer. In the event a board member changes employment~~
 152 ~~which causes a conflict defined by this subsection, the position of the member making the~~
 153 ~~change shall be immediately vacant and a new member appointed to fill the vacancy.~~
 154 ~~(e) The board shall meet a minimum of six times a year and may have called meetings~~
 155 ~~upon notice issued by its chairman.~~
 156 ~~(f) The members of the board shall be reimbursed as provided for in subsection (f) of Code~~
 157 ~~Section 43-1-2. Reserved."~~

158 **SECTION 5.**

159 Said chapter is further amended by amending Code Section 43-26-35, relating to the duties
 160 of the Georgia Board of Examiners of Licensed Practical Nurses, as follows:

161 "43-26-35.

162 The board shall:

163 (1) ~~Be responsible for the enforcement of the provisions of this article and shall be~~
 164 ~~specifically granted all of the necessary duties, powers, and authority to carry out this~~
 165 ~~responsibility;~~

- 166 ~~(2) Be authorized to draft, adopt, amend, repeal, and enforce such rules as it deems~~
 167 ~~necessary for the administration and enforcement of this article in the protection of the~~
 168 ~~public health, safety, and welfare;~~
- 169 ~~(3) License duly qualified applicants by examination, endorsement, or reinstatement;~~
- 170 ~~(4) Enforce qualifications for licensure;~~
- 171 ~~(5) Be authorized to set standards for competency of licensees continuing in or returning~~
 172 ~~to practice;~~
- 173 ~~(6) Be authorized to enact rules and regulations for licensed practical nurses as they~~
 174 ~~apply to the practice of practical nursing;~~
- 175 ~~(7) Be authorized to issue temporary permits;~~
- 176 ~~(8) Renew licenses of licensed practical nurses in accordance with this article;~~
- 177 ~~(9) Develop and enforce reasonable and uniform standards for practical nurse education~~
 178 ~~and practical nurse practice;~~
- 179 ~~(10) Periodically evaluate practical nurse education programs and approve such~~
 180 ~~programs as meeting the board's requirements;~~
- 181 ~~(11) Deny or withdraw approval from noncompliant practical nurse education programs;~~
- 182 ~~(12) Implement the disciplinary process;~~
- 183 ~~(13) Be authorized to issue orders when a license is surrendered to the board while a~~
 184 ~~complaint, investigation, or disciplinary act against such license is pending;~~
- 185 ~~(14) Issue a limited license to practice practical nursing subject to such terms and~~
 186 ~~conditions as the board may impose;~~
- 187 ~~(15) Provide consultation and conduct conferences, forums, studies, and research on~~
 188 ~~practical nurse education and practical nurse practice;~~
- 189 ~~(16) Be authorized to appoint standing or ad hoc committees as necessary to inform and~~
 190 ~~make recommendations to the board about issues and concerns and to facilitate~~
 191 ~~communication among the board, licensees, and the community;~~
- 192 ~~(17) Maintain membership in the national organization which develops and regulates the~~
 193 ~~practical nursing licensing examination;~~
- 194 ~~(18) Be authorized to collect data regarding existing licensed practical nursing resources~~
 195 ~~in Georgia and coordinate planning for practical nursing education and practical nursing~~
 196 ~~practice;~~
- 197 ~~(19) Determine fees; and~~
- 198 ~~(20) Adopt a seal which shall be in the care of the executive director and shall be affixed~~
 199 ~~only in such a manner as prescribed by the board. Reserved."~~

200

SECTION 6.

201 Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section
202 43-26-36, relating to application for licensure, examination, and temporary permits, as
203 follows:

204 "(1) The board may issue a temporary permit to applicants for licensure by examination
205 pursuant to paragraph ~~(7)~~ (8) of subsection (a) of Code Section ~~43-26-35~~ 43-26-5. A
206 temporary permit issued to an applicant for licensure by examination shall be valid from
207 the date of issuance until the first examination scheduled for the applicant is graded and a
208 license is issued. If the applicant does not appear for the examination, the temporary
209 permit is shall automatically become invalid the day of the examination. If the applicant
210 fails the examination, the permit shall automatically become invalid when the examination
211 is graded and may not be reissued."

212

SECTION 7.

213 For purposes of making initial appointments to the reconstituted Georgia Board of Nursing,
214 this Act shall become effective upon its approval by the Governor or upon its becoming law
215 without such approval. For all other purposes, this Act shall become effective on July 1,
216 2014.

217

SECTION 8.

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