

Senate Bill 314

By: Senators Unterman of the 45th, Hufstetler of the 52nd and Burke of the 11th

AS PASSED SENATE

**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 revise certain provisions relating to advanced nursing practice; to provide for
3 changes to the roles and definitions of advanced nursing practice and advanced practice
4 registered nurses; to provide for renewal of licenses; to revise certain criminal background
5 check requirements; to provide that a criminal background check is part of the renewal
6 process; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
10 amended in Code Section 43-26-3, relating to definitions, by revising paragraphs (1) and
11 (1.1) as follows:

12 "(1) 'Advanced nursing practice' means practice by a registered professional nurse who
13 meets those educational, practice, certification requirements, or any combination of such
14 requirements, as specified by the board and includes certified nurse midwives, certified
15 nurse practitioners, certified registered nurse anesthetists, clinical nurse specialists and
16 clinical nurse specialists in psychiatric/mental health, and others recognized by the board.

17 ~~(1.1) 'Advanced practice registered nurse' means a registered professional nurse licensed~~
18 ~~under this chapter who is recognized by the board as having met the requirements~~
19 ~~established by the board to engage in advanced nursing practice and who holds a master's~~
20 ~~degree or other graduate degree from an approved nursing education program and~~
21 ~~national board certification in his or her area of specialty, or a person who was recognized~~
22 ~~as an advanced practice registered nurse by the board on or before June 30, 2006. This~~
23 ~~paragraph shall not be construed to require a certified registered nurse anesthetist who~~
24 ~~graduated from an approved nurse anesthetist educational program prior to January 1,~~
25 ~~1999, to hold a master's degree or other graduate degree. 'Advanced practice registered~~
26 nurse' means a registered professional nurse licensed under this chapter who is recognized

27 by the board as having met the requirements established by the board to engage in
 28 advanced nursing practice within one of the following roles: certified nurse practitioner,
 29 certified registered nurse anesthetist, certified nurse-midwife, or clinical nurse specialist,
 30 and who functions in a population focus or a person who was recognized as an advanced
 31 practice registered nurse by the board on or before June 30, 2006. This paragraph shall
 32 not be construed to require a certified registered nurse anesthetist who graduated from an
 33 approved nurse anesthetist educational program prior to January 1, 1999, to hold a
 34 master's degree or other graduate degree."

35 **SECTION 2.**

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

37 "43-26-7.1.

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

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

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

43 (2) Be currently licensed by the board as a registered professional nurse;

44 (3) Have completed an accredited graduate or post-graduate level advanced practice
 45 registered nursing program in one of the four roles and at least one population focus;

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

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

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

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

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

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

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

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

73 (d) This Code section shall not be construed to require a certified registered nurse
 74 anesthetist who graduated from an approved nurse anesthetist educational program prior
 75 to January 1, 1999, to hold a master's degree or other graduate degree."

76 **SECTION 3.**

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

80 "43-26-9.

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

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

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

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

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

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

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

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

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

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

110 (e) The board may require that an applicant for renewal of an unexpired license submit to
111 the board, in addition to satisfying any other requirements for license renewal, satisfactory
112 results from a fingerprint record check report conducted by the Georgia Crime Information
113 Center and the Federal Bureau of Investigation, as determined by the board. Application
114 for renewal of a license under this Code section shall constitute express consent and
115 authorization for the board or its representative to perform a criminal background check.
116 Each applicant who submits an application to the board for renewal of licensure agrees to
117 provide the board with any and all information necessary to run a criminal background
118 check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be
119 responsible for all fees associated with the performance of such criminal background
120 check.

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

126 **SECTION 4.**

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

129 "43-26-10.

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

- 132 (1) Practice nursing as a registered professional nurse or advanced practice registered
 133 nurse, without a valid, current license, except as otherwise permitted under Code Section 43-26-12;
- 134 (2) Practice nursing as a registered professional nurse or advanced practice registered
 135 nurse under cover of any diploma, license, or record illegally or fraudulently obtained,
 136 signed, or issued;
- 137 (3) Practice nursing as a registered professional nurse or advanced practice registered
 138 nurse during the time the license is suspended, revoked, surrendered, or administratively
 139 revoked for failure to renew;
- 140 (4) Use any words, abbreviations, figures, letters, title, sign, card, or device implying that
 141 such person is a registered professional nurse or advanced practice registered nurse unless
 142 such person is duly licensed or recognized by the board so to practice under the
 143 provisions of this article;
- 144 (5) Fraudulently furnish a license to practice nursing as a registered professional nurse
 145 or advanced practice registered nurse;
- 146 (6) Knowingly employ any person to practice nursing as a registered professional nurse
 147 or advanced practice registered nurse who is not a registered professional nurse or
 148 advanced practice registered nurse;
- 149 (7) Conduct a nursing education program preparing persons to practice nursing as
 150 registered professional nurses or advanced practice registered nurses unless the program
 151 has been approved by the board; or
- 152 (8) Knowingly aid or abet any person to violate this article."

153 **SECTION 5.**

154 Said chapter is further amended in Code Section 43-26-39, relating to renewal of license,
 155 voluntary surrender, application for reinstatement, and temporary permit, by adding a new
 156 subsection to read as follows:

157 "(g) The board may require that an applicant for renewal of an unexpired license submit
 158 to the board, in addition to satisfying any other requirements for license renewal,
 159 satisfactory results from a fingerprint record check report conducted by the Georgia Crime
 160 Information Center and the Federal Bureau of Investigation, as determined by the board.
 161 Application for renewal of a license under this Code section shall constitute express
 162 consent and authorization for the board or its representative to perform a criminal
 163 background check. Each applicant who submits an application to the board for renewal of
 164 licensure agrees to provide the board with any and all information necessary to run a
 165 criminal background check, including, but not limited to, classifiable sets of fingerprints.
 166 The applicant shall be responsible for all fees associated with the performance of such
 167 criminal background check."

168

SECTION 6.

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