

The House Committee on Health and Human Services offers the following substitute to SB 314:

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 licensure and renewal as advanced practice registered
5 nurses; to revise certain criminal background check requirements; to provide that it is a
6 felony to practice without a license; to provide for related matters; to provide for a contingent
7 effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is
11 amended in Code Section 43-26-3, relating to definitions, by revising paragraphs (1) and
12 (1.1) as follows:

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

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

27 nurse' means a registered professional nurse licensed as an advanced practice registered
 28 nurse pursuant to Code Section 43-26-7.1 to engage in advanced nursing practice within
 29 one of the following roles: certified nurse practitioner, certified registered nurse
 30 anesthetist, certified nurse-midwife, or clinical nurse specialist, and who functions in a
 31 population focus or a person who was recognized as an advanced practice registered
 32 nurse by the board on or before June 30, 2006. This paragraph shall not be construed to
 33 require a certified registered nurse anesthetist who graduated from an approved nurse
 34 anesthetist educational program prior to January 1, 1999, to hold a master's degree or
 35 other graduate degree."

36 SECTION 2.

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

38 "43-26-7.1.

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

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

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

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

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

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

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

59 (6) Meet such other criteria as established by the board; provided, however, that the
 60 board shall provide annual notice to the chairpersons of the House Committee on Health
 61 and Human Services and the Senate Health and Human Services Committee of any new
 62 criteria established pursuant to this paragraph and any costs associated with such criteria.

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

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

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

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

76 (4) Meet such other criteria as established by the board; provided, however, that the
 77 board shall provide annual notice to the chairpersons of the House Committee on Health
 78 and Human Services and the Senate Health and Human Services Committee of any new
 79 criteria established pursuant to this paragraph and any costs associated with such criteria.

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

83 **SECTION 3.**

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

87 "43-26-9.

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

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

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

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

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

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

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

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

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

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

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

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

133 **SECTION 4.**

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

136 "43-26-10.

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

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

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

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

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

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

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

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

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

155 **SECTION 5.**

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

157 "43-26-10.1.

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

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

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

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

166 (4) Fraudulently furnish a license to practice nursing as an advanced practice registered
 167 nurse;

- 168 (5) Knowingly employ any person to practice nursing as an advanced practice registered
 169 nurse who is not an advanced practice registered nurse; or
 170 (6) Conduct a nursing education program preparing persons to practice nursing as
 171 advanced practice registered nurses unless the program has been approved by the board."

172 **SECTION 6.**

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

176 "(g) The board or the division director may require that an applicant for renewal of an
 177 unexpired license submit to the board, in addition to satisfying any other requirements for
 178 license renewal, satisfactory results from a fingerprint record check report conducted by
 179 the Georgia Crime Information Center and the Federal Bureau of Investigation, as
 180 determined by the board. Application for renewal of a license under this Code section shall
 181 constitute express consent and authorization for the board or its representative to perform
 182 a criminal background check. Each applicant who submits an application to the board for
 183 renewal of licensure agrees to provide the board with any and all information necessary to
 184 run a criminal background check, including, but not limited to, classifiable sets of
 185 fingerprints. The applicant shall be responsible for all fees associated with the performance
 186 of such criminal background check."

187 **SECTION 7.**

188 This Act shall become effective only if funds are specifically appropriated for purposes of
 189 this Act in an appropriations Act making specific reference to this Act and shall become
 190 effective when funds so appropriated become available for expenditure.

191 **SECTION 8.**

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