

House Bill 215

By: Representatives Powell of the 33<sup>rd</sup>, Anderson of the 10<sup>th</sup>, Mitchell of the 88<sup>th</sup>, Jasperse of the 11<sup>th</sup>, Reeves of the 99<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.**

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

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

25 (1.1) 'Advanced practice registered nurse' means:

26 (A) A person ~~a registered professional nurse~~ who is licensed by the board ~~under this~~  
27 ~~article or who holds a multistate license under Article 4 of this chapter, who is~~  
28 ~~recognized by the board~~ as having met the requirements as specified in Code Section  
29 43-26-7.1 and established by the board to engage in advanced nursing practice, ~~and who~~  
30 ~~holds a master's degree or other graduate degree from an approved nursing education~~  
31 ~~program and national board certification in his or her area of specialty, within one of~~  
32 the following roles: a certified nurse midwife, a certified nurse practitioner, a certified  
33 registered nurse anesthetist, or a clinical nurse specialist or clinical nurse specialist in  
34 psychiatric/mental health; or

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

37 This paragraph shall not be construed to require a certified registered nurse anesthetist  
38 who graduated from an approved nurse anesthetist educational program prior to January  
39 1, 1999, to hold a master's degree or other graduate degree. Further, this paragraph shall  
40 not be construed to require a registered professional nurse who holds a multistate license  
41 under Article 4 of this chapter authorizing such nurse to practice in another party state  
42 under a multistate licensure privilege to obtain a single-state license from the board as a

43 condition of receiving ~~authorization~~ licensure by the board to practice in this state as an  
44 advanced practice registered nurse."

45 **SECTION 1-2.**

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

47 "43-26-7.1.

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

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

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

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

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

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

61 (5) Have satisfactory results from a fingerprint record check report conducted by the  
62 Georgia Crime Information Center and the Federal Bureau of Investigation, as  
63 determined by the board. Application for licensure under this subsection shall constitute  
64 express consent and authorization for the board to perform a criminal background check.

65 Each applicant who submits an application to the board for licensure agrees to provide  
66 the board with any and all information necessary to run a criminal background check,  
67 including, but not limited to, classifiable sets of fingerprints. The applicant shall be

68 responsible for all fees associated with the performance of such criminal background  
69 check; and  
70 (6) Meet such other criteria as established by the board.  
71 (c) An applicant for reinstatement of licensure who has previously held a valid advanced  
72 practice registered nurse license in Georgia shall:  
73 (1) Submit a completed written application and fee;  
74 (2) Meet continuing competency requirements as established by the board;  
75 (3) Have satisfactory results from a fingerprint record check report conducted by the  
76 Georgia Crime Information Center and the Federal Bureau of Investigation, as  
77 determined by the board. Application for reinstatement of licensure under this subsection  
78 shall constitute express consent and authorization for the board to perform a criminal  
79 background check. Each applicant who submits an application to the board for  
80 reinstatement of licensure agrees to provide the board with any and all information  
81 necessary to run a criminal background check, including, but not limited to, classifiable  
82 sets of fingerprints. The applicant shall be responsible for all fees associated with the  
83 performance of such criminal background check; and  
84 (4) Meet such other criteria as established by the board."

85 **SECTION 1-3.**

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

89 "43-26-9.

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

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

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

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

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

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

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

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

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

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

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

124 **SECTION 1-4.**

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

127 "43-26-10.

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

130 (1) Practice nursing as a registered professional nurse; or advanced practice registered  
131 nurse without a valid, current license, except as otherwise permitted under Code Section  
132 43-26-12;

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

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

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

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

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

151 **PART II**

152 **SECTION 2-1.**

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

157 "40-2-74.1.

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

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

183 (b) The department shall issue a temporary permit to any temporarily disabled person upon  
184 presentation of an affidavit of a licensed doctor of medicine, licensed doctor of osteopathic  
185 medicine, licensed doctor of podiatric medicine, licensed optometrist, or licensed  
186 chiropractor, licensed advanced practice registered nurse acting pursuant to the authority  
187 of Code Section 43-34-25, or licensed physician assistant acting pursuant to the authority  
188 of subsection (e.1) of Code Section 43-34-103 stating that such person is a temporarily  
189 disabled person, the specific disability that limits or impairs the person's ability to walk,  
190 that he or she is a person with disabilities as specified in paragraph (5) of Code Section  
191 40-6-221, and a date until which such person is likely to remain disabled. The temporary  
192 permit shall show prominently on its face an expiration date the same as the date specified  
193 by such doctor for the likely termination of the disability, which date shall not be more than  
194 180 days after the date the permit is issued. The expiration date shall be printed with  
195 permanent ink and in boldface type of sufficient size to be legible when the permit is  
196 displayed on the driver's side of the dashboard or hung from the rearview mirror.



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

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

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

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

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

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

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

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

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

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

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

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

256 **SECTION 2-2.**

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

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

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

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

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

286 **SECTION 2-3.**

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

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

299

**PART III**

300

**SECTION 3-1.**

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