

The Georgia Board of Nursing met October 28, 2009 via teleconference at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia, 31217.

### **MEMBERS PRESENT**

Delynn Keeton, RN, MN, CPHRM, President  
Linda W. Smith, RN, MSN  
Scott Thigpen, RN, MSN, CEN, CCRN, Vice President  
Susan Ayers, RN, BSN, MPH  
Kelly Lockwood, RN, MSN  
Mary Anderson, RN, BSN, MPH  
Rebecca Sullivan, JD, Consumer Member  
Janice Flynn, DSN, RN, Ph.D.

### **STAFF PRESENT**

Sandy Bond, Executive Director  
Janet Jackson, JD, Assistant Attorney General  
Gwendolyn Dodson, Administrative Assistant  
Adrienne Price, RN, MSN, Nursing Consultant-Legal/Discipline  
Katrina Martin, RN, BSN, COHN-S, Nursing Consultant-Practice, Licensing Supervisor  
Jim Cleghorn, Business Analyst  
Kathleen O'Neal, Director of Administrative Procedure

Mrs. Keeton called the meeting to order at 10:35 a.m.

### **VISITORS PRESENT (During Executive Session, Visitors are excused unless scheduled for personal appearance)**

Jeremy Arie-Georgia Nurses Association	Dean Bridget Nettleton-Excelsior College
Jud Turner-Excelsior College	Gavin Roderick-Excelsior Student

### **ADOPTION OF RULE 410-6-.02 "APPLICANTS FOR LICENSURE BY EXAMINATION"**

The Board acknowledged correspondences commenting on the implementation of proposed Rule 410-6-.02, Applicants for Licensure by Examination, by the following:

- Joseph Porter, President, Esq., Excelsior College
- Irene Munn, Legislative Counsel, Office of Lt. Governor
- Fran Beall, President, Georgia Nurses Association

Dean Bridget Nettleton commented on the proposed rule regarding the proposed definition of "health care facility" as being more restrictive than intended in HB 475 which will create barriers for students seeking RN education.

Gavin Roderick commented on the need to receive guidance from the Board on seeking a 700 hour preceptorship to obtain his RN license in Georgia.

Mrs. Anderson moved to adopt Rule 410-6-.02. Mrs. Smith seconded the motion and it carried unanimously.

Mr. Thigpen moved to vote that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office. Mrs. Lockwood seconded the motion and it carried unanimously.

#### 410-6-.02 Applicants for Licensure by Examination.

(1) **Graduates of traditional nursing education programs:** Applicants for licensure by examination who have graduated from a board approved program as defined in O.C.G.A. § 43-26-3(1.2), and which program meets criteria similar to and not less stringent than those established by the Board, shall establish eligibility for the licensing examination by filing the following:

- (a) a completed application, on the appropriate board form, accompanied by the required fee. An application is active for one year, after which a new application and fee are required;
- (b) completed information and forms needed to submit the results of a fingerprint record check as required by O.C.G.A. § 43-26-7(4); and
- (c) any additional information requested by the board needed to establish eligibility.

(2) **Graduates of nontraditional nursing education programs:**

(a) Applicants for licensure for examination who have graduated from a nontraditional nursing education program approved by the board, and which program meets the requirements of O.C.G.A. 43-26-7 (e), shall establish eligibility for the licensing examination by filing the following:

- 1. a completed application, on the appropriate board form, accompanied by the required fee. An application is active for one year, after which a new application and fee are required.
- 2. completed information and forms needed to submit the results of a fingerprint record check as required by O.C.G.A. § 43-26-7(b) (4); and
- 3. any additional information requested by the board needed to establish eligibility.

(b) The application shall contain the following information:

1. If the applicant entered the non traditional nursing education program as a licensed practical nurse ("LPN"):

- i. the date of entry and the date of graduation from the non traditional nursing education program;
- ii. the years of clinical experience in a health care facility as a LPN as of the date of entry into the non traditional nursing education program;
- iii. a transcript of applicant's LPN nursing education showing clinical training in pediatrics, obstetrics/gynecology, medical-surgical, and mental illness, if any;
- iv. a transcript of applicant's non traditional nursing education; and
- v. information about a postgraduate preceptorship to be arranged by the applicant for 350 hours if the LPN has at least three (3) years of clinical experience in a health care facility as a LPN upon entry into the nontraditional nursing education program; and
- vi. information about a postgraduate preceptorship to be arranged by the applicant for 700 hours if the LPN has less than three years of clinical experience in a health care facility as a LPN upon entry into the nontraditional nursing education program.

2. If the applicant entered the non traditional nursing education program as a military medical corpsman or a paramedic:

- i. the date of entry and the date of graduation from the non traditional nursing education program;

ii. a transcript of applicant's non traditional nursing education; and

iii. information about a 700 hour postgraduate preceptorship to be arranged by the applicant that complies with the statutory requirements and board policies and rules.

3. Applicants who entered a nontraditional nursing education program that meets the requirements of O.C.G.A. § 43-36-7 (e) before July 1, 2008, and complete the program no later than June 30, 2011, shall be deemed to have met the criteria for licensure by examination stated in O.C.G.A. § 43-26-7(b) (2) (B). However, the board, in its discretion, may require additional clinical hours of experience prior to licensure for such applicants who:

i. did not enter the non traditional nursing education program as a LPN; or

ii. entered the non traditional program as a LPN but who do not have at least one year of clinical experience in a health care facility as a LPN.

### **(3) Graduates of nursing education programs located outside of the United States.**

(a) In order to establish eligibility for examination, an applicant who has graduated from an out-of-country nursing education program must request or provide the following information in addition to criteria contained in paragraph (1) of this rule:

1. verification of current registered nurse licensure in another territory, province, state, district, or country directly from the licensing board;

2. academic transcript from the applicant's nursing education program in English or accompanied by a certified English language translation directly from the school, another licensing Board, or the Commission on Graduates of Foreign Nursing Schools (CGFNS);

3. if a curricular deficiency(ies) must be remediated, an official transcript documenting passing of the course(s) must be submitted directly by an approved educational institution;

4. documentation directly from the Educational Testing Service of a score of 500 (paper) or 173 (computer) on the Test of English as a Foreign Language (TOEFL) and 50 on the Test of Spoken English (TSE) for an applicant whose native language is not English. As of September 1, 2001, in lieu of the previously required English language tests, an applicant has one of two options: (1) either request the Commission on Graduates of Foreign Nursing Schools (CGFNS) to provide documentation of CGFNS certification directly to the Board office; or (2) request the Commission on Graduates of Foreign Nursing Schools' (CGFNS) Credentials Evaluation Service to provide a Nursing and Science Course-by-Course Report directly to the Board office. In addition, the Educational Testing Service must be requested to provide documentation of a score of 540 (paper) or 207 (computer) on the Test of English as a Foreign Language (TOEFL) directly to the Board office. Certain applicants may be exempt from the TOEFL requirement if they meet all of the following criteria: native language is English; country of initial nursing education was Australia, Bermuda, Canada, Ireland, Jamaica, New Zealand, South Africa, Trinidad, or the United Kingdom; language of instruction was English; and language of textbooks was English. International applicants who are currently licensed by endorsement in a United States jurisdiction shall be exempt from options (1) and (2).

(b) Prior to licensure by the board, the applicant must document three (3) months or 500 hours of licensed practice as a registered nurse in another territory, province, state, district or country during the four (4) years immediately preceding the date of current application;

(c) Prior to licensure by the board, an applicant who is unable to meet the requirement of paragraph (3) (e) of this rule must satisfactorily complete 160 hours, or an amount specified by the Board, of relevant nursing practice. Relevant nursing practice is any practice in which the job description requires a current, valid registered nurse license in the state of practice. The applicant who is engaging in relevant nursing practice must meet the following criteria:

1. be supervised/mentored by a registered nurse who holds a current valid license in the state/country in which the practice occurs;
2. submit a calendar/outline for the period of nursing practice for Board approval;
3. hold a temporary permit prior to beginning the period of nursing practice including orientation to the job, if applicable;
4. present the temporary permit to the supervising registered nurse prior to beginning the relevant nursing practice;
5. complete the relevant nursing practice within the six (6) month period in which the temporary permit is issued;
6. request the supervising RN to verify in writing, on a form provided by the Board, that the applicant has satisfactorily completed the relevant nursing practice;
7. return the temporary permit immediately if the relevant nursing practice is not begun or completed.

(4) **Licensing Examination.** After submitting a completed application and obtaining approval for examination from the board, each applicant must apply directly to the examination testing service each time the NCLEX-RN examination is taken.

(5) **Passage of licensing examination.** After approval by the board to take the licensing examination, applicants for examination must pass a board recognized licensing examination prior to licensure. Such examination may not be taken prior to graduation from an approved nursing education program. The passage of such examination by a graduate of a non traditional nursing education program who does not meet the other requirements of licensure under the provisions of O.C.G.A. § 43-26-7 shall not authorize such individual to practice nursing or to require the board to license such individual other than to issue, in its sole discretion, a temporary permit pursuant to O.C.G.A. § 43-26-8.

(6) **Temporary permits.** The board may issue a temporary permit, in the sole discretion of the board, to an applicant for the purpose of practicing nursing as a part of a board approved preceptorship as provided in O.C.G.A. § 43-26-8. The temporary permit shall be effective for a period of six months from the date of issuance and may be renewed only one time for an additional six month period.

**(7) Applicants under investigation.**

(a) An applicant who is under investigation for possible violation of the Georgia Registered Professional Nurse Practice Act shall be permitted to take the examination.

(b) An applicant who passes the licensing examination and is under investigation for possible violation of the Act may not be issued a license until the matter is resolved to the satisfaction of the Board. The license may be denied or sanctioned despite the applicant meeting all other criteria for licensure.

**(8) Application for Licensure by Examination by Repeat Writers:**

(a) An applicant who fails the licensing examination is not eligible for a license or to practice as a registered professional nurse in Georgia.

(b) An applicant who fails the licensing examination must complete a new application for licensure, accompanied by the required fee, and all information required to complete the new application.

**(9) Defined Terms.** For the purposes of this Rule, the terms below are defined as follows:

1. "Approved nursing education program" or "board approved program" means a nursing education program located in Georgia or outside of Georgia that has been approved as meeting criteria established by the board and has met the provisions of O.C.G.A. §

43-26-3 (1.2).

2. "Board" means the Georgia Board of Nursing.

3. "Clinical experience" or "clinical practice" means the "hands on" clinical practice of nursing.

4. "Health care facility" means an acute care "inpatient" hospital.

5. "Preceptorship" means a program of clinical experience or clinical practice approved by the board in which an applicant gains a stated number of hours of clinical experience or clinical practice in a health care facility located in Georgia. During the preceptorship, the applicant must be under the supervision of a preceptor that is a Georgia licensed RN who is: 1. located in Georgia; 2. has a minimum of 18 months experience in an acute care practice setting; and 3. has no history of disciplinary action with a licensing board. Prior to board approval, a written letter of agreement between the applicant and RN preceptor shall be filed with the board that is written on letterhead stationery of the designated Georgia health care facility, clearly states the location of the preceptorship, and is signed by the applicant, Preceptor, and a representative of the health care facility where the preceptorship is to occur. Successful completion of the preceptorship shall be verified in writing by the preceptor prior to licensing.

6. "Non traditional nursing education program" means a nursing education program that has been approved by the board and meets all the requirements of O.C.G.A. § 43-26-7(3).

7. "Year" means a minimum of 1800 hours. For example, one year of clinical experience or clinical practice means a minimum of 1800 hours of clinical experience or clinical practice.

Authority O.C.G.A. §§ 43-1-25, 43-26-3, 43-26-5, 43-26-7, and 43-26-8.

### **EXECUTIVE SESSION**

Mrs. Smith moved and Mrs. Ayers seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §§ 43-1-2(k); 43-1-19(h); 43-26-5(c) and 43-26-11, *to deliberate on Rules Waivers and Variances, Applications and Enforcement Matters and to receive information on applications, investigative reports and pending cases.* The motion passed unanimously.

At the conclusion of the Executive Session on Wednesday, October 28, 2009, Mrs. Keeton declared the meeting to be "Open" pursuant to the **Open Meetings Act O.C.G.A. 50-14-1 et seq.**

### **CORRESPONDENCE – MARK LONG, M.D.**

Mrs. Lockwood moved to write a letter to Dr. Long stating that the job description shall not include the supervision and evaluation of licensed personnel and the use of nursing principles and standards. Mrs. Ayers seconded the motion and it carried unanimously.

### **APPLICATION REVIEWS AND APPROVAL OF LICENSURE**

(RNI – Registered Nurse Investigative Case Number)

**Applicant K.C., #1195321** – Mrs. Smith moved to refer to Legal Services for a Private Consent Agreement for Reinstatement to include a fine of \$475 for unlicensed practice and cease & desist practicing until fine is paid in full and license is issued. Mrs. Ayers seconded the motion and it carried unanimously.

**Applicant M.B., #1210174** – Mrs. Lockwood moved to deny reentry program based on not enough acute care, too broad. Mr. Thigpen seconded the motion and it carried unanimously.

**Applicant K.A., #1208168** – Mrs. Lockwood moved to table until the November 2009 board meeting to determine if program is acceptable under the current definition of an approved traditional or nontraditional program. Mr. Thigpen seconded the motion and it carried unanimously.

## **NCLEX APPLICATION REVIEW**

(RNI – Registered Nurse Investigative Case Number)

**RNI100254** – Mrs. Lockwood moved to close the case with a Letter of Concern and proceed with licensure by examination. Mrs. Smith seconded the motion and it carried unanimously.

**RNI100253** – Mrs. Ayers moved to close the case with a Letter of Concern re: Criminal and proceed with licensure by examination. Mrs. Anderson seconded the motion and it carried unanimously.

## **REINSTATEMENT APPLICATION**

(RNI – Registered Nurse Investigative Case Number)

**RNI100186** – Mr. Thigpen moved to proceed with licensure by Reinstatement. Mrs. Lockwood seconded the motion and it carried unanimously.

## **ENDORSEMENT APPLICATION**

(RNI – Registered Nurse Investigative Case Number)

**RNI100268** – Mr. Thigpen moved to refer to Legal Services for a Private Consent Order for failure to disclose actions in another jurisdiction with a fine of \$500 and proceed with licensure by endorsement. Mrs. Ayers seconded the motion and it carried unanimously.

**RNI100276** – Mr. Thigpen moved to proceed with licensure by Endorsement. Mrs. Anderson seconded the motion and it carried unanimously.

## **NCLEX APPLICATION REVIEW**

(RNI – Registered Nurse Investigative Case Number)

**RNI100269** – Mr. Thigpen moved to refer to Legal Services for a Private Consent Order for failure to disclose arrests with a fine of \$500 and proceed with licensure by Examination. Mrs. Ayers seconded the motion and it carried unanimously.

**RNI100277** – Mr. Thigpen moved to refer to Legal Services for a Private Consent Order for failure to disclose arrests with a fine of \$500 and proceed with licensure by Examination. Mrs. Smith seconded the motion and it carried unanimously.

**RNI100242** – Mrs. Lockwood moved to refer to Legal Services for a Private Consent Order for failure to disclose arrests with a fine of \$500 and proceed with licensure by Examination. Mrs. Anderson seconded the motion and it carried unanimously.

**RNI100270** – Mrs. Smith moved to refer to Legal Services for a Private Consent Order for failure to disclose arrests on current and original applications with a fine of \$500 and proceed with licensure by Examination. Mrs. Ayers seconded the motion and it carried unanimously.

## **REINSTATEMENT APPLICATION**

(RNI – Registered Nurse Investigative Case Number)

**RNI100271** – Mrs. Lockwood moved to refer to Legal Services for a Private Consent Order for failure to disclose arrests with a fine of \$500 and proceed with licensure by Examination. Mr. Thigpen seconded the motion and it carried unanimously.

## **VOLUNTARY SURRENDER**

(RNI – Registered Nurse Investigative Case Number)

**Hood, Joseph Samuel, RN194756** – Mr. Thigpen moved accept voluntary surrender. Mrs. Ayers seconded the motion and it carried unanimously.

**VIOLATION OF CONSENT ORDER**

(RNI – Registered Nurse Investigative Case Number)

**RNI090344** – Mrs. Lockwood moved to refer to the Attorney General's Office for a Hearing or Public Consent order to include probation for three (3) years, substance abuse stipulations, narcotic restrictions for two (2) years, quarterly reports-employer, aftercare & personal and a fine of \$500 for second consent order. Mrs. Ayers seconded the motion and it carried unanimously.

**CONSENT ORDER-LEGAL SERVICES**

(RNI=Registered Nurse Investigative Case Number)

Mr. Thigpen moved to accept the following Private Consent Agreements prepared by Legal Services and accept consent agreements received since last Board meeting as corrected and allow the executive director to sign with express permission on behalf of the board president. Mrs. Smith seconded the motion and it carried unanimously.

RNI100174	RNI100168	RNI100227	RNI100187	RNI100225	RNI100218	RNI100204
RNI100028	RNI100172	RNI100188	RNI100222	RNI100129	RNI100167	RNI100126
RNI100224	RNI100178	RNI100169	RNI100179			

**HIGHER ACUITY IN THE COMMUNITY-SUSAN AYERS**

Mrs. Ayers moved to write a letter to the Higher Acuity Committee stating the Board does not support the definitions as written and suggest the definitions comply with criteria for federal or state laws. Mrs. Lockwood seconded the motion and it carried unanimously.

**REQUEST TO LIFT NARCOTIC RESTRICTIONS**

(RNI=Registered Nurse Investigative Case Number)

Mr. Thigpen moved to accept the following recommendations for the cases listed below:

	RECOMMENDED ACTION
RNI090509	Lift narcotic restrictions.
RNI100267	Lift narcotic restrictions.
RNI090096	Lift narcotic restrictions.

Mrs. Anderson seconded the motion and it carried unanimously.

**LIST OF APPLICANTS BY EXAMINATION FAILED TO DISCLOSE ARRESTS ON THEIR APPLICATION FOR LICENSURE**

(RNI=Registered Nurse Investigative Case Number)

Mr. Thigpen moved to refer to Legal Services for a Private Consent Agreement for Licensure by Examination with a fine of \$500 for failure to disclose arrest(s) on application. Mrs. Smith seconded the motion and it carried unanimously.

RNI100240      RNI100279

There being no further business, the meeting was adjourned at 12:06 p.m.

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Delynn Keeton, *President*

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Sandy Bond, *Executive Director*

The minutes were recorded by Gwendolyn Dodson, Administrative Assistant, and approved November 18, 2009.