

The Georgia Board of Nursing met February 12, 2010 via teleconference at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia, 31217.

MEMBERS PRESENT

Delynn Keeton, RN, MN, CPHRM, President
Scott Thigpen, RN, MSN, CEN, CCRN, Vice President
Kellie Lockwood, RN, MSN
Mary Anderson, RN, BSN, MPH
Janice Flynn, DSN, RN
Dawn Taylor, JD, Consumer Member
Linda W. Smith, RN, MSN

MEMBERS ABSENT

Susan Ayers, RN, BSN, MPH

STAFF PRESENT

Sandy Bond, Executive Director
Gwendolyn Dodson, Administrative Assistant
Adrienne Price, RN, MSN, Legal Nursing Consultant – Discipline
Katrina Martin, RN, MSN, Licensing Nursing Consultant – Licensing Supervisor
Janet Jackson, JD, Assistant Attorney General

Mrs. Keeton called the meeting to order at 2:00 p.m.

The Georgia Board of Nursing discussed the following:

- Expanding the definition of health care facility
- Changes to Rule 410-6-.02 regarding the revised definition of health care facility
- Changes to the Nurse Practice Act, amend HB 1040
- Policy for Consent Agreements sent to Legal Services
- Waiver for Georgia applicants by endorsement that applied for licensure during the implementation of HB 475

Dr. Flynn moved to change the definition of “health care facility” to an acute care inpatient facility (LTAC), outpatient facilities that include multisystem surgical centers and public health departments, or a combination of the above. Mr. Thigpen seconded the motion and it carried unanimously.

Mrs. Smith moved to vote to post Rule 410-6-.02 as amended. Dr. Flynn seconded the motion and it carried unanimously.

Mr. Thigpen moved 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.

NOTICE OF INTENT TO AMEND RULE 410-6-.02 *APPLICANTS FOR LICENSURE BY EXAMINATION* OF THE GEORGIA BOARD OF NURSING

AND NOTICE OF PUBLIC HEARING TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Georgia Board of Nursing (hereinafter “Board”) proposes to amend Rule 410-6-.02, *Applicants for Licensure by Examination*. The proposed amendment changes the definition of “health care

facility" as defined in paragraph (9) (d) of the rule.

This notice, together with an exact copy of the synopsis of the proposed amended rule, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the synopsis of the proposed amended rule may be reviewed during normal business hours of 8:00 a.m. to 5:30 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia Board of Nursing's web page at www.sos.georgia.gov/plb/rn. Copies may also be requested by contacting the Georgia Board of Nursing office at (478) 207-2440.

A public hearing is scheduled to begin at 9:00 a.m. on March 18, 2010 at the Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia to provide the public an opportunity to comment upon and provide input into the amendment. At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received on or March 12, 2010. Written comments should be addressed to Randall Vaughn Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Nursing, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478-207-1660.

The proposed amended rule will be considered for adoption by the Georgia Board of Nursing at its meeting scheduled to begin at 9:05 a.m. March 18, 2010 at the Professional Licensing Boards Division at 237 Coliseum Drive, Macon, Georgia 30217. According to legal advice rendered by the Department of Law, State of Georgia, the Georgia Board of Nursing has the authority to amend rule 410-6-.02, pursuant to authority contained in O.C.G.A. §§ 43-1-25, 43-26-3, 43-26-5, 43-26-7, and 43-26-8.

In accordance with the provisions of O.C.G.A. § 50-13-4 (a) (4), the Board voted at its board meeting on February 12, 2010 conference call meeting, that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and that any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-25, 43-26-3, 43-26-5, 43-26-7, and 43-26-8.

The Board also voted at its board meeting on February 12, 2010 conference call meeting, that, in order to meet the objectives of O.C.G.A. §§43-1-25, 43-26-3, 43-26-5, 43-26-7, and 43-26-8, it is not legal or feasible to adopt or implement differing actions for businesses as required by the provisions of O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this rule will impact every licensee in the same manner and will have the same impact on each business that is independently, owned and operated in the field of nursing.

For further information, contact the Board office at 478-207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 18 day of March, 2010.

Randall Vaughn
Division Director
PROFESSIONAL LICENSING BOARDS DIVISION

Posted:

**SYNOPSIS OF PROPOSED RULE TO THE
GEORGIA STATE BOARD OF NURSING RULES
RULE 410-6-.02**

PURPOSE: The purpose of the amendment is to change the definition of "health care facility" in paragraph (9) (d) of the rule. Various typographical errors found throughout the text of the rule are also corrected.

MAIN FEATURE: The main feature of the amendment is to expand the previous definition of "health care facility".

**DIFFERENCES BETWEEN THE EXISTING RULE AND
THE PROPOSED AMENDMENT TO
THE GEORGIA BOARD OF NURSING RULES, CHAPTER 410-6 *LICENSURE BY
EXAMINATION*, RULE 410-6-.02 *APPLICANTS FOR LICENSURE BY EXAMINATION***

NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.

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 (3) 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 polices 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:

(a) "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).

(b) "Board" means the Georgia Board of Nursing.

(c) "Clinical experience" or "clinical practice" means the "hands on" clinical practice of nursing.

(d) "Health care facility" means an acute care inpatient facility, a long term acute care facility (LTAC), and outpatient facilities that include multisystem surgical centers and public health departments, or a combination of the above.

(e) "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 designed Georgia health care facility, that 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.

(f) "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).

(g) "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.

Mrs. Lockwood moved that the Georgia Board of Nursing will accept the proposed language of HB 1040 with the following changes.

Substitute to HB 1040 LC 33 3536-ECS (02-12-2010):

➤ Word "nurse practitioner" as it appears on lines 45, 55, 59, and 81:

Change the words "nurse practitioner" to "advanced practice registered nurse" and include the words "registered professional nurse" in order to comply with the provisions of OCGA § 43-34-23 referenced on line 46.

➤ Word "nurse" as it appears on line 67:

Change this word to "registered professional nurse" and add the words "advanced practice registered nurse" in order to include individuals who are licensed under the "Georgia Registered Professional Nurse Practice Act" that HB 1040 Amends

➤ Sentence on line 73: "Such activities shall not be considered the practice of nursing":

Clarify that activities included in the definition "health maintenance activities" on lines 65 though 73 are not, **for the purposes of paragraph (9) of Code Section 43-26-12**, considered to be the practice of nursing or the practice of nursing as a registered professional nurse.

Mr. Thigpen seconded the motion and it carried unanimously.

Mr. Thigpen moved to accept the following policy of the Board:

Beginning, Friday, February 12, 2010, all consent orders prepared by the Legal Services section of the Professional Licensing Boards Division, in accordance with a prior vote and disposition of the Board, shall be signed, with the express permission of the President of the Georgia Board of Nursing, by the Executive Director and presented to the Division Director for docketing upon receipt. This policy is an amendment to the policy voted on by the board during the January 2010 board meeting.

Mrs. Smith seconded the motion and it carried unanimously.

Mrs. Taylor moved to investigate options for licensure under provisions O.C.G.A. §§43-26-7 (b) for Georgia residents from a nontraditional program who applied for licensure by endorsement during the implementation of HB 475. Dr. Flynn seconded the motion and it carried unanimously.

There being no further business, the meeting was adjourned at 3:15 p.m.

Delynn Keeton, *President*

Sandy Bond, *Executive Director*

The minutes were recorded by Gwendolyn Dodson, Administrative Assistant, and approved March 17, 2010.