



Emergency Rules Adopted by the Georgia Board of Nursing in Response to the Public Health Emergency

Emergency Rule 410-2-0.5-.08 – Temporary Permits for Graduates of Approved Nursing Education Programs. Amended

(1) As a response to the current state of emergency as declared by the Governor, the Georgia Board of Nursing finds the potential for imminent peril to the public health, safety, or welfare of Georgia citizens. This emergency rule shall go into effect based on O.C.G.A. § 50-13-4(b) and shall be effective for the duration of the emergency and a period of not more than 60 days, whichever is shorter.

(2) An applicant for licensure by examination who has graduated from a Board approved nursing education program since December 1, 2019, may be issued a temporary permit to practice as a graduate nurse (GN) or graduate practical nurse (GPN) pending the results of the licensing examination.

(3) In order to receive a temporary permit to practice as a GN or GPN, the new graduate must submit the following:

(a) A complete application containing information required by the Board attesting that all information contained in, or referenced by, the application is complete and accurate and is not false or misleading;

(b) The required application processing fee which is not refundable;

(c) Official transcripts documenting graduation from an approved nursing education program;

(d) Evidence of registration with the examination administration service to take the NCLEX-PN or NCLEX-RN;

(e) Secure and verifiable documentation of United States citizenship or lawful presence in the United States as required by Georgia law; and

(g) Any additional information requested by the board needed to establish eligibility.

(4) A temporary permit to practice as a GN or GPN will not be issued to any applicant who has previously failed the licensing examination.

(5) The temporary permit to practice as a GN or GPN, which is not renewable, is valid for the duration of the Public Health Emergency as declared by the Governor and a period of not more than 60 days, or upon receipt of a notice of failing the examination from the Board, whichever date is the earliest. The GN or GPN must immediately inform employers of receipt of notification of failing the examination and cease all practice of nursing. To reestablish testing eligibility, the applicant must submit an application for reexamination as provided in Board Rule 410-2-.04 or 410-2-.07.

(6) The new graduate who has been issued a temporary permit to practice nursing as a GN or GPN pending the results of the licensing examination must work under the direct supervision of either a licensed practical or a registered professional nurse if a GPN or a registered professional nurse only if a GN, who is physically present in the facility or practice setting and who is readily available to the GN or GPN for consultation and assistance. If the facility is organized into multiple units that are geographically distanced from each other, then the supervising nurse must be working on the same unit to which the GN or GPN is assigned. The GN or GPN shall not be placed in supervisory or charge positions and shall not work in independent practice settings.

(7) The nurse administrator of facilities that employ Graduate Nurses or Graduate Practical Nurses must ensure that the GN or GPN has a valid temporary authorization to practice as a GN or GPN pending the results of the licensing examination, has scheduled a date to take the NCLEX-PN or NCLEX-RN, and does not continue to practice after expiration of the temporary permit or receipt of a notice of failing the examination from the Board, whichever date is earlier.

(8) Applicants must comply with all provisions of O.C.G.A. §§ 43-26-7, 43-26-36.1, Board Rule 410-2-.01, 410-2-.02 or 410-2-.05 to be eligible for licensure.

Authority: O.C.G.A. §§ 43-26-8(a)

Emergency Rule 410-4-0.7-.02 – Licensure by Reinstatement (LPN)

(1) As a response to the current state of emergency as declared by the Governor, the Georgia Board of Nursing finds the potential for imminent peril to the public health, safety, or welfare of Georgia citizens. This emergency rule shall go into effect based on O.C.G.A. § 50-13-4(b) and shall be effective for the duration of the emergency. During the time this rule is effective, it shall replace Georgia Board of Nursing Rule 410-4.02.

(2) An applicant for licensure by reinstatement who was previously licensed as a practical nurse in the state of Georgia must submit the following:

(a) A complete application containing data required by the Board attesting that all information contained in, or referenced by, the application is complete and accurate and is not false or misleading;

(b) The required application processing fee which is not refundable;

(c) Completed registration as required by the Board to cause the submission of a criminal background check as required by O.C.G.A. § 43-26-36.1;

(d) Documentation of one of the following within four years immediately preceding the date of application:

1. Five hundred (500) hours of licensed practice as a practical nurse as documented on the verification of employment form provided by the Board;

2. Graduation from a nursing education program as defined in O.C.G.A. § 43-26-32(1.1); or

3. Completion of a Board approved reentry program as defined in Rule 410-4-.04.

(e) Secure and verifiable documentation of United States citizenship or lawful presence in the United States as required by Georgia law; and

(f) Any additional information requested by the board needed to establish eligibility.

(3) Reinstatement of the license is within the discretion of the Board.

(4) The Board may require the passage of an examination or other competency assessments. The Board, in its discretion, may impose any remedial requirements deemed necessary.

(5) The Board may deny reinstatement for failure to demonstrate current knowledge, skill and proficiency in the practice of nursing or being mentally or physically unable to practice nursing with reasonable skill and safety or for any ground set forth in O.C.G.A. § 43-26-40.

(6) The denial of reinstatement is not a contested case within the meaning of Chapter 13 of Title 50, but the applicant shall be entitled to an appearance before the Board.

(7) An application is active for one year after which a new application and fee are required.

(8) An applicant who was under investigation for possible violation of the Nurse Practice Act prior to the revocation of the applicant's license and/or as a result of information the Board received since the lapsing/revocation of the applicant's license 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.

Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-26-3, 43-26-5, 43-26-31, 43-26-32, 43-26-36, 43-26-39.

Emergency Rule 410-4-0.6-.01 – Licensure by Reinstatement (RN)

(1) As a response to the current state of emergency as declared by the Governor, the Georgia Board of Nursing finds the potential for imminent peril to the public health, safety, or welfare of Georgia citizens. This emergency rule shall go into effect based on O.C.G.A. § 50-13-4(b) and shall be effective for the duration of the emergency. During the time this rule is effective, it shall replace Georgia Board of Nursing Rule 410-4-.01.

(2) An applicant for licensure by reinstatement who was previously licensed as a registered nurse in the state of Georgia must submit the following:

- (a) A complete application containing data required by the Board attesting that all information contained in, or referenced by, the application is complete and accurate and is not false or misleading;
 - (b) The required application processing fee which is not refundable;
 - (c) Completed registration as required by the Board to cause the submission of a criminal background check as required by O.C.G.A. § 43-26-7(d)(3);
 - (d) Documentation of one of the following within four years immediately preceding the date of application:
 - 1. Five hundred (500) hours of licensed practice as a registered nurse as documented on the verification of employment form provided by the Board;
 - 2. Graduation from a nursing education program as defined in O.C.G.A. § 43-26-3(1.2); or
 - 3. Completion of a Board approved reentry program as defined in Rule 410-4-03.
 - (e) Secure and verifiable documentation of United States citizenship or lawful presence in the United States as required by Georgia law; and
 - (f) Any additional information requested by the Board needed to establish eligibility.
- (3) Reinstatement of the license is within the discretion of the Board.
- (4) The Board may require the passage of an examination or other competency assessments. The Board, in its discretion, may impose any remedial requirements deemed necessary.
- (5) The Board may deny reinstatement for failure to demonstrate current knowledge, skill and proficiency in the practice of nursing or being mentally or physically unable to practice nursing with reasonable skill and safety or for any ground set forth in O.C.G.A. § 43-26-11.
- (6) The denial of reinstatement is not a contested case within the meaning of Chapter 13 of Title 50, but the applicant shall be entitled to an appearance before the Board.
- (7) An application is active for one year after which a new application and fee are required.
- (8) An applicant who was under investigation for possible violation of the Nurse Practice Act prior to the revocation of the applicant's license and/or as a result of information the Board received since the lapsing/revocation of the applicant's license 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.

Authority: O.C.G.A. §§ 43-1-25, 43-26-2, 43-26-5, 43-26-7(d), 46-26-8, 43-26-9, and 43-26-9.1.

Emergency Rule 410-4-0.6-.06 - Temporary Permits for Administration of COVID-19 Vaccines

- (1) As a response to the current state of emergency as declared by the Governor, the Georgia Board of Nursing finds the potential for imminent peril to the public health, safety, or welfare of Georgia citizens. This emergency rule shall go into effect based on O.C.G.A. § 50-13-4 (b) and shall be effective for the duration of the emergency and for a period of not more than 60 days following the end of the emergency period.
- (2) The Board shall be authorized, in its discretion, to issue temporary permits to practice nursing for the sole purpose of administering the COVID-19 vaccine and monitoring the patient for any adverse reactions in the subsequent observation period to practitioners who held a license issued by the Georgia Board of Nursing that has become lapsed or inactive within the five (5) years prior to January 22, 2021.
- (3) In order to be eligible to apply for a temporary permit, the retired/inactive nurse must not have been the subject of a public or private disciplinary action and/or a pending investigation prior to the lapsing/inactive status or as a result of information received since the license lapsed/became inactive.
- (4) An applicant for a temporary permit under this rule, who was previously licensed as a registered professional nurse or licensed practical nurse in the state of Georgia, must submit the following: (a) A complete application; (b) submission of a criminal background check as required by O.C.G.A. §43-26-7(d)(3); and (c) the license shall not have lapsed or been inactive for more than a period of five (5) years from January 22, 2021.

(5) The Board may deny or revoke a temporary permit for failure to demonstrate current knowledge, skill, and proficiency in the practice of nursing, or being mentally or physically unable to practice nursing with reasonable skill and safety or for any ground set forth in O.C.G.A. §§ 43-26-11 (3); 43-26-40(a)(6).

(6) Any temporary permit holder who is issued a temporary permit pursuant to this rule must practice as follows:

(a) A licensed practical nurse, as defined by O.C.G.A. § 43-26-32(5), must be directly supervised on-site by a registered professional nurse, as defined by O.C.G.A. § 43-26-3(9), who is party to a vaccine protocol agreement in order to administer vaccinations is hereby suspended to the extent necessary to allow licensed practical nurses to administer the COVID-19 vaccine without direct on-site supervision of a registered professional nurse, and with or without a vaccine protocol agreement.

(b) A licensed practical nurse administering the COVID-19 vaccine without direct on-site supervision must be remotely supervised by a physician, as defined by O.C.G.A. § 43-34-1(2), a physician assistant, as defined by O.C.G.A. § 43-34-102(7), an advanced practice registered nurse, as defined by O.C.G.A. § 43-26-3(1.1), or a registered professional nurse, as defined by O.C.G.A. § 43-26-3(9), who is available to the licensed practical nurse by telephone or other electronic means as needed and must complete training regarding the handling and administration requirements for the COVID-19 vaccine as recommended by the Georgia Department of Public Health.

(7) The nurse administrator of facilities that employ nurses with COVID-19 Vaccine Temporary Permits must ensure that the COVID-19 Vaccine Temporary Permit holder has a valid temporary authorization to practice as a COVID-19 Vaccine administrator and does not continue to practice after expiration of the temporary permit.

Authority: O.C.G.A. § 50-13-4 (b)

Emergency Rule 410-3-0.7-.12 Emergency Temporary Permits

(1) This rule supersedes Policy 1.16, and the temporary permits issued under Policy 1.16 are now governed by this rule.

(2) Pursuant to the authority in O.C.G.A. T. 43, Ch. 26 and consistent with the Governor's Executive Order for a State of Emergency for Continued COVID-19 Economic Recovery, the Georgia Board of Nursing authorizes staff to review applications for temporary permits and to issue temporary permits to licensed practical nurses, registered nurses and advanced practice registered nurses who have an active, unencumbered license in any other U.S. jurisdiction who are entering into the state to respond to the declared emergency.

(a) An unencumbered license means a license that is not currently on probation, monitoring, suspension, and/or does not have any other type of limitation including current participation in an alternative to discipline program.

(3) The Board is hereby waiving any application fee for the temporary permit during the State of Emergency for those applying to practice for the purpose of responding to the declared emergency.

(4) This rule is effective while a state of emergency, as declared by the Governor, exists in any Georgia county or until rescinded by the Board, whichever occurs first. Once the state of emergency ends the permits shall expire ninety (90) days from the termination of the Executive Order declaring the State of Emergency.

(5) This rule does not impact any provisions or privileges established by the Nurse Licensure Compact as provided in O.C.G.A. § 43-26-61, Article IV and does not entitle the holder of the temporary permit to practice under the Compact privilege in any state.

(6) This rule shall last for the duration of the state of emergency, as described above, and for a period of not more than 90 days thereafter.