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COMMITTEE REPORT

April 29, 2021

**S. 455**

Introduced by Senator Davis

S. Printed 4/29/21--H.

Read the first time April 6, 2021.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (S. 455) to amend Section 40‑33‑36 of the 1976 Code, relating to the temporary licensure of nurses, to create an additional category of temporary licensure for graduate nurses, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**A** **BILL**

TO AMEND SECTION 40‑33‑36 OF THE 1976 CODE, RELATING TO THE TEMPORARY LICENSURE OF NURSES, TO CREATE AN ADDITIONAL CATEGORY OF TEMPORARY LICENSURE FOR GRADUATE NURSES, TO PRESCRIBE CRITERIA FOR OBTAINING TEMPORARY LICENSURE AS A GRADUATE NURSE, TO PROVIDE FOR SITUATIONS IN WHICH TEMPORARY LICENSURE AS A GRADUATE NURSE SHALL BE IMMEDIATELY REVOKED, AND TO DEFINE NECESSARY TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A. Section 40-33-36(D) of the 1976 Code is amended to read:

“(D)(1) The board may issue a temporary or limited license to practice nursing, in accordance with this subsection, or as may be provided for in regulation, to an applicant:

(a) for licensure as an advanced practice registered nurse, a registered nurse, or as a licensed practical nurse, if the applicant's preliminary credentials have been approved and whose fee has been paid;

(b) for licensure by endorsement as an advanced practice registered nurse, a registered nurse, or as a licensed practical nurse, for up to sixty days, unless further authorized by the administrator or designee, pending completion and approval of the application, if the applicant has filed an application, paid the fee, and has produced a valid license to practice in another jurisdiction;

(c) while participating in a refresher course for up to ninety days, unless further authorized by the administrator or designee, when the applicant is seeking reinstatement of a lapsed or an inactive license or licensure by endorsement and must submit evidence of nursing competence before returning to nursing practice; or

(d) for licensure as a graduate nurse to work in South Carolina, provided that:

(i) the graduate nurse must function under the supervision of a currently licensed registered nurse; and

(ii) the board may establish other requirements for the supervision and employment of graduate nurses as necessary.

(2) An applicant who has failed the licensing examination is not eligible for a temporary permit to practice nursing.

(3) The board or department may immediately cancel a temporary permit or license that was issued based upon false, fraudulent, or misleading information provided by an applicant.

(4) In addition to the provisions of items (2) and (3), a graduate nurse’s temporary license shall be immediately revoked if:

(a) the board issues a permanent license to the graduate nurse;

(b) the board denies a permanent license for the graduate nurse;

(c) a complaint is filed against the graduate nurse alleging a violation of Chapter 33, Title 40 during the graduate nurse’s temporary licensure period;

(d) the graduate nurse has not taken the NCLEX within ninety days of receiving a temporary license, except that the board may extend this time period if circumstances prevent the NCLEX from being offered during the period for which temporary licensure has been granted;

(e) the graduate nurse misrepresents being a registered nurse or a licensed practical nurse; or

(f) the graduate nurse is charged with a felony or misdemeanor, other than a minor traffic violation, while authorized to practice as a graduate nurse. For the purposes of this subitem, a minor traffic violation does not include instances related in any way to driving under the influence of alcohol or other drugs, or instances that result in the revocation or suspension of a graduate nurse’s driver’s license.”

B. Section 40-33-36 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( )(1) For the purposes of this section, a ‘graduate nurse’ means an unlicensed graduate who completes an accredited basic nursing education program, in either registered nursing or practical nursing, within the United States, its territories, or dependencies within one year of seeking licensure.

(2) In order to obtain licensure as a graduate nurse, a candidate must:

(a) file a completed initial application for licensure by examination with the board and pay the associated fee;

(b) have never taken and failed the NCLEX;

(c) have registered to take the NCLEX with the examination administration service;

(d) have no prior felony convictions and have no criminal charges pending; and

(e) comply with Section 40‑33‑32 if the candidate is a foreign-educated graduate.”

SECTION 2. This act takes effect upon approval by the Governor.

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