

Regular Session, 2010

HOUSE BILL NO. 1046

BY REPRESENTATIVE WILLMOTT

NURSES/REGISTERED: Authorizes a nurse practitioner to provide health care to a minor without the consent of the minor's spouse, parent, or guardian

1 AN ACT

2 To amend and reenact R.S. 40:1065.1, 1095, and 1096, relative to a minor's consent to  
3 medical treatment; to provide for the validity of a minor's consent for treatment by  
4 a nurse practitioner for venereal disease; to provide for the validity of a minor's  
5 consent for medical treatment by a nurse practitioner; to provide for the validity of  
6 a minor's consent for treatment by a nurse practitioner for drug abuse; to provide that  
7 the consent of the spouse, parent, or guardian of the minor shall not be necessary; to  
8 provide for notification to the spouse, parent, or guardian of the minor; to provide  
9 for civil and criminal liability; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:1065.1, 1095, and 1096 are hereby amended and reenacted to read  
12 as follows:

13 §1065.1. Minor's consent for treatment of venereal diseases

14 A. Consent to the provision of medical or surgical care or services by a  
15 hospital or public clinic, or to the performance of medical or surgical care or services  
16 by a physician, licensed to practice medicine in this state, or by a nurse practitioner  
17 licensed as an advanced practice registered nurse to provide health care in this state,  
18 when executed by a minor who is or believes himself to be afflicted with a venereal  
19 disease, shall be valid and binding as if the minor had achieved his majority. Any  
20 such consent shall not be subject to a later disaffirmance by reason of his minority.



1 reducing pain, discomfort, or distress of and during labor and childbirth. The manner  
2 of administration of medications includes but is not limited to intravenous,  
3 intramuscular, epidural, and spinal. This consent shall be valid and binding as if the  
4 minor had achieved her majority, and it shall not be subject to a later disaffirmance  
5 by reason of her minority.

6 B. The consent of a spouse, parent, guardian, or any other person standing  
7 in a fiduciary capacity to the minor shall not be necessary in order to authorize such  
8 hospital care or services or medical or surgical care or services, or administration of  
9 drugs to be provided either by a physician licensed to practice medicine to such a  
10 minor or by a nurse practitioner licensed as an advanced practice registered nurse to  
11 provide health care to such a minor.

12 C. Upon the advice and direction of a treating physician, a treating nurse  
13 practitioner, or, in the case of a medical staff, any one of them, a physician, a nurse  
14 practitioner, or member of a medical staff may, but shall not be obligated to, inform  
15 the spouse, parent, or guardian of any such minor as to the treatment given or  
16 needed, and such information may be given to, or withheld from the spouse, parent,  
17 or guardian without the consent and over the express objection of the minor.

18 D. No hospital, no nurse practitioner licensed to provide health care in this  
19 state, and no physician licensed to practice medicine in this state shall incur civil or  
20 criminal liability in connection with any examination, diagnosis, and treatment  
21 authorized by this Section except for negligence.

22 §1096. Treatment for drug abuse

23 A. Consent to the provision of medical or surgical care or services by a  
24 hospital or public clinic, or to the performance of medical or surgical care or services  
25 by a physician, licensed to practice medicine in this state, or by a nurse practitioner  
26 licensed as an advanced practice registered nurse to provide health care in this state,  
27 when executed by a minor who is or believes himself to be addicted to a narcotic or  
28 other drug, shall be valid and binding as if the minor had achieved his majority. Any  
29 such consent shall not be subject to a later disaffirmance by reason of his minority.

1           B. The consent of a spouse, parent, guardian, or any other person standing  
 2           in a fiduciary capacity to the minor shall not be necessary in order to authorize such  
 3           hospital care or services or medical or surgical care or services to be provided by a  
 4           physician licensed to practice medicine to such a minor, or by a nurse practitioner  
 5           licensed as an advanced practice registered nurse to provide health care to such a  
 6           minor.

7           C. Upon the advice and direction of a treating physician, a treating nurse  
 8           practitioner, or, in the case of a medical staff, any one of them, a physician, a nurse  
 9           practitioner, or member of a medical staff may, but shall not be obligated to, inform  
 10          the spouse, parent, or guardian of any such minor as to the treatment given or  
 11          needed, and such information may be given to, or withheld from the spouse, parent,  
 12          or guardian without the consent and over the express objection of the minor.

13          D. No hospital, no nurse practitioner licensed to provide health care in this  
 14          state, and no physician licensed to practice medicine in this state shall incur civil or  
 15          criminal liability in connection with any examination, diagnosis, and treatment  
 16          authorized by this ~~section~~ Section except for negligence.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Willmott

HB No. 1046

**Abstract:** Provides for the validity of a minor's consent for medical treatment by a nurse practitioner, licensed as an advanced practice registered nurse.

Present law provides that consent to the provision of medical or surgical care or services by a hospital or public clinic, or to the performance of medical or surgical care or services by a physician, licensed to practice medicine in this state, when executed by a minor who is or believes himself to be afflicted with a venereal disease, shall be valid and binding as if the minor had achieved his majority.

Proposed law retains present law, but adds a nurse practitioner, licensed as an advanced practice registered nurse, to provide health care in this state, to the list of permissible health care providers.

Present law provides that consent to the provision of medical or surgical care or services by a hospital or public clinic, or to the performance of medical or surgical care or services by a physician, licensed to practice medicine in this state, when executed by a minor who is or

believes himself to be afflicted with an illness or disease, shall be valid and binding as if the minor had achieved his majority.

Proposed law retains present law, but adds a nurse practitioner, licensed as an advanced practice registered nurse to provide health care in this state, to the list of permissible health care providers.

Present law provides that consent to the provision of medical or surgical care or services by a hospital or public clinic, or to the performance of medical or surgical care or services by a physician, licensed to practice medicine in this state, when executed by a minor who is or believes himself to be addicted to a narcotic or other drug, shall be valid and binding as if the minor had achieved his majority.

Proposed law retains present law, but adds a nurse practitioner, licensed as an advanced practice registered nurse to provide health care in this state, to the list of permissible health care providers.

Present law provides that the consent of a spouse, parent, guardian, or any other person standing in a fiduciary capacity to the minor shall not be necessary in order to authorize such hospital care or services or medical or surgical care or services to be provided by a physician licensed to practice medicine to such a minor.

Proposed law retains present law, but adds a nurse practitioner, licensed as an advanced practice registered nurse to provide health care in this state, to the list of health care providers who are not required to provide notification to the spouse, parent, or guardian of the minor.

Present law provides that, upon the advice and direction of a treating physician, or, in the case of a medical staff, any one of them, a physician or member of a medical staff may, but shall not be obligated to, inform the spouse, parent or guardian of any such minor as to the treatment given or needed, and such information may be given to, or withheld from the spouse, parent, or guardian without the consent and over the express objection of the minor.

Proposed law retains present law, but adds a nurse practitioner, licensed as an advanced practice registered nurse to provide health care in this state, to the list of health care providers who may, but shall not be obligated to, inform the spouse, parent, or guardian of the minor as to the treatment given or needed.

Present law provides that no hospital and no physician licensed to practice medicine in this state shall incur civil or criminal liability in connection with any examination, diagnosis and treatment authorized by present law except for negligence.

Proposed law retains present law, but adds a nurse practitioner, licensed as an advanced practice registered nurse to provide health care in this state, to the list of health care providers who shall be immune from civil or criminal liability in connection with any examination, diagnosis, and treatment authorized except for negligence.

(Amends R.S. 40:1065.1, 1095, and 1096)