

2016 Regular Session

HOUSE BILL NO. 620

BY REPRESENTATIVES WILLMOTT, ANDERS, AND DUSTIN MILLER AND
SENATOR MORRELL

NURSES/REGISTERED: Provides relative to advanced practice registered nursing

1 AN ACT

2 To amend and reenact R.S. 37:913(3)(a)(vii) and (ix), (8), and (9)(introductory paragraph)
3 and to enact Part V of Chapter 11 of Title 37 of the Louisiana Revised Statutes of
4 1950, to be comprised of R.S. 37:1018.1, relative to advanced practice registered
5 nursing; to provide relative to collaborative practice agreement requirements for
6 advanced practice registered nurses; to establish an exemption to such requirements
7 for certain nurses; to provide for qualifications for the exemption; to provide for
8 certification and grounds for revocation of the exemption; to provide for duties and
9 powers of the Louisiana State Board of Nursing; to provide for definitions; to
10 provide for administrative rulemaking; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 37:913(3)(a)(vii) and (ix), (8), and (9)(introductory paragraph) are
13 hereby amended and reenacted and Part V of Chapter 11 of Title 37 of the Louisiana Revised
14 Statutes of 1950, comprised of R.S. 37:1018.1, is hereby enacted to read as follows:

15 §913. Definitions

16 As used in this Part:

17 * * *

18 (3)(a) "Advanced practice registered nursing" means nursing by a certified
19 registered nurse anesthetist, certified nurse midwife, clinical nurse specialist, or
20 nurse practitioner which is based on knowledge and skills acquired in a basic nursing

1 education program, licensure as a registered nurse, and a minimum of a master's
2 degree with a concentration in the respective advanced practice nursing specialty
3 which includes both didactic and clinical components, advanced knowledge in
4 nursing theory, physical and psychosocial assessment, nursing interventions, and
5 management of health care. Advanced practice registered nursing includes:

6 * * *

7 (vii) Analyzing multiple sources of data and identifying and performing
8 certain acts of medical diagnosis in accordance with ~~the~~ a collaborative practice
9 agreement, unless the advanced practice registered nurse is exempted from the
10 requirement to enter into a collaborative practice agreement by the provisions of R.S.
11 37:1018.1.

12 * * *

13 (ix) Consulting with or referring patients to licensed physicians, dentists, and
14 other ~~health care~~ healthcare providers in accordance with a collaborative practice
15 agreement, unless the advanced practice registered nurse is exempted from the
16 requirement to enter into a collaborative practice agreement by the provisions of R.S.
17 37:1018.1.

18 * * *

19 (8) "Collaborative practice" means the joint management of the health care
20 of a patient by an advanced practice registered nurse who is not exempted from the
21 requirement to enter into a collaborative practice agreement pursuant to R.S.
22 37:1018.1 and is performing advanced practice registered nursing and one or more
23 consulting physicians or dentists. Except as otherwise provided in R.S. 37:930 and
24 1018.1, acts of medical diagnosis and prescription by an advanced practice registered
25 nurse shall be in accordance with a collaborative practice agreement.

26 (9) "Collaborative practice agreement" means a formal written statement
27 addressing the parameters of ~~the~~ a collaborative practice which are mutually agreed
28 upon by ~~the~~ an advanced practice registered nurse who is not exempted from the
29 requirement to enter into a collaborative practice agreement pursuant to R.S.

1 ~~37:1018.1~~ and one or more licensed physicians or dentists ~~which~~. A collaborative
2 practice agreement shall include but not be limited to the following provisions:

3 * * *

4 PART V. COLLABORATIVE PRACTICE AGREEMENTS

5 §1018.1. Collaborative practice agreements; exemptions

6 A. As used in this Part, "board" means the Louisiana State Board of Nursing.

7 B. Each nurse practitioner, clinical nurse specialist, and certified nurse
8 midwife who meets all of the following qualifications shall be exempt from any
9 requirement set forth in this Chapter to enter into a collaborative practice agreement
10 in order to perform advanced practice registered nursing:

11 (1) Currently holds unencumbered, unrestricted, and valid registered nurse
12 and advanced practice registered nurse licenses in this state and is not subject to
13 disciplinary proceedings for any of the grounds provided in R.S. 37:921.

14 (2) Has experience as recognized by the board to be no less than two hundred
15 fifty hours in collaborative practice.

16 (3) Has successfully completed academic coursework in physical
17 assessment, advanced pharmacology, and advanced pathophysiology.

18 C.(1) The board shall have the exclusive and final authority to determine
19 whether a nurse practitioner, clinical nurse specialist, or certified nurse midwife has
20 met the qualifications required by Subsection B of this Section.

21 (2) Upon application of a nurse practitioner, clinical nurse specialist, or
22 certified nurse midwife, if the board determines that all qualifications required by
23 Subsection B of this Section have been met, the nurse practitioner, clinical nurse
24 specialist, or certified nurse midwife shall not be required to enter into a
25 collaborative practice agreement in order to perform advanced practice registered
26 nursing.

27 (3)(a) The board shall issue to each nurse practitioner, clinical nurse
28 specialist, and certified nurse midwife it deems to be qualified for the exemption
29 provided for in this Section a certificate which bears all of the following:

1 (i) The name of the applicant.

2 (ii) The date of approval for the exemption.

3 (iii) A statement of reliance verifying the exemption.

4 (iv) The signature of a designee of the board, under the seal of the board.

5 (b) Each certificate issued in accordance with the provisions of this

6 Paragraph shall be admissible as evidence in all state courts as verification of the

7 exemption provided for in this Section, without the necessity of a personal court

8 appearance by any member of the board.

9 D. The board may revoke an exemption granted pursuant to this Section at

10 any time if it determines that an advanced practice registered nurse no longer meets

11 the qualifications required by this Section.

12 E. The board shall promulgate all rules in accordance with the

13 Administrative Procedure Act as are necessary to implement the provisions of this

14 Part.

15 Section 2. This Act shall become effective upon signature by the governor or, if not

16 signed by the governor, upon expiration of the time for bills to become law without signature

17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

18 vetoed by the governor and subsequently approved by the legislature, this Act shall become

19 effective on the day following such approval.

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)]

HB 620 Original

2016 Regular Session

Willmott

Abstract: Exempts any nurse practitioner, clinical nurse specialist, and certified nurse midwife who meets certain qualifications from a requirement to practice under a collaborative practice agreement with one or more physicians or dentists.

Present law relative to the practice of nursing provides that an advanced practice registered nurse (APRN) is a licensed registered nurse who is certified by a nationally recognized certifying body as having an advanced nursing specialty and who meets criteria established in present law and in rules of the La. State Board of Nursing, referred to hereafter as the "board". Provides that the types of APRNs may include nurse practitioners, clinical nurse specialists, and certified nurse midwives. Proposed law retains present law.

Present law provides nine enumerated functions of advanced practice registered nursing, two of which are:

- (1) Analyzing multiple sources of data and identifying and performing certain acts of medical diagnosis in accordance with a collaborative practice agreement with one or more consulting physicians or dentists.
- (2) Consulting with or referring patients to licensed physicians, dentists, and other health care providers in accordance with a collaborative practice agreement.

Proposed law revises present law to provide that certain APRNs may perform these two functions without necessity of a collaborative practice agreement if they are exempted from the collaborative practice agreement requirement in accordance with proposed law.

Proposed law provides that each nurse practitioner, clinical nurse specialist, and certified nurse midwife who meets all of the following qualifications shall be exempt from any requirement to enter into a collaborative practice agreement set forth in present law as a condition for performing advanced practice registered nursing:

- (1) Currently holds unencumbered, unrestricted, and valid registered nurse and advanced practice registered nurse licenses in this state and is not subject to disciplinary proceedings for any of the grounds provided in present law.
- (2) Has experience as recognized by the board to be no less than 250 hours in collaborative practice.
- (3) Has successfully completed academic coursework in physical assessment, advanced pharmacology, and advanced pathophysiology.

Proposed law stipulates that the board shall have the exclusive and final authority to determine whether a nurse practitioner, clinical nurse specialist, or certified nurse midwife has met the qualifications for exemption from the collaborative practice agreement requirement as provided in proposed law.

Proposed law provides that upon application of a nurse practitioner, clinical nurse specialist, or certified nurse midwife, if the board determines that all qualifications required by proposed law have been met, the nurse practitioner, clinical nurse specialist, or certified nurse midwife shall not be required to enter into a collaborative practice agreement in order to perform advanced practice registered nursing.

Proposed law requires that the board issue to each nurse practitioner, clinical nurse specialist, and certified nurse midwife it deems to be qualified for the exemption provided in proposed law a certificate which bears all of the following:

- (1) The name of the applicant.
- (2) The date of approval for the exemption.
- (3) A statement of reliance verifying the exemption.
- (4) The signature of a designee of the board, under the seal of the board.

Proposed law provides that each certificate issued in accordance with proposed law shall be admissible as evidence in all state courts as verification of the exemption from the collaborative practice agreement requirement provided in proposed law without the necessity of a personal court appearance by a member of the board.

Proposed law authorizes the board to revoke an exemption granted pursuant to proposed law at any time if it determines that an APRN no longer meets the qualifications required by proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 37:913(3)(a)(vii) and (ix), (8), and (9)(intro. para.); Adds R.S. 37:1018.1)