

2016 Regular Session

SENATE BILL NO. 187

BY SENATOR BARROW

NURSES. Provides relative to advanced practice registered nursing. (gov sig)

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§913. Definitions

As used in this Part:

* * *

(3)(a) "Advanced practice registered nursing" means nursing by a certified registered nurse anesthetist, certified nurse midwife, clinical nurse specialist, or nurse practitioner which is based on knowledge and skills acquired in a basic nursing education program, licensure as a registered nurse, and a minimum of a master's degree with a concentration in the respective advanced practice nursing specialty which includes both didactic and clinical components, advanced knowledge in nursing theory, physical and psychosocial assessment, nursing interventions, and management of health care. Advanced practice registered nursing includes:

* * *

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

* * *

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

* * *

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

1 (9) "Collaborative practice agreement" means a formal written statement
 2 addressing the parameters of ~~the a~~ collaborative practice which are mutually agreed
 3 upon by ~~the an~~ advanced practice registered nurse who is not exempted from the
 4 requirement to enter into a collaborative practice agreement pursuant to R.S.
 5 37:1018.1 and one or more licensed physicians or dentists ~~which~~. A collaborative
 6 practice agreement shall include but not be limited to the following provisions:

7 * * *

8 **PART V. COLLABORATIVE PRACTICE AGREEMENTS**

9 **§1018.1. Collaborative practice agreements; exemptions**

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

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

16 **(1) Currently holds unencumbered, unrestricted, and valid registered**
 17 **nurse and advanced practice registered nurse licenses in this state and is not**
 18 **subject to disciplinary proceedings for any of the grounds provided in R.S.**
 19 **37:921.**

20 **(2) Has experience as recognized by the board to be no less than two**
 21 **thousand hours in collaborative practice.**

22 **(3) Has successfully completed academic coursework in physical**
 23 **assessment, advanced pharmacology, and advanced pathophysiology.**

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

27 **(2) Upon application of a nurse practitioner, clinical nurse specialist, or**
 28 **certified nurse midwife, if the board determines that all qualifications required**
 29 **by Subsection B of this Section have been met, the nurse practitioner, clinical**

1 nurse specialist, or certified nurse midwife shall not be required to enter into a
2 collaborative practice agreement in order to perform advanced practice
3 registered nursing.

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

7 (i) The name of the applicant.

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

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

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

11 (b) Each certificate issued in accordance with the provisions of this
12 Paragraph shall be admissible as evidence in all state courts as verification of
13 the exemption provided for in this Section without the necessity of a personal
14 court appearance by any member of the board.

15 D. The board may revoke an exemption granted pursuant to this Section
16 at any time if it determines that an advanced practice registered nurse no longer
17 meets the qualifications required by this Section.

18 E. The board shall promulgate all rules in accordance with the
19 Administrative Procedure Act as are necessary to implement the provisions of
20 this Part.

21 F. The board shall retain all necessary information regarding the
22 number of nurse practitioners, clinical nurse specialists, and certified nurse
23 midwives who meet the qualifications for exemptions in this Part. Three years
24 after implementation of this Part, the board shall submit a written report
25 providing a status update and review of implementation including information
26 on complaints and any disciplinary action taken by the board to the Senate and
27 House committees on health and welfare. The committees may convene for an
28 oversight hearing of this report jointly or separately.

29 G. The provisions of this Part shall only apply to nurse practitioners,

1 **clinical nurse specialists, and certified nurse midwives who practice in a parish**
 2 **designated wholly or in part as a primary care health shortage area as set forth**
 3 **under Section 332 of the Public Health Services Act, as determined by the**
 4 **United States Department of Health and Human Services, Health Resources and**
 5 **Services Administration.**

6 Section 2. This Act shall become effective upon signature by the governor or, if not
 7 signed by the governor, upon expiration of the time for bills to become law without signature
 8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 10 effective on the day following such approval.

The original instrument was prepared by Christine Arbo Peck. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST

SB 187 Reengrossed

2016 Regular Session

Barrow

Present law provides a definition for advanced practice registered nurse (APRN) including performing acts under a collaborative practice agreement. Proposed law provides exceptions from the collaborative practice agreement under proposed law.

Proposed law establishes a new Part regarding collaborative practice agreements which allows the board of nursing to promulgate rules to cover circumstances in which an exemption from the collaborative practice agreement is permitted. Further, provides for minimum qualifications for exemption from the collaborative practice agreement mandate, including at least 2,000 hours of experience in a collaborative practice. Provides for application, issuance of a certificate, and revocation authority for the board.

Proposed law provides that the exemption shall only be applicable in a parish designated by federal law to be wholly or in part a primary care health shortage area.

Three years after implementation of proposed law, the La. State Nursing Board shall submit to the House and Senate committees on health and welfare a written report providing a status update and review of implementation.

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)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Increases the number of hours of experience required from 250 to 2,000.
2. Limits the exemption to a parish that is designated by federal law to be a primary care health shortage area.
3. Requires a written report by the La. State Nursing Board providing a status update and review of implementation after three years.