

2022 Regular Session

HOUSE BILL NO. 285

BY REPRESENTATIVE TURNER

BOARDS/COMMISSIONS: Abolishes the La. State Board of Practical Nurse Examiners and transfers its functions to the La. State Board of Nursing

1 AN ACT

2 To amend and reenact R.S. 17:2047(C)(1)(c) and 3042.52(A)(2)(a) and (B), R.S. 32:664(D)

3 and 666(D), the heading of Part I of Chapter 11 of Title 37 of the Louisiana Revised

4 Statutes of 1950, R.S. 37:911(B) and (C), 914(B) and (C)(1) through (3), 915,

5 916(B), 917, 918(3), 920(Section heading), 920.1, 921(introductory paragraph) and

6 (1), 922(E), 925(A)(4), (C), and (D), 927(A), 929(3), (8), and (9), 1005(B) and (C),

7 1019(B), 1020(introductory paragraph), 1023(A), 1026.6(A), 1744(A)(1),

8 1745(A)(1), and 1746(1), and R.S. 44:4(9) and 4.1(B)(23), to enact R.S. 37:913(17)

9 and (18), 916(C), 918(22) and (23), 920.2, and 920.3, and to repeal R.S.

10 17:2048.51(C)(17) and 2048.61(D)(18), R.S. 36:259(A)(4), R.S. 37:21(B)(11),

11 36(E)(1)(e), and 918(19), Part II of Chapter 11 of Title 37 of the Louisiana Revised

12 Statutes of 1950, comprised of R.S. 37:961 through 979, R.S. 37:1007(A)(2)(a)(i)

13 and 2950(D)(1)(a)(v), and R.S. 44:4(32), relative to state boards and commissions

14 that license and regulate the practice of certain healthcare professionals; to abolish

15 the Louisiana State Board of Practical Nurse Examiners and transfer its functions to

16 the Louisiana State Board of Nursing; to provide relative to regulation of the practice

17 of practical nursing; to provide for the successorship of the Louisiana State Board

18 of Nursing with respect to the Louisiana State Board of Practical Nurse Examiners;

19 to delete or revise, as appropriate, references to the Louisiana State Board of

1 Practical Nurse Examiners; to provide for effectiveness; and to provide for related
2 matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 17:2047(C)(1)(c) and 3042.52(A)(2)(a) and (B) are hereby amended
5 and reenacted to read as follows:

6 §2047. Nurse training programs; student demand; documentation; report;
7 authorization to obtain criminal history record information

8 * * *

9 C.(1) The Board of Supervisors of Community and Technical Colleges may:

10 * * *

11 (c) In cooperation with the Louisiana State Board of ~~Practical Nurse~~
12 ~~Examiners~~ Nursing and the Louisiana Bureau of Criminal Identification and
13 Information of the office of state police within the Department of Public Safety and
14 Corrections, promulgate the rules and regulations, and establish procedures in
15 accordance with the Administrative Procedure Act that are necessary to implement
16 the provisions of this Subsection.

17 * * *

18 §3042.52. Loans for certain nursing students; Louisiana Student Financial
19 Assistance Commission; authority

20 A. The Louisiana Student Financial Assistance Commission, hereinafter
21 referred to as "the commission", may with the use of funds appropriated for such
22 purpose, make loans to a student who meets all of the requirements in Paragraph (1)
23 of this Subsection and any one of the requirements in Paragraph (2) of this
24 Subsection:

25 * * *

26 (2)(a) Desires to become a licensed practical nurse and has been accepted to
27 enroll in a nursing program in this state approved by the Louisiana State Board of
28 ~~Practical Nurse Examiners~~ Nursing.

1 B. The commission may make a loan to a student who it deems to be
 2 qualified, upon such terms and conditions as the commission may impose in
 3 accordance with the provisions of this Chapter, provided the student intends to
 4 acquire a degree or diploma from a program approved by the Louisiana State Board
 5 of Nursing ~~or the Louisiana State Board of Practical Nurse Examiners~~ which leads
 6 to a degree or diploma in licensed practical nursing or registered nursing or leads to
 7 a degree which qualifies such individual to teach nursing.

8 * * *

9 Section 2. R.S. 32:664(D) and 666(D) are hereby amended and reenacted to read as
 10 follows:

11 §664. Persons authorized to administer test

12 * * *

13 D. Notwithstanding the provisions of ~~R.S. 37:961 et seq~~ R.S. 37:911 et seq.,
 14 a licensed practical nurse shall only withdraw blood as provided by Subsections A
 15 and B of this Section, pursuant to a subpoena or court order.

16 * * *

17 §666. Refusal to submit to chemical test; submission to chemical tests; exception;
 18 effects of

19 * * *

20 D. Notwithstanding the provisions of ~~R.S. 37:961 et seq~~ R.S. 37:911 et seq.,
 21 a licensed practical nurse shall only withdraw blood as provided by Item (A)(1)(a)(i)
 22 of this Section, pursuant to a subpoena or court order.

23 Section 3. The heading of Part I of Chapter 11 of Title 37 of the Louisiana Revised
 24 Statutes of 1950 and R.S. 37:911(B) and (C), 914(B) and (C)(1) through (3), 915, 916(B),
 25 917, 918(3), 920(Section heading), 920.1, 921(introductory paragraph) and (1), 922(E),
 26 925(A)(4), (C), and (D), 927(A), 929(3), (8), and (9), 1005(B) and (C), 1019(B),
 27 1020(introductory paragraph), 1023(A), 1026.6(A), 1744(A)(1), 1745(A)(1), and 1746(1)
 28 are hereby amended and reenacted and R.S. 37:913(17) and (18), 916(C), 918(22) and (23),
 29 920.2, and 920.3 are hereby enacted to read as follows:

1 PART I. REGISTERED NURSES AND PRACTICAL NURSES

2 §911. Legislative findings; intent; purpose of ~~part~~ Part

3 * * *

4 B. The legislature further finds that the practice of nursing by ~~a registered~~
5 ~~nurse and an advanced practice registered nurse~~ practical nurses, registered nurses,
6 and advanced practice registered nurses should be regulated in the public interest.

7 C. Therefore, it is the legislative intent and the purpose of this Part to
8 promote, preserve, and protect the public health, safety, and welfare by regulating
9 nursing education and practice and ensuring that any individual practicing or offering
10 to practice nursing or using the title "licenses practical nurse", "registered nurse", or
11 "advanced practice registered nurse" shall be licensed before engaging in such
12 practice.

13 * * *

14 §913. Definitions

15 * * *

16 (17) "Practical nurse" means a person who practices practical nursing and
17 who is licensed to practice in accordance with the provisions of this Part.

18 (18) "Practice of practical nursing" means the performance for compensation
19 of any acts, not requiring the education, training, and preparation required in
20 professional nursing, in the care, treatment, or observation of persons who are ill,
21 injured, or infirm and for the maintenance of the health of others and the promotion
22 of health care, including the administration of medications and treatments or in
23 on-job training or supervising licensed practical nurses, subordinate personnel, or
24 instructing patients consistent with the licensed practical nurse's education and
25 preparation, under the direction of a licensed physician, optometrist, or dentist acting
26 individually or in his capacity as a member of the medical staff, registered nurse, or
27 physician assistant. A licensed practical nurse may perform any of the foregoing
28 duties, and with appropriate training may perform additional specified acts which are
29 authorized by the board when directed to do so by the licensed physician,

1 optometrist, or dentist acting individually or in his capacity as a member of the
2 medical staff, registered nurse, or physician assistant.

3 §914. Louisiana State Board of Nursing; appointment of members; term of office;
4 vacancy; officers; compensation

5 * * *

6 B.(1)(a) ~~The board shall be composed of eight registered nurses appointed~~
7 ~~by the governor from a list of names submitted by the Louisiana State Nurses~~
8 ~~Association, one certified registered nurse anesthetist appointed by the governor~~
9 ~~from a list of names submitted by the Louisiana Association of Nurse Anesthetists,~~
10 ~~Ltd., and two representatives of the consumers of Louisiana from the state at-large~~
11 ~~appointed by the governor, neither of whom shall be a nurse. the following thirteen~~
12 members:

13 (i) Four registered nurses appointed by the governor from a list of names
14 submitted by the Louisiana State Nurses Association.

15 (ii) One licensed practical nurse appointed by the governor from a list of
16 names submitted by the Louisiana Federation of Licensed Practical Nurses, Inc.

17 (iii) One licensed practical nurse appointed by the chairman of the Board of
18 Supervisors of Community and Technical Colleges from a list of names submitted
19 by Licensed Practical Nurses of Louisiana, Inc.

20 (iv) One registered nurse appointed by the speaker of the House of
21 Representatives from a list of names submitted by the Louisiana State Nurses
22 Association.

23 (v) One licensed practical nurse appointed by the speaker of the House of
24 Representatives from lists of names submitted by the Louisiana Hospital Association
25 and the Louisiana Nursing Home Association.

26 (vi) One registered nurse appointed by the president of the Senate from a list
27 of names submitted by the Louisiana State Nurses Association.

1 (vii) One licensed practical nurse appointed by the president of the Senate
2 from lists of names submitted by the Louisiana Hospital Association and the
3 Louisiana Nursing Home Association.

4 (viii) One certified registered nurse anesthetist appointed by the governor
5 from a list of names submitted by the Louisiana Association of Nurse Anesthetists,
6 Ltd.

7 (ix) Two representatives of the consumers of Louisiana from the state
8 at-large, neither of whom shall be a nurse, appointed by the governor.

9 (b) The membership of the board shall be composed as provided in this
10 Paragraph and in R.S. 37:917.

11 (2) Each board member shall possess all of the applicable qualifications
12 provided in R.S. 37:916.

13 ~~(2)~~ (3) Each appointment by the governor shall be subject to Senate
14 confirmation.

15 ~~(3)~~ (4) The governor shall ensure that his appointments demonstrate race,
16 gender, ethnic, and geographical diversity.

17 C.(1) Effective ~~January 1, 1996~~ July 1, 2023, board members shall serve the
18 following staggered terms:

19 (a) One nursing service administrator for a term of two years and one nursing
20 service administrator for a term of three years.

21 (b) ~~Two nursing educators~~ One nurse educator for a term of two years and
22 one ~~nursing~~ nurse educator for a term of one year.

23 ~~(c) Three members who are engaged in other areas of nurse practice; one for~~
24 ~~a term of one year, one for a term of two years, and one for a term of three years.~~

25 ~~(d) One advanced practice registered nurse for a term of four years.~~

26 ~~(e) One physician for a term of two years, and one physician for a term of~~
27 ~~three years.~~

28 (c) Two licensed practical nurses for a term of two years and two licensed
29 practical nurses for a term of three years.

1 (d) Two members who are engaged in other areas of nursing practice for a
2 term of three years.

3 (e) One certified registered nurse anesthetist for a term of two years.

4 (f) One consumer member for a term of one year and one consumer member
5 for a term of two years.

6 (2) ~~Thereafter~~ After the expiration of the terms provided in Paragraph (1) of
7 this Subsection, each individual appointed to the board shall serve a term of four
8 years.

9 (3)(a) Any board member serving on ~~January 1, 1996~~ July 1, 2023, shall
10 thereafter be appointed for no more than two consecutive four-year terms.

11 (b) On or after ~~January 1, 1996~~ July 1, 2023, no individual shall be appointed
12 to serve more than two consecutive four-year terms.

13 * * *

14 §915. Removal of board members

15 Any member may be removed from the board by ~~the governor~~ his appointing
16 authority or a majority vote of the board after notice and a hearing by the board
17 wherein grounds for removal have been established. Grounds for removal shall
18 include but not be limited to incompetence, neglect of duty, or unprofessional or
19 dishonorable conduct.

20 §916. Qualifications of board members

21 * * *

22 B. Each licensed practical nurse member of the board shall possess all of the
23 following qualifications:

24 (1) Is a citizen of the United States and has been a resident of Louisiana for
25 at least one year immediately prior to appointment.

26 (2) Holds a current, unencumbered, unrestricted, Louisiana license to
27 practice as a practical nurse.

28 (3) Has at least three years of experience in practical nursing.

1 (4) Is actively engaged in the practice of practical nursing at the time of
2 appointment.

3 B.~~(1)~~ C.(1) Each consumer member of the board shall possess all of the
4 following qualifications:

5 (a) Is a citizen of the United States and has been a resident of Louisiana for
6 at least one year immediately prior to appointment.

7 (b) Has attained the age of majority.

8 (c) Has never been licensed by any of the licensing boards identified in R.S.
9 36:259(A), ~~nor shall he~~ and does not have a spouse who has ever been licensed by
10 a board identified in R.S. 36:259(A).

11 (d) Has never been convicted of a felony.

12 (e) Does not have and has never had a material financial interest in the
13 healthcare profession.

14 (2) ~~The~~ Each consumer member shall be a full voting member of the board
15 with all rights and privileges conferred on board members, except that ~~the~~ no
16 consumer member ~~shall not~~ may participate in the grading of individual
17 examinations.

18 §917. Composition of board

19 The board shall be composed of two members who are nursing service
20 administrators; ~~three~~ two members who are nurse educators, one of whom is a
21 representative of an associate degree program in nursing, if such a representative
22 applies to be and is submitted as a candidate for board membership in accordance
23 with the provisions of R.S. 37:914(B); four members who are licensed practical
24 nurses; ~~three~~ two members who are in other areas of nursing practice, one of whom
25 is an advanced practice registered nurse; and one certified registered nurse
26 anesthetist. In addition, there shall be two consumer members of the board as
27 provided in R.S. 37:914(B).

1 §918. Duties and powers of the board

2 The board shall:

3 * * *

4 (3) Provide for hearings for ~~nurse educational~~ nursing education programs
5 when approval is denied or withdrawn.

6 * * *

7 (22) Prescribe minimum curricula and minimum standards for practical
8 nurses and courses for practical nurses.

9 (23) Approve practical nursing training at all schools making application,
10 public or private, accredited by a national or regional accrediting agency recognized
11 by the United States Department of Education, and hospitals with courses meeting
12 the requirements of the board. The board shall not have regulatory responsibility for
13 other attributes of such institutions such as enrollment, staffing, tuition, or other
14 matters which are regulated by criteria established by the recognized accrediting
15 agency of the institutions, respectively.

16 * * *

17 §920. Licensure of registered nurses and advanced practice registered nurses;
18 qualifications; examination; renewal; temporary permits

19 * * *

20 §920.1. Licensure of practical nurses; qualifications; examination; renewal

21 A. To qualify for licensure to practice as a practical nurse, an applicant shall
22 meet all of the following requirements:

23 (1) Be of good moral character.

24 (2) Be a permanent resident or citizen of the United States.

25 (3) Have successfully completed the course in an accredited school for the
26 training of practical nurses.

27 B.(1) Each applicant for licensure as a practical nurse shall pass a written
28 examination in all subjects required by the board. The written examination may be
29 supplemented by an oral or practical examination.

1 (2) If an applicant passes the examination, the board shall issue to him a
2 license to practice as a practical nurse and authorize him to use the title "Licensed
3 Practical Nurse" or the abbreviation "L.P.N."

4 C. The board may issue a license to practice practical nursing by
5 endorsement, and without examination, to any person who is licensed as a practical
6 nurse under the laws of another state if he meets the requirements for practical
7 nursing licensure in this state.

8 D. Each person licensed as a practical nurse pursuant to the provisions of this
9 Part shall annually renew his license on or before January thirty-first of each year.
10 Upon receipt of an application for license renewal and the renewal fee, the board
11 shall verify the accuracy of the application for renewal and issue to the applicant a
12 certificate of renewal for the current calendar year.

13 E. A licensed practical nurse who allows his license to lapse by failing to
14 renew the license may be reinstated upon satisfactory explanation for the failure to
15 renew and upon payment of all applicable fees for license renewal and reinstatement
16 required by the board.

17 F. A licensed practical nurse who is retiring from practice shall send written
18 notice of his retirement to the board. Upon receipt of this notice the board shall
19 place the name of the licensee upon an inactive list. While on the inactive list, the
20 licensee shall not be required to pay any license renewal fees and shall not practice
21 practical nursing in this state. If the licensee desires to resume his practice as a
22 practical nurse after retirement, the board shall issue to him a license after he has
23 submitted the required license fee.

24 §920.2. Schools of practical nursing; application; hearings

25 A. A school of practical nursing that seeks to become accredited may make
26 application for accreditation to the board. After investigation and approval of the
27 curricula of the school, the board may approve the school and issue to it a certificate
28 as an accredited school of practical nursing.

1 B. If the board finds that an accredited school is not adhering to the
2 applicable requirements of this Part or to the courses prescribed by the board, the
3 board shall give notices to correct these conditions within a reasonable time. If the
4 conditions are not corrected, the board may, after a hearing with charges detailed and
5 specified, revoke the certificate issued to such school.

6 C. An appeal of an action of the board taken pursuant to the provisions of
7 Subsection B of this Section may be made in accordance with the procedure
8 provided in R.S. 37:923.

9 §920.3. Louisiana State Board of Nursing; authorization to obtain criminal history
10 record information

11 A. As used in this Section, the following terms ~~shall~~ have the ~~following~~
12 meaning ascribed in this Subsection:

13 (1) "Applicant" means a person who has made application to the board for
14 the issuance or reinstatement of any form of licensure.

15 (2) "Board" means the Louisiana State Board of Nursing.

16 (3) "Bureau" means the Louisiana Bureau of Criminal Identification and
17 Information of the office of state police within the Department of Public Safety and
18 Corrections.

19 (4) "Criminal history record information" means information collected by
20 state and federal criminal justice agencies on individuals consisting of identifiable
21 descriptions and notations of arrests, detentions, indictments, bills of information,
22 or any formal criminal charges, and any disposition arising therefrom, including
23 sentencing and criminal correctional supervision and release, but does not include
24 intelligence for investigatory purposes, nor does it include any identification
25 information which does not indicate involvement of the individual in the criminal
26 justice system.

27 (5) "FBI" means the Federal Bureau of Investigation of the United States
28 Department of Justice.

1 (6) "Licensure" means any license or permit which the board is authorized
2 to issue, including permission to enroll as a student in clinical nursing courses.

3 B. In addition to any other requirements established by law or board rules,
4 the board shall require an applicant, as a condition for eligibility for licensure:

5 (1) To submit a full set of fingerprints, in a form and manner prescribed by
6 the board.

7 (2) To permit the board to request and obtain state and national criminal
8 history record information on the applicant.

9 (3) To charge and collect from the applicant, in addition to all other
10 applicable fees and costs, such amount as may be incurred by the board in requesting
11 and obtaining state and national criminal history record information on the applicant.

12 C. In accordance with the provisions and procedure prescribed by this
13 Section, the board shall request and obtain state and national criminal history record
14 information from the Louisiana Bureau of Criminal Identification and Information
15 of the office of state police within the Department of Public Safety and Corrections
16 and the Federal Bureau of Investigation of the United States Department of Justice
17 relative to any applicant for licensure whose fingerprints the board has obtained
18 pursuant to this Section for the purpose of determining the applicant's suitability and
19 eligibility for licensure.

20 D. Upon request by the board and upon the board's submission of an
21 applicant's fingerprints, and such other identifying information as may be required,
22 the bureau shall conduct a search of its criminal history record information relative
23 to the applicant and report the results of its search to the board within sixty days after
24 receipt of any such request. The bureau may charge the board a reasonable
25 processing fee for conducting and reporting on any such search.

26 E. If the criminal history record information reported by the bureau to the
27 board does not provide grounds for disqualification of the applicant for licensure
28 under the applicable law administered by the board, the board shall have the
29 authority to forward the applicant's fingerprints and such other identifying

1 information as may be required to the FBI with a request for a search of national
2 criminal history record information relative to the applicant.

3 F. Any and all state or national criminal history record information obtained
4 by the board from the bureau or FBI which is not already a matter of public record
5 shall be deemed nonpublic and confidential information restricted to the exclusive
6 use of the board, its members, officers, investigators, agents, and attorneys in
7 evaluating the applicant's eligibility or disqualification for licensure. No such
8 information or records related thereto shall, except with the written consent of the
9 applicant or by order of a court of competent jurisdiction, be released or otherwise
10 disclosed by the board to any other person or agency.

11 §921. Grounds for disciplinary proceedings

12 The board may deny, revoke, suspend, probate, limit, or restrict any license
13 to practice as a practical nurse, registered nurse, or an advanced practice registered
14 nurse, impose fines, and assess costs, or otherwise discipline a licensee and the board
15 may limit, restrict, delay, or deny a student nurse from entering or continuing the
16 clinical phase of nursing education upon proof that the licensee or student nurse:

17 (1) Is guilty of selling or attempting to sell, falsely obtaining, or furnishing
18 any nursing diploma or license to practice as a practical nurse or registered nurse.

19 * * *

20 §922. Hearings by board

21 * * *

22 E. The board in its annual report shall state the nature and number of the
23 various violations of this Part. The board, in its discretion, may maintain the
24 confidentiality of an individual ~~registered~~ nurse who violates a provision of this Part
25 whenever the board determines the public interest will be best served by alternatives
26 to the disciplinary process.

27 * * *

1 §925. Violations; penalty

2 A. No person shall engage in any of the following activities:

3 * * *

4 (4) Use in connection with his name any designation tending to imply that
5 he is a licensed practical nurse, registered nurse₂, or an advanced practice registered
6 nurse unless duly licensed to practice under the provisions of this Part.

7 * * *

8 C. If a person licensed to practice as a practical nurse, registered nurse₂, or
9 advanced practice registered nurse is found guilty of violating any provision of ~~the~~
10 this Part, the board may suspend, probate, limit, or otherwise restrict, or revoke the
11 license of such person.

12 D. In addition to the penalties provided for in Subsections B and C of this
13 Section, any individual who falsely represents himself as a licensed practical nurse,
14 registered nurse₂, or an advanced practice registered nurse, or who violates any
15 provision of this Part₂, may be brought before the board and fined not more than five
16 thousand dollars and assessed the cost of investigation and disciplinary proceedings
17 for each count or separate offense.

18 * * *

19 §927. Fees

20 A. The board shall establish a reasonable fee schedule for the issuance or
21 renewal of any license or permit, registration services, examination fees, consultation
22 or presentation fees, or any other administrative function provided for in this Part.
23 Such fee schedule may be modified from time to time as deemed necessary by the
24 board. Such fee schedule shall include reasonable fees and administrative charges,
25 not to exceed one hundred dollars per calendar year, for the issuance or renewal of
26 any license or permit for practicing as a licensed practical nurse, registered nurse₂, or
27 an advanced practice registered nurse, and shall include a late fee for issuance or
28 renewal of any such license or permit not to exceed one hundred dollars per calendar

1 year. The fee schedule set by the board may also include additional fees and costs
2 which may be assessed in disciplinary proceedings as authorized by R.S. 37:925(D).

3 * * *

4 §929. Exceptions

5 The provisions of this Part shall not apply to:

6 * * *

7 (3)(a) The rendering of nursing assistance by any individual in the case of
8 immediate emergency.

9 (b) The rendering of nursing assistance by any individual in a disaster in
10 accordance with the rules and regulations established by the board.

11 * * *

12 (8) The practice of any currently licensed practical nurse, registered nurse,
13 or advanced practice registered nurse of another state who is employed by an
14 individual, agency, or corporation located in another state and whose employment
15 responsibilities include transporting clients to, from, or throughout the state.

16 (9) The practice of any currently licensed practical nurse, registered nurse,
17 or advanced practice registered nurse of another state who provides or attends
18 educational programs or provides consultative services within the state for a period
19 as determined by the board. Neither the education nor consultation may include
20 providing or directing nursing care or developing or revising nursing care policies.

21 * * *

22 §1005. Articulated curricula; duties of the nursing boards; cooperation with
23 educational agencies; cooperation with the Nursing Supply and Demand
24 Council; report

25 * * *

26 B. The Louisiana State Board of Nursing ~~and the Louisiana State Board of~~
27 ~~Practical Nurse Examiners~~, hereafter referred to as the nursing ~~boards~~ board, shall
28 meet ~~together and~~ with the various state education agencies, particularly including
29 the Board of Regents, the college and university management boards, the Nursing

1 Supply and Demand Council, and the State Board of Elementary and Secondary
2 Education, and with the public and private hospitals, to develop and implement nurse
3 training curricula that articulates from one level of nursing to the next.

4 C. The nursing ~~boards~~ board shall review the nursing program approval
5 standards and the accreditation and licensing standards ~~they require~~ it requires in
6 order to identify and make such adjustments as are necessary in order to implement
7 the articulated curricula required by Subsection A of this Section.

8 * * *

9 §1019. Nurse Licensure Compact Administrator

10 * * *

11 B. The administrator shall be a current board member or the executive
12 director of the Louisiana State Board of Nursing ~~for two years beginning in the year~~
13 ~~of enactment of this Part and shall rotate every two years thereafter with an~~
14 ~~appointment of a current board member or the executive director of the Louisiana~~
15 ~~State Board of Practical Nurse Examiners.~~

16 §1020. Implementation; rulemaking

17 The Louisiana State Board of Nursing ~~and the Louisiana State Board of~~
18 ~~Practical Nurse Examiners~~ shall:

19 * * *

20 §1023. Drug administration course; certification of medication attendants; rules;
21 instructor training courses; fees

22 A. Drug administration courses shall be established by the office of the
23 secretary of the Louisiana Department of Health in conjunction with the Louisiana
24 State Board of Nursing ~~and the Louisiana State Board of Practical Nurse Examiners~~
25 and as approved by the secretary of the Louisiana Department of Health. Persons
26 who have successfully completed the course and passed a qualifying examination
27 shall be permitted to administer certain medications to residents of facilities operated
28 by the office for citizens with developmental disabilities or community homes for
29 persons with developmental disabilities funded through the Louisiana Department

1 of Health or the Department of Children and Family Services and to persons
2 receiving in-home Medicaid home- and community-based services and shall be
3 known as medication attendants. The course shall include but not be limited to
4 instruction of the legal aspects, roles, and responsibilities of drug administration,
5 definitions, terminology, classification, measurement, identification, effects,
6 distribution, and the care and handling of drugs.

7 * * *

8 §1026.6. Promulgation of rules and regulations

9 A. The department, in consultation with an advisory committee to be
10 comprised of one representative each, designated by the chief elected or
11 administrative officer, of the Louisiana State Nurses' Association, Louisiana Board
12 of Pharmacy, ~~Louisiana State Board of Practical Nurse Examiners~~, Louisiana State
13 Board of Nursing, Louisiana State Long-Term Care Ombudsman Program in the
14 office of the governor, Board of Supervisors of Community and Technical Colleges,
15 and Louisiana Nursing Home Association, shall promulgate rules and regulations
16 pursuant to the Administrative Procedure Act for the enforcement of this Part by
17 March 31, 2008.

18 * * *

19 §1744. Disclosure of financial interest by referring healthcare providers

20 A. For the purposes of this Section, the following terms have the following
21 meanings:

22 (1) "Board" means Louisiana State Board of Medical Examiners, Louisiana
23 State Board of Dentistry, Louisiana Board of Chiropractic Examiners, Louisiana
24 State Board of Optometry Examiners, Louisiana Physical Therapy Board, Louisiana
25 State Board of Examiners of Psychologists, Louisiana State Board of Nursing,
26 Louisiana Licensed Professional Counselors Board of Examiners, ~~Louisiana State~~
27 ~~Board of Practical Nurse Examiners~~, Louisiana Licensed Professional Counselors
28 Board of Examiners, or Louisiana Board of Pharmacy.

29 * * *

1 §1745. Prohibition on payment for patient referrals

2 A. For the purposes of this Section, the following terms have the following
3 meanings:

4 (1) "Board" means the Louisiana State Board of Medical Examiners,
5 Louisiana Board of Chiropractic Examiners, Louisiana State Board of Dentistry,
6 Louisiana State Board of Optometry Examiners, Louisiana Physical Therapy Board,
7 Louisiana State Board of Examiners of Psychologists, Louisiana State Board of
8 Nursing, Louisiana Licensed Professional Counselors Board of Examiners, ~~Louisiana~~
9 ~~State Board of Practical Nurse Examiners~~, or Louisiana Board of Pharmacy.

10 * * *

11 §1746. Definitions

12 For purposes of this Part, the following terms have the following meanings:

13 (1) "Board" means the Louisiana State Board of Dentistry, Louisiana State
14 Board of Nursing, ~~Louisiana State Board of Practical Nurse Examiners~~, Louisiana
15 Board of Chiropractic Examiners, or the Louisiana State Board of Medical
16 Examiners.

17 * * *

18 Section 4. R.S. 44:4(9) and 4.1(B)(23) are hereby amended and reenacted to read as
19 follows:

20 §4. Applicability

21 This Chapter shall not apply:

22 * * *

23 (9) To any records, writings, accounts, letters, letter books, photographs or
24 copies or memoranda thereof, and any report or reports concerning the fitness of any
25 person to receive, or continue to hold, a license to practice as a registered nurse or
26 practical nurse in the custody or control of the Louisiana State Board of Nursing;
27 however, any action taken by the board, and any legal grounds upon which such

1 action is based, relative to the fitness of any person to receive, or continue to hold,
2 a license to practice as a registered nurse or practical nurse shall be a public record.

3 * * *

4 §4.1. Exceptions

5 * * *

6 B. The legislature further recognizes that there exist exceptions, exemptions,
7 and limitations to the laws pertaining to public records throughout the revised
8 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
9 limitations are hereby continued in effect by incorporation into this Chapter by
10 citation:

11 * * *

12 (23) R.S. 37:74, 86, 90, 147, 691, 711.10, 763, 763.1, 781, ~~920.1~~ 920.3,
13 969.1, 1123(E), 1277, 1278, 1285, 1326, 1338.1, 1360.53.1, 1360.104.1, 1518,
14 1745.15, 1747, 1806, 2156.1, 2406, 2505.1, 2863.1, 3481, 3507.1

15 * * *

16 Section 5. R.S. 17:2048.51(C)(17) and 2048.61(D)(18), R.S. 36:259(A)(4), R.S.
17 37:21(B)(11), 36(E)(1)(e), and 918(19), Part II of Chapter 11 of Title 37 of the Louisiana
18 Revised Statutes of 1950, comprised of R.S. 37:961 through 979, R.S. 37:1007(A)(2)(a)(i)
19 and 2950(D)(1)(a)(v), and R.S. 44:4(32) are hereby repealed in their entirety.

20 Section 6.(A) Transfer of duties and functions. On the effective date of this Section,
21 the Louisiana State Board of Practical Nurse Examiners shall be abolished and its duties and
22 functions shall be transferred to the Louisiana State Board of Nursing as provided in this
23 Act. All unfinished business, references in laws and documents, employees, property,
24 obligations, and books and records heretofore under the control of the Louisiana State Board
25 of Practical Nurse Examiners shall be transferred as provided in this Section.

26 (B) Unfinished business. Upon the transfer of duties and functions as provided in
27 this Section, any pending or unfinished business of the Louisiana State Board of Practical
28 Nurse Examiners shall be taken over and completed by the Louisiana State Board of

1 Nursing. The Louisiana State Board of Nursing shall be the successor in every way to the
2 Louisiana State Board of Practical Nurse Examiners.

3 (C) References in laws and documents. Wherever the Louisiana State Board of
4 Practical Nurse Examiners is referred to or designated by the constitution or by any law or
5 contract or other document, after the effective date of the abolition of that board as provided
6 in this Section such reference or designation shall be considered to apply to the Louisiana
7 State Board of Nursing.

8 (D) Legal proceedings and documents continued. Any legal proceeding to which
9 the Louisiana State Board of Practical Nurse Examiners is a party and which is filed,
10 initiated, or pending before any court on the effective date of this Section, and all documents
11 involved in or affected by such legal proceeding, shall retain their effectiveness and shall be
12 continued in the name of the Louisiana State Board of Nursing. All further legal
13 proceedings and documents in the continuation, disposition, and enforcement of such legal
14 proceedings shall be in the name of the Louisiana State Board of Nursing, and the Louisiana
15 State Board of Nursing shall be substituted for the party to which it is the successor without
16 the necessity for amendment of any document to substitute the name of that board or the
17 name or title of any office, official, employee, or other agent or representative of the board.
18 Any legal proceeding and all documents involved in or affected by such legal proceeding,
19 which proceeding has been continued in the name of the Louisiana State Board of Nursing,
20 shall retain their effectiveness, and those provisions of this Section requiring that the
21 continuation, disposition, and enforcement of a legal proceeding and documents related
22 thereto shall be in the name of the party to which the Louisiana State Board of Nursing is the
23 successor shall not affect their validity. The definitions provided in R.S. 36:924 shall apply
24 to this Section.

25 (E) Protection of obligations; federal assistance.

26 (1) All obligations of the Louisiana State Board of Practical Nurse Examiners
27 hereafter shall be considered to be the obligations of the Louisiana State Board of Nursing
28 to the same extent as if originally made by the Louisiana State Board of Nursing and the
29 same are hereby ratified. In like manner, and in order to prevent any violation of the

1 provisions, terms, or conditions of any gift, donation, deed, will, trust, or other instrument
2 or disposition by which property vested in the Louisiana State Board of Nursing by this Act
3 was previously vested in the Louisiana State Board of Practical Nurse Examiners or
4 diversion from the purposes for which such property was so vested, it is hereby specifically
5 provided that each such instrument or disposition hereafter shall be considered to have
6 vested such property in the Louisiana State Board of Nursing in the same manner and to the
7 same extent as if originally so done.

8 (2) The Louisiana State Board of Nursing shall be the successor in every way to the
9 Louisiana State Board of Practical Nurse Examiners, including with respect to obligations
10 and debts of the Louisiana State Board of Practical Nurse Examiners. All dedications and
11 allocations of revenues and sources of revenues heretofore made shall continue in the same
12 manner, to the same extent, and for the same purposes as were provided prior to the
13 enactment of this Act, unless and until other provision is made for such dedications and
14 allocations.

15 (3) This Act shall not be construed or applied in any way which will prevent full
16 compliance by the state, or any department, office, or agency thereof, with the requirements
17 of any act of the Congress of the United States or any regulation made thereunder by which
18 federal aid or other federal assistance has been or hereafter is made available to this state,
19 or any department, office, agency, or subdivision thereof, anything contained in this Act to
20 the contrary notwithstanding, and such compliance hereafter shall be accomplished by the
21 Louisiana State Board of Nursing.

22 (F) Transfer of property. All books, papers, records, money, actions, and other
23 property of every kind, movable and immovable, real and personal, heretofore possessed,
24 controlled, or used by the Louisiana State Board of Practical Nurse Examiners are hereby
25 transferred to the Louisiana State Board of Nursing. All funds controlled by the Louisiana
26 State Board of Practical Nurse Examiners are hereby transferred to the Louisiana State
27 Board of Nursing.

28 (G) Transfer of employees. All employees heretofore engaged in the performance
29 of duties of the Louisiana State Board of Practical Nurse Examiners are hereby transferred

1 to the Louisiana State Board of Nursing and shall continue to perform the duties heretofore
2 performed, subject to applicable state civil service laws, rules, and regulations. Subject to
3 such laws, positions in the unclassified service shall remain in the unclassified service.

4 Section 7. The Louisiana State Law Institute is hereby directed to make technical
5 changes to statutory laws as necessary to reflect the succession of the Louisiana State Board
6 of Practical Nurse Examiners by the Louisiana State Board of Nursing as provided in this
7 Act.

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

13 (B)(1) Sections 1 through 7 of this Act shall become effective on July 1, 2023; if this
14 Act is vetoed by the governor and subsequently approved by the legislature, Sections 1
15 through 7 of this Act shall become effective on July 1, 2023, or on the day following such
16 approval by the legislature, whichever is later.

17 (2) The Louisiana State Board of Practical Nurse Examiners and the Louisiana State
18 Board of Nursing shall take such actions prior to July 1, 2023, including but not limited to
19 amending, adopting, and repealing administrative rules, as are necessary to implement the
20 provisions of this Act on that date.

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 285 Original

2022 Regular Session

Turner

Abstract: Abolishes the La. State Board of Practical Nurse Examiners, consolidates its functions with those of the La. State Board of Nursing, and provides for the La. State Board of Nursing to become the successor in every way to the La. State Board of Practical Nurse Examiners.

Present law creates and provides for the following boards:

- (1) The La. State Board of Nursing, which licenses registered nurses and regulates the practice of nursing in this state.

- (2) The La. State Board of Practical Nurse Examiners, which licenses practical nurses and regulates the practice of practical nursing in this state.

Proposed law abolishes the La. State Board of Practical Nurse Examiners and transfers its duties and functions to the La. State Board of Nursing.

Proposed law encompasses transfer provisions pursuant to which the La. State Board of Nursing becomes the successor in every way to the La. State Board of Practical Nurse Examiners.

Upon the effective date of proposed law, the provisions of proposed law effectuating the full succession of the La. State Board of Practical Nurse Examiners by the La. State Board of Nursing become effective on July 1, 2023.

Proposed law requires the La. State Board of Practical Nurse Examiners and the La. State Board of Nursing to take such actions prior to July 1, 2023, including but not limited to amending, adopting, and repealing administrative rules, as are necessary to implement the provisions of proposed law on that date.

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

(Amends R.S. 17:2047(C)(1)(c) and 3042.52(A)(2)(a) and (B), R.S. 32:664(D) and 666(D), the heading of Part I of Chapter 11 of Title 37 of the La. Revised Statutes of 1950, R.S. 37:911(B) and (C), 914(B) and (C)(1)-(3), 915, 916(B), 917, 918(3), 920(Section heading), 920.1, 921(intro. para.) and (1), 922(E), 925(A)(4), (C), and (D), 927(A), 929(3), (8), and (9), 1005(B) and (C), 1019(B), 1020(intro. para.), 1023(A), 1026.6(A), 1744(A)(1), 1745(A)(1), and 1746(1), and R.S. 44:4(9) and 4.1(B)(23); Adds R.S. 37:913(17) and (18), 916(C), 918(22) and (23), 920.2, and 920.3; Repeals R.S. 17:2048.51(C)(17) and 2048.61(D)(18), R.S. 36:259(A)(4), R.S. 37:21(B)(11), 36(E)(1)(e), 918(19), 961-979, 1007(A)(2)(a)(i) and 2950(D)(1)(a)(v), and R.S. 44:4(32))