

2015 Regular Session

HOUSE BILL NO. 416

BY REPRESENTATIVE BARROW

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

NURSES/REGISTERED: Provides relative to advanced practice registered nurses

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

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1950, to be comprised of R.S. 37:1018, relative to advanced practice registered

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nursing; to provide for definitions; to establish an exemption to the collaborative

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practice agreement requirement; to provide for duties and powers of the Louisiana

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State Board of Nursing; to provide for an effective date; and to provide for related

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matters.

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Be it enacted by the Legislature of Louisiana:

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Section 1. R.S. 37:913(3)(a)(vii) and (ix), (8), and (9)(introductory paragraph) are

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hereby amended and reenacted and Part V of Chapter 11 of Title 37 of the Louisiana Revised

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Statutes of 1950, comprised of R.S. 37:1018, is enacted to read as follows:

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§913. Definitions

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As used in this Part:

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\* \* \*

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(3)(a) "Advanced practice registered nursing" means nursing by a certified

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registered nurse anesthetist, certified nurse midwife, clinical nurse specialist, or

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nurse practitioner which is based on knowledge and skills acquired in a basic nursing

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education program, licensure as a registered nurse, and a minimum of a master's

1 degree with a concentration in the respective advanced practice nursing specialty  
2 which includes both didactic and clinical components, advanced knowledge in  
3 nursing theory, physical and psychosocial assessment, nursing interventions, and  
4 management of health care. Advanced practice registered nursing includes:

5 \* \* \*

6 (vii) Analyzing multiple sources of data and identifying and performing  
7 certain acts of medical diagnosis in accordance with ~~the~~ a collaborative practice  
8 agreement, unless exempted from the requirement to enter into a collaborative  
9 practice agreement pursuant to R.S. 37:1018.

10 \* \* \*

11 (ix) Consulting with or referring patients to licensed physicians, dentists, and  
12 other health care providers in accordance with a collaborative practice agreement,  
13 unless exempted from the requirement to enter into a collaborative practice  
14 agreement pursuant to R.S. 37:1018.

15 \* \* \*

16 (8) "Collaborative practice" means the joint management of the health care  
17 of a patient by an advanced practice registered nurse who is not exempted from the  
18 requirement to enter into a collaborative practice agreement pursuant to R.S. 37:1018  
19 and is performing advanced practice registered nursing and one or more consulting  
20 physicians or dentists. Except as otherwise provided in R.S. 37:930 and 1018, acts  
21 of medical diagnosis and prescription by an advanced practice registered nurse shall  
22 be in accordance with a collaborative practice agreement.

23 (9) "Collaborative practice agreement" means a formal written statement  
24 addressing the parameters of ~~the~~ a collaborative practice which are mutually agreed  
25 upon by ~~the~~ an advanced practice registered nurse who is not exempted from the  
26 requirement to enter into a collaborative practice agreement pursuant to R.S. 37:1018  
27 and one or more licensed physicians or dentists, which A collaborative practice  
28 agreement shall include but not be limited to the following provisions:

29 \* \* \*

1                    PART V. COLLABORATIVE PRACTICE AGREEMENTS2                    §1018. Collaborative practice agreements; exemptions

3                    A. Except as provided for in Subsection B of this Section, a nurse  
4                    practitioner shall be exempt from any requirement set forth in this Chapter to enter  
5                    into a collaborative practice agreement to perform advanced practice registered  
6                    nursing if he meets all of the following criteria:

7                    (1) Is in good standing with the Louisiana State Board of Nursing.

8                    (2) Is certified by a national accrediting agency which is recognized by the  
9                    Louisiana State Board of Nursing.

10                  (3) Possesses at minimum a master's degree and has successfully completed  
11                  academic coursework in physical assessment, advanced pharmacology, and advanced  
12                  pathophysiology.

13                  (4) Commonly practices in a medically underserved area or an area  
14                  comprising at least one medically underserved population as designated by the  
15                  Health Resources and Services Administration of the United States Department of  
16                  Health and Human Services or the Louisiana Department of Health and Hospitals.

17                  B.(1) The Louisiana State Board of Nursing shall have the exclusive and  
18                  final authority to determine if the qualifications required by Subsection A of this  
19                  Section have been satisfied.

20                  (2) Upon application of a nurse practitioner, if the board determines that all  
21                  qualifications required by Subsection A of this Section have been satisfied, the nurse  
22                  practitioner shall not be required to enter into a collaborative practice agreement to  
23                  perform advanced practice registered nursing.

24                  (3)(a) The Louisiana State Board of Nursing shall issue to any nurse  
25                  practitioner it deems to be qualified for an exemption pursuant to this Section a  
26                  certificate bearing all of the following:

27                  (i) The date of the approval.

28                  (ii) The nurse practitioner's name.

29                  (ii) A statement of reliance verifying the exemption.

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

2           (b) The certificate issued pursuant to this Paragraph shall be admissible as  
3           evidence in all state courts as verification of the exemption, without the necessity of  
4           any personal court appearance from any of the members of the board.

5           (4) The Louisiana State Board of Nursing may revoke the exemption granted  
6           pursuant to this Section at any time if it determines that the qualifications required  
7           by this Section are no longer satisfied.

8           Section 2. This Act shall become effective upon signature by the governor or, if not  
9 signed by the governor, upon expiration of the time for bills to become law without signature  
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
12 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 416 Original

2015 Regular Session

Barrow

**Abstract:** Provides an exemption to the collaborative practice agreement requirement for certain advanced practice registered nurses.

Present law requires advanced practice registered nurses (certified registered nurse anesthetists, certified nurse midwives, clinical nurse specialists, and nurse practitioners) to enter into a collaborative practice agreement with one or more physicians or dentists for certain functions of their practice.

Proposed law retains present law but establishes an exemption for a nurse practitioner who meets all of the following criteria:

- (1) Is in good standing with the La. State Board of Nursing.
- (2) Is certified by a national accrediting agency which is recognized by the La. State Board of Nursing.
- (3) Possesses at minimum a master's degree and has successfully completed academic coursework in physical assessment, advanced pharmacology, and advanced pathophysiology.
- (4) Commonly practices in a medically underserved area or an area comprising at least one medically underserved population as designated by the Health Resources and Services Administration of the U.S. Department of Health and Human Services or the La. Department of Health and Hospitals.

Proposed law provides that the La. State Board of Nursing (board) shall have the exclusive and final authority to determine if the qualifications for the exemption provided for in proposed law have been satisfied. Proposed law further requires the board to issue a certificate to a nurse practitioner deemed to be qualified for the exemption and provides that such certificate shall be admissible as evidence in all state courts as verification of the exemption.

Proposed law authorizes the board to revoke the exemption if the board determines that the qualifications are no longer satisfied.

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)