

2022 Regular Session

SENATE BILL NO. 175

BY SENATOR BARROW

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To amend and reenact R.S. 37:913(3)(a)(vii) and (ix) and (c), (8), and the introductory paragraph of (9) and to enact Part I-A of Chapter 11 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:941, 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) and (c), (8), and the introductory paragraph of (9) are hereby amended and reenacted and Part I-A of Chapter 11 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:941, is hereby enacted to read as follows:

§913. Definitions

1 As used in this Part:

2 * * *

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

11 * * *

12 (vii) Analyzing multiple sources of data and identifying and performing
13 certain acts of medical diagnosis in accordance with ~~the a~~ collaborative practice
14 agreement, **unless the advanced practice registered nurse is exempted from the**
15 **requirement to enter into a collaborative practice agreement by the provisions**
16 **of R.S. 37:941.**

17 * * *

18 (ix) Consulting with or referring patients to licensed physicians, dentists, and
19 other ~~health care~~ **healthcare** providers in accordance with a collaborative practice
20 agreement, **unless the advanced practice registered nurse is exempted from the**
21 **requirement to enter into a collaborative practice agreement by the provisions**
22 **of R.S. 37:941.**

23 * * *

24 (c) Advanced practice registered nursing may include the provision of
25 medication-assisted treatment (MAT), as authorized by the United States Department
26 of Health and Human Services, Substance Abuse and Mental Health Services
27 Administration and in accordance with rules promulgated by the board. At a
28 minimum, rules promulgated by the board shall include a requirement that in order
29 for the APRN to provide MAT, his collaborating physician shall also be authorized

1 and in compliance with all federal and state laws and rules authorizing the provision
 2 of MAT, **unless the advanced practice registered nurse is exempted from the**
 3 **requirement to enter into a collaborative practice agreement by the provisions**
 4 **of R.S. 37:941.** For purposes of this Subparagraph, "MAT" means the use of
 5 medications with counseling and behavioral therapies to treat substance use disorders
 6 and prevent opioid overdose.

7 * * *

8 (8) "Collaborative practice" means the joint management of the health care
 9 of a patient by an advanced practice registered nurse **who is not exempted from the**
 10 **requirement to enter into a collaborative practice agreement pursuant to R.S.**
 11 **37:941 and is** performing advanced practice registered nursing and one or more
 12 consulting physicians or dentists. Except as otherwise provided in R.S. 37:930 **and**
 13 **941,** acts of medical diagnosis and prescription by an advanced practice registered
 14 nurse shall be in accordance with a collaborative practice agreement.

15 (9) "Collaborative practice agreement" means a formal written statement
 16 addressing the parameters of ~~the a~~ collaborative practice which are mutually agreed
 17 upon by ~~the an~~ advanced practice registered nurse **who is not exempted from the**
 18 **requirement to enter into a collaborative practice agreement pursuant to R.S.**
 19 **37:941** and one or more licensed physicians or dentists ~~which.~~ **A collaborative**
 20 **practice agreement** shall include but not be limited to the following provisions:

21 * * *

22 **PART I-A. COLLABORATIVE PRACTICE AGREEMENTS**

23 **§941. Collaborative practice agreements; exemptions**

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

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

1 **(1) Currently holds unencumbered, unrestricted, and valid registered**
2 **nurse and advanced practice registered nurse licenses in this state and is not**
3 **subject to disciplinary proceedings for any of the grounds provided in R.S.**
4 **37:921.**

5 **(2) Has experience as recognized by the board to be no less than one**
6 **thousand hours in collaborative practice.**

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

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

12 **(2) Upon application of a nurse practitioner, clinical nurse specialist, or**
13 **certified nurse midwife, if the board determines that all qualifications required**
14 **by Subsection B of this Section have been met, the nurse practitioner, clinical**
15 **nurse specialist, or certified nurse midwife shall not be required to enter into a**
16 **collaborative practice agreement in order to perform advanced practice**
17 **registered nursing.**

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

21 **(i) The name of the applicant.**

22 **(ii) The date of approval for the exemption.**

23 **(iii) A statement of reliance verifying the exemption.**

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

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

29 **D. The board may revoke an exemption granted pursuant to this Section**

1 at any time if it determines that an advanced practice registered nurse no longer
2 meets the qualifications required by this Section.

3 E. The board shall promulgate all rules in accordance with the
4 Administrative Procedure Act necessary to implement the provisions of this
5 Part.

6 F. The board shall retain all necessary information regarding the
7 number of nurse practitioners, clinical nurse specialists, and certified nurse
8 midwives who meet the qualifications for exemptions in this Part. Three years
9 after implementation of this Part, the board shall submit a written report
10 providing a status update and review of implementation including information
11 on complaints and any disciplinary action taken by the board to the Senate and
12 House committees on health and welfare. The committees may convene for an
13 oversight hearing of this report jointly or separately.

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SB 175 Original

2022 Regular Session

Barrow

Present law defines "collaborative practice" as the joint management of the health care of a patient by an advanced practice registered nurse (APRN) and one or more consulting physicians or dentists. Present law requires an APRN to practice pursuant to a collaborative practice agreement. Proposed law establishes an exemption to the collaborative practice requirement.

Proposed law provides for the minimum qualifications for an APRN to be exempted from the collaborative practice requirement, including at least 1,000 hours of previous experience in a collaborative practice. Proposed law also provides for the duties and powers of the La. State Board of Nursing.

Three years after implementation of proposed law, the La. State Board of Nursing 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) and (c), (8), and (9)(intro para); adds R.S. 37:941)