2021 Regular Session

HOUSE BILL NO. 495

BY REPRESENTATIVES IVEY, COX, MIKE JOHNSON, TRAVIS JOHNSON, DUSTIN MILLER, ROMERO, SCHEXNAYDER, STAGNI, AND TURNER AND SENATORS BARROW AND BOUDREAUX

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

NURSES: Allows full practice authority for advanced practice registered nurses

AN ACT

To amend and reenact R.S. 28:2(28), 51.1(A)(3)(a), (b), and (d), and 53(B)(1) and R.S. 37:913(3)(a)(vii) through (ix), (b), and (c), 930(E) and (F), and 933, to enact R.S. 37:936 and 937, and to repeal collaborative practice agreement requirements for advanced practice registered nurses; to authorize advanced practice registered nurses to prescribe, order, furnish, and otherwise provide medications, therapies, referrals, and other healthcare items and services; to provide relative to the authority of advanced practice registered nurses to distribute certain medications in public health clinics; to authorize advanced practice registered nurses to furnish signatures and other types of endorsements required of physicians in certain instances; to provide relative to staff membership of psychiatric mental health nurse practitioners at behavioral health treatment facilities; to provide relative to admission of persons to treatment facilities by emergency certificate; to require that psychiatric mental health nurse practitioners who issue such certificates possess certain qualifications; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:2(28), 51.1(A)(3)(a), (b), and (d), and 53(B)(1) are hereby amended and reenacted to read as follows:

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
§2. Definitions

Whenever used in this Title, the masculine shall include the feminine, the singular shall include the plural, and the following definitions shall apply:

(28) "Psychiatric mental health nurse practitioner" means an advanced practice registered nurse licensed to practice as a nurse practitioner or clinical nurse specialist by the Louisiana State Board of Nursing, in accordance with the provisions of R.S. 37:911 et seq., who focuses clinical practice on individuals, families, or populations across the life span at risk for developing or having a diagnosis of psychiatric disorders, mental health problems, or both. A psychiatric mental health nurse practitioner means a specialist who provides primary mental health care to patients seeking mental health services in a wide range of settings. Primary mental health care provided by a psychiatric mental health nurse practitioner involves the continuous and comprehensive services necessary for the promotion of optimal mental health, prevention and treatment of psychiatric disorders, and health maintenance. Such primary health care includes the assessment, diagnosis, and management of mental health problems and psychiatric disorders. A psychiatric mental health nurse practitioner means a provider of direct mental health care services who synthesizes theoretical, scientific, and clinical knowledge for the assessment and management of both health and illness states and who is licensed to practice as a nurse practitioner in Louisiana; in accordance with R.S. 37:911; et seq. For purposes of this Chapter, a psychiatric mental health nurse practitioner shall have at least two years training, primary experience, or both, in diagnosis and treatment of mental illness. For purposes of this Chapter, a psychiatric mental health nurse practitioner shall also have authority from the Louisiana State Board of Nursing to prescribe legend and certain controlled drugs, in accordance with the provisions of R.S. 37:913(3)(b), (8), and (9).
§51.1. Treatment facility; staff membership and institutional privileges; certain healthcare providers

A.

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(3) Staff membership, specifically delineated institutional privileges, or both, granted to a psychiatric mental health nurse practitioner shall be conditioned upon all of the following requirements:

(a) The applicant psychiatric mental health nurse practitioner shall have a valid, current, collaborative practice agreement, as defined in R.S. 37:913(9), with a psychiatrist an active license issued by the Louisiana State Board of Nursing.

(b) The applicant psychiatric mental health nurse practitioner shall have a valid, current and unrestricted advanced practice registered nurse license, as a nurse practitioner or clinical nurse specialist, issued by the Louisiana State Board of Nursing, and have has been granted limited prescriptive authority pursuant to LAC 46:XLV.4513 by the Louisiana State Board of Nursing.

(d) The applicant psychiatric mental health nurse practitioner shall prescribe medications and treatment regimens that may include the use of seclusion or restraint on patients in the treatment facility only in accordance with the collaborative practice agreement and in accordance with standards of practice and scope of practice as determined by the Louisiana State Board of Nursing and with the treatment facility's staff membership or privilege-granting privilege-granting process and restrictions, if any.

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§53. Admission by emergency certificate; extension; payment for services rendered

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B.(1)(a) For the purposes of this Subsection, "examining clinician" means any any physician licensed or permitted by the Louisiana State Board of Medical Examiners, physician assistant when acting in accordance with their respective his clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse
practitioner who acts in accordance with a collaborative practice agreement and receives verbal approval for executing an emergency certificate from his collaborating physician licensed or permitted by the Louisiana State Board of Medical Examiners, or psychologist.

(b) An examining clinician may execute an emergency certificate only after an actual examination of a person alleged to have a mental illness or be suffering from a substance-related or addictive disorder who is determined to be in need of immediate care and treatment in a treatment facility because the examining physician, physician assistant when acting in accordance with their respective clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse practitioner who acts in accordance with a collaborative practice agreement and receives verbal approval for executing the certificate from his collaborating physician, or psychologist an examining clinician determines the person to be dangerous to self or others or to be gravely disabled. The actual examination of the person by a psychiatrist, or psychiatric mental health nurse practitioner, or other nurse practitioner may be conducted by telemedicine utilizing video conferencing technology provided that a licensed healthcare professional who can adequately and accurately assist with obtaining any necessary information including but not limited to the information listed in Paragraph (4) of this Subsection shall be in the examination room with the patient at the time of the video conference. A patient examined in such a manner shall be medically cleared prior to admission to a mental health treatment facility. Failure to conduct an examination prior to the execution of the certificate will be evidence of gross negligence.

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Section 2. R.S. 37:913(3)(a)(vii) through (ix), (b), and (c), 930(E) and (F), and 933 are hereby amended and reenacted and R.S. 37:936 and 937 are hereby enacted to read as follows:

§913. Definitions

As used in this Part:

* * *

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(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:

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(vii) Analyzing multiple sources of data and identifying and performing certain acts of medical diagnosis in accordance with the collaborative practice agreement.

(viii) Making decisions in solving patient care problems and selecting treatment regimens in collaboration with a licensed physician, dentist, or other health care provider as indicated.

(ix) Consulting with or referring patients to licensed physicians, dentists, and other health care providers in accordance with a collaborative practice agreement.

(b) Advanced practice registered nursing may include certain acts of medical diagnosis, in accordance with R.S. 37:913(8) and (9), or medical prescriptions of therapeutic or corrective nature, prescribing assessment studies, legend and certain controlled drugs, therapeutic regimens, medical devices and appliances, receiving and distributing a therapeutic regimen of prepackaged drugs prepared and labeled by a licensed pharmacist, and free samples supplied by a drug manufacturer, and distributing drugs for administration to and use by other individuals within the scope of practice as defined by the board and in accordance with this Paragraph and R.S. 37:936.

(c) Advanced practice registered nursing may include the provision of medication-assisted treatment (MAT), as authorized by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services

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Administration and in accordance with rules promulgated by the board. At a minimum, rules promulgated by the board shall include a requirement that in order for the APRN to provide MAT, his collaborating physician shall also be authorized and in compliance with all federal and state laws and rules authorizing the provision of MAT. For purposes of this Subparagraph, "MAT" means the use of medications with counseling and behavioral therapies to treat substance use disorders and prevent opioid overdose.

§930. Anesthetics; authority to administer; penalty

E. Nothing in this Section shall prohibit the administration of a digital block or a pudendal block by an advanced practice registered nurse who has been trained to administer such procedure in accordance with a collaborative practice agreement.

F. Notwithstanding any law to the contrary, a certified registered nurse anesthetist shall not be required to have a collaborative practice agreement or prescriptive authority to provide anesthesia care, including the administration of medications, anesthetics, and ancillary services necessary for the delivery of care within his scope of practice under the direction and supervision of a physician or dentist who is licensed to practice under the laws of this state.

§933. Distributing medications in public health clinics

Nothing in this Part shall prohibit a registered nurse who is properly licensed and recognized by the board as a nurse practitioner, nurse midwife, or clinical nurse specialist, and who is employed by a municipal, parochial, or state-operated or contracted public health clinic, from inserting into the subcutaneous space a medication implant or distributing a therapeutic regime of medication, to be consumed by a patient off premises, to treat sexually transmitted diseases or to prevent pregnancy, provided such insertion or distribution is performed only under a protocol approved by a physician licensed to practice medicine by the Louisiana...
State Board of Medical Examiners. The distribution of the medication shall be accomplished under procedures developed by the director of pharmacy of the office of public health and approved by the Louisiana Board of Pharmacy.

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§936. Advanced practice registered nurses; prescribing, ordering, and furnishing authority

A. The board shall grant prescribing authority through the advanced practice registered nurse license.

B. The prescribing authority granted in accordance with this Section shall include the authority of the advanced practice registered nurse to do all of the following:
   (1) Diagnose, prescribe, and institute therapy or referrals of patients to healthcare agencies or other healthcare providers and to community resources.
   (2) Prescribe and administer pharmacological agents, including over-the-counter medications, legend drugs, and controlled substances, within his scope of practice.
   (3) Plan and initiate a therapeutic regimen that includes ordering and prescribing non-pharmacological interventions including but not limited to durable medical equipment, medical devices, nutrition, blood and blood products, and diagnostic and supportive services including but not limited to home health care, hospice, and physical and occupational therapy.

§937. Advanced practice registered nurses; signature authority

If a provision of law or administrative rule requires a signature, certification, stamp, verification, affidavit, or endorsement by a physician, the requirement may be fulfilled by an advanced practice registered nurse practicing within his scope of practice in accordance with the provisions of this Part.

Section 3. R.S. 28:51.1(A)(3)(c) and R.S. 37:913(7) through (9) are hereby repealed in their entirety.
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 495 Engrossed 2021 Regular Session Ivey

Abstract: Allows full practice authority for advanced practice registered nurses through the repeal of collaborative practice agreement requirements.

Proposed law repeals from present law relative to the practice of nursing the defined terms "collaborative practice" and "collaborative practice agreement" and their corresponding definitions. Additionally, repeals occurrences of these terms in present law relative to behavioral health.

Present law defines "advanced practice registered nursing", in part, to include the following:

(1) Analyzing multiple sources of data and identifying and performing certain acts of medical diagnosis in accordance with the collaborative practice agreement.

(2) Making decisions in solving patient care problems and selecting treatment regimens in collaboration with a licensed physician, dentist, or other healthcare provider as indicated.

(3) Consulting with or referring patients to licensed physicians, dentists, and other healthcare providers in accordance with a collaborative practice agreement.

Proposed law deletes from the provisions of present law listed above all references to collaborative practice agreements and collaboration with a licensed physician, dentist, or other healthcare provider. Also deletes from present law references to nurses performing acts of medical diagnosis. Otherwise, retains present law.

Proposed law repeals from present law references to a collaborating physician in provisions relative to advanced practice registered nurses providing certain treatment for substance use disorders and in other laws pertaining to behavioral health.

Proposed law repeals from present law references to collaborative practice agreements in provisions relative to advanced practice registered nurses administering anesthetics.

Proposed law repeals from present law a requirement that advanced practice registered nurses employed by public health clinics perform the following procedures only under a protocol approved by a licensed physician:

(1) Inserting into the subcutaneous space a medication implant to treat sexually transmitted diseases or to prevent pregnancy.

(2) Distributing a therapeutic regimen of medication, to be consumed by a patient off premises, to treat sexually transmitted diseases or to prevent pregnancy.

Proposed law requires the La. State Board of Nursing to grant prescribing authority through the advanced practice registered nurse license. Provides that such prescribing authority shall include the authority of the advanced practice registered nurse to do all of the following:

(1) Diagnose, prescribe, and institute therapy or referrals of patients to healthcare agencies or other healthcare providers and to community resources.
(2) Prescribe and administer pharmacological agents, including over-the-counter medications, legend drugs, and controlled substances, within his scope of practice.

(3) Plan and initiate a therapeutic regimen that includes ordering and prescribing non-pharmacological interventions including but not limited to durable medical equipment, medical devices, nutrition, blood and blood products, and diagnostic and supportive services including but not limited to home health care, hospice, and physical and occupational therapy.

Proposed law provides that if a provision of present law or present administrative rule requires a signature, certification, stamp, verification, affidavit, or endorsement by a physician, the requirement may be fulfilled by an advanced practice registered nurse practicing within his scope of practice in accordance with the provisions of present law and proposed law.

(Amends R.S. 28:2(28), 51.1(A)(3)(a), (b), and (d), and 53(B)(1) and R.S. 37:913(3)(a)(vii)-(ix), (b), and (c), 930(E) and (F), and 933; Adds R.S. 37:936 and 937; Repeals R.S. 28:51.1(A)(3)(c) and R.S. 37:913(7)-(9))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Delete proposed law which would have revised present law to authorize certified registered nurse anesthetists to provide anesthesia care within their scope of practice under the direction and supervision of a physician or dentist who is licensed to practice under the laws of this state.

2. Revise present law to provide that certified registered nurse anesthetists shall not be required to have prescriptive authority to provide anesthesia care within their scope of practice under the direction and supervision of a physician or dentist who is licensed to practice under the laws of this state.