

2022 Regular Session

HOUSE BILL NO. 543

BY REPRESENTATIVE STAGNI

NURSES/REGISTERED: Provides with respect to advanced practice registered nursing

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 R.S. 37:913(17), 936, 937, and Part VI of Chapter 11 of Title 37 of the
4 Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1020.11, relative to
5 collaborative practice agreement requirements; to provide for collaborative practice
6 agreement exemptions; to provide for qualifications for exemption; to provide
7 criteria for a consulting practitioner; to provide for definitions; to require the
8 reporting of certain information; to provide for an effective date; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 37:913(3)(a)(vii) and (ix), (8), and (9)(introductory paragraph) are
12 hereby amended and reenacted and R.S. 37:913(17), 936, 937, and Part VI of Chapter 11 of
13 Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1020.11, are hereby
14 enacted to read as follows:

15 §913. Definitions

16 As used in this Part:

17 * * *

18 (3)(a) "Advanced practice registered nursing" means nursing by a certified
19 registered nurse anesthetist, certified nurse midwife, clinical nurse specialist, or
20 nurse practitioner which is based on knowledge and skills acquired in a basic nursing

1 education program, licensure as a registered nurse, and a minimum of a master's
2 degree with a concentration in the respective advanced practice nursing specialty
3 which includes both didactic and clinical components, advanced knowledge in
4 nursing theory, physical and psychosocial assessment, nursing interventions, and
5 management of health care. Advanced practice registered nursing includes:

6 * * *

7 (vii) Analyzing multiple sources of data and identifying and performing
8 certain acts of ~~medical~~ diagnosis in accordance with ~~the~~ a collaborative practice
9 agreement, unless the advanced practice registered nurse is exempted from the
10 requirement to enter into a collaborative practice agreement by the provisions of R.S.
11 37:1020.11.

12 * * *

13 (ix) Consulting with or referring patients to licensed physicians, dentists, and
14 other ~~health care~~ healthcare providers in accordance with a collaborative practice
15 agreement, unless the advanced practice registered nurse is exempted from the
16 requirement to enter into a collaborative practice agreement by the provisions of R.S.
17 37:1020.11.

18 * * *

19 (8) "Collaborative practice" means the joint management of the health care
20 of a patient by an advanced practice registered nurse who is not exempted from the
21 requirement to enter into a collaborative practice agreement by the provisions of R.S.
22 37:1020.11 and is performing advanced practice registered nursing ~~and~~ with one or
23 more consulting physicians, consulting practitioner, or dentists. Except as otherwise
24 provided in R.S. 37:930 and 1020.11, acts of ~~medical~~ diagnosis and prescription by
25 an advanced practice registered nurse shall be in accordance with a collaborative
26 practice agreement.

27 (9) "Collaborative practice agreement" means a formal written statement
28 addressing the parameters of ~~the~~ a collaborative practice which are mutually agreed
29 upon by ~~the~~ an advanced practice registered nurse who is not exempted from the

1 requirement to enter into a collaborative practice agreement by the provisions of R.S.
2 37:1020.11 and one or more licensed physicians, consulting practitioner, or dentists,
3 ~~which~~ A collaborative practice agreement shall include but not be limited to the
4 following provisions:

5 * * *

6 (17) "Consulting practitioner" means any qualified practitioner who has
7 satisfied all of the following requirements:

- 8 (i) Completed the required number of collaborative practice hours.
- 9 (ii) Practiced as an advanced practice registered nurse for a minimum of five
10 years in the same specialty as the person he is collaborating with.
- 11 (iii) Worked in a clinical healthcare field for a minimum of ten years.
- 12 (iv) Approved by the board as defined in R.S. 37:1020.11(A).

13 * * *

14 §936. Advanced practice registered nurses; signature authority

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

19 §937. Consulting practitioner; criteria

20 A. Any certified practitioner, certified nurse midwife, or clinical nurse
21 specialist who has completed ten thousand hours of collaborative practice shall be
22 considered a consulting practitioner if he meets the necessary criteria as defined in
23 R.S. 37:913(17).

24 B. The board shall adopt rules necessary to effectuate the purpose of this
25 Chapter relating to consulting practitioners in accordance with the provisions of R.S.
26 37:913(17).

27 * * *

28 PART VI. COLLABORATIVE PRACTICE AGREEMENTS

29 §1020.11. Collaborative practice agreements; exemptions

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

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

5 (1) Currently holds unencumbered, unrestricted, and valid registered nurse
6 licenses in this state and advanced practice registered nurse licenses in this state and
7 is not subject to disciplinary proceedings for any of the grounds provided in R.S.
8 37:921.

9 (2) Has experience as recognized by the board to be no less than two
10 thousand eighty hours in collaborative practice.

11 (3) Has successfully completed academic coursework in advanced physical
12 assessment and diagnostic reasoning, advanced pharmacology, and advanced
13 pathophysiology.

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

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

23 (3)(a) The board shall issue each nurse practitioner, clinical nurse specialist,
24 and certified nurse midwife it considers to be qualified for the exemption provided
25 for in this Section a certificate that bears all of the following:

26 (i) The name of the applicant.

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

28 (iii) A statement of reliance verifying the exemptions.

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

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

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

8 E. The board shall promulgate all rules in accordance with the
9 Administrative Procedure Act as necessary to implement the provisions of this Part.

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

17 Section 2. This Act shall become effective on January 1, 2023; if vetoed by the
18 governor and subsequently approved by the legislature, this Act shall become effective
19 on January 1, 2023, or on the day following such approval by the legislature, whichever
20 is later.

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 543 Original

2022 Regular Session

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Abstract: Defines and identifies criteria for a consulting practitioner and provides exemptions to the collaborative practice requirements for nurse practitioners and the requirements to qualify for such exemptions.

Present law defines advanced practice registered nurse, which includes performing acts under a collaborative practice agreement.

Proposed law amends the advanced practice registered nurse definition and provides for exemptions to the collaborative practice agreement requirement.

Proposed law defines "consulting practitioner" and identifies the necessary criteria to be considered a consulting practitioner.

Proposed law, relative to collaborative practice agreements, requires the board of nursing to promulgate rules regarding collaborative practice agreement exemptions.

Proposed law provides information detailing how collaborative practice agreement exemptions shall be permitted, including the minimum qualifications for exemption from the collaborative practice agreement requirements.

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.

Proposed law requires the board to submit a report providing a status update and review of implementation.

Proposed law authorizes the board to have oversight and act as the final authority in determining whether a nurse practitioner, clinical nurse specialist, or certified nurse midwife has met certain qualifications.

Effective January 1, 2023.

(Amends R.S. 37:913(3)(a)(vii) and (ix), (8), and (9)(intro. para.); Adds R.S. 37:913(17), 936, 937, and 1020.11)