

2021 Regular Session

HOUSE BILL NO. 495

BY REPRESENTATIVES IVEY, SCHEXNAYDER, DUSTIN MILLER, ROMERO,
STAGNI, AND TURNER AND SENATOR 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

1 AN ACT

2 To amend and reenact R.S. 28:2(28), 51.1(A)(3)(a), (b), and (d), and 53(B)(1) and R.S.

3 37:913(3)(a)(vii) through (ix), (b), and (c), 930(E) and (F), and 933, to enact R.S.

4 37:936 and 937, and to repeal R.S. 28:51.1(A)(3)(c) and R.S. 37:913(7) through (9),

5 relative to advanced practice registered nursing; to repeal collaborative practice

6 agreement requirements for advanced practice registered nurses; to authorize

7 advanced practice registered nurses to prescribe, order, furnish, and otherwise

8 provide medications, therapies, referrals, and other healthcare items and services; to

9 provide relative to the authority of advanced practice registered nurses to distribute

10 certain medications in public health clinics; to authorize advanced practice registered

11 nurses to furnish signatures and other types of endorsements required of physicians

12 in certain instances; to provide relative to staff membership of psychiatric mental

13 health nurse practitioners at behavioral health treatment facilities; to provide relative

14 to admission of persons to treatment facilities by emergency certificate; to require

15 that psychiatric mental health nurse practitioners who issue such certificates possess

16 certain qualifications; to provide for definitions; and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

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

3 §2. Definitions

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

6 * * *

7 (28) "Psychiatric mental health nurse practitioner" means an advanced
8 practice registered nurse licensed to practice as a nurse practitioner or clinical nurse
9 specialist by the Louisiana State Board of Nursing, in accordance with the provisions
10 of R.S. 37:911 et seq., who focuses clinical practice on individuals, families, or
11 populations across the life span at risk for developing or having a diagnosis of
12 psychiatric disorders, mental health problems, or both. A psychiatric mental health
13 nurse practitioner means a specialist who provides primary mental health care to
14 patients seeking mental health services in a wide range of settings. Primary mental
15 health care provided by a psychiatric mental health nurse practitioner involves the
16 continuous and comprehensive services necessary for the promotion of optimal
17 mental health, prevention and treatment of psychiatric disorders, and health
18 maintenance. Such primary health care includes the assessment, diagnosis, and
19 management of mental health problems and psychiatric disorders. A psychiatric
20 mental health nurse practitioner means a provider of direct mental health care
21 services who synthesizes theoretical, scientific, and clinical knowledge for the
22 assessment and management of both health and illness states and who is licensed to
23 practice as a nurse practitioner in Louisiana; in accordance with R.S. 37:911; et seq.
24 For purposes of this Chapter, a psychiatric mental health nurse practitioner shall have
25 at least two years training, primary experience, or both, in diagnosis and treatment
26 of mental illness. For purposes of this Chapter, a psychiatric mental health nurse
27 practitioner shall also have authority from the Louisiana State Board of Nursing to
28 prescribe legend and certain controlled drugs, ~~in accordance with the provisions of~~
29 ~~R.S. 37:913(3)(b), (8), and (9).~~

30 * * *

1 §51.1. Treatment facility; staff membership and institutional privileges; certain
2 healthcare providers

3 A.

4 * * *

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

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

11 (b) The applicant psychiatric mental health nurse practitioner ~~shall have a~~
12 ~~valid, current and unrestricted advanced practice registered nurse license, as a nurse~~
13 ~~practitioner or clinical nurse specialist, issued by the Louisiana State Board of~~
14 ~~Nursing, and have~~ has been granted ~~limited~~ prescriptive authority pursuant to LAC
15 ~~46:XLV.4513~~ by the Louisiana State Board of Nursing.

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

23 * * *

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

25 * * *

26 B.(1)(a) For the purposes of this Subsection, "examining clinician" means
27 ~~Any~~ any physician licensed or permitted by the Louisiana State Board of Medical
28 Examiners, physician assistant when acting in accordance with ~~their respective~~ his
29 clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse

1 practitioner who ~~acts in accordance with a collaborative practice agreement and~~
2 receives verbal approval for executing ~~the~~ an emergency certificate from ~~his~~
3 ~~collaborating a~~ physician licensed or permitted by the Louisiana State Board of
4 Medical Examiners, or psychologist.

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

24 * * *

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

28 §913. Definitions

29 As used in this Part:

30 * * *

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

9 * * *

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

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

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

18 (b) Advanced practice registered nursing may include certain acts of ~~medical~~
19 ~~diagnosis, in accordance with R.S. 37:913(8) and (9), or medical prescriptions of~~
20 therapeutic or corrective nature, prescribing assessment studies, legend and certain
21 controlled drugs, therapeutic regimens, medical devices and appliances, receiving
22 and distributing a therapeutic regimen of prepackaged drugs prepared and labeled by
23 a licensed pharmacist, and free samples supplied by a drug manufacturer, and
24 distributing drugs for administration to and use by other individuals within the scope
25 of practice as defined by the board and in accordance with this Paragraph and R.S.
26 37:936.

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

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

* * *

9 §930. Anesthetics; authority to administer; penalty

* * *

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

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

* * *

21 §933. Distributing medications in public health clinics

22 Nothing in this Part shall prohibit a registered nurse who is properly licensed
 23 and recognized by the board as a nurse practitioner, nurse midwife, or clinical nurse
 24 specialist, and who is employed by a municipal, parochial, or state-operated or
 25 contracted public health clinic, from inserting into the subcutaneous space a
 26 medication implant or distributing a therapeutic regime of medication, to be
 27 consumed by a patient off premises, to treat sexually transmitted diseases; or to
 28 prevent pregnancy, ~~provided such insertion or distribution is performed only under~~
 29 ~~a protocol approved by a physician licensed to practice medicine by the Louisiana~~

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 495 Original

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))