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HOUSE FLOOR AMENDMENTS

2021 Regular Session

Amendments proposed by Representative LaCombe to Engrossed House Bill No. 495 by Representative Ivey

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "51.1(A)(3)(a), (b), and (d)," and insert in lieu thereof "51.1(A)(3),"

3 AMENDMENT NO. 2

4 On page 1, line 3, after "933" and before "to enact" delete the comma "," and insert in lieu
5 thereof "and"

6 AMENDMENT NO. 3

7 On page 1, delete line 4 in its entirety and insert in lieu thereof "36:259(B)(39) and R.S.
8 37:936 through 938 and 1020.51,"

9 AMENDMENT NO. 4

10 On page 1, line 5, delete "repeal" and insert in lieu thereof "provide relative to"

11 AMENDMENT NO. 5

12 On page 1, at the beginning of line 7, insert "certain"

13 AMENDMENT NO. 6

14 On page 2, at the end of line 26, insert "in accordance with the provisions of R.S.
15 37:913(3)(b), (8), and (9) or R.S. 37:936."

16 AMENDMENT NO. 7

17 On page 3, delete lines 5 through 22 in their entirety and insert in lieu thereof the following:

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

21 (a) The applicant psychiatric mental health nurse practitioner shall have a
22 valid, current, collaborative practice agreement, as defined in R.S. 37:913(9), with
23 a psychiatrist or practice independently as authorized by R.S. 37:936.

24 (b) The applicant psychiatric mental health nurse practitioner shall have a
25 valid, current, and unrestricted advanced practice registered nurse license, as a nurse
26 practitioner or clinical nurse specialist, issued by the Louisiana State Board of
27 Nursing, and have been granted limited prescriptive authority pursuant to LAC
28 46:XLV.4513.

29 (c) The applicant psychiatric mental health nurse practitioner's collaborating
30 physician, if any, shall have staff membership, institutional privileges, or both, at the
31 treatment facility.

32 (d) ~~The~~ Each applicant psychiatric mental health nurse practitioner who does
33 not practice independently as authorized by R.S. 37:936 shall prescribe medications

1 or the use of seclusion or restraint on patients in the treatment facility only in
2 accordance with the collaborative practice agreement and in accordance with the
3 treatment facility's staff membership or privilege granting process and restrictions,
4 if any."

5 AMENDMENT NO. 8

6 On page 4, delete lines 1 through 4 in their entirety and insert in lieu thereof the following:

7 "practitioner who acts in accordance with a collaborative practice agreement and
8 receives verbal approval for executing the certificate from his collaborating
9 physician, or psychologist."

10 AMENDMENT NO. 9

11 On page 4, between lines 24 and 25, insert the following:

12 "Section 2. R.S. 36:259(B)(39) is hereby enacted to read as follows:

13 §259. Transfer of agencies and functions to Louisiana Department of Health

14 * * *

15 B. The following agencies, as defined in R.S. 36:3, are placed within the
16 Louisiana Department of Health and shall perform and exercise their powers, duties,
17 functions, and responsibilities as otherwise provided by law:

18 * * *

19 (39) The Independent Practice Advisory Panel (R.S. 37:1020.51).

20 * * *"

21 AMENDMENT NO. 10

22 On page 4, at the beginning of line 25, change "Section 2." to "Section 3."

23 AMENDMENT NO. 11

24 On page 4, line 26, delete "and 937" and insert in lieu thereof "through 938"

25 AMENDMENT NO. 12

26 On page 5, after line 9, delete the remainder of the page and on page 6 delete lines 1 through
27 7 in their entirety and insert in lieu thereof the following:

28 "(vii) Analyzing multiple sources of data and identifying and performing
29 certain acts of medical diagnosis in accordance with the provisions of a collaborative
30 practice agreement or rules governing independent practice, whichever apply.

31 (viii) Making decisions in solving patient care problems and selecting
32 treatment regimens in ~~collaboration with a licensed physician, dentist, or other health
33 care provider as indicated~~ accordance with the provisions of a collaborative practice
34 agreement or rules governing independent practice, whichever apply.

35 (ix) Consulting with or referring patients to licensed physicians, dentists, and
36 other health care providers in accordance with the provisions of a collaborative
37 practice agreement or rules governing independent practice, whichever apply.

38 (b) Advanced practice registered nursing may include certain acts of medical
39 diagnosis, in accordance with R.S. 37:913(8) and (9), or medical prescriptions of
40 therapeutic or corrective nature, prescribing assessment studies, legend and certain
41 controlled drugs, therapeutic regimens, medical devices and appliances, receiving
42 and distributing a therapeutic regimen of prepackaged drugs prepared and labeled by

1 a licensed pharmacist, and free samples supplied by a drug manufacturer, and
 2 distributing drugs for administration to and use by other individuals within the scope
 3 of practice as defined by the board and in accordance with this Paragraph and R.S.
 4 37:937.

5 (c) Advanced practice registered nursing may include the provision of
 6 medication-assisted treatment (MAT), as authorized by the United States Department
 7 of Health and Human Services, Substance Abuse and Mental Health Services
 8 Administration and in accordance with rules promulgated by the board. At a
 9 minimum, rules promulgated by the board shall include a requirement that in order
 10 for the APRN to provide MAT, his collaborating physician, if any, shall also be
 11 authorized and in compliance with all federal and state laws and rules authorizing the
 12 provision of MAT. For purposes of this Subparagraph, "MAT" means the use of
 13 medications with counseling and behavioral therapies to treat substance use disorders
 14 and prevent opioid overdose."

15 AMENDMENT NO. 13

16 On page 6, delete lines 11 through 19 in their entirety and insert in lieu thereof the following:

17 "E. Nothing in this Section shall prohibit the administration of a digital block
 18 or a pudendal block by an advanced practice registered nurse who practices
 19 independently as authorized by R.S. 37:936 or has been trained to administer such
 20 procedure in accordance with a collaborative practice agreement.

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

27 AMENDMENT NO. 14

28 On page 7, between lines 4 and 5, insert the following:

29 "§936. Transition to practice requirements for certain advanced practice registered
 30 nurses

31 A.(1) To transition to independent practice, a nurse practitioner, certified
 32 nurse midwife, and clinical nurse specialist shall collaborate, as defined in R.S.
 33 37:913(7), for at least six thousand clinical hours, subject to the conditions of
 34 Paragraph (2) of this Subsection, with a licensed physician or be employed by a
 35 clinic that has a medical director who is a licensed physician. Additionally, any
 36 nurse practitioner, certified nurse midwife, or clinical nurse specialist who practices
 37 in any specialty and transitions to independent practice shall do so under the
 38 supervision of a supervising physician who practices in that same specialty.

39 (2) Each nurse practitioner, certified nurse midwife, and clinical nurse
 40 specialist shall submit written evidence to the board upon completion of the clinical
 41 experience required in Paragraph (1) of this Subsection. Hours of clinical experience
 42 gained in another state may count toward the clinical experience requirement
 43 provided in Paragraph (1) of this Subsection, subject to approval by the board.

44 (3)(a) Any nurse practitioner, certified nurse midwife, or clinical nurse
 45 specialist who did not complete four thousand clinical hours as a registered nurse
 46 prior to achieving advanced practice certification shall collaborate for an additional
 47 four thousand hours beyond the minimum hour requirement provided in Paragraph
 48 (1) of this Subsection.

49 (b) Any individual who is subject to the clinical hour requirement of this
 50 Paragraph and does not have the requisite number of clinical hours shall obtain the
 51 balance of the hours needed prior to his graduation, and such hours shall be gained
 52 in collaboration with a licensed physician.

1 (3) Notwithstanding Paragraphs (1) through (3) of this Subsection, a nurse
2 practitioner, certified nurse midwife, or clinical nurse specialist shall hold a current,
3 unencumbered license issued by the board.

4 B. No nurse practitioner, certified nurse midwife, or clinical nurse specialist
5 who has completed the requirements of Subsection A of this Section and practices
6 independently in a specialty may practice independently in a different specialty
7 unless he completes all requirements of Subsection A of this Section again for that
8 different specialty."

9 AMENDMENT NO. 15

10 On page 7, at the beginning of line 5, change "§936." to "§937."

11 AMENDMENT NO. 16

12 On page 7, at the end of line 8, insert "The board shall delineate in rule the prescriptive
13 authority, respectively, of advanced practice registered nurses who choose to work under a
14 collaborative practice agreement and of advanced practice registered nurses who practice
15 independently as authorized by R.S. 37:936."

16 AMENDMENT NO. 17

17 On page 7, at the beginning of line 22, change "§937." to "§938."

18 AMENDMENT NO. 18

19 On page 7, at the end of line 26, insert "The board shall delineate in rule the signature
20 authority, respectively, of advanced practice registered nurses who choose to work under a
21 collaborative practice agreement and of advanced practice registered nurses who practice
22 independently as authorized by R.S. 37:936."

23 AMENDMENT NO. 19

24 On page 7, delete lines 27 and 28 in their entirety and insert in lieu thereof a set of asterisks
25 "* * *" and the following:

26 "§1020.51. Independent Practice Advisory Panel

27 A. There is hereby created within the Louisiana Department of Health the
28 Independent Practice Advisory Panel, referred to hereafter in this Chapter as the
29 "advisory panel".

30 B. The advisory panel shall be composed of the following members:

31 (1) One physician appointed by the Louisiana State Medical Society.

32 (2) One physician appointed by the Louisiana Medical Association.

33 (3) One physician appointed by the Louisiana Academy of Family
34 Physicians.

35 (4) Two advanced practice registered nurses appointed by the Louisiana
36 Association of Nurse Practitioners.

37 (5) One advanced practice registered nurse appointed by the Louisiana
38 Council of Administrators of Nursing Education.

39 (6) The executive director of the Louisiana State Board of Nursing, who
40 shall be a nonvoting member.

41 (7) The executive director of the Louisiana State Board of Medical
42 Examiners, who shall be a nonvoting member.

1 C. At its initial meeting, the advisory panel shall elect from its membership
2 a chairman and such other officers as it deems necessary and shall establish rules of
3 procedure and policies for the administration of its affairs.

4 D. The advisory panel shall meet at least semiannually.

5 E. Four members, at least two of whom are physicians and two of whom are
6 advanced practice registered nurses, shall constitute a quorum of the advisory panel.

7 F. The advisory panel shall have the following duties and responsibilities:

8 (1) Ensure quality of care post discipline action.

9 (2) Make recommendations on education items to reduce recurring
10 violations.

11 (3) Review complaints and concerns regarding advanced practice registered
12 nurses who practice independently and regarding physicians who collaborate with
13 advanced practice registered nurses.

14 (4) Develop advisory or practice opinions of any items brought before the
15 panel.

16 (5) Make recommendations to the Louisiana State Board of Nursing and the
17 Louisiana State Board of Medical Examiners concerning administrative rules to be
18 jointly promulgated by both boards to govern independent practice by advanced
19 practice registered nurses.

20 (6) Other duties as the Louisiana State Board of Medical Examiners and the
21 Louisiana State Board of Nursing, jointly, deem appropriate.

22 Section 4.(A) The Louisiana State Law Institute is hereby directed to redesignate
23 R.S. 37:1021 through 1035 as Chapter 11-B of Title 37 of the Louisiana Revised Statutes
24 of 1950 and is further directed to retain the heading of the Chapter.

25
26 (B) The Louisiana State Law Institute is hereby directed to designate R.S.
27 37:1020.51, as enacted by Section 3 of this Act, as Chapter 11-A of Title 37 of the Louisiana
28 Revised Statutes of 1950 and is further directed to apply to the Chapter the heading
29 "Advanced Practice Registered Nurses - Independent Practice".