

SENATE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 495 by Representative Ivey

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" delete the remainder of the line and delete lines 3 through 18,  
3 delete pages 2 through 11, and on page 12, delete lines 1 and 2 and insert the following:

4 "amend and reenact R.S. 28:2(28), 51.1(A)(3), and 53(B)(1), R.S.  
5 37:913(1)(introductory paragraph), (3), (7), (8), and (9), 921(A), (B), and  
6 (E)(1), and 925(C), and R.S. 40:2109.3(A)(2) and to enact R.S. 37:913(17),  
7 918(22), 936, 937, and 938, relative to advanced practice registered nursing;  
8 to provide for definitions; to provide for psychiatric mental health nurse  
9 practitioners; to provide for the practice of advanced practice registered  
10 nursing; to provide for the powers and duties of the Louisiana Board of  
11 Nursing; to provide for licensure; to provide for transitional status; to provide  
12 for violations; to provide for an advisory subcommittee; to provide for an  
13 effective date; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

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

17 §2. Definitions

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

20 \* \* \*

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

47 \* \* \*

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

3 A.

4 \* \* \*

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

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

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

18 (c) ~~The~~ If the applicant psychiatric mental health nurse practitioner's  
19 ~~collaborating physician practitioner practices pursuant to a mentorship~~  
20 ~~agreement, the mentoring healthcare provider shall have staff membership,~~  
21 ~~institutional privileges, or both, at the treatment facility.~~

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

29 \* \* \*

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

32 \* \* \*

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

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

1 Failure to conduct an examination prior to the execution of the certificate  
2 will be evidence of gross negligence.

3 \* \* \*

4 Section 2. R.S. 37:913(1)(introductory paragraph), (3), (7), (8), and  
5 (9), 921(A), (B), and (E)(1), and 925(C) are hereby amended and reenacted  
6 and R.S. 37:913(17), 918(22), 936, 937, and 938 are hereby enacted to read  
7 as follows:

8 §913. Definitions

9 As used in this Part:

10 (1) "Advanced practice registered nurse" or "APRN" means a  
11 licensed registered nurse ~~who is certified by a nationally recognized~~  
12 ~~certifying body, such as the American Nurses Credentialing Center, as~~  
13 ~~having an advanced nursing specialty, as described in this Part and who~~  
14 meets the criteria for an advanced practice registered nurse as established by  
15 the board. ~~In the absence of the availability of a national certification~~  
16 ~~examination in a selected clinical area, the board may establish~~  
17 ~~commensurate requirements.~~ this Chapter. An advanced practice registered  
18 nurse shall include, but not be limited to, the following:

19 \* \* \*

20 (3)(a) "Advanced practice registered nursing" means nursing by a  
21 certified registered nurse anesthetist, certified nurse midwife, clinical nurse  
22 specialist, or nurse practitioner which is based on knowledge and skills  
23 acquired in a basic nursing education program, licensure as a registered  
24 nurse, and a minimum of a master's degree with a concentration in the  
25 respective advanced practice nursing specialty which includes both didactic  
26 and clinical components, advanced knowledge in nursing theory, physical  
27 and psychosocial assessment, nursing interventions, and management of  
28 health care. Advanced practice registered nursing includes:

29 (i) Assessing patients, analyzing and synthesizing data, and  
30 knowledge of and applying nursing principles at an advanced level.

31 (ii) Providing guidance and teaching.

32 (iii) Working with patients and families in meeting health care needs.

33 (iv) Collaborating or consulting with other health care providers.

34 (v) Managing patients' physical and psychosocial health-illness status  
35 with regard to nursing care.

36 (vi) Utilizing research skills.

37 (vii) Analyzing multiple sources of data and identifying and  
38 performing certain acts of medical diagnosis, as appropriate to the advanced  
39 practice registered nurse's scope of practice. ~~in accordance with the~~  
40 ~~collaborative practice agreement.~~

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

44 (ix) Consulting with or referring patients to licensed physicians,  
45 dentists, and other health care providers in accordance with ~~a collaborative~~  
46 practice agreement the advanced practice registered nurse's collaborative  
47 practice protocols.

48 (b) Advanced practice registered nursing may include certain acts of  
49 medical diagnosis, in accordance with ~~R.S. 37:913(8) and (9)~~ the advanced  
50 practice registered nurse's collaborative practice protocols, or medical  
51 prescriptions of therapeutic or corrective nature, prescribing assessment  
52 studies, legend and certain controlled drugs, therapeutic regimens, medical  
53 devices and appliances, receiving and distributing a therapeutic regimen of  
54 prepackaged drugs prepared and labeled by a licensed pharmacist, and free  
55 samples supplied by a drug manufacturer, and distributing drugs for  
56 administration to and use by other individuals within the scope of practice as  
57 defined by the board ~~and in accordance with this Paragraph.~~

58 (c) Advanced practice registered nursing may include the provision  
59 of medication-assisted treatment (MAT), as authorized by the United States

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

10 \* \* \*

11 (7) "Collaboration" means a cooperative working professional  
12 relationship with between an advanced practice registered nurse and licensed  
13 physicians, dentists, or other health care providers, to jointly contribute to  
14 providing patient care and may include but not be limited to discussion of a  
15 patient's diagnosis and cooperation in the management and delivery of health  
16 care with each provider performing those activities that he is legally  
17 authorized to perform.

18 (8) "Collaborative practice" means the joint management of the health  
19 care of a patient by an advanced practice registered nurse performing  
20 advanced practice registered nursing and one or more consulting physicians,  
21 or dentists through consultation or collaboration with a physician, dentist, or  
22 other healthcare provider and referral to a physician, dentist, or other  
23 healthcare provider when appropriate. Except as otherwise provided in R.S.  
24 37:930, acts of medical diagnosis and prescription by an advanced practice  
25 registered nurse shall be in accordance with a collaborative practice  
26 agreement.

27 (9) "Collaborative practice agreement protocols" means a formal  
28 written statement addressing the parameters of the collaborative practice  
29 which are mutually agreed upon by the advanced practice registered nurse  
30 and one or more licensed physicians or dentists an advanced practice  
31 registered nurse's operating procedures which shall include but not be limited  
32 to the following provisions:

33 (a) Availability of the Protocols for collaborating with a physician,  
34 or dentist, or other health care provider for consultation or referral, or both.

35 (b) Methods of management of the collaborative practice advanced  
36 practice registered nurse's standard operating procedures and emergency  
37 procedures which shall include clinical practice guidelines.

38 (c) Coverage of the health care needs of a patient during any absence  
39 of the advanced practice registered nurse, physician, or dentist.

40 \* \* \*

41 (17) "Mentorship agreement" means a formal written statement  
42 addressing the parameters of a preceptorship which are mutually agreed upon  
43 by an advanced practice registered nurse with a transitional status and one or  
44 more licensed physicians, dentists, or advanced practice registered nurses,  
45 who are in good standing with their respective licensing board. The  
46 mentorship agreement shall include but not be limited to the following  
47 provisions:

48 (a) Availability of the mentoring health care provider for consultation  
49 or referral, or both.

50 (b) Methods of management of the mentorship which shall include  
51 clinical practice guidelines.

52 (c) Coverage of the healthcare needs of a patient during any absence  
53 of the advanced practice registered nurse with transitional status.

54 \* \* \*

55 §918. Duties and powers of the board

56 The board shall:

57 \* \* \*

58 (22) Have the authority to conduct unannounced inspections of  
59 current licensees at sufficient intervals to determine compliance with state  
60 and federal requirements or as considered necessary. The inspection may

1 include random audits of the licensee's records, including but not limited to  
2 the advanced practice registered nurse's collaborative practice protocols.

3 \* \* \*

4 §920. ~~Licensure; Registered nurses; licensure; qualifications; examination;~~  
5 ~~renewal; temporary permits~~

6 A.~~(1)~~ The board shall issue a license to each applicant who applies for  
7 licensure as a registered nurse ~~or an advanced practice registered nurse~~ who  
8 files an application upon a form and in such manner as the board prescribes,  
9 accompanied by such fee as required in R.S. 37:927, and who furnishes  
10 evidence to the board that he:

- 11 (a) Is of good moral character.
- 12 (b) Has completed the requirements of a nursing education program
- 13 approved by the board which prepares him for initial licensure as a registered
- 14 nurse.
- 15 (c) Passes an examination to the satisfaction of the board.
- 16 (d) Has completed certain course work as required by the board.
- 17 (e) Is not in violation of this Part and the rules and regulations.
- 18 (f) Has committed no acts or omissions which constitute grounds for
- 19 disciplinary action as defined in R.S. 37:921, or if found guilty of committing
- 20 such acts or omissions, the board finds, after investigation, that sufficient
- 21 restitution, rehabilitation, and education have occurred.
- 22 (g) Is proficient in the English language if he graduated from a
- 23 nursing education program offered in a foreign country.

24 ~~(2) Any individual applying for licensure as an advanced practice~~  
25 ~~registered nurse shall submit proof that he holds a current, unencumbered,~~  
26 ~~unrestricted registered nurse license, has satisfactorily completed a formal~~  
27 ~~education program preparing graduates to practice specialized and advanced~~  
28 ~~nursing practice, and holds a current certification for advanced practice~~  
29 ~~granted by a nationally recognized certifying agency whose certification~~  
30 ~~program is approved by the board, or in the absence of the availability of~~  
31 ~~such certification, has met commensurate requirements as may be established~~  
32 ~~by the board. After January 1, 1996, the applicant must show evidence of~~  
33 ~~completion of a minimum of a master's degree with a concentration in the~~  
34 ~~respective advanced practice nursing specialty, except for those applicants~~  
35 ~~who provide documentation that the applicant completed or enrolled in a~~  
36 ~~formalized post-basic education program preparing individuals in the~~  
37 ~~advanced practice nursing specialty as approved by the board prior to~~  
38 ~~December 31, 1995. Those applicants submitting enrollment in a formalized~~  
39 ~~post-basic education program preparing individuals in the advanced practice~~  
40 ~~nursing specialty prior to December 31, 1995, must maintain continuous~~  
41 ~~enrollment prior to December 31, 1995, through completion.~~

42 B.(1) The board may by endorsement issue a license to practice as a  
43 registered nurse ~~or an advanced practice registered nurse~~ to any applicant  
44 who is duly licensed as a registered nurse under the laws of another state,  
45 territory, or country, who files an application upon a form and in ~~such~~ the  
46 manner as the board prescribes, accompanied by the fees required in R.S.  
47 37:927, meets the requirements of Subparagraphs (A)(1)(a), (b), (d), (e), (f),  
48 and (g) of this Section and who furnishes satisfactory evidence to the board  
49 that he:

- 50 (a) Had passed an examination for licensure and met, upon
- 51 graduation, all other qualifications for licensure as a registered nurse in this
- 52 state at the time he was initially licensed as a registered nurse.
- 53 (b) Holds a current license issued directly from the jurisdiction of his
- 54 last employment.
- 55 (c) Meets other criteria established by the board.

56 ~~(2) The board may by endorsement issue a license to practice as an~~  
57 ~~advanced practice registered nurse if the applicant has practiced as an~~  
58 ~~advanced practice registered nurse under the laws of another state and, in the~~  
59 ~~opinion of the board, has met the requirements of Paragraph (A)(2) of this~~  
60 ~~Section.~~



1 submitting a written request to the board, be granted inactive status. No  
 2 payment of an annual licensing fee shall be required by any individual who  
 3 has been granted inactive status. The individual may be granted active status  
 4 by submitting an application form, paying the appropriate fee established by  
 5 the board, and meeting all other requirements of the board.

6 (3) Any individual who is no longer engaged in the practice of  
 7 nursing may be granted a license with a retired status upon filing an  
 8 application requesting retired status and paying the fee established by the  
 9 board.

10 (4) Any individual whose license has lapsed by failing to renew the  
 11 license may have his license reinstated by submitting an application, paying  
 12 the appropriate fee established by the board, and meeting any other  
 13 requirements of the board.

14 D. The board may issue temporary permits pursuant to rules and  
 15 regulations adopted and promulgated by the board in accordance with the  
 16 Administrative Procedure Act.

17 E. Upon findings of sufficient evidence that the public health and  
 18 safety are at risk, the board may require licensees and applicants for licensure  
 19 to submit to a physical or mental examination by a health care provider  
 20 designated by the board who is licensed to perform such examination. The  
 21 licensee or applicant may request a second health care provider to perform  
 22 an independent medical examination. Refusal of or failure by the licensees  
 23 or applicant to submit to such examination and to sign for release the  
 24 findings of such examination to the board shall constitute evidence of any  
 25 allegations related to such conditions.

26 §937. Advanced practice registered nursing; transitional practice;  
 27 prescriptive authority

28 A.(1) An advanced practice registered nurse who has not completed  
 29 a minimum of four thousand hours of patient contact experience as an  
 30 advanced practice registered nurse shall receive from the board a license with  
 31 a transitional status endorsement to practice pursuant to a mentorship  
 32 agreement.

33 (2) An advanced practice registered nurse who applies for an initial  
 34 or renewal transitional status license shall submit all of the following to the  
 35 board:

36 (a) Proof that the advanced practice registered nurse has entered into  
 37 a mentorship agreement with a health care provider as specified by the rules  
 38 and regulations of the board.

39 (b) An attestation that the advanced practice registered nurse will  
 40 practice in accordance with the standards of the Louisiana State Board of  
 41 Nursing and the appropriate national professional nursing organization from  
 42 which he has received certification.

43 (c) An attestation that the advanced practice registered nurse has  
 44 collaborative practice protocols for consultation, collaboration, and referral  
 45 when appropriate pursuant to a mentorship agreement.

46 (d) Proof that the advanced practice registered nurse maintains or is  
 47 otherwise covered by medical malpractice liability coverage in an amount to  
 48 be determined by the board, but not less than five hundred thousand dollars  
 49 per claim with an aggregate liability for all claims during the year of one  
 50 million five hundred thousand dollars, or proof of participation in the  
 51 Patient's Compensation Fund.

52 (e) Any other requirements as promulgated by the board.

53 (3) An advanced practice registered nurse who receives from the  
 54 board a transitional status endorsement shall be granted provisional  
 55 prescriptive authority as determined by the rules and regulations of the board.

56 B. An advanced practice registered nurse who has completed a  
 57 minimum of four thousand hours of patient contact experience as an  
 58 advanced practice registered nurse shall apply for an initial or renewal  
 59 license by submitting all of the following to the board:

1           (1) Proof that the advanced practice registered nurse has completed  
2 a minimum of four thousand hours of patient contact experience as an  
3 advanced practice registered nurse in a form required by the board's rules and  
4 regulations.

5           (2) An attestation that the advanced practice registered nurse will  
6 practice in accordance with the standards of practice and scope of practice  
7 established by the Louisiana State Board of Nursing and the appropriate  
8 national professional nursing organization from which he has received  
9 certification.

10          (3) An attestation that the advanced practice registered nurse has  
11 collaborative practice protocols for consultation, collaboration, and referral  
12 when appropriate.

13          (4) Proof that the advanced practice registered nurse maintains or is  
14 otherwise covered by medical malpractice liability coverage in an amount to  
15 be determined by the board, but not less than five hundred thousand dollars  
16 per claim with an aggregate liability for all claims during the year of one  
17 million five hundred thousand dollars, or proof of participation in the  
18 Patient's Compensation Fund.

19          (5) Any other requirements as promulgated by the board.

20          C. An advanced practice registered nurse shall diagnosis and  
21 prescribe only in accordance with the standards of practice and scope of  
22 practice established by the Louisiana State Board of Nursing and the  
23 appropriate national professional nursing organization from which he has  
24 received certification. The authority to prescribe shall also include the  
25 provision of medication-assisted treatment (MAT), as authorized by the  
26 United States Department of Health and Human Services, Substance Abuse  
27 and Mental Health Services Administration and in accordance with rules  
28 promulgated by the board. For purposes of this Subsection,  
29 medication-assisted treatment means the use of medications with counseling  
30 and behavioral therapies to treat substance use disorders and prevent opioid  
31 overdose.

32          D. The board may provide, by rule, for a patient contact experience  
33 requirement greater than the minimum four thousand hours when considered  
34 necessary.

35          E. The board may promulgate all rules and regulations, in accordance  
36 with the Administrative Procedure Act, necessary to implement the  
37 provisions of this Section.

38 §938. Advanced practice registered nursing advisory subcommittee

39          A. An advanced practice registered nursing advisory subcommittee  
40 is hereby established and shall be composed of three members of the  
41 Louisiana State Board of Nursing, appointed by the board's president, and  
42 three members of the Louisiana State Board of Medical Examiners,  
43 appointed by the board's president.

44          B. The advisory subcommittee shall meet at least once annually and  
45 shall alternate hosting sites between the Louisiana State Board of Nursing  
46 and the Louisiana State Board of Medical Examiners. The president of the  
47 board hosting the subcommittee shall designate a member to act as chairman.

48          C. The purpose of the advisory subcommittee shall be solely to  
49 conduct a joint regulatory body review of the state laws relative to advanced  
50 practice registered nursing and to facilitate a discussion on proposed  
51 revisions to the law.

52          D. No later than thirty days after a meeting, the chairman of the  
53 advisory subcommittee shall submit a written report of recommendations to  
54 the Louisiana State Board of Nursing, the Louisiana State Board of Medical  
55 Examiners, and the House and Senate committees on health and welfare.

56          E. Meetings of the advisory subcommittee shall be subject to the  
57 Open Meetings Law.

58 Section 3. R.S. 40:2109.3(A)(2) is hereby amended to read as follows:  
59



1 §2109.3. Pediatric advanced life support training for nurses  
2 A. As used in this Section, the following definitions shall apply  
3 unless the content clearly states otherwise:

4 \* \* \*

5 (2) "Registered nurse" means any person licensed ~~under~~ pursuant to  
6 R.S. 37:920 or 936 to engage in the practice of nursing.

7 \* \* \*

8 Section 4. This Act shall become effective on January 1, 2022."