AMENDMENT NO. 1

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

"amend and reenact R.S. 28:2(28), 51.1(A)(3), and 53(B)(1), R.S. 37:913(1)(introductory paragraph), (3), (7), (8), and (9), 921(A), (B), and (E)(1), 925(C), and 930(E) and (F) and R.S. 40:2109.3(A)(2) and to enact R.S. 37:913(17), 918(22), 936, 937, and 938, relative to advanced practice registered nursing; to provide for definitions; to provide for psychiatric mental health nurse practitioners; to provide for the practice of advanced practice registered nursing; to provide for the powers and duties of the Louisiana Board of Nursing; to provide for licensure; to provide for transitional status; to provide for violations; to provide for an advisory subcommittee; to provide for an effective date; 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), and 53(B)(1) are hereby amended and reenacted to read as follows:

§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 mental 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) in accordance with the rules and regulations promulgated by the board.
§51.1.  Treatment facility; staff membership and institutional privileges; certain healthcare providers

A.  

(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.

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

(d) The applicant psychiatric mental health nurse practitioner shall prescribe medications or 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.

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

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 the certificate from his collaborating a 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, 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.

Section 2. R.S. 37:913(1)(introductory paragraph), (3), (7), (8), and (9), 921(A), (B), and (E)(1), 925(C), and 930(E) and (F) are hereby amended and reenacted and R.S. 37:913(17), 918(22), 936, 937, and 938 are hereby enacted to read as follows:

§913. Definitions

As used in this Part:

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

(i) Assessing patients, analyzing and synthesizing data, and knowledge of and applying nursing principles at an advanced level.
(ii) Providing guidance and teaching.
(iii) Working with patients and families in meeting health care needs.
(iv) Collaborating or consulting with other health care providers.
(v) Managing patients' physical and psychosocial health-illness status with regard to nursing care.

(vi) Utilizing research skills.

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

(viii) Making decisions in solving patient care problems and selecting treatment regimens in collaboration or consultation 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 the advanced practice registered nurse's collaborative practice protocols.

(b) Advanced practice registered nursing may include certain acts of medical diagnosis, in accordance with R.S. 37:913(8) and (9) the advanced practice registered nurse's collaborative practice protocols, 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.

(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 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.

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

(8) "Collaborative practice" means the joint management of the health care of a patient by an advanced practice registered nurse performing advanced practice registered nursing and one or more consulting physicians, or dentists through consultation or collaboration with a physician, dentist, or other healthcare provider and referral to a physician, dentist, or other healthcare provider when appropriate. Except as otherwise provided in R.S. 33:290, acts of medical diagnosis and prescription by an advanced practice registered nurse shall be in accordance with a collaborative practice agreement.

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

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

(b) Methods of management of the collaborative practice which shall include clinical practice guidelines.

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

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

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

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

(c) Coverage of the healthcare needs of a patient during any absence of the advanced practice registered nurse with transitional status.
include random audits of the licensee’s records, including but not limited to the advanced practice registered nurse’s collaborative practice protocols.

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

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

(a) Is of good moral character.
(b) Has completed the requirements of a nursing education program approved by the board which prepares him for initial licensure as a registered nurse.

c) Passes an examination to the satisfaction of the board.
(d) Has completed certain course work as required by the board.
(e) Is not in violation of this Part and the rules and regulations.
(f) Has committed no acts or omissions which constitute grounds for disciplinary action as defined in R.S. 37:921, or if found guilty of committing such acts or omissions, the board finds, after investigation, that sufficient restitution, rehabilitation, and education have occurred.
(g) Is proficient in the English language if he graduated from a nursing education program offered in a foreign country.

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

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

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

(2) The board may by endorsement issue a license to practice as an advanced practice registered nurse if the applicant has practiced as an advanced practice registered nurse under the laws of another state and, in the opinion of the board, has met the requirements of Paragraph (A)(2) of this Section.
(2) The board may conduct licensure by endorsement only in accordance with the provisions of this Subsection.

E.(1) The board shall renew the license of each individual licensed under this Part pursuant to this Section on a schedule to be determined by the board. Each licensee shall submit an application, pay the appropriate renewal fee established by the board, and meet such other requirements of the board prior to the expiration of his license.

§925. Violations; penalty

C. If a person licensed to practice as a registered nurse or advanced practice registered nurse is found guilty of violating any provision of the this Part, the board may suspend, probate, limit, or otherwise restrict, or revoke the license of such person. The board may require an advanced practice registered nurse who is found guilty of violating any provision of this Part to practice pursuant to a mentorship agreement for a duration determined by the board.

§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 the procedure in accordance with a collaborative practice agreement.

F. Notwithstanding any laws 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 the state of Louisiana this state.

§936. Advanced practice registered nurses; licensure; qualifications; renewal; temporary permits

A. The board shall issue a license to each applicant who applies for licensure as an advanced practice registered nurse who files an application in the manner prescribed by the board, accompanied by the fee required in R.S. 37:927, and who furnishes evidence to the board that he meets all of the following qualifications:

(a) Is of good moral character.

(b) Holds a current, unencumbered, unrestricted registered nurse license.

(c) Has satisfactorily completed a formal education program preparing graduates to practice specialized and advanced nursing practice and earned a minimum of a master's degree with a concentration in the respective advanced practice nursing specialty.

(d) Holds a current certification for advanced practice granted by a nationally recognized certifying agency whose certification program is approved by the board, or in the absence of the availability of such certification, has met commensurate requirements as may be established by the board.

(e) Is not in violation of this Part and the rules and regulations of the board.

(f) Has committed no acts or omissions which constitute grounds for disciplinary action as defined in R.S. 37:921, or if found guilty of committing such acts or omissions, the board finds, after investigation, that sufficient restitution, rehabilitation, and education have occurred.
(g) Is proficient in the English language if he graduated from a nursing education program offered in a foreign country.

B. The board may by endorsement issue a license to practice as an advanced practice registered nurse if the applicant has practiced as an advanced practice registered nurse under the laws of another state and, in the opinion of the board, has met the requirements of Subsection A of this Section. The board shall conduct licensure by endorsement only in accordance with the provisions of this Subsection.

C.(1) The board shall renew the license of each individual licensed pursuant to this Section on a schedule to be determined by the board. Each licensee shall submit an application, pay the appropriate renewal fee established by the board, and meet any other requirements of the board prior to the expiration of his license.

(2) Any individual licensed by this Section who is no longer practicing as an advanced practice registered nurse in this state may, by submitting a written request to the board, be granted inactive status. No payment of an annual licensing fee shall be required by any individual who has been granted inactive status. The individual may be granted active status by submitting an application form, paying the appropriate fee established by the board, and meeting all other requirements of the board.

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

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

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

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

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

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

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

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

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

(c) An attestation that the advanced practice registered nurse has collaborative practice protocols for consultation, collaboration, and referral when appropriate pursuant to a mentorship agreement.
(d) Proof that the advanced practice registered nurse maintains or is otherwise covered by medical malpractice liability coverage in an amount to be determined by the board, but not less than five hundred thousand dollars per claim with an aggregate liability for all claims during the year of one million five hundred thousand dollars, or proof of participation in the Patient's Compensation Fund.

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

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

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

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

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

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

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

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

C. An advanced practice registered nurse shall diagnosis and prescribe only in accordance with the standards of practice and scope of practice established by the Louisiana State Board of Nursing and the appropriate national professional nursing organization from which he has received certification. The authority to prescribe shall also 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 Administration and in accordance with rules promulgated by the board. For purposes of this Subsection, medication-assisted treatment means the use of medications with counseling and behavioral therapies to treat substance use disorders and prevent opioid overdose.

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

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

§938. Advanced practice registered nursing advisory subcommittee

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

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

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

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

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

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

§2109.3. Pediatric advanced life support training for nurses

A. As used in this Section, the following definitions shall apply unless the content clearly states otherwise:

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

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