

Regular Session, 2013

SENATE BILL NO. 192

BY SENATOR ERDEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

NURSES. Provides for nurse practitioners and licensure by the Louisiana State Board of Medical Examiners. (1/1/14) (2/3 - CA7s2.1(A))

AN ACT

To amend and reenact the introductory paragraph of R.S. 37:913(1) and the introductory paragraph of (3)(a), R.S. 37: 918(18), 1277(A)(3), and 1281(A)(1)(a), to enact R.S. 36:259(D)(10) and R.S. 37:929(11) and Part VII of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1360.81.1 through 1360.81.3, 1360.81.11 through 1360.81.22, 1360.81.31 through 1360.81.35, and to repeal R.S. 37:913(1)(d), relative to nurse practitioners; to provide for definition of "advanced practice registered nurse"; to provide an exception to the nursing practice act; to provide the authority to obtain criminal history record information; to provide for the definition of "allied health care practitioner"; to provide for the nurse practitioner practice act; to provide for definitions within the practice act; to provide the board with rule making authority; to create an advisory committee; to provide for licensure; to provide for prescriptive and distributing authority; to provide for disclosure of financial interest; to provide for disciplinary proceedings; to provide for penalties; to provide for injunctive relief, attorney fees, and costs; to provide for exceptions to the practice act; to provide for distribution of medications in public health clinics; to provide for the transfer of files; to provide for collaborative practice

1 agreements; to provide for certain prohibitions with collaborative practice  
2 agreement; to provide for practice site requirements and a quality assurance program;  
3 to provide for compliance; to provide authority to the board; and to provide for  
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 36:259(D)(10) is hereby enacted to read as follows:

7 §259. Transfer of agencies and functions to Department of Health and Hospitals

8 \* \* \*

9 D. The following agencies, as defined in R.S. 36:3, are placed within the  
10 Department of Health and Hospitals and shall perform and exercise their powers,  
11 duties, functions, and responsibilities as otherwise provided by law:

12 \* \* \*

13 **(10) Nurse Practitioner Advisory Committee (R.S. 37:1360.81.12)**

14 \* \* \*

15 Section 2. The introductory paragraph of R.S. 37:913(1) and the introductory  
16 paragraph of (3)(a), R.S. 918(18), 1277(A)(3), and 1281(A)(1)(a) are hereby amended and  
17 reenacted and R.S. 37:929(11) and Part VII of Chapter 15 of Title 37 of the Louisiana  
18 Revised Statutes of 1950, comprised of R.S. 37:1360.81.1 through 1360.81.3, 1360.81.11  
19 through 1360.81.22, 1360.81.31 through 1360.81.35 is hereby enacted to read as follows:

20 §913. Definitions

21 As used in this Part:

22 (1) "Advanced practice registered nurse" or "APRN" means a licensed  
23 registered nurse who is certified by a nationally recognized certifying body, such as  
24 the American Nurses Credentialing Center, as having an advanced nursing specialty  
25 as described in this Part and who meets the criteria for an advanced practice  
26 registered nurse as established by the board. In the absence of the availability of a  
27 national certification examination in a selected clinical area, the board may establish  
28 commensurate requirements. **An advanced practice registered nurse shall not**  
29 **include a nurse practitioner as defined in R.S. 37:1360.81.2.** An advanced

1 practice registered nurse shall include, but not be limited to, the following:

2 \* \* \*

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

11 \* \* \*

12 §918. Duties and powers of the board

13 The board shall:

14 \* \* \*

15 (18) Develop, adopt, and revise rules and regulations governing scope of  
16 practice for advanced practice registered nurses including but not limited to  
17 prescriptive authority, the receipt and distribution of sample drugs and prepackaged  
18 drugs, and prescribing of legend and certain controlled drugs. **However, the board**  
19 **shall not have any authority to regulate or govern the scope of practice of a**  
20 **nurse practitioner as defined by R.S. 37:1360.81.2.**

21 \* \* \*

22 §929. Exceptions

23 The provisions of this Part shall not apply to:

24 \* \* \*

25 **(11) The practice of any licensed nurse practitioner as defined by R.S.**  
26 **37:1360.81.2 and regulated by the Louisiana State Board of Medical Examiners.**

27 \* \* \*

28 §1277. Louisiana State Board of Medical Examiners; authorization to obtain  
29 criminal history record information

1           A. As used in this Section the following terms shall have the following  
2 meaning:

3                                   \*       \*       \*

4           (3) "Applicant" means an individual who has made application to the board  
5 for the issuance, renewal, or reinstatement of any form of health care practitioner  
6 licensure which the board is authorized by law to issue, including but not limited to  
7 licensure as a physician or surgeon pursuant to R.S. 37:1261 through 1291; as a  
8 podiatrist pursuant to R.S. 37:611 through 628; as a physician assistant pursuant to  
9 R.S. 37:1360.21 through 1360.38; as a midwife practitioner pursuant to R.S. 37:3240  
10 through 3257; **as a nurse practitioner pursuant to R.S. 37:1360.81.1 through**  
11 **1360.81.33**; as a respiratory therapist or respiratory therapy assistant pursuant to R.S.  
12 37:3351 through 3361; as an occupational therapist or occupational therapy assistant  
13 pursuant to R.S. 37:3001 through 3014; as a clinical laboratory scientist pursuant to  
14 R.S. 37:1311 through 1329; as a clinical exercise physiologist pursuant to R.S.  
15 37:3421 through 3433; as an athletic trainer pursuant to R.S. 37:3301 through 3312;  
16 as an acupuncturist or acupuncturist's assistant pursuant to R.S. 37:1356 through  
17 1360; as a private radiological technologist pursuant to R.S. 37:1292; or as a  
18 dispensing physician pursuant to L.A.C. 46:XLV 6501 through 6561.

19                                   \*       \*       \*

20 §1281. Fees and costs

21           A.(1) As used in this Section, the following terms shall have the following  
22 meaning:

23           (a) "Allied health care practitioner" means an individual who holds any form  
24 of health care practitioner licensure that the board is authorized to issue, other than  
25 as a physician, including but not limited to licensure as a podiatrist pursuant to R.S.  
26 37:611 through 628; as a physician assistant pursuant to R.S. 37:1360.21 through  
27 1360.38; as a midwife pursuant to R.S. 37:3240 through 3257; as a respiratory  
28 therapist or respiratory therapy assistant pursuant to R.S. 37:3351 through 3361; as  
29 an occupational therapist or occupational therapy assistant pursuant to R.S. 37:3001

1 through 3014; as a clinical laboratory scientist pursuant to R.S. 37:1311 through  
2 1329; as a clinical exercise physiologist pursuant to R.S. 37:3421 through 3433; as  
3 an athletic trainer pursuant to R.S. 37:3301 through 3312; as an acupuncturist or  
4 acupuncturist's assistant pursuant to R.S. 37:1356 through 1360; **as a nurse**  
5 **practitioner pursuant to R.S. 37:1360.81.1 through 1360.81.33;** or as a private  
6 radiological technologist pursuant to R.S. 37:1292.

7 \* \* \*

## 8 **PART VII. NURSE PRACTITIONER PRACTICE ACT**

### 9 **§1360.81.1. Short title**

10 **This Part shall be known and may be cited as the "Nurse Practitioner**  
11 **Practice Act".**

### 12 **§1360.81.2. Definitions**

13 **For the purposes of this Part, the following terms shall have the following**  
14 **meanings unless the context clearly indicates otherwise:**

15 **(1) "Authorized prescriber" means a licensed physician, dentist, or other**  
16 **health care provider authorized by law to prescribe drugs, medications, medical**  
17 **devices or appliances, and health care regimens.**

18 **(2) "Board" means the Louisiana State Board of Medical Examiners.**

19 **(3) "Collaborating physician" means a physician who has entered into**  
20 **and agrees to adhere to the responsibilities implied by a collaborative practice**  
21 **agreement with a nurse practitioner.**

22 **(4) "Collaboration" means a cooperative working relationship with**  
23 **licensed physicians, dentists, or other health care providers to jointly contribute**  
24 **to providing patient care and may include but not be limited to discussion of a**  
25 **patient's diagnosis and cooperation in the management and delivery of health**  
26 **care with each provider performing those activities that he is legally authorized**  
27 **to perform.**

28 **(5) "Collaborative practice" means the joint management of the health**  
29 **care of a patient by a nurse practitioner performing nurse practitioner nursing**

1 and one or more consulting physicians or dentists. Acts of medical diagnosis and  
2 prescription by a nurse practitioner shall be in accordance with a collaborative  
3 practice agreement.

4 (6) "Collaborative practice agreement" means a formal written  
5 statement addressing the parameters of the collaborative practice which are  
6 mutually agreed upon by the nurse practitioner and one or more licensed  
7 physicians or dentists. Such agreement shall comply with all provisions of this  
8 Part.

9 (7) "Nationally recognized certifying body" means a national  
10 certification organization which certifies qualified licensed nurses as nurse  
11 practitioners and which requires certain eligibility criteria related to education  
12 and practice, offers an examination in an advanced nursing area which meets  
13 current psychometric guidelines and tests, and is approved by the board.

14 (8) "Nurse practitioner" or "NP" means a licensed registered nurse who  
15 is certified by a nationally recognized certifying body, such as the American  
16 Nurses Credentialing Center, as having an advanced nursing specialty as  
17 described in this Part and who meets the criteria for a nurse practitioner as  
18 established by the board. In the absence of the availability of a national  
19 certification examination in a selected clinical area, the board may establish  
20 commensurate requirements. Additionally, a nurse practitioner is educated in  
21 a specified area of care and certified according to the requirements of a  
22 nationally recognized accrediting agency such as the American Nurses  
23 Association's American Nurses Credentialing Center, National Certification  
24 Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties,  
25 or the National Certification Board of Pediatric Nurse Practitioners and Nurses,  
26 or as approved by the board and who is authorized to provide primary, acute,  
27 or chronic care as an advanced nurse practitioner acting within his scope of  
28 practice to individuals, families, and other groups in a variety of settings  
29 including but not limited to homes, institutions, offices, industry, schools, and

1 **other community agencies.**

2 **(9) "Nurse Practitioner Advisory Committee" means a committee,**  
3 **established by the board for purposes as defined in this Part.**

4 **(10) "Nurse practitioner student" means any licensed registered nurse**  
5 **enrolled as a student in an educational program that prepares him for advanced**  
6 **practice of nursing that meets the board's criteria for advanced practice**  
7 **educational programs, and whose graduates are eligible for certification by a**  
8 **nationally recognized certifying body.**

9 **(11)(a) "Nurse practitioner nursing" means nursing by a nurse**  
10 **practitioner that is based on knowledge and skills acquired in a basic nursing**  
11 **education program, licensure as a registered nurse, and a minimum of a**  
12 **master's degree with a concentration in the respective advanced practice**  
13 **nursing specialty that includes both didactic and clinical components, advanced**  
14 **knowledge in nursing theory, physical and psychosocial assessment, nursing**  
15 **interventions, and management of health care. Advanced practice registered**  
16 **nursing includes:**

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

19 **(ii) Providing guidance and teaching.**

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

21 **(iv) Collaborating with other health care providers.**

22 **(v) Managing patients' physical and psychosocial health-illness status**  
23 **with regard to nursing care.**

24 **(vi) Utilizing research skills.**

25 **(vii) Analyzing multiple sources of data and identifying and performing**  
26 **certain acts of medical diagnosis in accordance with the collaborative practice**  
27 **agreement.**

28 **(viii) Making decisions in solving patient care problems and selecting**  
29 **treatment regimens in collaboration with a licensed physician, dentist, or other**

1 health care provider as indicated.

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

5 (b) Nurse practitioner nursing may include certain acts of medical  
6 diagnosis, in accordance with R.S. 37:913(8) and (9), or medical prescriptions  
7 of therapeutic or corrective nature, prescribing assessment studies, legend and  
8 certain controlled drugs, therapeutic regimens, medical devices and appliances,  
9 receiving and distributing a therapeutic regimen of prepackaged drugs  
10 prepared and labeled by a licensed pharmacist, and free samples supplied by a  
11 drug manufacturer, and distributing drugs for administration to and use by  
12 other individuals within the scope of practice as defined by the board and in  
13 accordance with this Paragraph.

14 §1360.81.3. Rules and regulations

15 The board shall have the authority to promulgate any rules and  
16 regulations, pursuant to the Administrative Procedure Act, which it deems  
17 necessary and proper in order to carry out the provisions of this Part.

18 SUBPART A. LICENSURE

19 §1360.81.11. Powers and duties of the board

20 The board shall have and exercise with respect to nurse practitioners all  
21 powers and duties granted to it by R.S. 37:1261 et seq., relative to physicians.

22 In addition, the board shall have the authority to:

23 (1) Establish and publish standards of nurse practitioner nursing  
24 practice in accordance with those developed and accepted by the profession.

25 (2) Approve, deny, revoke, suspend, renew and reinstate licensure or  
26 certification of duly qualified applicants.

27 (3) Adopt, promulgate, revise, and enforce orders, rules and regulations  
28 for initial licensure, renewal and certificates of nurse practitioner nursing as the  
29 board may deem necessary to ensure the competency of applicants, the



1 protection of the public and proper administration of this Part in accordance  
2 with the Administrative Procedure Act.

3 (4) Conduct hearings on charges calling for the denial, suspension,  
4 revocation, or refusal to renew a license or certificate.

5 §1360.81.12. Nurse Practitioner Advisory Committee

6 A. The Louisiana State Board of Medical Examiners Nurse Practitioner  
7 Advisory Committee is hereby created within the Department of Health and  
8 Hospitals.

9 B. (1) The advisory committee shall consist of eleven members.

10 (a) Eight members of the committee shall be licensed nurse practitioners.  
11 Six of the members shall be appointed by the governor from a list of names  
12 submitted by the Louisiana Association of Nurse Practitioners and be  
13 representative of each congressional district of the state. Two members of the  
14 advisory committee shall be appointed by the Louisiana State Board of Nursing,  
15 one of which shall hold a doctoral degree in nursing or a degree of Doctor of  
16 Nursing Practice.

17 (b) Two members shall be licensed physicians, one each being appointed  
18 by the governor from a list submitted by the Louisiana State Medical Society  
19 and Louisiana Academy of Family Physicians.

20 (c) One member who shall be a physician appointed by the governor  
21 from a list of names submitted by the Louisiana Hospital Association.

22 (2) Each member of the advisory committee shall:

23 (a) Be a citizen of the United States and a resident of Louisiana for not  
24 less than one year immediately prior to appointment.

25 (b) Have had not less than three years of experience in his respective  
26 field of practice.

27 C. The duties and purpose of the advisory committee shall be to advise  
28 the Louisiana State Board of Medical Examiners on all matters specifically  
29 dealing with licensing or disciplining of nurse practitioners and the drafting and

1 promulgating of regulations related to nurse practitioners. The advisory  
2 committee shall also review and make recommendations to the board on  
3 applications for licensure as a nurse practitioner. The board shall not act on any  
4 matter relating to a nurse practitioner without first consulting with the advisory  
5 committee.

6 D. The advisory committee shall elect a chairman, vice chairman, and  
7 secretary.

8 E. Each member of the advisory committee shall serve a term of six years  
9 commencing from the date of his appointment. Each member shall succeed  
10 himself in each subsequent term thereafter unless removed or replaced by the  
11 governor.

12 F. The advisory committee shall meet at least twice each year or more  
13 frequently as necessary as determined by the chairman or a majority of the  
14 members of the advisory committee.

15 G. Six members of the advisory committee shall constitute a quorum.

16 H. Each member of the advisory committee shall receive fifty dollars per  
17 day while engaged in the business of the advisory committee and shall be  
18 reimbursed his hotel and traveling expenses if traveled by the most direct route  
19 to and from his place of residence. These expenses shall be paid out of the  
20 treasury of the Louisiana State Board of Medical Examiners, subject to  
21 approval by its president and secretary-treasurer.

22 §1360.81.13. License required

23 No one shall engage in the practice of nurse practitioner nursing as  
24 defined by this Part, or hold himself out as a nurse practitioner in this state  
25 unless licensed in accordance with the provisions of this Part.

26 §1360.81.14. Licensure; qualifications; examination; renewal; temporary  
27 permits

28 A.(1) After January 1, 2014, the board shall issue a license to each  
29 applicant who applies for licensure as nurse practitioner who files an

1 application upon a form and in such manner as the board prescribes,  
2 accompanied by such fee as required in R.S. 37:1281, and who furnishes  
3 evidence to the board that he:

4 (a) Is of good moral character.

5 (b) Holds a valid and unrestricted license as a registered nurse issued by  
6 the Louisiana State Board of Nursing pursuant to Chapter 11 of Title 37 of the  
7 Louisiana Revised Statutes of 1950.

8 (c) Passes an examination to the satisfaction of the board.

9 (d) Has completed certain course work as required by the board.

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

12 (f) Has committed no acts or omissions which constitute grounds for  
13 disciplinary action as defined by the board, or if found guilty of committing  
14 such acts or omissions, the board finds, after investigation, that sufficient  
15 restitution, rehabilitation, and education have occurred.

16 (g) Is proficient in the English language if he graduated from a nursing  
17 education program offered in a foreign country.

18 (2) Any individual applying for licensure as an advanced practice  
19 registered nurse shall submit proof that he has satisfactorily completed a formal  
20 education program preparing graduates to practice specialized and nurse  
21 practitioner nursing practice, and holds a current certification for advanced  
22 practice granted by a nationally recognized certifying agency whose  
23 certification program is approved by the board, or in the absence of the  
24 availability of such certification, has met commensurate requirements as may  
25 be established by the board. Additionally, the applicant must show evidence of  
26 completion of a minimum of a master's degree with a concentration in the  
27 respective advanced practice nursing specialty, except for those applicants who  
28 provide documentation that the applicant completed or enrolled in a formalized  
29 post-basic education program preparing individuals in the nurse practitioner

1 specialty as approved by the Louisiana State Board of Nursing prior to  
2 December 31, 1995. Those applicants submitting enrollment in a formalized  
3 post-basic education program preparing individuals in the advanced practice  
4 nursing specialty prior to December 31, 1995, must maintain continuous  
5 enrollment prior to December 31, 1995, through completion.

6 (3) Any individual applying for licensure as a nurse practitioner shall  
7 obtain state and national criminal history record information check performed  
8 in accordance with R.S. 37:1277.

9 B.(1) The board may by endorsement issue a license to practice as a  
10 nurse practitioner to any applicant who is duly licensed as a registered nurse  
11 under the laws of another state, territory, or country, who files an application  
12 upon a form and in such manner as the board prescribes, accompanied by the  
13 fees required in R.S. 37:1281, meets the requirements of licensure provided for  
14 in this Section and who furnishes satisfactory evidence to the board that he:

15 (a) Had passed an examination for licensure and met, upon graduation,  
16 all other qualifications for licensure as a registered nurse in this state at the time  
17 he was initially licensed as a registered nurse.

18 (b) Holds a current license issued directly from the jurisdiction of his last  
19 employment.

20 (c) Meets other criteria established by the board.

21 (2) The board may by endorsement issue a license to practice as an  
22 advanced practice registered nurse if the applicant has practiced as a nurse  
23 practitioner under the laws of another state and, in the opinion of the board, has  
24 met the requirements of Paragraph (A)(2) of this Section.

25 C. The board may issue temporary permits under rules and regulations  
26 adopted and promulgated by the board in accordance with the Administrative  
27 Procedure Act.

28 D. (1) The board shall renew the license of each individual licensed under  
29 this Part on a schedule to be determined by the board. Each licensee shall

1 submit an application, pay the appropriate renewal fee established by the  
2 board, and meet such other requirements of the board prior to the expiration  
3 of his license.

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

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

17 §1360.81.15. Prescriptive and distributing authority

18 A. A nurse practitioner shall practice in a manner consistent with the  
19 definition of nurse practitioner nursing set forth in this Part. A nurse  
20 practitioner may be granted prescriptive authority by the board to prescribe  
21 assessment studies, including pharmaceutical diagnostic testing, legend and  
22 certain controlled drugs, therapeutic regimens, medical devices and appliances,  
23 receiving and distributing a therapeutic regimen of prepackaged drugs  
24 prepared and labeled by a licensed pharmacist, and free samples supplied by a  
25 drug manufacturer, and distributing drugs for administration to and use by  
26 other individuals within the scope of practice as defined by the board and  
27 subject to the limitations set forth in this Section.

28 B. The board shall promulgate rules and regulations which provide for  
29 the procedure for application and the requirements which must be satisfied in

1 order for a nurse practitioner to obtain prescriptive authority. Such rules and  
2 regulations shall include but not be limited to:

3 (1) Requiring the applicant to hold a current, unencumbered,  
4 unrestricted and valid registered nurse license in Louisiana with no pending  
5 disciplinary proceedings as stated in R.S. 37:921.

6 (2) Requiring the applicant to hold a current, unencumbered,  
7 unrestricted and valid nurse practitioner license from the board.

8 (3) Submit a notarized application on a form provided by the board with  
9 a non-refundable fee as set by the board not to exceed one hundred dollars.

10 (4) Requiring the applicant to provide evidence of a minimum amount  
11 of clinical practice as a nurse practitioner.

12 (5) Requiring the applicant to provide evidence of a minimum amount  
13 of education in pharmacotherapeutics and physiology or pathophysiology in a  
14 formal educational program approved by the board for preparation for practice  
15 as a nurse practitioner.

16 C. The board shall promulgate rules and regulations which shall provide  
17 for the guidelines which must be followed by a nurse practitioner with regard  
18 to all prescriptions.

19 D.(1) The board shall promulgate any additional rules and regulations  
20 it deems necessary which provide for prescribing or dispensing of controlled  
21 substances by a nurse practitioner. This may include but not be limited to  
22 additional information which must be included in the collaborative practice  
23 agreement, requirements for certain information to be maintained in the patient  
24 record, or any other requirement that the board deems necessary to protect the  
25 public health and welfare. However, in no case shall a nurse practitioner be  
26 granted authority to prescribe or distribute controlled substances in connection  
27 with the treatment of:

28 (a) Chronic or intractable pain, as defined by the board.

29 (b) Obesity, as defined by the board.

1                   (c) Oneself, a spouse, child or any other family member.

2                   (2) Any nurse practitioner authorized to prescribe controlled substances  
3                   shall provide to the board a copy of his Louisiana Controlled Dangerous  
4                   Substance permit and Drug Enforcement Administration registration number  
5                   prior to prescribing or distributing controlled substances.

6                   (3) Controlled substances which may be prescribed by a nurse  
7                   practitioner shall include Schedule III, IV and V. Schedule II shall be approved  
8                   by the board on an individual basis. Controlled substances shall be limited to,  
9                   consistent with, and exclusively within the parameters of the practice specialty  
10                  of the collaborating physician and in the nurse practitioner's licensed category  
11                  and area of specialization. The nurse practitioner must have been approved by  
12                  the board to prescribe and distribute noncontrolled substances.

13                  E. The board may promulgate rules and regulations which provide for  
14                  requirements that must be satisfied in order for a nurse practitioner to maintain  
15                  prescriptive authority.

16                  F. (1) A nurse practitioner's prescriptive and distributing authority is  
17                  personal to that individual nurse practitioner and is not delegable. A nurse  
18                  practitioner shall not enter into any agreement, arrangement or contract with  
19                  another health care provider, practitioner, person or individual which in any  
20                  manner transfers any of the prescribing or distributing authority that the nurse  
21                  practitioner derives as a result of approval by the board.

22                  (2) A nurse practitioner shall not be authorized to compound or dispense  
23                  drugs to their patients.

24                  G. The board shall promulgate rules and regulations which shall provide  
25                  for reinstatement of prescriptive authority for a nurse practitioner who has  
26                  ceased practicing with prescriptive authority for more than twelve months.

27                  H.(1)Prescriptive privileges may be terminated when the nurse  
28                  practitioner has been found to have violated any rule or regulation of the board  
29                  or any violation of state law.

1           **(2) Prescriptive authority shall be designated as "inactive" when a nurse**  
2           **practitioner has no current collaborative practice agreement with a**  
3           **collaborating physician.**

4           **(3) Prescriptive authority will be designated as "inactive" in the event**  
5           **the nurse practitioner has their registered nurse license or nurse practitioner**  
6           **license revoked, suspended, made inactive or becomes delinquent.**

7           **I. The board shall be responsible for maintaining an up-to-date public**  
8           **list of nurse practitioners who have authority to prescribe in the state.**

9           **J. The board shall supply whatever data is needed by the Department of**  
10           **Health and Hospitals.**

11           **K.(1) A nurse practitioner shall not be influenced in the prescribing of**  
12           **drugs, devices or appliances by a direct or indirect financial interest in a**  
13           **pharmaceutical firm, pharmacy or other supplier, or other health care related**  
14           **business.**

15           **(2) Patients are entitled to the same freedom of choice in selecting who**  
16           **will fill their prescription needs as they are in the choice of a nurse practitioner.**  
17           **The prescription is a written direction for a therapeutic or corrective agent. A**  
18           **patient is entitled to a copy of the nurse practitioner's prescription for drugs or**  
19           **other devices. The patient has a right to have the prescription filled wherever**  
20           **the patient wishes.**

21           **§1360.81.16. Disclosure of financial interest**

22           **A licensed nurse practitioner shall comply with all rules and regulations**  
23           **promulgated by the board which require disclosure of financial interest.**

24           **§1360.81.17. Grounds for disciplinary proceedings**

25           **The board may deny, revoke, suspend, probate, limit, or restrict any**  
26           **license to practice as a nurse practitioner, impose fines, and assess costs, or**  
27           **otherwise discipline a licensee upon proof that the licensee:**

28           **(1) Is found to be in violation of any provision of the Nursing Practice**  
29           **Act by the Louisiana State Board of Nursing.**



1           **(2) Is convicted of a crime or offense which reflects the inability of the**  
2           **nurse to practice nurse practitioner nursing with due regard for the health and**  
3           **safety of clients or patients or enters a plea of guilty or nolo contendere to a**  
4           **criminal charge regardless of final disposition of the criminal proceeding,**  
5           **including but not limited to expungement or nonadjudication.**

6           **(3) Is unfit or incompetent by reason of negligence, habit, or other cause.**

7           **(4) Has demonstrated actual or potential inability to practice nurse**  
8           **practitioner nursing with reasonable skill and safety to individuals because of**  
9           **use of alcohol or drugs; or has demonstrated inability to practice nurse**  
10           **practitioner nursing with reasonable skill and safety to individuals because of**  
11           **illness or as a result of any mental or physical condition.**

12           **(5) Is guilty of aiding or abetting anyone in the violation of any**  
13           **provisions of this Part.**

14           **(6) Is mentally incompetent.**

15           **(7) Has had a license to practice nursing or to practice as another health**  
16           **care provider denied, revoked, suspended, or otherwise restricted.**

17           **(8) Is guilty of moral turpitude.**

18           **(9) Has violated any provision of this Part.**

19           **§1360.81.18. Violations; penalty**

20           **A. No person shall engage in any of the following activities:**

21           **(1) Practice nurse practitioner nursing under any license, or record**  
22           **illegally obtained, signed, or issued.**

23           **(2) Practice nurse practitioner nursing unless duly licensed to do so**  
24           **under the provisions of this Part.**

25           **(3) Use in connection with his name any designation tending to imply**  
26           **that he is a nurse practitioner unless duly licensed to practice under the**  
27           **provisions of this Part.**

28           **(4) Practice nurse practitioner nursing during the time the license issued**  
29           **under the provisions of this Part is suspended or revoked.**

1                   **(5) Knowingly practice nurse practitioner nursing during the time his**  
2 **license has lapsed for failure to renew the license.**

3                   **(6) Aid or abet anyone in the violation of any provisions of this Part.**

4                   **(7) Violate any provision of this Chapter.**

5                   **B. Whoever violates any provision of this Part shall, upon conviction, be**  
6 **fined not more than five thousand dollars or imprisoned, with or without hard**  
7 **labor, for not more than five years, or both.**

8                   **C. If a person licensed to practice as a nurse practitioner is found guilty**  
9 **of violating any provision of the Part, the board may suspend, probate, limit, or**  
10 **otherwise restrict, or revoke the license of such person.**

11                   **D. In addition to Subsections B and C of this Section, any individual who**  
12 **falsely represents himself as a nurse practitioner, or who violates any provision**  
13 **of this Part may be brought before the board and fined not more than five**  
14 **thousand dollars and assessed the cost of investigation and disciplinary**  
15 **proceedings for each count or separate offense.**

16 **§1360.81.19. Injunction; penalty; attorney fees; costs**

17                   **A. The board, through its president or the president's designee, may**  
18 **cause to issue in any competent court, a writ of injunction enjoining any person**  
19 **from practicing nurse practitioner nursing in this state as defined herein until**  
20 **such person obtains a license under the provisions of this Part. This injunction**  
21 **shall not be subject to being released upon bond.**

22                   **B. In the suit for an injunction, the board, through its president or**  
23 **designee, may demand of the defendant a penalty of not more than five hundred**  
24 **dollars, and attorney fees, in addition to court costs. This judgment for penalty,**  
25 **attorney fees, and court costs may be rendered in the same judgment in which**  
26 **the injunction is made absolute.**

27                   **C. The trial of the proceeding seeking an injunction shall be summary**  
28 **and by the judge without a jury.**

29 **§1360.81.20. Exceptions**

1                   **The provisions of this Part shall not apply to:**

2                   **(1) The practice nurse practitioner nursing by a legally qualified**  
3                   **advanced practice registered nurse of another state who is employed by the**  
4                   **United States government, or any bureau, division, or agency thereof, while in**  
5                   **the discharge of his official duties.**

6                   **(2) The practice of any currently licensed nurse practitioner of another**  
7                   **state who is employed by an individual, agency, or corporation located in**  
8                   **another state and whose employment responsibilities include transporting**  
9                   **clients to, from, or throughout the state.**

10                  **(3) The practice of any currently licensed nurse practitioner of another**  
11                  **state who provides or attends educational programs or provides consultative**  
12                  **services within the state for a period as determined by the board. Neither the**  
13                  **education nor consultation may include providing or directing nursing care or**  
14                  **developing or revising nursing care policies.**

15                  **(4) The performance of nurse practitioner nursing functions by licensed**  
16                  **registered nurses who are nurse practitioner students under the supervision of**  
17                  **a qualified instructor or preceptor as a part of a program of study preparing**  
18                  **individuals for the advanced practice of registered nursing.**

19                  **§1360.81.21. Distributing medications in public health clinics**

20                  **Nothing in this Part shall prohibit a nurse practitioner who is employed**  
21                  **by a municipal, parochial, or state-operated or contracted public health clinic**  
22                  **from inserting into the subcutaneous space a medication implant or distributing**  
23                  **a therapeutic regime of medication, to be consumed by a patient off premises,**  
24                  **to treat sexually transmitted diseases, or to prevent pregnancy, provided such**  
25                  **insertion or distribution is performed only under a protocol approved by a**  
26                  **physician licensed to practice medicine by the Louisiana State Board of Medical**  
27                  **Examiners. The distribution of the medication shall be accomplished under**  
28                  **procedures developed by the director of pharmacy of the office of public health**  
29                  **and approved by the Louisiana Board of Pharmacy.**

1           **§1360.81.22. Transfer of files**

2                   No later than August 1, 2013, the Louisiana State Board of Nursing shall  
3 provide the board with copies of all licensure files of currently licensed nurse  
4 practitioners.

5           **SUBPART B. COLLABORATIVE PRACTICE AGREEMENTS**

6           **§1360.81.31. Requirements of a collaborative practice agreement**

7                   **A. All collaborative practice agreements entered into by a physician and**  
8 **a nurse practitioner as defined by this Part shall:**

9                   **(1) Be in writing, signed, and dated by both the nurse practitioner and**  
10 **the physician.**

11                   **(2) Have a copy available at all times at all practice sites of the physician**  
12 **and the nurse practitioner.**

13                   **(3) Define specifically the scope of practice of the nurse practitioner and**  
14 **include the following:**

15                   **(a) The availability of the collaborating physician for consultation,**  
16 **referral, or both.**

17                   **(b) The methods of management of the collaborative practice, including**  
18 **the clinical practice guidelines.**

19                   **(c) Coverage of the health care needs of a patient during any absence of**  
20 **the nurse practitioner or the physician.**

21                   **(4) Define specifically the prescriptive authority of the nurse practitioner**  
22 **including specific medications if any, that may require more stringent oversight**  
23 **by the physician.**

24                   **(5) Describe specifically the individual and shared responsibilities of the**  
25 **nurse practitioner and the physician.**

26                   **(6) Be reviewed and updated on an annual basis.**

27                   **(7) Provide for procedures for handling patient emergencies, unexpected**  
28 **outcomes, or other urgent practice situations.**

29                   **(8) Any other provision the board deems appropriate for inclusion into**

1 the agreement and which has been duly promulgated pursuant to the  
2 Administrative Procedure Act.

3 §1360.81.32. Prohibitions on entering into a collaborative practice agreement

4 A. A physician shall not execute a collaborative practice agreement with  
5 any nurse practitioner whose training and practice is not compatible with that  
6 of the physician. Additionally, the physicians shall be qualified to perform any  
7 diagnostic or therapeutic procedure that the nurse practitioner is authorized  
8 under the agreement to perform.

9 B. A physician shall not execute a collaborative practice agreement that  
10 includes the authority of a nurse practitioner to utilize or prescribe any  
11 medications which the physician does not use in his current practice and which  
12 the physician is not knowledgeable or competent.

13 C. A physician shall not execute a collaborative practice agreement with  
14 a nurse practitioner whose practice location is greater than twenty miles from  
15 the physician's practice site, unless a waiver is expressly granted by the board.  
16 However, anytime a physician is collaborating with a nurse practitioner who is  
17 working in or staffing an emergency room, the physician shall be physically  
18 present in the facility or not more than five minutes from such facility.

19 D. Anytime a collaborating physician is working with a nurse  
20 practitioner who is working in or providing care in a hospital, as defined by R.S.  
21 40:2102, there shall be evidence reflected in the patient's chart that the  
22 collaborative physician has seen and examined the patient within twelve hours  
23 of the nurse practitioner seeing the patient.

24 E. No physician shall execute or enter into collaborative agreements with  
25 more than four nurse practitioners at any one time unless a waiver is expressly  
26 granted by the board for that particular collaborative agreement.

27 §1360.81.33. Practice site requirements

28 A nurse practitioner shall conspicuously post signage which shall not be  
29 smaller than eight inches by ten inches in all patient waiting areas and

1 examination rooms of any clinic in which the nurse practitioner is practicing  
2 and which shall contain the following information:

3 (1) The name and license number of the collaborating physician.

4 (2) The address and telephone number where the collaborating physician  
5 may be contacted.

6 **§1360.81.34. Quality assurance program**

7 Physicians entering into collaborative agreements shall implement a  
8 quality assurance program which shall include:

9 (1) Review by the primary collaborating physician of a random sample  
10 of charts that represent ten percent or twenty charts, whichever is less, of  
11 patients seen by the advanced practice registered nurse every month. Charts  
12 should represent the variety of patient types seen by the nurse practitioner.  
13 Each patient encounter that the nurse practitioner and collaborating physician  
14 have consulted on during the month shall count as one chart review.

15 (2) Review of the controlled medications prescribed by the nurse  
16 practitioner revealed in the chart review. The physician may also make review  
17 through the Board of Pharmacy Prescription Monitoring Program.

18 (3) The collaborating physician shall meet face to face with the nurse  
19 practitioner once per quarter for the purpose of quality assurance and this  
20 meeting should be documented.

21 (4) The collaborating physician shall insure that the nurse practitioner  
22 maintains a log of charts reviewed, including:

23 (a) The identifier for the patients' charts.

24 (b) The reviewers' names.

25 (c) The date or dates of review.

26 **§1360.81.35. Changes in collaborative practice agreements**

27 A. Prior to any changes with the collaborating physician the nurse  
28 practitioner shall notify the board in writing requesting approval of such  
29 changes and submit a new collaborative practice agreement. The nurse

1 practitioner shall notify the board in writing within thirty days of all changes  
2 regarding practice sites. Failure to notify the board may result in disciplinary  
3 action which may include but not be limited to restrictions being placed on any  
4 future collaborative agreements.

5 B. In the event of death, physical or mental disability, or unanticipated  
6 relocation of the collaborating physician, the nurse practitioner must  
7 immediately notify the board. In such cases, the nurse practitioner may  
8 continue to practice for a ninety-day grace period while the nurse practitioner  
9 attempts to secure a collaborating physician without such practice being  
10 considered the practice of medicine. During the ninety-day grace period, the  
11 board or its designee will serve as the nurse practitioner's primary  
12 collaborating physician. The board shall assist the nurse practitioner in their  
13 attempt to secure a collaborating physician. If a collaborating physician has not  
14 been secured at the end of the ninety-day grace period, an additional ninety-day  
15 extension may be granted by mutual agreement of the board. During this  
16 additional ninety-day extension, the above described collaborative agreement  
17 shall continue. The nurse practitioner shall not be allowed to practice until the  
18 previously described collaborative arrangement with the board is agreed upon.  
19 The quality assurance process that was in place shall be continued by the board  
20 during the extension.

21 Section 3. Collaborating physicians and nurse practitioners who have an existing  
22 collaborative practice agreement on the effective date of this Act which was executed  
23 pursuant to the rules and regulations of the Louisiana State Board of Nursing shall have one  
24 year from the effective date of this Act to execute a collaborative practice agreement which  
25 is in compliance with the provisions of this Act.

26 Section 4. The Louisiana Board of Medical Examiners may enforce any rule  
27 promulgated by the Louisiana State Board of Nursing which pertains to nurse practitioners  
28 for a period of one year from the effective date of this Act or until such time that Louisiana  
29 Board of Medical Examiners has promulgated rules and regulations concerning nurse

1 practitioners, whichever period is shorter.

2 Section 5. The provisions of this Act shall become effective January 1, 2014.

3 Section 6. R.S. 37:913(1)(d) is hereby repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

#### DIGEST

Present law provides for the licensure and regulation of nurse practitioners within the Louisiana State Board of Nursing.

Proposed law amends present law to provide for the licensure and regulation of nurse practitioners within the Louisiana State Board of Medical Examiners (Board).

Proposed law provides for the Nurse Practitioner Practice Act.

Proposed law provides the board with the authority to promulgate rules and regulations, pursuant to the Administrative Procedure Act (APA) to carry out the provisions of the proposed law.

Proposed law provides the board with the following powers and duties:

- (1) Establish and publish standards of nurse practitioner nursing practice in accordance with those developed and accepted by the profession.
- (2) Approve, deny, revoke, suspend, renew and reinstate licensure or certification of duly qualified applicants.
- (3) Adopt, promulgate, revise, and enforce orders, rules and regulations for initial licensure, renewal and certificates of nurse practitioner nursing as the board may deem necessary to ensure the competency of applicants, the protection of the public and proper administration of proposed law in accordance with the APA.
- (4) Conduct hearings on charges calling for the denial, suspension, revocation, or refusal to renew a license or certificate.

Proposed law creates the Nurse Practitioner Advisory Committee (advisory committee) within DHH.

Proposed law provides the advisory committee will consist of 11 members:

- (1) Eight members will be licensed nurse practitioners. Six members will be appointed by the governor from a list of names submitted by the Louisiana Association of Nurse Practitioners and be representative of each congressional district of the state. Two members will be appointed by the Louisiana State Board of Nursing one of which will hold a doctoral degree in nursing or a degree of Doctor of Nursing Practice.
- (2) Two members will be licensed physicians one each being appointed by the governor from a list submitted by the Louisiana State Medical Society and Louisiana Academy of Family Physicians.
- (3) One member will be a physician appointed by the governor from a list of names submitted by the Louisiana Hospital Association.



Proposed law provides each member of the advisory committee will:

- (1) Be a citizen of the United States and a resident of Louisiana for one year immediately prior to appointment.
- (2) Have had three years of experience in his respective field of practice.

Proposed law provides the duties and purpose of the advisory committee will be to advise the board on all matters specifically dealing with licensing or disciplining of nurse practitioners or the drafting and promulgating of regulations related to nurse practitioners. Further, the advisory committee will review and make recommendations to the board on applications for licensure as a nurse practitioner, and the board will not act on any matter relating to a nurse practitioner without first consulting with the advisory committee.

Proposed law provides for the advisory committee electing officers, terms, meetings, quorum, and financial compensation.

Proposed law provides for licensure and the following qualifications for licensure:

- (1) Application and fee as required by the board.
- (2) Evidence the applicant:
  - (a) Is of good moral character.
  - (b) Holds a valid and unrestricted license as a registered nurse issued by the Louisiana State Board of Nursing.
  - (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 proposed law and the rules and regulations.
  - (f) Has committed no acts or omissions which constitute grounds for disciplinary action as defined by the board, 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.
- (3) Obtain a state and national criminal history record information check.

Proposed law provides for the requirements for licensure as an advanced practice registered nurse.

Proposed law provides the board with the power to issue by endorsement an applicant duly licensed elsewhere and upon payment of necessary fees, completion of the required application, and evidence of other professional requirements.

Proposed law provides the board the authority to issue temporary permits.

Proposed law provides for license renewal.

Proposed law provides the board authority to assign to nurse practitioners certain prescriptive and distributing authority.

Proposed law provides a licensed nurse practitioner will comply with all rules regarding

disclosure of financial interests.

Proposed law provides for grounds for disciplinary proceedings by the board to deny, revoke, suspend, probate, limit, or restrict a license for the following:

- (1) Is found to be in violation of any provision of the Nursing Practice Act by the Louisiana State Board of Nursing.
- (2) Is convicted of a crime or offense which reflects the inability of the nurse to practice nurse practitioner nursing with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding including but not limited to expungement or nonadjudication.
- (3) Is unfit or incompetent by reason of negligence, habit, or other cause.
- (4) Has demonstrated actual or potential inability to practice nurse practitioner nursing with reasonable skill and safety to individuals because of use of alcohol or drugs; or has demonstrated inability to practice nurse practitioner nursing with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition.
- (5) Is guilty of aiding or abetting anyone in the violation of any provisions of proposed law.
- (6) Is mentally incompetent.
- (7) Has had a license to practice nursing or to practice as another health care provider denied, revoked, suspended, or otherwise restricted.
- (8) Is guilty of moral turpitude.
- (9) Has violated any provision of proposed law.

Proposed law provides no person shall engage in the following activities:

- (1) Practice nurse practitioner nursing under any license, or record illegally obtained, signed, or issued unlawfully.
- (2) Practice nurse practitioner nursing unless duly licensed to do so under the provisions of proposed law.
- (3) Use in connection with his name any designation tending to imply that he is a nurse practitioner unless duly licensed to practice under the provisions of proposed law.
- (4) Practice nurse practitioner nursing during the time the license issued under the provisions of proposed law is suspended or revoked.
- (5) Knowingly practice nurse practitioner nursing during the time his license has lapsed for failure to renew the license.
- (6) Aid or abet anyone in the violation of any provisions of proposed law.
- (7) Violate any provision of present law.

Proposed law provides any violation of proposed law shall, upon conviction, be fined not more than \$5,000 or imprisoned, with or without hard labor, for not more than five years, or both.

Proposed law provides for injunctive relief, attorney fees, and costs.

Proposed law provides exceptions to the Nurse Practitioner Practice Act.

Proposed law provides for distributing medications in public health clinics.

Proposed law provides for the transfer of files from the Louisiana State Board of Nursing to the board.

Proposed law provides for collaborative practice agreements, prohibitions on such agreements, practice site requirements, quality assurance programs and changes in such agreements.

Proposed law provides authority for the board to enforce rules of the Louisiana State Board of Nursing for a specified time frame.

Effective January 1, 2014.

(Amends R.S. 37:913(1)(intro para) and (3)(a)(intro para), R.S. 37:918(18), 1277(A)(3), and 1281(A)(1)(a); adds R.S. 36:259(D)(10) and R.S. 37:929(11) and 1360.81.1-1360.81.3, 1360.81.11-1360.81.22, 1360.81.31-1360.81.35; repeals R.S. 37:913(1)(d))