
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))