

2019 Regular Session

SENATE BILL NO. 160

BY SENATOR BOUDREAUX

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

CONTROL DANGER SUBSTANCE. Provides relative to programs and professional training to fight the opioid crisis. (8/1/19)

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AN ACT

To enact Part XI of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1125.1 through 1125.4, relative to professional training to equip health care providers to fight against the burgeoning opioid crisis; to provide for definitions; to provide for availability of training specific to fighting opioid addiction; to provide for specific reporting by licensing boards; to provide with respect to the use of federal treatment guidelines; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XI of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1125.1 through 1125.4 is hereby enacted to read as follows:

PART XI. OPIOID ADDICTION AND TREATMENT

§1125.1. Definitions

As used in this Part, the following terms shall have the meanings ascribed in this Section:

(1)"Advanced practice registered nurse" or "APRN" or "nurse practitioner" mean a licensed registered nurse who is certified by a nationally recognized certifying body as having an advanced nursing speciality and who

1 meets the criteria for an advanced practice registered nurse as established by
2 the Louisiana State Board of Nursing.

3 (2) "Department" or "DHHS" mean the United States Department of
4 Health and Human Services.

5 (3) "MAT" stands for "medically-assisted treatment" which is the use
6 of Food and Drug Administration-approved medications, recommended for use
7 in combination with counseling and behavioral therapies in the treatment of
8 substance use disorders and use for opioid addiction which is subject to federal
9 legislation, regulation, and guidelines.

10 (4) "Opioids" are a class of drugs that include the illegal drug heroin,
11 synthetic opioids such as fentanyl, and pain relievers available legally by
12 prescription only, such as oxycodone (OxyContin), hydrocodone (Vicodin),
13 codeine, morphine, and others.

14 (5) "Physician assistant" means a health professional qualified by
15 academic and clinical education and licensed by the Louisiana State Board of
16 Medical Examiners to provide health care services at the direction of and under
17 the supervision of a physician or a group of physicians approved by the board
18 as a supervising physician.

19 (6) "Psychiatric mental health nurse practitioner" means an advanced
20 practice registered nurse licensed to practice as a nurse practitioner or clinical
21 nurse specialist by the Louisiana State Board of Nursing, in accordance with the
22 provisions of R.S. 37:911 et seq., who focuses clinical practice on individuals,
23 families, or populations across the life span at risk for developing or having a
24 diagnosis of psychiatric disorders, mental health problems, or both and has
25 authority from the Louisiana State Board of Nursing to prescribe legend and
26 certain controlled drugs, in accordance with the provisions of R.S. 37:913(3)(b),
27 (8), and (9).

28 (7) "SAMHSA" means the substance abuse and mental health services
29 administration, an agency within the United States Department of Health and

1 Human Services that leads public health efforts to advance the behavioral
2 health of the nation.

3 §1125.2. Responsibility of licensing boards

4 A. The Louisiana State Board of Medical Examiners and the Louisiana
5 State Board of Nursing shall issue rules and regulations, in accordance with the
6 Administrative Procedure Act, R.S. 49:950, et seq., to provide for certification
7 of physician assistants, nurse practitioners, and psychiatric mental health nurse
8 practitioners, to be qualified to conduct MAT therapy in accordance with all
9 applicable federal legislation, federal regulations and guidelines, including
10 provisions under SAMHSA.

11 B. Training for certification shall be readily available for current nurse
12 practitioners and physician assistants, and certification is encouraged, pursuant
13 to this Part, by the boards to allow for sufficient numbers of providers to treat
14 patients and conduct therapies.

15 C. Provision shall be made by the Louisiana State Board of Medical
16 Examiners and the Louisiana State Board of Nursing to allow healthcare
17 providers to obtain federal waivers for prescribing drugs that are used to treat
18 opioid addiction, including but not limited to:

19 (1) Methadone

20 (2) Naltrexone

21 (3) Buprenorphine

22 §1125.3. Reporting by boards

23 Annually, on or before February first of each year, the Louisiana State
24 Board of Medical Examiners and the Louisiana State Board of Nursing shall
25 issue a written report to the chairman of the Senate Committee on Health and
26 Welfare, the chairman of the House Committee on Health and Welfare, and to
27 the secretary of the Louisiana Department of Health, as to the number of nurse
28 practitioners and physician assistants who are currently, as of the previous
29 December 31, certified to conduct MAT therapies and, if reasonably obtainable,

1 **the numbers of these healthcare professionals who are actually treating patients**
2 **for opioid addiction.**

3 **§1125.4. Treatment for opioid addiction**

4 **Treatment for opioid addiction may be conducted by psychiatric**
5 **advanced practice registered nurses, nurse practitioners, and physician**
6 **assistants who are certified to conduct such treatment, in accordance with**
7 **standards set by SAMHSA.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Mary Dozier O'Brien.

DIGEST

SB 160 Original

2019 Regular Session

Boudreaux

Proposed law provides for definitions regarding opioid addiction, its treatment and those healthcare professionals certified to conduct such treatment.

Proposed law provides for the responsibilities of the licensing boards for nurse practitioners and physician assistants to become certified to administer medically-aided treatments for those addicted to opioids.

Proposed law requires annual reporting by the boards to the chairmen of the Senate and House committees on health and welfare and to the secretary of the department of health of the number of those healthcare professionals certified to offer such treatment protocols and how many are actively treating such patients.

Proposed law provides for the outline of treatment offered for opioid addiction through the program sanctioned by the U.S. Department of Health and Human Services.

Effective August 1, 2019.

(Adds R.S. 40:1125.1-1125.4)