

2016 Regular Session

SENATE RESOLUTION NO. 196

BY SENATORS BARROW, MILLS AND MORRELL

HEALTH CARE. Requests the Louisiana State Board of Nursing and the Louisiana State Board of Medical Examiners to jointly develop and promulgate rules governing exemption from the collaborative practice agreement between an advanced practice registered nurse and a licensed physician.

1 A RESOLUTION

2 To urge and request the Louisiana State Board of Nursing and the Louisiana State Board of  
3 Medical Examiners to jointly promulgate rules establishing an exemption from the  
4 collaborative practice agreement between an advanced practice registered nurse and  
5 a licensed physician.

6 WHEREAS, the debate between the Louisiana State Board of Nursing (LSBN) and  
7 the Louisiana State Board of Medical Examiners (LSBME) regarding the requirement of a  
8 collaborative practice agreement between an advanced practice registered nurse and a  
9 licensed physician has been a point of contention at the legislature for many years; and

10 WHEREAS, rather than working together amicably and professionally to resolve the  
11 dispute over the collaborative practice agreement in a civilized manner, these two boards  
12 continuously thrust the problem upon the legislature in the form of bills and resolutions that  
13 generate countless hours of objection through testifying and lobbying without ever offering  
14 solutions or compromises; and

15 WHEREAS, these two boards have been statutorily created to serve as the experts  
16 in their respective fields and it is time that they take the responsibility they have been  
17 charged with seriously and resolve this matter in a way that makes practical and professional  
18 sense; and

1           WHEREAS, if the current members of these two boards are unable to conduct  
2 themselves in a professional manner and present the legislature with a solution to this debate  
3 they should be replaced with individuals who are able to reach a compromise and carry out  
4 the duties with which they have been entrusted.

5           THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana  
6 does hereby urge and request the Louisiana State Board of Nursing and the Louisiana State  
7 Board of Medical Examiners to work jointly to develop and adopt rules establishing an  
8 exemption from the collaborative practice agreement between an advanced practice  
9 registered nurse and a licensed physician.

10           BE IT FURTHER RESOLVED that the rules shall include, but not be limited to the  
11 following:

12           (1) Guidelines and criteria providing for the minimum licensure requirements that  
13 must be obtained.

14           (2) Guidelines and criteria providing for required standing with the board.

15           (3) Guidelines and criteria providing for the minimum hours of experience with a  
16 collaborative practice agreement.

17           (4) Guidelines and criteria providing for minimum hours of advanced studies and  
18 training in areas such as physical assessment, pharmacology, and pathophysiology.

19           (5) Guidelines and criteria providing for primary care access in health professional  
20 shortage areas.

21           (6) Guidelines and criteria providing for primary care access within a certain  
22 specified geographical radius with no primary care physicians.

23           (7) Guidelines and criteria providing for primary care access in an area where no  
24 licensed physician is willing to enter into a collaborative practice agreement.

25           (8) Guidelines and criteria regarding a licensed physician requiring a fee or obtaining  
26 a financial benefit as a condition of entering into the collaborative practice agreement.

27           BE IT FURTHER RESOLVED that the rules promulgated pursuant to this  
28 Resolution shall proceed through the Administrative Procedure Act process to afford public  
29 notice and a public hearing with an anticipated final adoption date and publication in the  
30 July 20, 2017, Louisiana Register.

1           BE IT FURTHER RESOLVED that a Senate bill will be filed during the 2017  
 2 Regular Session of the Legislature of Louisiana to amend R.S. 37:913 to provide in statute  
 3 an exemption from the collaborative practice agreement pursuant to the rules jointly  
 4 developed and promulgated by both licensing boards.

5           BE IT FURTHER RESOLVED that if the two licensing boards fail to work jointly  
 6 to comply with the requirements within the time frame set forth in this Resolution, a Senate  
 7 bill will be filed during the 2017 Regular Session of the Legislature of Louisiana to provide  
 8 grounds for the immediate removal of the board members of both boards and will give the  
 9 governor statutory authority to remove such members as failure to comply indicates  
 10 incompetence, inefficiency, neglect of duty, or unprofessional or dishonorable conduct.

11           BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
 12 executive director of the Louisiana State Board of Nursing and the executive director of the  
 13 Louisiana State Board of Medical Examiners..

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Christine Arbo Peck.

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DIGEST

SR 196 Original

2016 Regular Session

Barrow

Requests the Louisiana State Board of Nursing and the Louisiana State Board of Medical Examiners to work jointly to develop and adopt rules establishing an exemption from the collaborative practice agreement between an advanced practice registered nurse and a licensed physician by July 20, 2017.