

Notice of Intent

Department of Health and Hospitals
Board of Nursing

Disaster Permits for APRNs

(LAC 46:XLVII§3328 and LAC46:XLVII§4513)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:918, that the Louisiana State Board of Nursing (LSBN) proposes to amend Chapter 33 of its rules particular, by amending 3328 and 4513. The proposed changes to the rules provide for the issuance of temporary prescriptive authority to those who request to apply for and provide services as advanced practice registered nurses/APRNs in Louisiana during the event of a formal, declared disaster. Current rules require that an applicant for prescriptive authority hold a valid *APRN license* which excludes and prevents APRNs from other states working under a *disaster permit* from providing a full range of services to Louisianans since a permit is not full APRN licensure. There is no request to expand the scope of practice of APRNs in the state nor is there a request for exceptions to current requirements for prescriptive authority. The addition of language to section 3328 and an exception to section 4513 of current rules would allow APRNs with a disaster permit issued in Louisiana to work to their maximum scope of practice permitted by current laws and regulations in Louisiana during this temporary period.

Title 46

PROFESSIONAL AND OCCUPATION STANDARDS
Part XLVII. Nurses: Practical Nurses and Registered Nurses
Subpart 2. Registered Nurses
Chapter 33. General
§3328. Temporary Permits Rules and Regulations

H. Prescriptive and Distributing Authority of Advanced Practice Registered Nurses (APRNs) issued a disaster permit: As public health emergencies and disasters can be sudden and unpredictable, the Department of Health and Hospitals, Office of Public Health and the Louisiana State Board of Nursing shall jointly develop guidelines for the collaborative practice agreement and collaborating physicians or dentists, and the processes required for granting disaster permits and temporary prescriptive authority for APRNs in the event of such emergencies when gratuitous services are provided. Any APRN issued a disaster permit who engages in medical diagnosis and management shall have prescriptive authority issued by the Louisiana State Board of Nursing. In accord with LAC 46: XLVII. 4513(D), with the exception of controlled substances, an APRN may be granted temporary prescriptive authority to prescribe assessment studies, including pharmaceutical diagnostic testing, legend 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 in R.S. 37.913(3)(b).

1. The applicant shall:

a. hold a current, unencumbered, unrestricted and valid APRN license or APRN disaster relief permit issued in Louisiana with no pending disciplinary proceedings as stated in R.S. 37:921;

b. submit an application for temporary prescriptive authority on a form provided by the board;

c. submit evidence of current, unrestricted certification issued by a nationally recognized certifying body approved by the Board;

d. submit evidence of current and active prescriptive authority granted in another state;

e. submit a collaborative practice agreement as defined in §4513.B.1, 2 and 3 and the guidelines established and approved by the Department of Health and Hospitals, Office of Public Health and the Louisiana State Board of Nursing.

i. the collaborating physician shall include the State Health Officer of the Department of Health and Hospital, Office of Public Health and/or his designee;

ii. the designee shall meet all requirements set forth by the Board and as delineated in the guidelines.

2. Any deviation from any provisions in this part shall be submitted to the board for review and approval;

3. APRNs currently licensed and holding active Prescriptive Authority in Louisiana are eligible to apply for additional temporary prescriptive authority privileges under the provisions of this section;

4. Nothing herein provides for the authorization to prescribe controlled substances

5. If allegations of acts or omissions which constitute grounds for disciplinary action as defined in R.S. 37:911 et seq., or any rule promulgated by the board is received during the permit interval or during the time prescriptive authority has been granted, the permit and prescriptive authority issued pursuant to this Section shall be recalled.

6. The Louisiana State Board of Nursing shall review the application and collaborative practice agreement for temporary prescriptive authority and all related materials, and shall approve, modify, or deny the application for prescriptive authority. An APRN with temporary prescriptive authority approved by the board shall only prescribe drugs and therapeutic devices as recommended within the parameters of the collaborative practice agreement.

7. If temporary prescriptive authority is granted through the provisions of this part relative to the issuance of an APRN disaster permit, prescriptive authority shall become inactive immediately upon expiration or inactivation of the APRN disaster permit, and the APRN must immediately cease exercising prescriptive authority at that time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, 919 and 920.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 33:460 (March 2007), amended LR 39:2280 (August 2013).

§4513. Authorized Practice

D. Prescriptive and Distributing Authority. An advanced practice registered nurse (APRN) shall practice in a manner consistent with the definition of advanced practice set forth in R.S. 37:913(3). An APRN may be granted prescriptive authority to prescribe assessment studies, including pharmaceutical diagnostic testing (e.g., dobutamine stress testing) 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 in R.S. 37.913(3)(b).

1. The applicant shall:

a. hold a current, unencumbered, unrestricted and valid registered nurse license in Louisiana with no pending disciplinary proceedings as stated in R.S. 37:921; 921 except as provided in LAC 46: XLVII. 3328(A-H);

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K) and R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:598 (August 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 22:283 (April 1996), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 22:981 (October 1996), LR 25:1245 (July 1999), LR), amended by the Department of Health and Hospitals, Board of Nursing, 27:727 (May 2001), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 28:487 (March 2002) repromulgated LR 28:1205 (June 2002), amended by the Department of Health and Hospitals, Board of Nursing, LR 31:2023 (August 2005), LR 33:1870 (September 2007), amended by the Department of Health and Hospitals, Board of Nursing, LR 40:63 (January 2014).

Family Impact Statement

1. What effect will this Rule have on the stability of the family? The proposed Rule should have no effect on the stability of the family.
2. What effect will this Rule have on the authority and rights of persons regarding the education and supervision of their children? The proposed Rule should have no effect on the authority and rights of persons regarding the education and supervision of their children.
3. What effect will this Rule have on the functioning of the family? The proposed Rule should have no effect on the functioning of the family.
4. What effect will this Rule have on family earnings and family budget? The proposed Rule should have no effect on family earnings and family budget.
5. What effect will this Rule have on the behavior and personal responsibility of children? The proposed Rule should have no effect on the behavior and personal responsibility of children.
6. Is the family or local government able to perform the function as contained in this proposed Rule? No, family or local government may not perform any of the functions outlined in the proposed Rule.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, it is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known foreseeable effect on:

1. Is there an effect on the staffing level requirements or qualifications required to provide the same level of service? The will be no effect on the staffing level requirements or qualifications required to provide the same level of service.
2. Is there a total direct and indirect effect on the cost to

the providers to provide the same level of service? There may be an indirect effect on the cost to the providers to provide the same level of service in that they will be volunteers providing nursing services during a disaster and will not be paid for what would, in other circumstances, be paid services.

3. What is the overall effect on the ability of the provider to provide the same level of service? There is no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule to Karen C. Lyon, Louisiana State Board of Nursing, 17373 Perkins Road, Baton Rouge, LA 70810, or by facsimile to (225) 755-7585. All comments must be submitted by 5 p.m. on or before September 10, 2014.

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Executive Director

