

**LAW
GOVERNING THE
PRACTICE OF
NURSING**

Louisiana Revised Statutes 37:911 et seq. as re-enacted and amended

REGISTERED NURSES



2010

**Louisiana State Board of Nursing
17373 Perkins Road
Baton Rouge, LA 70810**

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CHAPTER 11. NURSES
PART I. REGISTERED NURSES

§911. Legislative findings; intent; purpose of part

A. The legislature finds that the practice of nursing by qualified individuals is necessary to protect the public health, safety, and welfare of the citizens of this state.

B. The legislature further finds that the practice of nursing by a registered nurse and an advanced practice registered nurse should be regulated in the public interest.

C. Therefore, it is the legislative intent and the purpose of this Part to promote, preserve, and protect the public health, safety, and welfare by regulating nursing education and practice and ensuring that any individual practicing or offering to practice nursing or using the title "registered nurse" or "advanced practice registered nurse" shall be licensed before engaging in such practice.

Acts 1976, No. 351, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996.

§912. Effectiveness of Part; exceptions

A. This Part shall become effective on January 1, 1996. Thereafter, no individual shall practice or offer to practice or perform the duties of a registered nurse or an advanced practice registered nurse unless he possesses a current license issued pursuant to this Part or is exempt from this Part.

B.(1) Any individual possessing a valid license to practice nursing as a registered nurse on January 1, 1996, shall be considered licensed as a registered nurse and shall be eligible for renewal of such license under this Part.

(2) Any individual eligible for reinstatement of a license to practice nursing as a registered nurse on January 1, 1996, shall be considered to be eligible to be licensed as a registered nurse under this Part.

(3) Any registered nurse who is recognized by the board as an advanced practitioner of nursing on January 1, 1996, shall be eligible for licensure as an advanced practice registered nurse under this Part.

(4) Any individual who is eligible for reinstatement of a registered nurse license and who has been recognized as an advanced practitioner of nursing may be licensed as a registered nurse and as an advanced practice registered nurse under this Part by applying for reinstatement according to rules and regulations established by the board and applying for an advanced practice registered nurse license. Application for such license shall be made within twelve months of January 1, 1996.

(5) Those individuals eligible for licensure under this Subsection shall be eligible for renewal of such license under this Part.

Acts 1976, No. 351, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996.

§913. Definitions

As used in this Part:

(1) "Advanced practice registered nurse" or "APRN" means a licensed registered nurse who is certified by a nationally recognized certifying body, such as the American Nurses Credentialing Center, as having an advanced nursing specialty as described in this Part and who meets the criteria for an advanced practice registered nurse as established by the board. In the absence of the availability of a

national certification examination in a selected clinical area, the board may establish commensurate requirements. An advanced practice registered nurse shall include, but not be limited to, the following:

(a) Certified nurse midwife or "CNM" who is an advanced practice registered nurse educated in the disciplines of nursing and midwifery and certified according to a nationally recognized certifying body, such as the American College of Nurse Midwives Certification Council, as approved by the board and who is authorized to manage the nurse midwifery care of newborns and women in the antepartum, intrapartum, postpartum, and/or gynecological periods.

(b) Certified registered nurse anesthetist or "CRNA" who is an advanced practice registered nurse educated in the field of nurse anesthesia and certified according to the requirements of a nationally recognized certifying body such as the Council on Certification of Nurse Anesthetists or the Council on Recertification of Nurse Anesthetists, as approved by the board and who is authorized to select and administer anesthetics or ancillary services to patients under their care.

(c) Clinical nurse specialist or "CNS" who is an advanced practice registered nurse educated in a recognized nursing specialty area who is certified according to the requirements of a nationally recognized certifying body such as the American Nurses Association's American Nurses Credentialing Center, as approved by the board and who is authorized to provide direct nursing care to a select population in a recognized nursing specialty area, and plans, guides, and directs care given by other nursing personnel.

(d) Nurse practitioner or "NP" who is an advanced practice registered nurse educated in a specified area of care and certified according to the requirements of a nationally recognized accrediting agency such as the American Nurses Association's American Nurses Credentialing Center, National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties, or the National Certification Board of Pediatric Nurse Practitioners and Nurses, or as approved by the board and who is authorized to provide primary, acute, or chronic care as an advanced nurse practitioner acting within his scope of practice to individuals, families, and other groups in a variety of settings including, but not limited to, homes, institutions, offices, industry, schools, and other community agencies.

(2) "Advanced practice registered nurse student" means any licensed registered nurse enrolled as a student in an educational program which prepares him for advanced practice of nursing which meets the board's criteria for advanced practice educational programs, and whose graduates are eligible for certification by a nationally recognized certifying body.

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

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

(ii) Providing guidance and teaching.

(iii) Working with patients and families in meeting health care needs.
(iv) Collaborating with other health care providers.
(v) Managing patients' physical and psychosocial health-illness status with regard to nursing care.

(vi) Utilizing research skills.

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

(viii) Making decisions in solving patient care problems and selecting treatment regimens in collaboration with a licensed physician, dentist, or other health care provider as indicated.

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

(b) Advanced practice registered nursing may include certain acts of medical diagnosis, in accordance with R.S. 37:913(8) and (9), or medical prescriptions of therapeutic or corrective nature, prescribing assessment studies, 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 and in accordance with this Paragraph.

(4) "Approved program" means a nursing education program approved by the board.

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

(6) "Board" means the Louisiana State Board of Nursing.

(6.1) "Clinical phase of nursing education" means those nursing courses that require a student to provide nursing care, under faculty supervision, to individuals, families, and communities in diverse health care settings.

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

(8) "Collaborative practice" means the joint management of the health care of a patient by an advanced practice registered nurse performing advanced practice registered nursing and one or more consulting physicians or dentists. Except as otherwise provided in R.S. 37:930, acts of medical diagnosis and prescription by an advanced practice registered nurse shall be in accordance with a collaborative practice agreement.

(9) "Collaborative practice agreement" means a formal written statement addressing the parameters of the collaborative practice which are mutually agreed upon by the advanced practice registered nurse and one or more licensed physicians or dentists which shall include but not be limited to the following provisions:

(a) Availability of the collaborating physician or dentist for consultation or referral, or both.

(b) Methods of management of the collaborative practice which shall include

clinical practice guidelines.

(c) Coverage of the health care needs of a patient during any absence of the advanced practice registered nurse, physician, or dentist.

(10) "Endorsement" means certification of an applicant who is duly licensed as a registered nurse or advanced practice registered nurse in another state, territory, or country for licensure to practice as a registered nurse or advanced practice registered nurse in this state.

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

(12) "Nursing diagnosis" means the identification of actual or potential responses to health needs or problems based on collecting, analyzing, and comparing data with appropriate nursing standards to serve as the basis for indicating nursing care or for which referral to appropriate medical or community resources is necessary.

(13) "Practice of nursing" means the performance, with or without compensation, by an individual licensed by the board as a registered nurse, of functions requiring specialized knowledge and skills derived from the biological, physical, and behavioral sciences. The practice of nursing or registered nursing shall not be deemed to include acts of medical diagnosis or medical prescriptions of therapeutic or corrective nature.

(14) "Registered nursing" means the practice of the scope of nursing which is appropriate to the individual's educational level, knowledge, skills, and abilities, including:

- (a) Assessing the health status of an individual or group of individuals.
- (b) Establishing a nursing diagnosis and identifying health care needs, or both.
- (c) Establishing goals to meet identified health care needs.
- (d) Planning nursing care measures.
- (e) Implementing nursing care through such services as case finding, health instruction, health counseling, providing care supportive to or restorative of life and well-being, and executing health care regimens as prescribed by licensed physicians, dentists, optometrists, or other authorized prescribers.
- (f) Delegating nursing interventions to qualified nursing personnel in accordance with criteria established by the board.
- (g) Maintaining nursing care rendered directly or indirectly.
- (h) Evaluating human responses to interventions.
- (i) Teaching the theory and practice of nursing.
- (j) Managing and supervising the practice of nursing.
- (k) Collaborating with licensed physicians, dentists, optometrists, and other health care providers in the management of health care.
- (l) Performing additional acts which are recognized within standards of nursing practice and which are authorized by the board.

(15) "Registered nurse" means any individual licensed under this Part to engage in the practice of nursing as defined in Paragraph (14) of this Section.

(16) "Student nurse" means any individual who is enrolled in an approved

program preparing for licensure as a registered nurse.

Acts 1976, No. 351, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996; Acts 1995, No. 1209, §1; Acts 1997, No. 720, §1, eff. July 9, 1997; Acts 1999, No. 315, §1, eff. June 16, 1999; Acts 2001, No. 480, §1; Acts 2003, No. 1094, §1, eff. July 2, 2003.

§914. Louisiana State Board of Nursing; appointment of members; term of office; vacancy; officers; compensation

A. The Louisiana State Board of Nursing is hereby created within the Department of Health and Hospitals and subject to the provisions of R.S. 36:803.

B.(1) The board shall be composed of eight registered nurses appointed by the governor from a list of names submitted by the Louisiana State Nurses Association, one certified registered nurse anesthetist appointed by the governor from a list of names submitted by the Louisiana Association of Nurse Anesthetists, Ltd. and two physicians, appointed by the governor from a list of names submitted by the Louisiana State Medical Society, who shall serve as ex officio members of the board and shall serve only as advisors to the board and shall not vote.

(2) Each appointment by the governor shall be subject to Senate confirmation.

C.(1) Effective January 1, 1996, board members shall serve the following staggered terms:

(a) One nursing service administrator for a term of two years and one nursing service administrator for a term of three years.

(b) Two nursing educators for a term of two years and one nursing educator for a term of one year.

(c) Three members who are engaged in other areas of nurse practice; one for a term of one year, one for a term of two years, and one for a term of three years.

(d) One advanced practice registered nurse for a term of four years.

(e) One physician for a term of two years, and one physician for a term of three years.

(2) Thereafter, each individual appointed to the board shall serve a term of four years.

(3)(a) Any board member serving on January 1, 1996, shall thereafter be appointed for no more than two consecutive four-year terms.

(b) On or after January 1, 1996, no individual shall be appointed to serve more than two consecutive four-year terms.

(4) The effective date of appointment or reappointment of a member shall coincide with the expiration date of the previous term.

(5) Each member shall serve until his successor has been appointed and confirmed.

(6) Upon the expiration of the term of any member or in the event of a vacancy for any reason, the appropriate nominating organization shall submit to the governor the names of two qualified persons for each vacancy to be filled.

(7) A vacancy occurring on the board for any reason shall be filled in the same manner as the original appointment was made. However, members appointed to fill vacancies shall serve only for the unexpired term of their predecessors.

D. The board shall elect a president, vice president, and such other officers as it considers necessary to carry out the duties and functions of the board.

E. Each member of the board shall receive seventy-five dollars a day and

reimbursement for actual expenses and mileage at the same rate set by the division of administration for state employees under the provisions of R.S. 39:231 for each day in actual attendance at board meetings or for representing the board in an official board-approved activity.

Acts 1976, No. 351, §1. Amended by Acts 1977, No. 684, §5; Acts 1995, No. 633, §1, eff. Jan. 1, 1996; Acts 2004, No. 733, §2, eff. Jan. 1, 2005.

§915. Removal of board members

Any member may be removed from the board by the governor or a majority vote of the board after notice and a hearing by the board wherein grounds for removal have been established, and the removal is recommended by the Louisiana State Nurses Association. Grounds for removal shall include but not be limited to incompetence, neglect of duty, or unprofessional or dishonorable conduct.

Acts 1976, No. 351, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996.

§916. Qualifications of board members

A. Each member of the board shall:

(1) Be a citizen of the United States and a resident of Louisiana for one year immediately prior to appointment.

(2) Hold a current, unencumbered, unrestricted, Louisiana license to practice as a registered nurse.

(3) Have had three years experience in respective field of practice.

(4) Be actively engaged in the practice of nursing as a registered nurse at time of appointment.

B. In addition to the qualifications in Subsection A, at least two members of the board shall have a minimum of a bachelor of science degree in nursing.

Acts 1976, No. 351, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996.

§917. Composition of board

The board shall be composed of two members who are nursing service administrators, three members who are nurse educators, three members who are in other areas of nursing practice, and one advanced practice registered nurse. In addition, there shall be two physicians as ex officio members of the board to serve as non-voting advisors to the board.

Acts 1976, No. 351, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996.

§918. Duties and powers of the board

The board shall:

(1) Establish and publish minimum curriculum requirements and standards for individuals seeking to be licensed under this Part.

(2) Approve nursing education programs whose graduates meet the licensing requirements of the board.

(3) Provide for hearings for nurse educational programs when approval is denied or withdrawn.

(4) Establish and publish standards of nursing practice and education in accordance with those developed and accepted by the profession.

(5) Examine, approve, renew, and reinstate licenses of duly qualified applicants and establish examination procedures for such purposes.

(6) Deny, revoke, suspend, probate, limit or otherwise restrict licenses of individuals who violate this Part.

(7) Provide procedure and conduct hearings for the discipline of individuals as needed and establish alternatives to the disciplinary process when considered appropriate by the board.

(8) Cause the prosecution of all persons violating any provision of this Part.

(9) Keep a record of all board proceedings.

(10) Publish an annual report for distribution to the governor and the legislature containing the activities of the board during the past year.

(11) Maintain a roster of all individuals licensed under this Part and annually prepare a roster of the names and addresses of all such licensees. A copy of the roster shall be made available to any individual requesting it upon payment of a fee established by the board as sufficient to cover the cost of copying the roster.

(12) Adopt and revise rules and regulations necessary to enable the board to implement this Part in accordance with the Administrative Procedure Act.

(13) Employ an executive director who holds a current license to practice nursing and other persons necessary to implement the board's directives, rules, and regulations and to assist the board in the implementation of this Part.

(14) Appoint an attorney at law to represent the board in all matters pertaining to the administration of the provisions of this Part, fix his compensation, and define his duties.

(15) Have all other powers necessary and proper to the performance of their duties, including but not limited to the power to subpoena.

(16) Have the authority to:

(a) Request and obtain state and national criminal history record information on any person applying for any license or permit which the board is authorized by law to issue, including permission to enroll as a student nurse in clinical nursing courses.

(b) Require any applicant for any license or permit, which the board is authorized to issue, including permission to enroll as a student in clinical nursing courses, to submit a full set of fingerprints, in a form and manner prescribed by the board, as a condition to the board's consideration of his or her application.

(c) Charge and collect from an applicant for any license or permit which the board is authorized to issue, including permission to enroll as a student in clinical nursing courses, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining criminal history record information on the applicant.

(d) Promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Paragraph.

(17) Have the authority and jurisdiction to regulate student nurses in the clinical phase of nursing education; however, nothing in this Part shall require the licensure by the board of student nurses during the clinical phase of their education.

(18) Develop, adopt, and revise rules and regulations governing scope of practice for advanced practice registered nurses including but not limited to prescriptive authority, the receipt and distribution of sample drugs and prepackaged drugs, and prescribing of legend and certain controlled drugs.

(19) Enforce the rules and regulations in place on the effective date of this Subsection until such time as the Board of Nursing promulgates rules and regulations

in accordance with this Section.

(20) Have the authority to purchase, lease, maintain, or otherwise contract with respect to immovable property and improvements thereon as it may deem necessary or appropriate to accomplish the provisions of this Part. Additionally, the board shall have the authority to borrow funds with the approval of the State Bond Commission and to expend funds of the board for the acquisition of immovable property and improvements thereon. In the event that the board sells immovable property and improvements thereon, the revenue derived from the sale shall be retained by the board and shall not be subject to reversion to the state general fund.

(21) Have the authority to share any information in the custody of the board including information not subject to the laws relative to public records pursuant to R.S. 44:4(9), with any regulatory or law enforcement agency upon written request of the regulatory or law enforcement agency.

Acts 1976, No. 351, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996; Acts 1997, No. 311, §1; Acts 1999, No. 315, §1, eff. June 16, 1999; Acts 2003, No. 957, §1; Acts 2003, No. 1094, §1, eff. July 2, 2003; Acts 2010, No. 843, eff. Aug. 15, 2010.

§919. Domicile of board

The domicile of the board shall be Baton Rouge, Louisiana, but offices for the purpose of administering the provisions of this Part may be established by the board in any of the principal cities or metropolitan areas of such principal cities in Louisiana.

Acts 1976, No. 351, §1; Acts 2003, No. 957, §1.

§920. Licensure; qualifications; examination; renewal; temporary permits

A.(1) The board shall issue a license to each applicant who applies for licensure as a registered nurse or an advanced practice registered nurse who files an application upon a form and in such manner as the board prescribes, accompanied by such fee as required in R.S. 37:927, and who furnishes evidence to the board that he:

- (a) Is of good moral character.
- (b) Has completed the requirements of a nursing education program approved by the board which prepares him for initial licensure as a registered nurse.
- (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 this Part and the rules and regulations.
- (f) Has committed no acts or omissions which constitute grounds for disciplinary action as defined in R.S. 37:921, 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.

(2) Any individual applying for licensure as an advanced practice registered nurse shall submit proof that he holds a current, unencumbered, unrestricted registered nurse license, has satisfactorily completed a formal education program preparing graduates to practice specialized and advanced nursing practice, and holds a current certification for advanced practice granted by a nationally recognized certifying agency whose certification program is approved by the board, or in the absence of the availability of such certification, has met commensurate requirements

as may be established by the board. After January 1, 1996, the applicant must show evidence of completion of a minimum of a master's degree with a concentration in the respective advanced practice nursing specialty, except for those applicants who provide documentation that the applicant completed or enrolled in a formalized post-basic education program preparing individuals in the advanced practice nursing specialty as approved by the board prior to December 31, 1995. Those applicants submitting enrollment in a formalized post-basic education program preparing individuals in the advanced practice nursing specialty prior to December 31, 1995, must maintain continuous enrollment prior to December 31, 1995, through completion.

B.(1) The board may by endorsement issue a license to practice as a registered nurse or an advanced practice registered nurse to any applicant who is duly licensed as a registered nurse under the laws of another state, territory, or country, who files an application upon a form and in such manner as the board prescribes, accompanied by the fees required in R.S. 37:927, meets the requirements of Subparagraphs A(1)(a), (b), (d), (e), (f), and (g) of this Section and who furnishes satisfactory evidence to the board that he:

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

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

(c) Meets other criteria established by the board.

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

C. The board shall authorize the administration of the examination to applicants for licensure as registered nurses.

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

E.(1) The board shall renew the license of each individual licensed under this Part on a schedule to be determined by the board. Each licensee shall submit an application, pay the appropriate renewal fee established by the board, and meet such other requirements of the board prior to the expiration of his license.

(2) Any individual licensed by this Part who is no longer practicing as a registered nurse in this state may, by submitting a written request to the board, be granted inactive status. No payment of an annual licensing fee shall be required by any individual who has been granted inactive status. Such individual may be granted active status by submitting an application form, paying the appropriate fee established by the board, and meeting other such requirements of the board.

(3) Any individual who is no longer engaged in the practice of nursing may be granted a license with a retired status upon filing an application requesting such status and paying the fee established by the board.

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

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

Acts 1976, No. 351, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996.

§920.1. Louisiana State Board of Nursing; authorization to obtain criminal history record information

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

(1) "Applicant" means a person who has made application to the board for the issuance or reinstatement of any form of licensure.

(2) "Board" means the Louisiana State Board of Nursing.

(3) "Bureau" means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.

(4) "Criminal history record information" means information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing and criminal correctional supervision and release, but does not include intelligence for investigatory purposes, nor does it include any identification information which does not indicate involvement of the individual in the criminal justice system.

(5) "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.

(6) "Licensure" means any license or permit which the board is authorized to issue, including permission to enroll as a student in clinical nursing courses.

B. In addition to any other requirements established by law or board rules, the board shall require an applicant, as a condition for eligibility for licensure:

(1) To submit a full set of fingerprints, in a form and manner prescribed by the board.

(2) To permit the board to request and obtain state and national criminal history record information on the applicant.

(3) To charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

C. In accordance with the provisions and procedure prescribed by this Section, the board shall request and obtain state and national criminal history record information from the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections and the Federal Bureau of Investigation of the United States Department of Justice relative to any applicant for licensure whose fingerprints the board has obtained pursuant to this Section for the purpose of determining the applicant's suitability and

eligibility for licensure.

D. Upon request by the board and upon the board's submission of an applicant's fingerprints, and such other identifying information as may be required, the bureau shall conduct a search of its criminal history record information relative to the applicant and report the results of its search to the board within sixty days after receipt of any such request. The bureau may charge the board a reasonable processing fee for conducting and reporting on any such search.

E. If the criminal history record information reported by the bureau to the board does not provide grounds for disqualification of the applicant for licensure under the applicable law administered by the board, the board shall have the authority to forward the applicant's fingerprints and such other identifying information as may be required to the FBI with a request for a search of national criminal history record information relative to the applicant.

F. Any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

Acts 1997, No. 311, §1.

§921. Grounds for disciplinary proceedings

The board may deny, revoke, suspend, probate, limit, or restrict any license to practice as a registered nurse or an advanced practice registered nurse, impose fines, and assess costs, or otherwise discipline a licensee and the board may limit, restrict, delay, or deny a student nurse from entering or continuing the clinical phase of nursing education upon proof that the licensee or student nurse:

(1) Is guilty of selling or attempting to sell, falsely obtaining, or furnishing any nursing diploma or license to practice as a registered nurse.

(2) Is convicted of a crime or offense which reflects the inability of the nurse to practice 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 nursing with reasonable skill and safety to individuals because of use of alcohol or drugs; or has demonstrated inability to practice 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 this Part.

(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 this Part.

Acts 1976, No. 351, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996; Acts 1999, No. 315, §1, eff. June 16, 1999, Acts 2010, No. 943, § 1, eff. Aug. 15, 2010.

§922. Hearings by board

A. Upon the filing of a sworn complaint with the board charging the violation of any of the provisions of this Part, the executive director of the board shall fix a time and place for hearing and send by registered mail a copy of the charges together with a notice of the time and place for hearing to the individual accused at least ten days prior to the date set for the hearing. The notice shall be mailed to the last known address of the individual accused as it appears on the records of the board.

The executive director may appoint a panel consisting of three or more board members to hear the charges. If no panel has been appointed, the charges shall be heard by no less than a quorum of the board members.

B. The board may compel or subpoena the attendance of witnesses, the production of books, papers, and documents, and administer oaths at the hearings. The accused individual may have witnesses on his behalf summoned by the board and may confront the witnesses against him.

C. Notwithstanding any privilege of confidentiality recognized by law, no physician or health care institution with which such nurse is affiliated shall, acting under any such privilege, fail or refuse to respond to a lawfully issued subpoena of the board for any medical information, testimony, records, data, reports or other documents, tangible items, or information relative to any patient cared for or assigned to such nurse under investigation. However, the identity of any patient identified in or by such records or information shall be maintained in confidence by the board and shall be deemed a privilege of confidentiality existing in favor of any such patient. For the purpose of maintaining such confidentiality of patient identity, the board shall cause any such medical records of the transcript of any such testimony to be altered in order to prevent the disclosure of the identity of the patient to whom such records or testimony relates.

D. The board shall not be bound by strict rules of procedure or other laws of evidence in the conduct of its proceedings. At the hearing the accused individual may appear either personally or by counsel, produce witnesses and evidence on his own behalf, and cross-examine witnesses.

E. The board in its annual report shall state the nature and number of the various violations of this Part. The board, in its discretion, may maintain the confidentiality of an individual registered nurse who violates a provision of this Part whenever the board determines the public interest will be best served by alternatives to the disciplinary process.

Acts 1976, No. 351, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996.

§923. Appeal from board decision

Any decision of the board may be appealed to the court of competent jurisdiction within thirty days after mailing of notice of the decision by certified mail.

Acts 1976, No. 351, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996.

§924. Temporary restraining order

The board, through its executive director or officers, may obtain, without the necessity of posting bond, a temporary restraining order forbidding any individual from violating any of the provisions of this Part. This temporary restraining order shall not be subject to release upon bond. Upon obtaining the temporary restraining order, the board shall proceed in an action to convert the temporary restraining order into a permanent injunction.

Acts 1976, No. 351, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996.

§925. Violations; penalty

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

(1) Sell, or attempt to sell, falsely obtain, or furnish any nursing diploma, license, or record, or aid or abet therein.

(2) Practice nursing under any diploma, license, or record illegally obtained, signed, or issued unlawfully.

(3) Practice nursing unless duly licensed to do so under the provisions of this Part.

(4) Use in connection with his name any designation tending to imply that he is a registered nurse or an advanced practice registered nurse unless duly licensed to practice under the provisions of this Part.

(5) Practice nursing during the time the license issued under the provisions of this Part is suspended or revoked.

(6) Knowingly practice nursing during the time his license has lapsed for failure to renew the license.

(7) Conduct any program or curriculum of nursing, preparing students who are seeking licensure as registered nurses under the provisions of this Part unless such program or curriculum is approved by the board.

(8) Aid or abet anyone in the violation of any provisions of this Part.

(9) Violate any provision of this Part.

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

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

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

Acts 1976, No. 351, §1. Acts 1986, No. 487, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996.

§926. Prosecutions by board

Acts constituting violations as set out in R.S. 37:925 shall be subject to prosecution. This prosecution shall be brought in the name of the state, but nothing in this Part shall prevent or interfere with the prosecution of such proceedings by the attorney general or the district attorney of any parish, when the proceedings have been initiated by him.

Acts 1976, No. 351, §1.

§927. Fees

A. The board shall establish a reasonable fee schedule for the issuance or renewal of any license or permit, registration services, examination fees, consultation or presentation fees, or any other administrative function provided for in this Part. Such fee schedule may be modified from time to time as deemed necessary by the board. Such fee schedule shall include reasonable fees and administrative charges, not to exceed one hundred dollars, for the issuance or renewal of any license or permit for practicing as a registered nurse or an advanced practice registered nurse, and shall include a late fee for issuance or renewal of any such license or permit not to exceed one hundred dollars. The fee schedule set by the board may also include additional fees and costs which may be assessed in disciplinary proceedings as authorized by R.S. 37:925(D).

B. Fees set by the board under the authority of this Section shall include but not be limited to fees for the following education and continuing education purposes which shall not exceed the maximum amounts listed below:

- | | |
|--|--------------------------------|
| (1) School approval-site visit | \$500/site visit |
| (2) School approval-annual report | \$ 50 |
| (3) Out-of-state clinical approvals | \$250 |
| (4) Continuing education provider approval | \$800/2years |
| (5) Continuing education offering approval | \$75 and \$10/
contact hour |

C. The fees provided for in this Part shall be paid to the secretary-treasurer of the board and disbursed for the purpose of administering this Part.

Acts 1976, No. 351, §1; Acts 1996, 1st Ex. Sess., No. 95, §1, eff. May 10, 1996; Acts 1999, No. 693, §1, eff. July 1, 1999.

§928. Disposition of Funds

A. All amounts paid to the Louisiana State Board of Nursing shall be held subject to the order of the board to be used only for the purpose of meeting necessary expenses incurred in the performance of this Act, and the duties imposed thereby.

B. All monies which may have accumulated to the credit of the Board under the Act which is now repealed shall be continued for use by the board in the administration of this Part.

Acts 1976, No. 351, §1.

§929. Exceptions

The provisions of this Part shall not apply to:

- (1) Gratuitous nursing by friends or members of the family.
- (2) The incidental care of the sick by individuals primarily employed as domestic workers.
- (3) The rendering of nursing assistance by any individual in the case of immediate emergency. The rendering of nursing assistance by any individual in a disaster in accordance with the rules and regulations established by the board.
- (4) The practice of nursing as an integral part of a program of study by student nurses enrolled in an approved school of nursing; however, the board shall have jurisdiction to assert a disciplinary action over a student nurse who violates any

provisions of this Part.

(5) The practice of nursing in this state by any legally qualified nurse of another state who accompanies and cares for a patient temporarily residing in this state during a period not to exceed six months, if such nurse does not represent or hold himself out as a nurse licensed to practice in this state.

(6) Caring for the sick in accordance with tenets or practices of any church or religious denomination which teaches reliance upon spiritual means for healing, provided the individual does not prescribe or administer drugs or medicine, or assist in surgical or physical operations, assume the title of, or hold himself out to be a registered nurse or advanced practice registered nurse.

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

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

(9) The practice of any currently licensed registered nurse or advanced practice registered nurse of another state who provides or attends educational programs or provides consultative services within the state for a period as determined by the board. Neither the education nor consultation may include providing or directing nursing care or developing or revising nursing care policies.

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

Acts 1976, No. 351, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996; Acts 1999, No. 315, §1, eff. June 16, 1999.

§930. Anesthetics; authority to administer; penalty

A. No registered professional nurse shall administer any form of anesthetic to any person under their care unless the following conditions are met:

(1) The registered nurse has successfully completed the prescribed educational program in a school of anesthesia which is accredited by a nationally recognized accrediting agency approved by the United States Department of Health, Education, and Welfare.

(2) Is a registered nurse anesthetist certified by a nationally recognized certifying agency for nurse anesthetists following completion of the educational program referred to in Paragraph (1) of this Subsection and participates in a continuing education program of a nationally approved accreditation agency as from time to time required which program shall be recognized as the Continuing Education Program for Certified Registered Nurse Anesthetists; and

(3) Administers anesthetics and ancillary services under the direction and supervision of a physician or dentist who is licensed to practice under the laws of the state of Louisiana.

B.(1) No registered professional nurse licensed in the state of Louisiana who has been employed to administer anesthetics for six months prior to October 1, 1976,

shall be required to meet the requirements set forth in Paragraphs (1) and (2) of Subsection A herein, and such registered professional nurse may continue to administer anesthetics provided that such employment is continuous in the state of Louisiana and is not broken for a period of more than one year. However, any registered professional nurse licensed in this state who is employed to administer anesthetics after October 1, 1976, shall be required to meet the requirements of this Section.

(2) No registered professional nurse licensed in the state of Louisiana administering parenterally a sedative, hypnotic, or analgesic drug in the course of her employment under the supervision and control of a physician or dentist shall be required to meet the requirements set forth in Paragraphs (A)(1) and (2) of this Subsection.

(3) The requirements set forth in Paragraphs (1) and (2) of Subsection A herein, shall not apply to a graduate nurse anesthetist awaiting certification results, provided that the application for certification is made as soon as possible upon completion of the prescribed educational program in a school of anesthesia and provided further that this is the initial attempt for passage of the certification exam.

(4) The requirements set forth in Paragraphs (1) and (2) of Subsection A of this Section shall not apply to an emergency situation as determined by the appropriate supervising physician or dentist.

(5) No registered professional nurse who on and after October 1, 1976 possesses a permit, a temporary license or a permanent license to practice nursing in Louisiana in accordance with the provision of the Nurse Practice Act and who is duly enrolled as a bona fide student pursuing a course in a nurse anesthesia school which is approved by a nationally recognized accrediting body and whose graduates are acceptable for certification by a nationally recognized certifying body shall be required to meet the requirements set forth in Paragraphs (1) and (2) of Subsection A, herein insofar as the administering of anesthetics is confined to the educational requirements of the course and under direct supervision of a qualified instructor.

C. Whoever is found guilty of violating the provisions of this Section shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

D. Nothing herein shall prohibit the injection of local anesthetic agents under the skin or application of topical anesthetic agents by a registered nurse when prescribed by a physician or dentist who is licensed to practice in this state; however, this provision shall not permit a registered nurse to administer local anesthetics perineurally, peridurally, epidurally, intrathecally, or intravenously. This Subsection shall not be applicable to certified registered nurse anesthetists provided for in Subsection A of this Section.

E. Nothing herein shall prohibit the administration of a digital block or a pudendal block by an advanced practice registered nurse who has been trained to administer such procedure in accordance with a collaborative practice agreement.

F. Notwithstanding any laws to the contrary, a certified registered nurse anesthetist shall not be required to have a collaborative practice agreement or prescriptive authority to provide anesthesia care, including the administration of medications, anesthetics, and ancillary services necessary for the delivery of care within his scope of practice under the direction and supervision of a physician or dentist who is licensed to practice under the laws of the state of Louisiana.

G.(1) The Louisiana Legislature hereby finds that:

(a) Certified Registered Nurse Anesthetists (CRNAs) have been selecting and administering anesthesia in Louisiana and the United States for over one hundred years.

(b) The specialty of nurse anesthesia was established in the late 1800s as the first clinical nursing specialty.

(c) Nursing took the lead in formalizing anesthesia practice as a specialty and in providing for specialty education and credentialing in anesthesia practice. During World War I, nurse anesthetists trained both physicians and nurses to provide anesthesia services both at home and abroad.

(d) Nurse anesthetists alone provided the overwhelming majority of anesthetics up until World War II.

(e) Nurse anesthetists receive rigorous clinical and academic training, requiring a bachelor's degree from an accredited school of nursing and one year of professional nursing experience in an acute care setting prior to being considered for entrance to an accredited twenty-four to thirty-six month nurse anesthesia educational program.

(f) CRNAs administer the majority of anesthetics in Louisiana and all of the anesthetics in many parts of the state.

(g) Multiple studies have demonstrated that CRNAs are safe, accessible, and cost-effective providers of anesthetics.

(h) CRNAs are critical providers of quality anesthesia services in the health care delivery system in this state.

(i) An adequate supply of CRNAs in Louisiana is vital to continued access to safe, cost-effective health care for the citizens of Louisiana.

(j) Anesthesiologist assistants (AAs) are not presently authorized to train or practice in Louisiana and are only recognized in eight states.

(k) Less than six hundred AAs exist in the United States while over thirty thousand CRNAs are licensed and authorized to practice in every state in the United States.

(l) CRNAs receive a much higher level of education and training than do AAs.

(m) After thirty years of existence, only two AA schools exist in the United States while there are ninety-nine CRNA schools.

(n) CRNAs are trained and legally authorized to administer all types of anesthetics in all settings while AAs are limited by the type of anesthetics they can administer and the settings in which they are authorized to perform their services.

(2) It is hereby declared that CRNAs are an essential provider of safe, accessible, and cost-effective anesthesia care to the citizens of Louisiana. It is further declared that a sufficient supply of CRNAs in Louisiana is affected with the public interest. It is hereby declared to be the legislative intent to encourage a sufficient ongoing supply of CRNAs in this state and to discourage the creation and authorization of providers of anesthesia not otherwise presently trained and licensed to provide anesthesia. Specifically, it is the intent of the legislature to prevent the introduction of AAs into Louisiana until such time that they are deemed to be viable providers of anesthesia services. The purpose of this Subsection is to carry out that policy in the public interest, providing for the repeal of any provision that provides otherwise.

(3) No health care provider or other person, other than a certified registered nurse anesthetist, physician, dentist, perfusionist, or other explicitly authorized provider, shall select or administer any form of anesthetic to any person either directly or by delegation unless explicitly authorized by this Title.

Acts 1976, No. 200, §1. Amended by Acts 1977, No. 131, §1; Acts 1983, No. 322, §1; Acts 2001, No. 721, §1; Acts 2003, No. 1094, §1, eff. July 2, 2003; Acts 2004, No. 279, §1.

§931. Civil immunity; certain persons

A. There shall be no civil liability and no licensee or other individual shall have a cause of action or a claim for damages against any person or institution providing information to the board, its members, officers, designated agents or representatives, employees, where the individual or institution acts without malice and in the reasonable belief that such information is accurate.

B. There shall be no liability on the part of and no action for damages against any member of the board, its officers, employees, agents, or representatives for any action undertaken or performed by such individual within the scope of the duties, powers, and functions of the board when acting without malice and in the reasonable belief that the action taken is within the board's and such individual's authority.

Acts 1985, No. 659, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996.

§932. Collection of criminal evidence

Nothing in this Part shall prohibit a registered nurse from collecting blood or urine from a person suspected of violating the provisions of R.S. 14:32, 32.1, 39.1, or 98, at the request of a law enforcement officer.

Acts 1990, No. 1011, §1.

§933. Distributing medications in public health clinics

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

Acts 1993, No. 474, §1; Acts 1995, No. 633, §1, eff. Jan. 1, 1996.

§934. Prepayment and post-payment utilization review

Nothing in this Part shall prohibit a registered nurse who is properly licensed and recognized by the board from performing prepayment or post-payment utilization review of claims submitted for reimbursement under the Louisiana Medical Assistance Program provided that such review is performed under the direction of a licensed physician.

Acts 2003, No. 673, §1.

§935. Anesthetics; authority of registered nurses

Notwithstanding any other provision in this Chapter to the contrary, a registered nurse may administer, in accordance with an order of an authorized prescriber, anesthetic agents to intubated patients in critical care settings, and may titrate and continue infusion of local anesthetic agents through the use of epidural or perineural catheters for pain management, excluding obstetric patients, in accordance with rules and regulations promulgated by the Louisiana State Board of Nursing, in accordance with the Administrative Procedure Act.

Acts 2004, No. 642, §1, eff. July 5, 2004, Acts 2010, No 246, eff. Jun. 17, 2010.

