

AMENDED IN ASSEMBLY JUNE 8, 2009

AMENDED IN SENATE MARCH 31, 2009

**SENATE BILL**

**No. 294**

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**Introduced by Senator Negrete McLeod**

February 25, 2009

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An act to add Section 2835.7 to the Business and Professions Code, relating to nurse practitioners.

LEGISLATIVE COUNSEL'S DIGEST

SB 294, as amended, Negrete McLeod. Nurse practitioners.

Existing law, the Nursing Practice Act, provides for the certification and regulation of nurse practitioners and nurse-midwives by the Board of Registered Nursing and specifies requirements for qualification or certification as a nurse practitioner. Under the act, the practice of nursing is defined, in part, as providing direct and indirect patient care services, as specified, including the dispensing of drugs or devices under specified circumstances. The practice of nursing is also described as the implementation, based on observed abnormalities, of standardized procedures, defined as policies and protocols developed by specified facilities in collaboration with administrators and health professionals, including physicians and surgeons and nurses.

This bill would authorize the implementation of standardized procedures that would expand the duties of a nurse practitioner in the scope of his or her practice, as enumerated. The bill would make specified findings and declarations in that regard.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 ~~(a) Nurse practitioners play a vital and cost-effective role in the~~  
4 ~~delivery of health care services both independently and in~~  
5 ~~collaboration with physicians and surgeons and other health care~~  
6 ~~providers. Nurse practitioners are involved in almost every setting~~  
7 ~~in which health care services are delivered, and, in collaboration~~  
8 ~~with physicians and surgeons, directly are registered nurses who~~  
9 ~~have a graduate education and clinical training, and who provide~~  
10 a wide range of services and care.

11 (b) Under current law, nurse practitioners have the same  
12 statutory authority to provide services and care as do registered  
13 nurses. However, the law allows those registered nurses ~~that meet~~  
14 ~~the education requirements for certification as nurse practitioners~~  
15 ~~who the Board of Registered Nursing has determined meet the~~  
16 ~~standards for a nurse practitioner to provide care and services~~  
17 ~~beyond those specified in statute for registered nurses where those~~  
18 ~~services are performed pursuant to standardized procedures and~~  
19 ~~protocols adopted by each entity delivering health care services~~  
20 ~~in which a nurse practitioner practices. developed through~~  
21 ~~collaboration among administrators and health professionals,~~  
22 ~~including physicians and surgeons, in the organized health care~~  
23 ~~system in which a nurse practitioner practices.~~

24 (c) The Legislature reiterates its intention to allow each ~~health~~  
25 ~~care setting organized health care system~~ in which a nurse  
26 practitioner practices to ~~select and control the services nurse~~  
27 ~~practitioners may perform and provide~~ *define those services nurse*  
28 *practitioners may perform in standardized procedures developed*  
29 pursuant to Section 2725 of the Business and Professions Code;  
30 and that it is not the intention of the Legislature to grant nurse  
31 practitioners the authority to independently perform services  
32 beyond the level set forth in statute for registered nurses outside  
33 of the standardized procedures..

34 (d) Notwithstanding the foregoing, the Legislature finds that  
35 there ~~is~~ *may be some* ambiguity in current law regarding what  
36 services and functions to be performed by nurse practitioners may  
37 be included in standardized procedures and protocols. ~~This~~

1 ~~ambiguity results in disruptions and delays in care, disputes over~~  
2 ~~billings, and duplication of services.~~

3 (e) ~~Therefore, it is the intent of the Legislature to provide~~  
4 ~~clarification to remove this ambiguity, the Legislature hereby~~  
5 *clarifies* that standardized procedures and protocols may include  
6 the specified services and functions set forth in this act so that  
7 health care entities may allow nurse practitioners to engage in  
8 those activities if the entities choose to do so, and that third-party  
9 payors understand that those services and functions can be  
10 performed by nurse practitioners if they are included in an entity's  
11 standardized procedures and protocols.

12 SEC. 2. Section 2835.7 is added to the Business and Professions  
13 Code, to read:

14 2835.7. (a) Notwithstanding any other provision of law, in  
15 addition to any other practices that meet the general criteria set  
16 forth in statute or regulation for inclusion in standardized  
17 procedures developed through collaboration among administrators  
18 and health professionals, including physicians and surgeons and  
19 nurses, pursuant to Section 2725, standardized procedures may be  
20 implemented that authorize a nurse practitioner to do any of the  
21 following:

22 (1) Order durable medical equipment, subject to any limitations  
23 set forth in the standardized procedures. Notwithstanding that  
24 authority, nothing in this paragraph shall operate to limit the ability  
25 of a third-party payor to require prior approval.

26 (2) After performance of a physical examination by the nurse  
27 practitioner and collaboration with a physician and surgeon, certify  
28 disability pursuant to Section 2708 of the Unemployment Insurance  
29 Code.

30 (3) For individuals receiving home health services or personal  
31 care services, after consultation with the treating physician and  
32 surgeon, approve, sign, modify, or add to a plan of treatment or  
33 plan of care.

34 (b) Nothing in this section shall be construed to affect the  
35 validity of any standardized procedures in effect prior to the  
36 enactment of this section or those adopted subsequent to enactment.

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