

AMENDED IN ASSEMBLY JULY 1, 2009

AMENDED IN ASSEMBLY JUNE 8, 2009

AMENDED IN SENATE MARCH 31, 2009

SENATE BILL

No. 294

Introduced by Senator Negrete McLeod

February 25, 2009

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 are registered nurses who have a graduate
4 education and clinical training, and who provide a wide range of
5 services and care.

6 (b) Under current law, nurse practitioners have the same
7 statutory authority to provide services and care as do registered
8 nurses. However, the law allows those registered nurses who the
9 Board of Registered Nursing has determined meet the standards
10 for a nurse practitioner to provide care and services beyond those
11 specified in statute for registered nurses where those services are
12 performed pursuant to standardized procedures and protocols
13 developed through collaboration among administrators and health
14 professionals, including physicians and surgeons, in the organized
15 health care system in which a nurse practitioner practices.

16 (c) The Legislature reiterates its intention to allow each
17 organized health care system in which a nurse practitioner practices
18 to define those services nurse practitioners may perform in
19 standardized procedures developed pursuant to Section 2725 of
20 the Business and Professions Code.

21 (d) Notwithstanding the foregoing, the Legislature finds that
22 there may be some ambiguity in current law regarding what
23 services and functions to be performed by nurse practitioners may
24 be included in standardized procedures and protocols.

25 (e) Therefore, to remove this ambiguity, the Legislature hereby
26 clarifies that standardized procedures and protocols may include
27 the specified services and functions set forth in this act so that
28 health care entities may allow nurse practitioners to engage in
29 those activities if the entities choose to do so, and that third-party
30 payors understand that those services and functions can be
31 performed by nurse practitioners if they are included in an entity's
32 standardized procedures and protocols.

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

35 2835.7. (a) ~~Notwithstanding any other provision of law, in~~*In*
36 addition to any other practices that meet the general criteria set
37 forth in statute or regulation for inclusion in standardized
38 procedures developed through collaboration among administrators

1 and health professionals, including physicians and surgeons and
2 nurses, pursuant to Section 2725, standardized procedures may be
3 implemented that authorize a nurse practitioner to do any of the
4 following:

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

9 (2) After performance of a physical examination by the nurse
10 practitioner and collaboration with a physician and surgeon, certify
11 disability pursuant to Section 2708 of the Unemployment Insurance
12 Code.

13 (3) For individuals receiving home health services or personal
14 care services, after consultation with the treating physician and
15 surgeon, approve, sign, modify, or add to a plan of treatment or
16 plan of care.

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

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