An act to add Section 2835.3 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL’S DIGEST

SB 491, as amended, Hernandez. Nurse practitioners.

Existing law, the Nursing Practice Act, provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing. Existing law authorizes the implementation of standardized procedures that authorize a nurse practitioner to perform certain acts, including, among others, ordering durable medical equipment, and, in consultation with a physician and surgeon, approving, signing, modifying, or adding to a plan of treatment or plan for an individual receiving home health services or personal care services. A violation of those provisions is a crime.

This bill would authorize a nurse practitioner to perform those acts and certain additional acts without physician supervision if the nurse practitioner meets specified experience and certification requirements.
The bill would require a nurse practitioner to refer a patient to a physician and surgeon or other licensed health care provider under certain circumstances, and would require specified nurse practitioners to maintain a current list of licensed health care providers most often used for the purposes of obtaining information or advice. The bill would also require a nurse practitioner practicing under these provisions to maintain professional liability insurance, as specified. The bill would also specify that a nurse practitioner practicing under the provisions of the bill shall not supplant a physician and surgeon employed by specified health care facilities. Because a violation of those provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.


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

SECTION 1. Section 2835.3 is added to the Business and Professions Code, to read:

2835.3. (a) Notwithstanding any other provision of this chapter, a nurse practitioner who holds a certification as a nurse practitioner from a national certifying body may practice under this section without physician supervision if the nurse practitioner meets the requirements of this article and one of the following is met:

(1) He or she has practiced under the supervision of a physician for two years or at least 4160 hours and is practicing in one of the following:

(A) A clinic, health facility, or county medical facility.
(B) An accountable care organization, as defined in Section 3022 of the federal Patient Protection and Affordable Care Act (Public Law 111-148).
(C) A group practice, including a professional medical corporation, another form of corporation controlled by physicians and surgeons, a medical partnership, a medical foundation exempt from licensure, or another lawfully organized group of physicians
that delivers, furnishes, or otherwise arranges for or provides health
care services.

(2) He or she has practiced under the supervision of a physician
for at least three years or 6240 hours.

(b) Notwithstanding any other law, in addition to any other
practices authorized in statute or regulation, a nurse practitioner
practicing under this section may do any of the following:

(1) Order durable medical equipment. Notwithstanding that
authority, nothing in this paragraph shall operate to limit the ability
of a third-party payer to require prior approval.

(2) After performance of a physical examination by the nurse
practitioner, certify disability pursuant to Section 2708 of the
Unemployment Insurance Code.

(3) For individuals receiving home health services or personal
care services, approve, sign, modify, or add to a plan of treatment
or plan of care.

(4) Assess patients, synthesize and analyze data, and apply
principles of health care.

(5) Manage the physical and psychosocial health status of
patients.

(6) Analyze multiple sources of data, including patient history,
general behavior, and signs and symptoms of illness, identify
alternative possibilities as to the nature of a health care problem,
and select, implement, and evaluate appropriate treatment.

(7) Establish a diagnosis by client history, physical examination,
and other criteria, consistent with this section.

(8) Order, furnish, or prescribe drugs or devices.

(9) Refer patients to physicians or other licensed health care
providers as provided in subdivision (c).

(10) Delegate tasks to a medical assistant that are within the
medical assistant’s scope of practice.

(11) Perform additional acts that require education and training
and that are recognized by the nursing profession board as proper
to be performed by a nurse practitioner.

(12) Order hospice care as appropriate.

(13) Perform procedures that are necessary and consistent with
the nurse practitioner’s education and training.

(c) A nurse practitioner shall refer a patient to a physician and
surgeon or another licensed health care provider if a situation or
condition of the patient is beyond the nurse practitioner’s education or training.

(d) A nurse practitioner described in paragraph (2) of subdivision (a) shall maintain a current list of licensed health care providers most often used for the purposes of obtaining information or advice.

(e) A nurse practitioner practicing under this section shall maintain professional liability insurance that is appropriate for his or her practice setting.

(f) Nothing in this section shall do either of the following:

(1) Limit a nurse practitioner’s authority to practice nursing.

(2) Limit the scope of practice of a registered nurse authorized pursuant to this chapter.

(g) The board shall adopt regulations by September 1, 2014, July 1, 2015, establishing the means of documenting completion of the requirements of this section.

(h) A nurse practitioner practicing pursuant to this section shall not supplant a physician and surgeon employed by a health care facility specified in subparagraph (A) of paragraph (1) of subdivision (a).

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.