

AMENDED IN ASSEMBLY AUGUST 14, 2013

AMENDED IN ASSEMBLY AUGUST 8, 2013

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE MAY 21, 2013

AMENDED IN SENATE MAY 1, 2013

AMENDED IN SENATE APRIL 16, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 491

Introduced by Senator Hernandez

February 21, 2013

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 *and is practicing in a clinic, health facility, county medical facility, accountable care organization, or group practice*. 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.

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

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

- 1 SECTION 1. Section 2835.3 is added to the Business and
2 Professions Code, to read:
3 2835.3. (a) Notwithstanding any other provision of this chapter,
4 a nurse practitioner who holds a certification as a nurse practitioner
5 from a national certifying body may practice under this section
6 without physician supervision if the nurse practitioner ~~meets the~~
7 ~~requirements of this article and one of the following is met:~~
8 (1) ~~He or she~~ has practiced under the supervision of a physician
9 for at least 4160 hours and is practicing in one of the following:
10 (A)
11 (1) A clinic, health facility, or county medical facility.
12 (B)
13 (2) An accountable care organization, as defined in Section
14 3022 of the federal Patient Protection and Affordable Care Act
15 (Public Law 111-148).
16 (C)

1 (3) A group practice, including a professional medical
2 corporation, another form of corporation controlled by physicians
3 and surgeons, a medical partnership, a medical foundation exempt
4 from licensure, or another lawfully organized group of physicians
5 that delivers, furnishes, or otherwise arranges for or provides health
6 care services.

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (12) Order hospice care as appropriate.

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

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

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

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

15 (f)
16 (e) Nothing in this section shall do either of the following:
17 (1) Limit a nurse practitioner’s authority to practice nursing.
18 (2) Limit the scope of practice of a registered nurse authorized
19 pursuant to this chapter.

20 ~~(g)~~
21 (f) The board shall adopt regulations by July 1, 2015,
22 establishing the means of documenting completion of the
23 requirements of this section.

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

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

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