

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 771 Autonomous Practice for Certified Psychiatric Nurses

SPONSOR(S): Barnaby

TIED BILLS: **IDEN./SIM. BILLS:** SB 936

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Healthcare Regulation Subcommittee		Osborne	McElroy
2) Health & Human Services Committee			

SUMMARY ANALYSIS

An advanced practice registered nurse (APRN) is a licensed professional nurse who is additionally licensed in an advanced nursing practice, including certified nurse midwives, certified nurse practitioners, certified registered nurse anesthetists, clinical nurse specialists, and psychiatric nurses. Each specialty requires training and education specific to the specialty area and certification with a national board. Currently, there are 62,545 APRNs actively licensed to practice in Florida.

APRNs are licensed and regulated by the Board of Nursing within the Department of Health. In addition to the practice of professional nursing, APRNs perform advanced-level nursing acts approved by the BON as appropriate for APRNs to perform by virtue of their post-basic, specialized education, training, and experience. APRNs are generally required to practice under a supervising physician's protocol and only to the extent that the written protocol allows. In 2020, the Legislature passed legislation authorizing APRNs meeting certain criteria to practice "autonomously," or without physician supervision or a supervisory protocol, in specified settings. Currently, there are 11,201 APRNs registered for autonomous practice.

Psychiatric nurses are licensed advanced practice registered nurses who hold a master's or doctoral degree in psychiatric nursing and a national advanced practice certification as a psychiatric mental health advanced practice nurse. Psychiatric nurses with two years of post-master's clinical experience under the supervision of a physician may, within an established psychiatrist's protocol, prescribe psychotropic controlled substances for the treatment of mental disorders and initiate an involuntary examination and provide related services as permitted under the Florida Mental Health Act.

Under current law, a psychiatric nurse registered for autonomous practice may only engage in primary care-related practice acts without a physician supervisory protocol in place. There are 3,458 psychiatric nurses currently registered to practice in Florida, of which 1,093 are registered for primary care autonomous practice.

HB 771 authorizes a psychiatric nurse registered for autonomous practice to engage in the practice of psychiatric mental health services, as defined by the BON, without an established physician protocol.

The bill has an indeterminate, insignificant negative fiscal impact on DOH which can be absorbed within current resources. The bill has no fiscal impact on local governments.

The bill provides an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Advanced Practice Registered Nurses

An advanced practice registered nurse (APRN) is a licensed professional nurse who is additionally licensed in an advanced nursing practice, including certified nurse midwives, certified nurse practitioners, certified registered nurse anesthetists, clinical nurse specialists, and psychiatric nurses.¹ Currently, there are approximately 62,545 APRNs licensed to practice in Florida.²

APRNs are regulated under part I of ch. 464, F.S., the Nurse Practice Act. The Board of Nursing (BON), housed within the Department of Health (DOH), is responsible for establishing by rule the eligibility criteria for applicants to be licensed as APRNs and the applicable regulatory standards for APRN nursing practices.³ The BON is also responsible for disciplining an APRN who violates the practice act.⁴

To be eligible for licensure as an APRN, an applicant must submit an application and provide proof that he or she:⁵

- Holds a current license to practice professional nursing or holds an active multistate license to practice professional nursing under the Nurse Licensure Compact;
- Is certified by the appropriate specialty board; and
- Has a master's degree in a clinical nursing specialty area with preparation in specialized practitioner skills.

In addition to the practice of professional nursing,⁶ APRNs perform advanced-level nursing acts approved by the BON as appropriate for APRNs to perform by virtue of their post-basic, specialized education, training, and experience. APRNs may only perform advanced nursing and medical acts only to the extent that the written protocol allows, unless the APRN is registered for autonomous practice under s. 464.0123, F.S.⁷

Psychiatric Nurses

Psychiatric nurses are licensed advanced practice registered nurses who hold a master's or doctoral degree in psychiatric nursing and a national advanced practice certification as a psychiatric mental health advanced practice nurse.⁸ Psychiatric nurses are trained with a clinical focus on individuals, families, or populations across the lifespan at risk for developing mental problems or having a psychiatric diagnosis. They receive training in psychiatric assessment and diagnosis, advanced clinical management of psychiatric disorders, including the prescription and management of psychotropic medications, and therapy modalities.⁹

¹ S. 464.003(3), F.S. In 2018, the Florida Legislature enacted a law which changed the occupational title from "Advanced Registered Nurse Practitioner (APRN)" to "Advanced Practice Registered Nurse (APRN)," and also reclassified a Clinical Nurse Specialist as a type of APRN instead of a stand-alone occupation (see ch. 2018-106, Laws of Fla.).

² Email from Daniel Leyte-Vidal, Deputy Legislative Planning Director, Florida Department of Health, RE: Information Request, December 14, 2023. On file with the Healthcare Regulation Subcommittee.

³ S. 464.004, F.S.

⁴ S. 464.018, F.S.

⁵ S. 464.012(1), F.S. and Rule 64B9-4.002, F.A.C.

⁶ "Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgment, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences. See s. 464.003(19), F.S.

⁷ Ss. 464.003 and 464.012, F.S.

⁸ S. 464.0123(1), F.S.

⁹ University of Florida, College of Nursing, *Psychiatric-Mental Health Nurse Practitioners*. Available at <https://nursing.ufl.edu/programs/doctor-of-nursing-practice-dnp/bsn-to-dnp/psychiatric-mental-health-nurse->

related to primary care.¹⁸ The BON has defined primary care by rule to include the “physical and mental health promotion, assessment, evaluation, disease prevention, health maintenance, counseling, patient education, diagnosis and treatment of acute and chronic illnesses, inclusive of behavioral and mental health conditions.”¹⁹ An autonomous APRN may not perform any surgical procedures except subcutaneous surgical procedures.²⁰

Autonomous APRNs are authorized to admit patients to a health care facility, manage the patient’s care in such facility, and discharge the patient from the facility unless otherwise prohibited by federal law or rule.²¹ An autonomous APRN may also provide any signature or other affirmation that is otherwise required by law to be provided by a physician.²²

All APRN specialties are eligible for autonomous practice, however, only certified midwives are currently authorized to practice any specific functions related to their specialty area without an established physician protocol when registered for autonomous practice.²³ Psychiatric nurses may only autonomously provide primary care-related services and must still adhere to an established protocol with a psychiatrist when performing acts related to psychiatric mental health treatment.²⁴ There are 3,458 psychiatric nurses currently registered to practice in Florida, of which 1,093 are registered for primary care autonomous practice.²⁵

Effect of the Bill

HB 771 authorizes a psychiatric nurse registered for autonomous practice to engage in the practice of psychiatric mental health services, as defined by the BON, without an established physician protocol.

The bill provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 464.0123, F.S., relating to autonomous practice by an advanced practice registered nurse.
- Section 2:** Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

¹⁸ S. 464.0123(3)(a)1., F.S.

¹⁹ Rule 64B9-4.001(12), F.A.C.

²⁰ S. 464.0123(3)(c), F.S.

²¹ S. 464.0123(3), F.S.

²² S. 464.0123(3), F.S.; An autonomous APRN may not provide the physician certification required under s. 381.986, F.S., as a prerequisite for obtaining medical marijuana.

²³ S. 464.0123(3)(a)2., F.S. Autonomous Certified Nurse Midwives practicing under this section must have a written patient transfer agreement with a hospital and a written patient referral agreement with a physician licensed under chs. 458 or 459, F.S.

²⁴ See, ss. 464.012(4)(e), 394.463(2)(f), F.S.

²⁵ Email from Daniel Leyte-Vidal, Deputy Legislative Planning Director, Florida Department of Health, RE: Information Request, December 14, 2023. On file with the Healthcare Regulation Subcommittee.

The bill has an indeterminate, insignificant negative impact on DOH which is expected to be absorbed within current resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The BON has sufficient rulemaking authority to implement this bill's provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES