

2022 Regular Session

SENATE BILL NO. 195

BY SENATOR HEWITT

NURSES. Provides relative to safe harbor protections for nurses. (8/1/22)

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AN ACT

To enact R.S. 37:936 and R.S. 40:2009.13.1, relative to safe harbor protections for nurses; to allow nurses to invoke safe harbor in certain circumstances; to provide for a procedure to invoke safe harbor; to require healthcare facilities to establish a safe harbor process; to prohibit certain actions against nurses who invoke safe harbor; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:936 is hereby enacted to read as follows:

§936. Safe harbor for nurses

A. A nurse may invoke safe harbor when either of the following applies:

(1) In the nurse's good faith judgment, the nurse lacks the basic knowledge, skills, or abilities necessary to deliver nursing care that is safe and that meets the minimum standards of care to such an extent that accepting the assignment would expose one or more patients to an unjustifiable risk of harm or would constitute a violation of the law or rules promulgated by the Louisiana State Board of Nursing.

(2) The nurse questions the medical reasonableness of another

1 healthcare provider's order that the nurse is required to execute.

2 B. A nurse who intends to invoke safe harbor shall invoke it before the
3 nurse engages in the conduct or assignment giving rise to the nurse's request for
4 safe harbor. A nurse may also invoke safe harbor at any time during the work
5 period when an initial assignment changes and, in the nurse's good faith
6 judgment, the change creates a situation that comports with the requirements
7 for invoking safe harbor pursuant to Subsection A of this Section.

8 C. All licensed healthcare facilities using the services of nurses shall
9 develop a process by which a nurse employed or contracted by that facility may
10 invoke safe harbor. The safe harbor process shall include all of the following:

11 (1) Notification to all nurses and staff as to how safe harbor may be
12 invoked.

13 (2) Notification by the nurse to the nurse's supervisor that the nurse is
14 invoking safe harbor.

15 (3) Written documentation with the date, time, and location of the
16 invocation of safe harbor and the reason for invocation, signed by the
17 supervisor and the nurse.

18 (4) A post-occurrence review of the situation that includes at least one
19 other staff nurse and a nurse manager, as the healthcare facility defines those
20 roles, and is used to determine whether additional action is required to
21 minimize the likelihood of similar situations in the future.

22 (5) Documentation of the review and resolution of the matter in which
23 safe harbor was invoked.

24 D. A healthcare facility shall not retaliate against, demote, suspend,
25 terminate, discipline, or discriminate against a nurse or report any action to the
26 Louisiana State Board of Nursing when the nurse makes a good faith request
27 for safe harbor.

28 Section 2. R.S. 40:2009.13.1 is hereby enacted to read as follows:

29 §2009.13.1. Safe harbor for nurses

1 **In addition to the procedures provided for in R.S. 40:2009.13 through**
 2 **2009.20, a healthcare facility licensed pursuant to this Title that uses the**
 3 **services of nurses shall develop a process by which a nurse employed or**
 4 **contracted by that facility may invoke safe harbor in accordance with R.S.**
 5 **37:936.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SB 195 Original

2022 Regular Session

Hewitt

Proposed law provides that a nurse may invoke safe harbor if the nurse lacks the basic knowledge, skills, or abilities necessary to deliver nursing care that is safe and that meets the minimum standards of care to such an extent that accepting the assignment would expose one or more patients to an unjustifiable risk of harm or would constitute a violation of the law or rules promulgated by the La. State Board of Nursing. Proposed law also allows a nurse to invoke safe harbor if the nurse questions the medical reasonableness of another healthcare provider's order that the nurse is required to execute.

Proposed law requires a nurse to invoke safe harbor before engaging in the conduct or assignment giving rise to the nurse's request for safe harbor.

Proposed law requires all licensed healthcare facilities using the services of nurses to develop a process by which a nurse employed or contracted by that facility may invoke safe harbor. Proposed law provides for the minimum content of the safe harbor process.

Proposed law prohibits a healthcare facility from retaliating against, demoting, suspending, terminating, disciplining, or discriminating against a nurse or reporting any action to the Louisiana State Board of Nursing when the nurse makes a good faith request for safe harbor.

Effective August 1, 2022.

(Adds R.S. 37:936 and R.S. 40:2009.13.1)