

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 572**

4 (By Senators Stollings, Kessler (Mr. President), Tucker, Foster,
5 Williams and Klempa)

6 _____
7 [Originating in the Committee on Health and Human Resources;
8 reported February 23, 2012.]
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13 A BILL to amend and reenact §30-7-1 of the Code of West Virginia,
14 1931, as amended; to amend said code by adding thereto a new
15 section, designated §30-7-1a; and to amend and reenact
16 §30-7-15a, §30-7-15b and §30-7-15c of said code, all relating
17 to replacing the term "advanced nurse practitioner" with
18 "advanced practice registered nurse"; providing a new
19 definition; making technical corrections; and providing a
20 grandfather clause; permitting the West Virginia Board of
21 Examiners for Registered Professional Nurses to set an
22 application fee; and providing rule-making authority.

23 *Be it enacted by the Legislature of West Virginia:*

24 That §30-7-1 of the Code of West Virginia, 1931, as amended,

1 be amended and reenacted; that said code be amended by adding
2 thereto a new section, designated §30-7-1a; and that §30-7-15a,
3 §30-7-15b and §30-7-15c of said code be amended and reenacted, all
4 to read as follows:

5 **ARTICLE 7. REGISTERED PROFESSIONAL NURSES.**

6 **§30-7-1. Definitions.**

7 As used in this article the term:

8 (a) The practice of "advanced practice registered nurse" is a
9 registered nurse who has acquired advanced clinical knowledge and
10 skills preparing him or her to provide direct and indirect care to
11 patients, who has completed a board-approved graduate-level
12 education program and who has passed a board-approved national
13 certification examination. An advanced practice registered nurse
14 shall meet all the requirements set forth by the board by rule for
15 an advance practice registered nurse which shall include, at a
16 minimum, a valid license to practice as a certified registered
17 nurse anesthetist, a certified nurse midwife, a clinical nurse
18 specialist or a certified nurse practitioner.

19 ~~(a)~~ (b) "Board" ~~shall mean~~ means the West Virginia Board of
20 Examiners for Registered Professional Nurses;

21 ~~(b)~~ (c) The practice of "registered professional nursing"
22 ~~shall mean~~ means the performance for compensation of any service
23 requiring substantial specialized judgment and skill based on
24 knowledge and application of principles of nursing derived from the

1 biological, physical and social sciences, such as responsible
2 supervision of a patient requiring skill in observation of symptoms
3 and reactions and the accurate recording of the facts, or the
4 supervision and teaching of other persons with respect to such
5 principles of nursing, or in the administration of medications and
6 treatments as prescribed by a licensed physician or a licensed
7 dentist, or the application of such nursing procedures as involve
8 understanding of cause and effect in order to safeguard life and
9 health of a patient and others;

10 ~~(c)~~ (d) "Temporary permit" means a permit authorizing the
11 holder to practice registered professional nursing in this state
12 until such permit is no longer effective or the holder is granted
13 a license by the West Virginia State Board of Examiners for
14 Registered Professional Nurses.

15 **§30-7-1a. Eligibility for licensure by meeting requirements which**
16 **existed prior to the legislative enactments during**
17 **the 2012 legislative session.**

18 An applicant for licensure as an advanced practice registered
19 nurse as set forth in section one of this article who completed an
20 advanced nursing education program and was recognized, licensed or
21 certified as an advanced nurse practitioner or a certified nurse
22 midwife by West Virginia or another state before December 31, 2012,
23 may apply for and receive an advanced practice registered nurse
24 license if that applicant meets the requirements that were in place

1 in West Virginia at the time the applicant qualified for initial
2 advanced practice licensure.

3 **§30-7-15a. Prescriptive authority for prescription drugs;**
4 **collaborative relationship with physician**
5 **requirements; promulgation of rules;**
6 **classification of drugs to be prescribed;**
7 **coordination with other boards; coordination with**
8 **Board of Pharmacy.**

9 (a) The board may, in its discretion, authorize an advanced
10 ~~nurse-practitioner~~ practice registered nurse to prescribe
11 prescription drugs in a collaborative relationship with a physician
12 licensed to practice in West Virginia and in accordance with
13 applicable state and federal laws. An authorized advanced ~~nurse~~
14 ~~practitioner~~ practice registered nurse may write or sign
15 prescriptions or transmit prescriptions verbally or by other means
16 of communication.

17 (b) For purposes of this section an agreement to a
18 collaborative relationship for prescriptive practice between a
19 physician and an advanced ~~nurse-practitioner~~ practice registered
20 nurse shall be set forth in writing. Verification of such
21 agreement shall be filed with the board by the advanced ~~nurse~~
22 ~~practitioner~~ practice registered nurse. The board shall forward a
23 copy of such verification to the board of Medicine and the board of
24 Osteopathic Medicine. Collaborative agreements shall include, but

1 not be limited to, the following:

2 (1) Mutually agreed upon written guidelines or protocols for
3 prescriptive authority as it applies to the advanced ~~nurse~~
4 ~~practitioner's~~ practice registered nurse's clinical practice;

5 (2) Statements describing the individual and shared
6 responsibilities of the advanced ~~nurse-practitioner~~ practice
7 registered nurse and the physician pursuant to the collaborative
8 agreement between them;

9 (3) Periodic and joint evaluation of prescriptive practice;
10 and

11 (4) Periodic and joint review and updating of the written
12 guidelines or protocols.

13 (c) The board shall promulgate legislative rules in accordance
14 with the provisions of chapter twenty-nine-a of this code governing
15 the eligibility and extent to which an advanced ~~nurse-practitioner~~
16 practice registered nurse may prescribe drugs. Such rules shall
17 provide, at a minimum, a state formulary classifying those
18 categories of drugs which shall not be prescribed by advanced ~~nurse~~
19 ~~practitioners~~ practice registered nurses, including, but not
20 limited to, Schedules I and II of the Uniform Controlled Substances
21 Act, anticoagulants, antineoplastics, radio-pharmaceuticals and
22 general anesthetics. Drugs listed under schedule III shall be
23 limited to a seventy-two hour supply without refill.

24 (d) The board shall consult with other appropriate boards for

1 the development of the formulary.

2 (e) The board shall transmit to the Board of Pharmacy a list
3 of all advanced ~~nurse practitioners~~ practice registered nurses with
4 prescriptive authority. The list shall include:

5 (1) The name of the authorized advanced ~~nurse practitioner~~
6 practice registered nurse;

7 (2) The prescriber's identification number assigned by the
8 board; and

9 (3) The effective date of prescriptive authority.

10 **§30-7-15b. Eligibility for prescriptive authority; application;**
11 **fee.**

12 An advanced ~~nurse practitioner~~ practice registered nurse who
13 applies for authorization to prescribe drugs shall:

14 (a) Be licensed and certified in West Virginia as an advanced
15 ~~nurse practitioner holding a baccalaureate degree in science or the~~
16 ~~arts~~ practice registered nurse;

17 (b) Not be less than eighteen years of age;

18 (c) Provide the board with evidence of successful completion
19 of forty-five contact hours of education in pharmacology and
20 clinical management of drug therapy under a program approved by the
21 board, fifteen hours of which shall be completed within the two-
22 year period immediately before the date of application;

23 (d) Provide the board with evidence that he or she is a person
24 of good moral character and not addicted to alcohol or the use of

1 controlled substances; and

2 (e) Submit a completed, notarized application to the board,
3 accompanied by a fee of ~~\$125~~ as established by the board by rule.

4 **§30-7-15c. Form of prescriptions; termination of authority;**
5 **renewal; notification of termination of authority.**

6 (a) Prescriptions authorized by an advanced ~~nurse practitioner~~
7 practice registered nurse must comply with all applicable state and
8 federal laws; must be signed by the prescriber with the initials
9 "~~A.N.P.~~" "A.P.R.N." or the designated certification title of the
10 prescriber; and must include the prescriber's identification number
11 assigned by the board or the prescriber's national provider
12 identifier assigned by the National Provider System pursuant to 45
13 C. F. R §162.408.

14 (b) Prescriptive authorization shall be terminated if the
15 advanced ~~nurse practitioner~~ practice registered nurse has:

16 (1) Not maintained current authorization as an advanced ~~nurse~~
17 ~~practitioner~~ practice registered nurse; or

18 (2) Prescribed outside the advanced ~~nurse practitioner's~~
19 practice registered nurse's scope of practice or has prescribed
20 drugs for other than therapeutic purposes; or

21 (3) Has not filed verification of a collaborative agreement
22 with the board.

23 (c) Prescriptive authority for an advanced ~~nurse practitioner~~
24 practice registered nurse must be renewed biennially.

1 Documentation of eight contact hours of pharmacology during the
2 previous two years must be submitted at the time of renewal.

3 (d) The board shall notify the Board of Pharmacy, ~~and~~ the
4 Board of Medicine and the Board of Osteopathic Medicine within
5 twenty-four hours after termination of, or change in, an advanced
6 ~~nurse practitioner's~~ practice registered nurse's prescriptive
7 authority.

(NOTE: The purpose of this bill is to replace the term "advanced nurse practitioner" with "advanced practice registered nurse". The bill provides a new definition and makes technical corrections. The bill provides a grandfather clause. The bill eliminates the current application fee of \$125 and permits the West Virginia Board of Examiners for Registered Professional Nurses to establish a new fee. The bill also provides rule-making authority.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§30-7-1a is new; therefore, strike-throughs and underscoring have been omitted.)