

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 572

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

[Originating in the Committee on Health and Human Resources;
reported February 23, 2012.]

A BILL to amend and reenact §30-7-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §30-7-1a; and to amend and reenact §30-7-15a, §30-7-15b and §30-7-15c of said code, all relating to replacing the term “advanced nurse practitioner” with “advanced practice registered nurse”; providing a new definition; making technical corrections; and providing a grandfather clause; permitting the West Virginia Board of Examiners for Registered Professional Nurses to set an application fee; and providing rule-making authority.

Be it enacted by the Legislature of West Virginia:

That §30-7-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto a new section, designated §30-7-1a; and that §30-7-15a, §30-7-15b and §30-7-15c of said code be amended and reenacted, all to read as follows:

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

§30-7-1. Definitions.

1 As used in this article the term:

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

14 ~~(a)~~ (b) “Board” ~~shall mean~~ means the West Virginia
15 Board of Examiners for Registered Professional Nurses;

16 **(b)** (c) The practice of “registered professional nursing”
17 ~~shall mean~~ means the performance for compensation of any
18 service requiring substantial specialized judgment and skill
19 based on knowledge and application of principles of nursing
20 derived from the biological, physical and social sciences,
21 such as responsible supervision of a patient requiring skill in
22 observation of symptoms and reactions and the accurate
23 recording of the facts, or the supervision and teaching of
24 other persons with respect to such principles of nursing, or
25 in the administration of medications and treatments as
26 prescribed by a licensed physician or a licensed dentist, or
27 the application of such nursing procedures as involve
28 understanding of cause and effect in order to safeguard life
29 and health of a patient and others;

30 **(c)** (d) “Temporary permit” means a permit authorizing
31 the holder to practice registered professional nursing in this
32 state until such permit is no longer effective or the holder is
33 granted a license by the West Virginia State Board of
34 Examiners for Registered Professional Nurses.

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

1 An applicant for licensure as an advanced practice
2 registered nurse as set forth in section one of this article who
3 completed an advanced nursing education program and was
4 recognized, licensed or certified as an advanced nurse
5 practitioner or a certified nurse midwife by West Virginia or
6 another state before December 31, 2012, may apply for and
7 receive an advanced practice registered nurse license if that
8 applicant meets the requirements that were in place in West
9 Virginia at the time the applicant qualified for initial
10 advanced practice licensure.

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

1 (a) The board may, in its discretion, authorize an ad-
2 vanced ~~nurse practitioner~~ practice registered nurse to
3 prescribe prescription drugs in a collaborative relationship
4 with a physician licensed to practice in West Virginia and in
5 accordance with applicable state and federal laws. An
6 authorized advanced ~~nurse practitioner~~ practice registered

7 nurse may write or sign prescriptions or transmit prescrip-
8 tions verbally or by other means of communication.

9 (b) For purposes of this section an agreement to a
10 collaborative relationship for prescriptive practice between
11 a physician and an advanced ~~nurse practitioner practice~~
12 registered nurse shall be set forth in writing. Verification of
13 such agreement shall be filed with the board by the advanced
14 ~~nurse practitioner practice~~ registered nurse. The board shall
15 forward a copy of such verification to the board of Medicine
16 and the board of Osteopathic Medicine. Collaborative
17 agreements shall include, but not be limited to, the follow-
18 ing:

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

22 (2) Statements describing the individual and shared
23 responsibilities of the advanced ~~nurse practitioner practice~~
24 registered nurse and the physician pursuant to the collabora-
25 tive agreement between them;

26 (3) Periodic and joint evaluation of prescriptive practice;
27 and

28 (4) Periodic and joint review and updating of the written
29 guidelines or protocols.

30 (c) The board shall promulgate legislative rules in
31 accordance with the provisions of chapter twenty-nine-a of
32 this code governing the eligibility and extent to which an
33 advanced ~~nurse practitioner~~ practice registered nurse may
34 prescribe drugs. Such rules shall provide, at a minimum, a
35 state formulary classifying those categories of drugs which
36 shall not be prescribed by advanced ~~nurse practitioners~~
37 practice registered nurses, including, but not limited to,
38 Schedules I and II of the Uniform Controlled Substances Act,
39 anticoagulants, antineoplastics, radio-pharmaceuticals and
40 general anesthetics. Drugs listed under schedule III shall be
41 limited to a seventy-two hour supply without refill.

42 (d) The board shall consult with other appropriate boards
43 for the development of the formulary.

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

47 (1) The name of the authorized advanced ~~nurse practitio-~~
48 ~~ner~~ practice registered nurse;

49 (2) The prescriber's identification number assigned by
50 the board; and

51 (3) The effective date of prescriptive authority.

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

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

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

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

7 (c) Provide the board with evidence of successful comple-
8 tion of forty-five contact hours of education in pharmacology
9 and clinical management of drug therapy under a program
10 approved by the board, fifteen hours of which shall be
11 completed within the two-year period immediately before
12 the date of application;

13 (d) Provide the board with evidence that he or she is a
14 person of good moral character and not addicted to alcohol
15 or the use of controlled substances; and

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

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

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

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

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

14 (2) Prescribed outside the advanced ~~nurse practitioner's~~
15 practice registered nurse's scope of practice or has pre-
16 scribed drugs for other than therapeutic purposes; or

17 (3) Has not filed verification of a collaborative agreement
18 with the board.

19 (c) Prescriptive authority for an advanced ~~nurse practi-~~
20 ~~tioner~~ practice registered nurse must be renewed biennially.

21 Documentation of eight contact hours of pharmacology
22 during the previous two years must be submitted at the time
23 of renewal.

24 (d) The board shall notify the Board of Pharmacy, ~~and~~
25 the Board of Medicine and the Board of Osteopathic Medi-
26 cine within twenty-four hours after termination of, or change
27 in, an ~~advanced-nurse practitioner's practice registered~~
28 nurse's prescriptive 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.)