

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 572

(SENATORS STOLLINGS, KESSLER (MR. PRESIDENT),
TUCKER, FOSTER, WILLIAMS AND KLEMPA, *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT 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 §30-7-15b and §30-7-15c of said code, all relating to advanced practice registered nurses; replacing the term “advanced nurse practitioner” with “advanced practice registered nurse”; providing a new definition; making technical corrections; including the Board of Osteopathic Medicine in receipt of copy of certain verifications; providing a grandfather clause; permitting the West Virginia Board of Examiners for Registered Professional Nurses to set an application fee by legislative rule; and providing the board 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 §30-7-15b 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 (b) “Board” means the West Virginia Board of Examiners
15 for Registered Professional Nurses;

16 (c) The practice of “registered professional nursing”
17 means the performance for compensation of any service
18 requiring substantial specialized judgment and skill based
19 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 (d) “Temporary permit” means a permit authorizing the
31 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 in an advanced practice or
5 a certified nurse midwife by West Virginia or another state
6 before December 31, 2012, may apply for and receive an
7 advanced practice registered nurse license if that applicant
8 meets the requirements that were in place in West Virginia
9 at the time the applicant qualified for initial advanced
10 practice licensure.

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

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

3 (a) Be licensed and certified in West Virginia as an
4 advanced practice registered nurse;

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

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

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

15 (e) Submit a completed, notarized application to the
16 board, accompanied by a fee as established by the board by
17 rule.

**§30-7-15c. Form of prescriptions; termination of authority; re-
newal; notification of termination of authority.**

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

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

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

13 (2) Prescribed outside the advanced practice registered
14 nurse's scope of practice or has prescribed drugs for other
15 than therapeutic purposes; or

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

18 (c) Prescriptive authority for an advanced practice
19 registered nurse must be renewed biennially. Documentation
20 of eight contact hours of pharmacology during the previous
21 two years must be submitted at the time of renewal.

22 (d) The board shall notify the Board of Pharmacy, the
23 Board of Medicine and the Board of Osteopathic Medicine
24 within twenty-four hours after termination of, or change in,
25 an advanced practice registered nurse's prescriptive author-
26 ity.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the
Day of, 2012.

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Governor