

1 **H. B. 4342**

2
3 (By Delegates Campbell, Marcum, D. Poling,
4 Fleischauer, Skaff, Eldridge, Diserio, Moore,
5 L. Phillips and Staggers)
6

7 [Introduced January 27, 2014; referred to the
8 Committee on Health and Human Resources then Government
9 Organization.]

10 A BILL to amend and reenact §30-7-15a, §30-7-15b and §30-7-15c of
11 the Code of West Virginia, 1931, as amended; and to amend and
12 reenact §30-15-7, §30-15-7a, §30-15-7b and §30-15-7c of said
13 code; and to amend said code by adding thereto a new section,
14 designated §30-7-15d, all relating to expanding prescriptive
15 authority of advanced practice registered nurses and certified
16 nurse-midwives; permitting advanced practice registered nurses
17 to prescribe an annual supply of controlled substances;
18 permitting the signature of an advanced practice registered
19 nurse to have the same force and effect as that of a physician
20 insofar as patient care documentation is concerned; removing
21 the requirement for collaborative relationships with
22 physicians; removing certain notifications; removing the
23 minimum requirements for certain legislative rules; and
24 permitting certain fees to be set by rule.

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

1 That §30-7-15a, §30-7-15b and §30-7-15c of the Code of West
 2 Virginia, 1931, as amended, be amended and reenacted; that
 3 §30-15-7, §30-15-7a, §30-15-7b and §30-15-7c of said code be
 4 amended and reenacted; and that said code be amended by adding
 5 thereto a new section, designated §30-7-15d, all to read as
 6 follows:

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

8 **§30-7-15a. Prescriptive authority for prescription drugs;**
 9 **coordination with Board of Pharmacy.**

10 (a) The board may, in its discretion, authorize an advanced
 11 practice registered nurse to prescribe prescription drugs ~~in a~~
 12 ~~collaborative relationship with a physician licensed to practice in~~
 13 ~~West Virginia and in accordance with applicable state and federal~~
 14 laws. An authorized advanced practice registered nurse may write
 15 or sign prescriptions or transmit prescriptions verbally or by
 16 other means 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 practice registered nurse shall be set~~
 20 ~~forth in writing. Verification of the agreement shall be filed~~
 21 ~~with the board by the advanced practice registered nurse. The~~
 22 ~~board shall forward a copy of the verification to the Board of~~
 23 ~~Medicine and the Board of Osteopathic Medicine. Collaborative~~
 24 ~~agreements shall include, but are not limited to, the following:~~

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

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

7 ~~(3) Periodic and joint evaluation of prescriptive practice;~~
8 and

9 ~~(4) Periodic and joint review and updating of the written~~
10 ~~guidelines or protocols.~~

11 ~~(c)~~ (b) The board shall promulgate legislative rules in
12 accordance with ~~the provisions of~~ chapter twenty-nine-a of this
13 code governing the eligibility and extent to which an advanced
14 practice registered nurse may prescribe drugs. Such rules ~~shall~~
15 ~~provide, at a minimum, a state formulary classifying those~~
16 ~~categories of drugs which shall not be prescribed by advanced~~
17 ~~practice registered nurse including, but not limited to, Schedules~~
18 ~~I and II of the Uniform Controlled Substances Act, antineoplastics,~~
19 ~~radiopharmaceuticals and general anesthetics. Drugs listed under~~
20 ~~Schedule III shall be limited to a seventy-two hour supply without~~
21 ~~refill. In addition to the above referenced provisions and~~
22 ~~restrictions and pursuant to a collaborative agreement as set forth~~
23 ~~in subsections (a) and (b) of this section, the rules and shall~~
24 permit the prescribing of an annual supply of any drug. ~~with the~~

1 ~~exception of controlled substances, which is prescribed for the~~
2 ~~treatment of a chronic condition, other than chronic pain~~
3 ~~management. For the purposes of this section, a "chronic~~
4 ~~condition" is a condition which lasts three months or more,~~
5 ~~generally cannot be prevented by vaccines, can be controlled but~~
6 ~~not cured by medication and does not generally disappear. These~~
7 ~~conditions, with the exception of chronic pain, include, but are~~
8 ~~not limited to, arthritis, asthma, cardiovascular disease, cancer,~~
9 ~~diabetes, epilepsy and seizures, and obesity. The prescriber~~
10 ~~authorized in this section shall note on the prescription the~~
11 ~~chronic disease being treated.~~

12 ~~(d) The board shall consult with other appropriate boards for~~
13 ~~the development of the formulary.~~

14 ~~(e)~~ (c) The board shall transmit to the Board of Pharmacy a
15 list of all advanced practice registered nurses with prescriptive
16 authority. The list shall include:

17 (1) The name of the authorized advanced practice registered
18 nurse;

19 (2) The prescriber's identification number assigned by the
20 board; and

21 (3) The effective date of prescriptive authority.

22 **§30-7-15b. Eligibility for prescriptive authority; application;**
23 **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 advanced
4 practice registered nurse;

5 (b) ~~Not be less than~~ Be at least eighteen years of age;

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

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

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

16 **§30-7-15c. Form of prescriptions; termination of authority;**
17 **renewal; notification of termination of authority.**

18 (a) Prescriptions authorized by an advanced practice
19 registered nurse must comply with all applicable state and federal
20 laws; must be signed by the prescriber with the initials "A.P.R.N."
21 or the designated certification title of the prescriber; and must
22 include the prescriber's identification number assigned by the
23 board or the prescriber's national provider identifier assigned by
24 the National Provider System pursuant to 45 C.F.R. §162.408.

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

3 (1) Not maintained current authorization as an advanced
4 practice registered nurse; or

5 (2) Prescribed outside the advanced practice registered
6 nurse's scope of practice or has prescribed drugs for other than
7 therapeutic purposes. ~~or~~

8 ~~(3) Has not filed verification of a collaborative agreement~~
9 ~~with the board.~~

10 (c) Prescriptive authority for an advanced practice registered
11 nurse must be renewed biennially. Documentation of eight contact
12 hours of pharmacology during the previous two years must be
13 submitted at the time of renewal.

14 (d) The board shall notify the Board of Pharmacy ~~the Board of~~
15 ~~Medicine and the Board of Osteopathic Medicine~~ within twenty-four
16 hours after termination of, or change in, an advanced practice
17 registered nurse's prescriptive authority.

18 **§30-7-15d. Allowance for global signatures on patient care by**
19 **advanced practice registered nurses.**

20 Whenever any law or regulation requires a signature,
21 certification, stamp, verification, affidavit or endorsement by a
22 physician, the signature, certification, stamp, verification,
23 affidavit or endorsement of an advanced practice registered nurse
24 is permitted to have the same force and effect.

1 **ARTICLE 15. NURSE-MIDWIVES.**

2 **§30-15-7. Standards of practice.**

3 The license to practice nurse-midwifery ~~shall entitle~~
 4 entitles the holder to practice ~~such the~~ profession according to
 5 the statement of standards of the American College of
 6 Nurse-Midwives. ~~and such holder shall be required to practice in a~~
 7 ~~collaborative relationship with a licensed physician engaged in~~
 8 ~~family practice or the specialized field of gynecology or~~
 9 ~~obstetrics, or as a member of the staff of any maternity, newborn~~
 10 ~~or family planning service approved by the West Virginia Department~~
 11 ~~of Health and Human Resources, who, as such, shall practice~~
 12 ~~nurse-midwifery in a collaborative relationship with a~~
 13 ~~board-certified or board-eligible obstetrician, gynecologist or the~~
 14 ~~primary-care physician normally directly responsible for~~
 15 ~~obstetrical and gynecological care in said area of practice.~~

16 **§30-15-7a. Prescriptive authority for prescription drugs;**
 17 **promulgation of rules; classification of drugs to**
 18 **be prescribed; coordination with Board of**
 19 **Pharmacy.**

20 (a) The board shall, in its discretion, authorize a
 21 nurse-midwife to prescribe prescription drugs ~~in a collaborative~~
 22 ~~relationship with a physician licensed to practice in West Virginia~~
 23 ~~and~~ in accordance with applicable state and federal laws. An

1 authorized nurse-midwife may write or sign prescriptions or
2 transmit prescriptions verbally or by other means of communication.

3 ~~(b) For purposes of this section an agreement to a~~
4 ~~collaborative relationship for practice between a physician and a~~
5 ~~nurse-midwife shall be set forth in writing. Verification of such~~
6 ~~agreement shall be filed with the board by the nurse-midwife. The~~
7 ~~board shall forward a copy of such verification to the Board of~~
8 ~~Medicine. Collaborative agreements shall include, but not be~~
9 ~~limited to, the following:~~

10 ~~(1) Mutually agreed upon written guidelines or protocols for~~
11 ~~prescriptive practice as it applies to the nurse-midwife's clinical~~
12 ~~practice;~~

13 ~~(2) Statements describing the individual and shared~~
14 ~~responsibilities of the nurse-midwife and the physician pursuant to~~
15 ~~the collaborative agreement between them;~~

16 ~~(3) Periodic and joint evaluation of prescriptive practice;~~
17 ~~and~~

18 ~~(4) Periodic and joint review and updating of the written~~
19 ~~guidelines or protocols.~~

20 ~~(c) (b) The board shall promulgate legislative rules in~~
21 ~~accordance with the provisions of chapter twenty-nine-a of this~~
22 ~~code governing the eligibility and extent to which a nurse-midwife~~
23 ~~may prescribe drugs. Such rules shall provide, at a minimum, a~~
24 ~~state formulary classifying those categories of drugs which shall~~

1 not be prescribed by nurse midwives, including, but not limited
 2 to, Schedules I and II of the Uniform Controlled Substances
 3 Act, anticoagulants, antineoplastics, radio-pharmaceuticals and
 4 general anesthetics. Drugs listed under schedule III shall be
 5 limited to a seventy two hour supply without refill.

6 ~~(d) The board shall consult with other appropriate boards for~~
 7 ~~development of the formulary.~~

8 ~~(e)~~ (c) The board shall transmit to the Board of Pharmacy a
 9 list of all nurse-midwives with prescriptive authority. The list
 10 shall include:

11 (1) The name of the authorized nurse-midwife;

12 (2) The prescriber's identification number assigned by the
 13 board; and

14 (3) The effective date of prescriptive authority.

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

17 A nurse-midwife who applies for authorization to prescribe
 18 drugs shall:

19 (a) Be licensed and certified as a nurse-midwife in the State
 20 of West Virginia;

21 (b) ~~Not be less than~~ Be at least eighteen years of age;

22 (c) Provide the board with evidence of successful completion
 23 of forty-five contact hours of education in pharmacology and
 24 clinical management of drug therapy under a program approved by the

1 board, fifteen of which shall be completed within the two-year
2 period immediately before the date of application;

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

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

8 **§30-15-7c. Form of prescription; termination of authority;**
9 **renewal; notification of termination of authority.**

10 (a) Prescriptions authorized by a nurse-midwife must comply
11 with all applicable state and federal laws; must be signed by the
12 prescriber with the initials "C.N.M."; and must include the
13 prescriber's identification number assigned by the board.

14 (b) Prescriptive authorization shall be terminated if the
15 nurse-midwife has:

16 (1) Not maintained current authorization as a nurse-midwife;
17 or

18 (2) Prescribed outside the nurse-midwife's scope of practice
19 or has prescribed drugs for other than therapeutic purposes. ~~or~~

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

22 (c) Prescriptive authority for a nurse-midwife must be renewed
23 biennially. Documentation of eight contact hours of pharmacology

1 during the previous two years must be submitted at the time of
2 renewal.

3 (d) The board shall notify the Board of Pharmacy ~~and the Board~~
4 ~~of Medicine~~ within twenty-four hours after termination of, or
5 change in, a nurse-midwife's prescriptive authority.

NOTE: The purpose of this bill is to expand the prescriptive authority of advanced practice registered nurses and certified nurse-midwives and to remove the requirement for collaborative relationships with physicians. The bill permits advanced practice registered nurses to prescribe annual supplies of controlled substances. The bill permits the signature of an advanced practice registered nurse to have the same force and effect as that of a physician insofar as patient care documentation is concerned. The bill removes certain notifications. The bill removes the minimum requirements for certain legislative rules and permits certain fees to be set by rule.

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

§30-7-15d is new; therefore, it has been completely underscored.