

1 **H. B. 2881**

2  
3 (By Delegate Staggers, Longstreth,  
4 D. Campbell, Swartzmiller, Martin, Moye,  
5 Morgan, Stephens and Hatfield)

6 [Introduced January 27, 2011; referred to the  
7 Committee on Health and Human Resources then Government  
8 Organization.]  
9

10 A BILL to amend and reenact §30-7-15a and §30-7-15b of the Code of  
11 West Virginia, 1931, as amended, all relating to authorizing  
12 the Board of Examiners for Registered Professional Nurses to  
13 govern the practice of advanced nurse practitioners; setting  
14 forth the conditions under which advanced nurse practitioners  
15 may prescribe drugs; eliminating the prohibition of advanced  
16 nurse practitioners from not being able to prescribing drugs  
17 listed in Schedules I and II of the Uniform Controlled  
18 Substances Act; changing the educational requirements for  
19 advanced nurse practitioners; and granting rulemaking  
20 authority.

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

22 That §30-7-15a and §30-7-15b of the Code of West Virginia,  
23 1931, as amended, be amended and reenacted, all to read as follows:

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

25 **§30-7-15a. Prescriptive authority for prescription drugs;**

1           **collaborative relationship with physician**  
2           **requirements; promulgation of rules; classification**  
3           **of drugs to be prescribed; coordination with other**  
4           **boards; coordination with Board of Pharmacy.**

5           (a) The board may, in its discretion, authorize an advanced  
6 nurse practitioner to prescribe prescription drugs ~~in a~~  
7 ~~collaborative relationship with a physician licensed to practice in~~  
8 ~~West Virginia and~~ in accordance with applicable state and federal  
9 laws. An authorized advanced nurse practitioner may write or sign  
10 prescriptions or transmit prescriptions verbally or by other means  
11 of communication. The Board of Examiners for Registered  
12 Professional Nurses as set forth in section three, article seven of  
13 this chapter has sole authority to govern and regulate the practice  
14 of advanced nurse practitioners.

15           ~~(b) For purposes of this section an agreement to a~~  
16 ~~collaborative relationship for prescriptive practice between a~~  
17 ~~physician and an advanced nurse practitioner shall be set forth in~~  
18 ~~writing. Verification of such agreement shall be filed with the~~  
19 ~~board by the advanced nurse practitioner. The board shall forward~~  
20 ~~a copy of such verification to the board of Medicine. Collaborative~~  
21 ~~agreements shall include, but not be limited to, the following:~~

22           ~~(1) Mutually agreed upon written guidelines or protocols for~~  
23 ~~prescriptive authority as it applies to the advanced nurse~~  
24 ~~practitioner's clinical practice;~~

1       ~~(2) Statements describing the individual and shared~~  
2 ~~responsibilities of the advanced nurse practitioner and the~~  
3 ~~physician pursuant to the collaborative agreement between them;~~

4       ~~(3) Periodic and joint evaluation of prescriptive practice;~~  
5 and

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

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

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

22       ~~(e) (c)~~ The board shall transmit to the Board of Pharmacy a  
23 list of all advanced nurse practitioners with prescriptive  
24 authority. The list shall include:

1 (1) The name of the authorized advanced nurse practitioner;

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

4 (3) The effective date of prescriptive authority.

5 **§30-7-15b. Eligibility for prescriptive authority; application;**  
6 **fee.**

7 An advanced nurse practitioner who applies for authorization  
8 to prescribe drugs shall:

9 (a) ~~Be licensed and certified in West Virginia as an advanced~~  
10 ~~nurse practitioner holding a baccalaureate degree in science or the~~  
11 ~~arts~~ as a registered professional nurse in this state and be  
12 recognized in the state as an advanced nurse practitioner with a  
13 graduate degree in nursing from school of nursing accredited by a  
14 nationally recognized nursing accreditation body approved by the  
15 United States Department of Education;

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

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

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

1 (e) Submit a completed, notarized application to the board,  
2 accompanied by a fee of \$125.

NOTE: The purpose of this bill is to authorize the Board of Examiners for Registered Professional Nurses to govern and regulate the practice of advanced nurse practitioners. The bill sets forth the conditions under which advanced nurse practitioners may prescribe drugs. The bill removes the prohibition of advanced nurse practitioners not being able to prescribing drugs listed in Schedules I and II of the Uniform Controlled Substances Act. The bill removes the requirement that the advanced nurse practitioner have an undergraduate degree in the sciences or arts and replaces it with the requirement that he or she have a graduate degree from an accredited nursing school. The bill also grants rulemaking authority.

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