

Senate Bill No. 471

(By Senators Foster, Laird, Kessler (Acting President), Prezioso,
Wills, Minard, Klempa, Yost and McCabe)

[Introduced February 9, 2011; referred to the Committee on Health
and Human Resources; and then to the Committee on the Judiciary.]

A BILL to amend and reenact §30-7-15a, §30-7-15b and §30-7-15c of
the Code of West Virginia, 1931, as amended; and to amend
and reenact §30-15-7, §30-15-7a, §30-15-7b and §30-15-7c of
said code, all relating to expanding prescriptive authority
of advanced nurse practitioners and certified nurse
midwives; and removing requirement for collaborative
relationships with physicians.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

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

(a) The board may, in its discretion, authorize an advanced
nurse practitioner to prescribe prescription drugs ~~in a~~

1 ~~collaborative relationship with a physician licensed to practice~~
2 ~~in West Virginia and in accordance with applicable state and~~
3 ~~federal laws. An authorized advanced nurse practitioner may~~
4 ~~write or sign prescriptions or transmit prescriptions verbally or~~
5 ~~by other means of communication. The Board of Examiners for~~
6 ~~Registered Professional Nurses as set forth in section three,~~
7 ~~article seven of this chapter has sole authority to govern and~~
8 ~~regulate the practice of advanced nurse practitioners.~~

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

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

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

23 ~~(3) Periodic and joint evaluation of prescriptive practice;~~
24 ~~and~~

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

27 ~~(c) (b) The board shall promulgate legislative rules in~~

1 accordance with the provisions of chapter twenty-nine-a of this
 2 code governing the eligibility and extent to which an advanced
 3 nurse practitioner ~~may prescribe drugs. Such rules shall~~
 4 ~~provide, at a minimum, a state formulary classifying those~~
 5 ~~categories of drugs which shall not be prescribed by advanced~~
 6 ~~nurse practitioners, including, but not limited to, Schedules I~~
 7 ~~and II of the Uniform Controlled Substances Act, anticoagulants,~~
 8 ~~antineoplastics, radio-pharmaceuticals and general anesthetics.~~
 9 ~~Drugs listed under schedule III shall be limited to a seventy-two~~
 10 ~~hour supply without refill.~~

11 ~~(d) The board shall consult with other appropriate boards~~
 12 ~~for the development of the formulary. is allowed to have~~
 13 ~~prescriptive authority.~~

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

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

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

20 (3) The effective date of prescriptive authority.

21 **§30-7-15b. Eligibility for prescriptive authority; application;**
 22 **fee.**

23 An advanced nurse practitioner who applies for authorization
 24 to prescribe drugs shall:

25 (a) Be licensed ~~and certified in West Virginia as an~~
 26 ~~advanced nurse practitioner holding a baccalaureate degree in~~
 27 ~~science or the arts as a registered professional nurse in West~~

1 Virginia and recognized in West Virginia as an advanced nurse
 2 practitioner with a graduate degree in nursing from a school of
 3 nursing accredited by a nationally recognized nursing
 4 accreditation body approved by the United States Department of
 5 Education;

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

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

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

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

18 **renewal; notification of termination of authority.**

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

26 (b) Prescriptive authorization shall be terminated if the
 27 advanced nurse practitioner has:

1 (1) Not maintained current authorization as an advanced
2 nurse practitioner; or

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

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

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

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

16 **ARTICLE 15. NURSE-MIDWIVES.**

17 **§30-15-7. Practice in accordance with the statement of standards**
18 **of the American College of Nurse-Midwives.**

19 The license to practice nurse-midwifery ~~shall entitle~~
20 entitles the holder to practice ~~such~~ the profession according to
21 the statement of standards of the American College of
22 Nurse-Midwives. ~~and such holder shall be required to practice in~~
23 ~~a collaborative relationship with a licensed physician engaged in~~
24 ~~family practice or the specialized field of gynecology or~~
25 ~~obstetrics, or as a member of the staff of any maternity, newborn~~
26 ~~or family planning service approved by the West Virginia~~
27 ~~Department of Health and Human Resources, who, as such, shall~~

~~1 practice nurse midwifery in a collaborative relationship with a
2 board-certified or board-eligible obstetrician, gynecologist or
3 the primary care physician normally directly responsible for
4 obstetrical and gynecological care in said area of practice.~~

**5 §30-15-7a. Prescriptive authority for prescription drugs;
6 promulgation of rules; coordination with Board
7 of Pharmacy.**

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

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

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

1 ~~(2) Statements describing the individual and shared~~
2 ~~responsibilities of the nurse-midwife and the physician pursuant~~
3 ~~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 a
11 nurse-midwife may prescribe drugs. ~~Such rules shall provide, at~~
12 ~~a minimum, a state formulary classifying those categories of~~
13 ~~drugs which shall not be prescribed by nurse-midwives, including,~~
14 ~~but not limited to, Schedules I and II of the Uniform~~
15 ~~Controlled Substances Act, anticoagulants, antineoplastics,~~
16 ~~radio-pharmaceuticals and general anesthetics. Drugs listed~~
17 ~~under schedule III shall be limited to a seventy-two hour supply~~
18 ~~without refill.~~

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

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

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

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

27 (3) The effective date of prescriptive authority.

1 **§30-15-7b. Eligibility for prescriptive authority; application;**
2 **fee.**

3 A nurse-midwife who applies for authorization to prescribe
4 drugs shall:

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

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

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

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

18 **§30-15-7c. Form of prescription; termination of authority;**
19 **renewal; notification of termination of**
20 **authority.**

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

25 (b) Prescriptive authorization shall be terminated if the
26 nurse-midwife has:

27 (1) Not maintained current authorization as a nurse-midwife;

1 or

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

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

6 (c) Prescriptive authority for a nurse-midwife must be
7 renewed biennially. Documentation of eight contact hours of
8 pharmacology during the previous two years must be submitted at
9 the time of renewal.

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

NOTE: The purpose of this bill is to allow advanced nurse practitioners and certified nurse-midwives to practice independently.

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