

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 572**

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

7 \_\_\_\_\_  
8 [Passed March 10, 2012; in effect ninety days from passage.]  
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12  
13 AN ACT to amend and reenact §30-7-1 of the Code of West Virginia,  
14 1931, as amended; to amend said code by adding thereto a new  
15 section, designated §30-7-1a; and to amend and reenact §30-7-  
16 15b and §30-7-15c of said code, all relating to advanced  
17 practice registered nurses; replacing the term "advanced nurse  
18 practitioner" with "advanced practice registered nurse";  
19 providing a new definition; making technical corrections;  
20 including the Board of Osteopathic Medicine in receipt of copy  
21 of certain verifications; providing a grandfather clause;  
22 permitting the West Virginia Board of Examiners for Registered  
23 Professional Nurses to set an application fee by legislative  
24 rule; and providing the board rule-making authority.

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

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

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

8 **§30-7-1. Definitions.**

9       As used in this article the term:

10       (a) The practice of "advanced practice registered nurse" is a  
11 registered nurse who has acquired advanced clinical knowledge and  
12 skills preparing him or her to provide direct and indirect care to  
13 patients, who has completed a board-approved graduate-level  
14 education program and who has passed a board-approved national  
15 certification examination. An advanced practice registered nurse  
16 shall meet all the requirements set forth by the board by rule for  
17 an advance practice registered nurse which shall include, at a  
18 minimum, a valid license to practice as a certified registered  
19 nurse anesthetist, a certified nurse midwife, a clinical nurse  
20 specialist or a certified nurse practitioner.

21       (b) "Board" means the West Virginia Board of Examiners for  
22 Registered Professional Nurses;

23       (c) The practice of "registered professional nursing" means  
24 the performance for compensation of any service requiring

1 substantial specialized judgment and skill based on knowledge and  
2 application of principles of nursing derived from the biological,  
3 physical and social sciences, such as responsible supervision of a  
4 patient requiring skill in observation of symptoms and reactions  
5 and the accurate recording of the facts, or the supervision and  
6 teaching of other persons with respect to such principles of  
7 nursing, or in the administration of medications and treatments as  
8 prescribed by a licensed physician or a licensed dentist, or the  
9 application of such nursing procedures as involve understanding of  
10 cause and effect in order to safeguard life and health of a patient  
11 and others;

12 (d) "Temporary permit" means a permit authorizing the holder  
13 to practice registered professional nursing in this state until  
14 such permit is no longer effective or the holder is granted a  
15 license by the West Virginia State Board of Examiners for  
16 Registered Professional Nurses.

17 **§30-7-1a. Eligibility for licensure by meeting requirements which**  
18 **existed prior to the legislative enactments during**  
19 **the 2012 legislative session.**

20 An applicant for licensure as an advanced practice registered  
21 nurse as set forth in section one of this article who completed an  
22 advanced nursing education program and was recognized, licensed or  
23 certified in an advanced practice or a certified nurse midwife by  
24 West Virginia or another state before December 31, 2012, may apply

1 for and receive an advanced practice registered nurse license if  
2 that applicant meets the requirements that were in place in West  
3 Virginia at the time the applicant qualified for initial advanced  
4 practice licensure.

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

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

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

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

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

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

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

22 **§30-7-15c. Form of prescriptions; termination of authority;**  
23 **renewal; notification of termination of authority.**

24 (a) Prescriptions authorized by an advanced practice

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

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

9 (1) Not maintained current authorization as an advanced  
10 practice registered nurse; or

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

14 (3) Has not filed verification of a collaborative agreement  
15 with the board.

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

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

