

Senate Bill No. 572

(By Senators Stollings, Kessler (Mr. President), Tucker, Foster,
Williams and Klempa)

[Introduced February 13, 2012; referred to the Committee on
Health and Human Resources.]

**FISCAL
NOTE**

A BILL 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 §30-7-15a, §30-7-15b and §30-7-15c of said code, all relating to replacing the term "advanced nurse practitioner" with "advanced practice registered nurse"; providing a new definition; making technical corrections; providing a grandfather clause; permitting the West Virginia Board of Examiners for Registered Professional Nurses to set an application fee; and providing 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

1 thereto a new section, designated §30-7-1a; and that §30-7-15a,
2 §30-7-15b and §30-7-15c of said code be amended and reenacted, all
3 to read as follows:

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

5 **§30-7-1. Definitions.**

6 As used in this article the term:

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

18 ~~(a)~~ (b) "Board" ~~shall mean~~ means the West Virginia Board of
19 Examiners for Registered Professional Nurses;

20 ~~(b)~~ (c) The practice of "registered professional nursing"
21 ~~shall mean~~ means the performance for compensation of any service
22 requiring substantial specialized judgment and skill based on
23 knowledge and application of principles of nursing derived from the

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

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

15 **§30-7-1a. Eligibility fo licensure by meeting requirements which**
16 **existed prior to the legislative enactments during the 2012**
17 **legislative session.**

18 An applicant for licensure as an advanced practice registered
19 nurse as set forth in section one of this article who completed an
20 advanced nursing education program and was licensed or certified in
21 advance practice by West Virginia or another state before September
22 30, 2011, may apply for and receive an advanced practice registered
23 nurse license if that applicant meets the requirements that were in

1 place in West Virginia at the time the applicant qualified for
2 initial advanced practice licensure.

3 **§30-7-15a. Prescriptive authority for prescription drugs;**
4 **collaborative relationship with physician**
5 **requirements; promulgation of rules;**
6 **classification of drugs to be prescribed;**
7 **coordination with other boards; coordination with**
8 **Board of Pharmacy.**

9 (a) The board may, in its discretion, authorize an ~~advanced~~
10 ~~nurse practitioner~~ advanced practice registered nurse to prescribe
11 prescription drugs in a collaborative relationship with a physician
12 licensed to practice in West Virginia and in accordance with
13 applicable state and federal laws. An authorized ~~advanced nurse~~
14 ~~practitioner~~ advanced practice registered nurse may write or sign
15 prescriptions or transmit prescriptions verbally or by other means
16 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 nurse practitioner~~ advanced practice
20 registered nurse shall be set forth in writing. Verification of
21 such agreement shall be filed with the board by the ~~advanced nurse~~
22 ~~practitioner~~ advanced practice registered nurse. The board shall

1 forward a copy of such verification to the board of Medicine and
2 the board of Osteopathic Medicine. Collaborative agreements shall
3 include, but not be limited to, the following:

4 (1) Mutually agreed upon written guidelines or protocols for
5 prescriptive authority as it applies to the ~~advanced nurse~~
6 ~~practitioner's~~ advanced practice registered nurse's clinical
7 practice;

8 (2) Statements describing the individual and shared
9 responsibilities of the ~~advanced nurse practitioner~~ advanced
10 practice registered nurse and the physician pursuant to the
11 collaborative agreement between them;

12 (3) Periodic and joint evaluation of prescriptive practice;
13 and

14 (4) Periodic and joint review and updating of the written
15 guidelines or protocols.

16 (c) The board shall promulgate legislative rules in accordance
17 with the provisions of chapter twenty-nine-a of this code governing
18 the eligibility and extent to which an ~~advanced nurse practitioner~~
19 advanced practice registered nurse may prescribe drugs. Such rules
20 shall provide, at a minimum, a state formulary classifying those
21 categories of drugs which shall not be prescribed by ~~advanced nurse~~
22 ~~practitioners~~ advanced practice registered nurses, including, but
23 not limited to, Schedules I and II of the Uniform Controlled

1 Substances Act, anticoagulants, antineoplastics, radio-
2 pharmaceuticals and general anesthetics. Drugs listed under
3 schedule III shall be limited to a seventy-two hour supply without
4 refill.

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

7 (e) The board shall transmit to the Board of Pharmacy a list
8 of all ~~advanced nurse practitioners~~ advanced practice registered
9 nurse with prescriptive authority. The list shall include:

10 (1) The name of the authorized ~~advanced nurse practitioner~~
11 advanced practice registered nurse;

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

14 (3) The effective date of prescriptive authority.

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

17 An ~~advanced nurse practitioner~~ advanced practice registered
18 nurse who applies for authorization to prescribe drugs shall:

19 (a) Be licensed and certified in West Virginia as an ~~advanced~~
20 ~~nurse practitioner holding a baccalaureate degree in science or the~~
21 ~~arts~~ advanced practice registered nurse;

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

23 (c) Provide the board with evidence of successful completion

1 of forty-five contact hours of education in pharmacology and
 2 clinical management of drug therapy under a program approved by the
 3 board, fifteen hours of which shall be completed within the two-
 4 year period immediately before the date of application;

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

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

10 **§30-7-15c. Form of prescriptions; termination of authority;**
 11 **renewal; notification of termination of authority.**

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

20 (b) Prescriptive authorization shall be terminated if the
 21 ~~advanced nurse practitioner~~ advanced practice registered nurse has:

22 (1) Not maintained current authorization as an ~~advanced nurse~~
 23 ~~practitioner~~ advanced practice registered nurse; or

1 (2) Prescribed outside the ~~advanced nurse practitioner's~~
2 advanced practice registered nurse's scope of practice or has
3 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 an ~~advanced nurse practitioner~~
7 advanced practice registered nurse must be renewed biennially.
8 Documentation of eight contact hours of pharmacology during the
9 previous two years must be submitted at the time of renewal.

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

NOTE: The purpose of this bill is to replace the term "advanced nurse practitioner" with "advanced practice registered nurse". The bill provides a new definition and makes technical corrections. The bill provides a grandfather clause. The bill eliminates the current application fee of \$125 and permits the West Virginia Board of Examiners for Registered Professional Nurses to establish a new fee. The bill also provides rule-making authority.

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

§30-7-1a is new; therefore, strike-throughs and underscoring have been omitted.

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