

**WEST VIRGINIA
SECRETARY OF STATE
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ADMINISTRATIVE LAW DIVISION**

Form #4

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Examiners for Registered Professional Nurses TITLE NUMBER: 19

CITE AUTHORITY: West Virginia §§30-7-15a, and 30-15-7a

AMENDMENT TO AN EXISTING RULE: YES NO

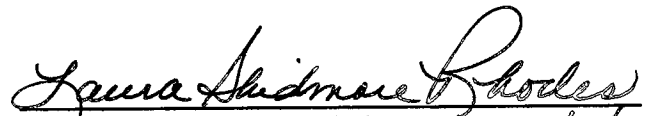
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 8

TITLE OF RULE BEING AMENDED: Limited Prescriptive Authority for Nurses in Advanced Practice

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature 1/19/09

FILED

2009 JAN 20 AM 9: 19

TITLE 19
LEGISLATIVE RULE
REGISTERED PROFESSIONAL NURSES

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 8
LIMITED PRESCRIPTIVE AUTHORITY FOR
NURSES IN ADVANCED PRACTICE

§19-8-1. General.

1.1. Scope. -- This rule establishes the requirements whereby the Board authorizes qualified nurses in advanced practice to prescribe prescription drugs in accordance with the provisions of W. Va. Code §§30-7-15a, 15b, 15c, and §§30-15-1 through 7c. An authorized advanced nurse practitioner may write or sign prescriptions or transmit prescriptions verbally or by other means of communication.

1.2. Authority. -- W. Va. Code §§30-7-15a, and 30-15-7a.

1.3. Filing Date. --

1.4. Effective Date. --

§19-8-2. Definitions.

2.1. ~~The nurse in a~~Advanced ~~p~~Practice Nurse means is a nurse who has been recognized by the Board for Announcement of Advanced Practice as provided for in ~~Legislative Rules~~ the Board's rule, Announcement of Advanced Practice, 19 CSR 7.

2.2. Advanced Nurse Practitioner means an advanced practice nurse as defined in the Board's rule, Announcement of Advanced Practice, 19 CSR 7.

2.3 ~~Nurses in advanced practice shall be referred to in these rules as:~~

~~a. Advanced Nurse Practitioners, and~~

~~c. Certified Nurse-Midwives.~~

The "Certified nNurse-mMidwife" is means a nurse who has been licensed by the Board to practice nurse-midwifery as provided for in W. Va. Code §30-15-1(c).

2.4 “Pharmacology Contact Hour” means a unit of measurement that describes at least 50 minutes of an approved, organized didactic learning experience related to advanced pharmacological therapy.”

§19-8-3. Application and Eligibility for Limited Prescriptive Authority.

3.1. The Board shall grant prescriptive authority to an advanced nurse practitioner applicant who meets all eligibility requirements specified in W. Va. Code §30-7-15b and to the certified nurse-midwife applicant who meets all eligibility requirements specified in W. Va. Code §30-15-7b and the following:

3.1.a. Prior to application to the Board for approval for limited prescriptive authority, the applicant shall successfully complete accredited course of instruction in pharmacology during undergraduate study; and an advanced pharmacotherapy graduate level course approved by the Board of not less than 45 pharmacology contact hours; provide documentation of the use of pharmacotherapy in clinical practice in the education program; and provide evidence of 15 pharmacology contact hours in advanced pharmacotherapy completed within 2 years prior to application for prescriptive authority. The applicant shall submit official transcripts or certificates documenting completion of pharmacology and pharmacotherapy course work. The Board may request course outlines and/or descriptions of courses if necessary to evaluate the pharmacology course content and objectives.

3.1.b The advanced nurse practitioner or certified nurse-midwife shall submit a notarized application for prescriptive authority on forms provided by the Board along with the following a fee of one hundred twenty-five dollars (\$125.00):

3.1.b.1 A fee set forth in the Board’s rule, Fee for Services Rendered by the Board, 19CSR12.

~~3.1.a-b.2. A voided sample of the prescription form shall be submitted with the application.~~

3.1.b.3 ~~The advanced nurse practitioner or certified nurse-midwife shall submit w~~ Written verification of an agreement to a collaborative relationship with a licensed physician for prescriptive practice on forms provided by the Board. The applicant shall certify on this form that the collaborative agreement includes the following:

3.1.b.3.A. Mutually agreed upon written guidelines or protocols for prescriptive authority as it applies to the advanced nurse practitioner's or certified nurse-midwife's clinical practice;

3.1.b.3.B. Statements describing the individual and shared responsibilities of the advanced nurse practitioner or certified nurse-midwife and the physician pursuant to the

collaborative agreement between them;

3.1.b.3C. ~~A P~~ provision for the periodic and joint evaluation of the prescriptive practice;
and

3.1.b.3.D. ~~A P~~ provision for the periodic and joint review and updating of the written guidelines or protocols.

3.1.e.b.3.E. ~~The advanced nurse practitioner or certified nurse midwife with prescriptive authority shall submit a~~ Additional documentation of the regulations of Section 3.1.b. of this rule at the request of the Board.

~~3.5. 2. If at the time of application for prescriptive authority, the Board obtains information that an applicant for prescriptive authority was previously nurse, although not currently addicted to or dependent upon alcohol or the use of controlled substances, has had any addiction or dependency problem in the past, the Board may grant prescriptive authority with any limitations it considers proper. The limitations may include, but are not limited to, restricting the types of schedule drugs a nurse may prescribe.~~

~~3.2.3.~~ The Board shall forward a copy of the verification specified in Subdivision Section 3.1.b. 3. of this rule to the Board of Medicine or to the Board of Osteopathy, whichever is indicated.

~~3.3.~~ The advanced nurse practitioner applicant for prescriptive authority shall meet all eligibility requirements as specified in W. Va. Code §30-7-15b.

~~a.~~ If any evidence exists that all eligibility requirements have not been met, the Board shall not grant prescriptive authority.

~~3.4.~~ The certified nurse midwife applicant for prescriptive authority shall meet all eligibility requirements as specified in W. Va. Code §30-15-7b.

~~a.~~ If any evidence exists that all eligibility requirements have not been met, the Board shall not grant prescriptive authority.

Upon satisfactory evidence that the advanced nurse practitioner or certified nurse midwife applicant has met all above requirements for prescriptive authority, the Board shall assign an identification number to that nurse.

~~3.5. If at the time of application for prescriptive authority, the Board obtains information that nurse, although not currently addicted to or dependent upon alcohol or the use of controlled substances, has had any addiction or dependency problem in the past, the Board may grant prescriptive authority with any limitations it considers proper. The limitations may include, but are not limited to, restricting the types of schedule drugs a nurse may prescribe. The Board shall notify the Board of Medicine, the Board of Osteopathy, and the Board of Pharmacy of those advanced~~

nurse practitioners or certified nurse-midwives who have been granted prescriptive authority, and shall also provide the prescriber's identification number and effective date of prescriptive authority.

~~3.6. Upon satisfactory evidence that the applicant has met all requirements for prescriptive authority as set forth in W. Va. Code §§30-7-15a, 15b, 15c, §§30-15-1 through 7c, and this rule, the Board may grant authority to prescribe drugs as set forth in this rule and shall assign an identification number. The advanced nurse practitioner or certified nurse-midwife shall file with the Board any restrictions on prescriptive authority that are not imposed by W. Va. Code §60A-3, or this rule, but which are within the written collaborative agreement and the name of the collaborating physician for each advanced nurse practitioner or certified nurse-midwife on the approved list.~~

~~3.6.a. The Board shall notify the Board of Medicine, the Board of Osteopathy, and the Board of Pharmacy of those advanced nurse practitioners or certified nurse-midwives who have been granted prescriptive authority, and shall also provide the prescriber's identification number and effective date of prescriptive authority.~~

~~A. The advanced nurse practitioner or certified nurse-midwife shall file with the Board any restrictions on prescriptive authority that are not imposed by W. Va. Code §60A-3, or this rule, but which are agreed to within the written collaborative agreement and the name of the collaborating physician(s) for each advanced nurse practitioner or certified nurse-midwife on the approved list.~~

3.7. The advanced nurse practitioner and/or certified nurse-midwife with prescriptive authority who wishes to prescribe Schedules III through V drugs shall comply with federal Drug Enforcement Agency requirements prior to prescribing controlled substances.

3.8. The advanced nurse practitioner and/or certified nurse-midwife shall immediately file any and all of his or her Drug Enforcement Agency registrations and numbers with the Board.

3.9. The Board shall maintain a current record of all advanced nurse practitioners and/or certified nurse-midwives with Drug Enforcement Agency registrations and numbers.

3.10. Any information filed with the Board under the provisions of this rule shall be available, upon request, to any pharmacist, regulatory agency or board or shall be made available pursuant to other state or federal law.

§19-8-4. Renewal of Prescriptive Privileges.

4.1. ~~An~~ The applicant for renewal of prescriptive authority shall meet all eligibility requirements as specified in W. Va. Code §30-7-15b for advanced nurse practitioners or W. Va. Code §30-15-7b for certified nurse-midwives.

4.2. The applicant shall maintain national certification as an advanced nurse practitioner or certified nurse-midwife as required for initial authorization for limited prescriptive privileges.

4.3. The applicant shall complete during the ~~two (2)~~ years prior to renewal a minimum of ~~eight (8)~~ contact hours of pharmacology education that ~~has~~ been approved by the Board.

4.4. The Board shall renew prescriptive authority for advanced nurse practitioners or certified nurse-midwives biennially by June 30, of odd-numbered years.

4.5. The advanced nurse practitioner or certified nurse-midwife shall submit an application for renewal of prescriptive authority on forms provided by the Board. The application must be notarized, and the fee set forth in the Board's rule, Fees For Services Rendered by the Board, 19 CSR 12 of one hundred ~~twenty-five~~ dollars (\$125.00) must accompany the application.

~~§19-8-5. Pharmacology Course Requirements.~~

~~5.1. Prior to application to the Board for approval for limited prescriptive authority, the applicant shall successfully complete an accredited course(s) of instruction in clinical pharmacology and clinical management of drug therapy approved by the Board of not less than forty-five (45) contact hours; provided that fifteen (15) of these hours have been completed within two (2) years prior to application for prescriptive authority.~~

~~5.2. The applicant shall submit official transcripts or certificates documenting completion of pharmacology course work. The Board may request course outlines and/or descriptions if necessary to evaluate the pharmacology course's content and objectives.~~

~~§19-8-6.5. Drugs Excluded from Prescriptive Authority.~~

~~6.5.1. The advanced nurse practitioner or certified nurse-midwife shall not prescribe from the following categories of drugs:~~

~~6.5.1.a. Schedules I and II of the Uniform Controlled Substances Act; -~~

~~6.5.1.b. Anticoagulants; -~~

~~6.5.1.c. Antineoplastics; -~~

~~6.5.1.d. Radio-pharmaceuticals; or -~~

~~6.5.1.e. General anesthetics.~~

~~6.5.1.f. MAO Inhibitors, except when in a collaborative agreement with a psychiatrist.~~

~~6.5.2. Drugs listed under Schedule III and benzodiazepines are limited to a ~~seventy-two (72)~~ hour supply without refill.~~

6.5.3. The advanced nurse practitioner or certified nurse-midwife ~~may shall not~~ prescribe drugs from Schedules IV through V in ~~excess of a~~ quantity necessary for ~~thirty (30)~~ up to a 90 day supply, ~~shall not may~~ provide for ~~more than five (5)~~ only one (1) refill, and shall provide that the prescription expires in ~~six (6) months~~; Provided, that 1) prescriptions for phenothiazines shall be limited to up to a 30 day supply and shall be non-refillable:: Provided, however that 2) Prescriptions for non-controlled substances of antipsychotics, and sedatives prescribed by the advanced nurse practitioner or certified nurse-midwife shall not exceed the quantity necessary for a 30 day supply, shall provide for no more than 5 prescription refills and shall expire in 6 months.

6.4. In addition, an advanced nurse practitioner or certified nurse-midwife ~~may not~~ prescribe any parenteral preparations ~~except insulin and epinephrine~~.

6.5. ~~The Board may revise the prescribing protocols annually, and they shall include the following designated sections:~~

a. ~~Choice of drugs used less commonly in primary care outpatient settings not to be prescribed by advanced nurse practitioners and/or certified nurse-midwives shall have the following limitations:~~

6.5.a.A.5.4. The maximum dosage of any drug, including antidepressants, prescribed by the advanced nurse practitioner or certified nurse-midwife shall be indicated in the protocol and shall be consistent with industry prescribing guidelines specific to the advanced nurse practitioner or certified nurse-midwife area of practice and these guidelines shall be included in the collaborative agreement. in no case exceed the manufacturer's average therapeutic dose for that drug.

6.5.a.B.5.5. Each prescription and subsequent refill(s) given by the advanced nurse practitioner and/or certified nurse-midwife shall be entered on the patient's chart.

C. ~~The advanced nurse practitioner and/or certified nurse-midwife authorized to issue prescriptions for Schedules III through V controlled substances shall write on the V prescription the federal Drug Enforcement Agency number issued to that advanced nurse practitioner and/or certified nurse-midwife.~~

D. ~~The maximum amount of Schedule IV or V drugs prescribed shall be not more than ninety (90) dose units or a thirty (30) day supply, whichever is less.~~

E. ~~Prescriptions for phenothdiazepines and benzodiazepines shall be limited up to a seventy-two (72) hour thirty (30) day supply and shall be non-refillable.~~

F. ~~Prescriptions for specific antidepressants, to include tricyclics, MAO inhibitors, and miscellaneous antidepressants of buprophin, fluoxetine, maproline, trazodone, shall be limited to non-toxic quantities and shall be non-refillable.~~

~~G. Prescriptions for non-controlled substances of antipsychotics, and sedatives prescribed by the advanced nurse practitioner and/or certified nurse-midwife shall not exceed the manufacturer's recommended average therapeutic dose for that drug, shall not exceed the quantity necessary for a thirty (30) day supply, shall provide for no more than five (5) prescription refills and shall expire in six (6) months.~~

6.5.a.H.5.6. Advanced nurse practitioners and certified nurse midwives shall not prescribe other prescription drugs or refill for a period exceeding ~~six (6) months~~; provided, that this limitation shall not include contraceptives.

~~I. Advanced nurse practitioners and certified nurse midwives shall not prescribe combination drug products containing drugs fully excluded in section 6.1 of this rule and limitations set forth in this rule apply to any other combination drug products.~~

~~6.6. 5.7.~~ An advanced nurse practitioner ~~and/or~~ certified nurse-midwife may administer local anesthetics.

~~6.7. 5.8.~~ The advanced nurse practitioner or certified nurse-midwife who has been approved for limited prescriptive authority by the Board ~~may is authorized to~~ sign for, accept, and provide to patients samples of drugs received from a drug company representative.

6.8. ~~5.9.~~ The form of the prescription shall comply with all state and federal laws and regulations.

6.8.a. ~~5.9.a.~~ All prescriptions shall include the following information:

6.8.a.A. ~~5.9.a.1.~~ The name, title, address and phone number of the prescribing advanced nurse practitioner ~~and/or~~ certified nurse-midwife ~~who is prescribing~~;

6.8.a.B. ~~5.9.a.2.~~ The name and address of the patient;

6.8.a.C. ~~5.9.a.3.~~ The date of the prescription;

6.8.a.D. ~~5.9.a.4.~~ The full name of the drug, the dosage, the route of administration and directions, for its use;

6.8.a.E. ~~5.9.a.5.~~ The number of refills;

6.8.a.F. ~~5.9.a.6.~~ The expiration date of the advanced nurse practitioner or certified nurse-midwife's prescriptive authority;

6.8.a.G. ~~5.9.a.7.~~ The signature of the prescriber on the written prescription; and

6.8.a.H. ~~5.9.a.8.~~ The Drug Enforcement Agency number of the prescriber-, when required by federal laws.

~~6.8.b.~~ 5.9.b. The advanced nurse practitioner ~~and/or~~ certified nurse mid-wife shall document the records of all prescriptions in patient records.

~~6.8.c.~~ 5.9.c An advanced nurse practitioner ~~and/or~~ certified nurse-midwife shall, ~~within thirty (30) days at the time of the initial prescription,~~ record in the patient client record the plan for his or her continued evaluation of the effectiveness of the controlled substances prescribed.

~~6.8.d.~~ 5.9.d. An advanced nurse practitioner ~~and/or~~ certified nurse-midwife shall ~~not~~ prescribe refills of controlled substances according to current laws and standards ~~unless the refill prescription is in writing.~~

~~6.8.e.~~ 5.9.e. Drugs considered to be proved human teratogens shall not be prescribed during a known pregnancy by the advanced nurse practitioner ~~and/or~~ certified nurse midwife. This prohibition includes all Category D and X drugs from the Federal Drug Administration Categories of teratogen risks (21 CFR 201.57). Category C drugs should be given only if the patient benefit justifies the potential risks to the fetus and only after consultation with the collaborating physician.

~~6.9.~~ 5.10. The Board may, in its discretion, approve a formulary classifying pharmacologic categories of all drugs which may be prescribed by an advanced nurse practitioner or certified nurse-midwife with prescriptive authority.

§19-8-7.6. Termination of Limited Prescriptive Privileges.

7-6.1 The Board may deny or revoke privileges for prescriptive authority if the applicant or licensee has not met conditions set forth in the law or this rule, or if the applicant has violated any part of W. Va. Code §30-7-1 et seq. or §30-15-1 et seq.

7-6.2. The Board shall notify the Board of Pharmacy, the Board of Osteopathy, and the Board of Medicine within ~~twenty-four (24)~~ hours after the termination of, or a change in, an advanced nurse practitioner's or certified nurse-midwife's prescriptive authority.

7-6.3. The Board shall immediately terminate prescriptive authority of the advanced nurse practitioner or certified nurse-midwife if disciplinary action has been taken against his or /her license to practice registered professional nursing in accordance with W. Va. Code §30-7-11.

7-6.4. Prescriptive authority for the advanced nurse practitioner or the certified nurse-midwife terminates immediately if either the license to practice registered professional nursing in the State of West Virginia lapses or the license to practice as a certified nurse-midwife in the State of West Virginia lapses.

~~7.5.~~ Prescriptive authority for the certified nurse-midwife terminates immediately if either the license to practice registered professional nursing

7.6.5. Prescriptive authority is immediately and automatically terminated if national certification as an advanced nurse practitioner or certified nurse-midwife lapses.

7.7.6.6. If authorization for prescriptive authority is not renewed by the expiration date which appears on the document issued by the Board reflecting approval of prescriptive authority, the authority terminates immediately on the ~~upon~~ expiration date.

7.8.6.7. Any advanced nurse practitioner or certified nurse-midwife who allows her or his prescriptive authority to lapse by failing to renew in a timely manner, may have his or her prescriptive authority ~~be~~ reinstated by the Board on satisfactory explanation for the failure to renew and submission of the prescriptive authority application and fee.

7.9.6.8. An advanced nurse practitioner ~~and/or~~ certified nurse-midwife shall not prescribe controlled substances for his or her personal use or for the use of members of his or ~~her~~ immediate family.

7.10.6.9. An advanced nurse practitioner ~~and/or~~ certified nurse-midwife shall not provide controlled substances or prescription drugs for other than therapeutic purposes.

7.11.6.10. An advanced nurse practitioner ~~and/or~~ certified nurse-midwife with prescriptive authority ~~shall~~ may not delegate the prescribing of drugs to any other person.

~~§19-8-8. Adoption/Revision of Rules/Policies.~~

8.1. ~~The Board has the authority~~ may subject to legislative approval to adopt and revise such rules and/or policies as may be necessary to enable it to carry into effect the provisions of W. Va. Code §30-7-1 et seq.

Laura S. Rhodes, M.S.N., R.N.
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**STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES**

**101 Dee Drive, Suite 102
Charleston, WV 25311-1620**

January 17, 2009

The Honorable Betty Ireland
Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd
Charleston, WV 25305-0770

RE: Proposed Rule Revisions

Dear Secretary Ireland:

This letter is to acknowledge that the West Virginia Board of Examiners for Registered Professional Nurses (Board) agrees with and approves the modifications proposed by the Legislative Rule Making Review Committee during their meeting on January 12, 2009 to the proposed revisions to WV 19 CSR 8 Limited Prescriptive Authority for Nurses in Advanced Practice.

The proposed revisions include changes that will benefit the citizens of West Virginia in several ways, including but not limited to: 1) permitting the advanced nurse practitioner to prescribe a 90 day supply of certain drugs therefore providing citizens the opportunity to take advantage of discount drug programs requiring a 90 day prescription; 2) permitting the prescribing of injectable medications such as vaccines; 3) removing confusing and outdated language and, 4) permitting the prescribing of contraceptives for more than six (6) months.

The Board finds the proposed changes to be in the best interest of the public's safety, health and welfare.

Should you have any questions or desire more information please contact me.

For the Board,

A handwritten signature in cursive script that reads "Laura Skidmore Rhodes".

Laura Skidmore Rhodes, MSN, RN
Executive Director