

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

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Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

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

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 RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 2819

SECTION §§64-9-9(b), PASSED ON April 10, 2009

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: July 21, 2009

Jana Anderson Rhodes 6/4/09  
Authorized Signature

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

TITLE 19  
LEGISLATIVE RULE  
REGISTERED PROFESSIONAL NURSES

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. -- June 4, 2009

1.4. Effective Date. -- July 21, 2009

**§19-8-2. Definitions.**

2.1. Advanced Practice Nurse means a nurse who has been recognized by the Board for Announcement of Advanced Practice as provided for in 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. "Certified Nurse-Midwife" 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 with the following:

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

3.1.b.2. A voided sample of the prescription form.

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

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

3.1.b.3.E. Additional documentation at the request of the Board.

3.2. If the Board obtains information that an applicant for prescriptive authority was previously addicted to or dependent upon alcohol or the use of controlled substances, 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.

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

3.4. 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. 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. 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.

3.7. The advanced nurse practitioner 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 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 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 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 2 years prior to renewal a minimum of 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 must accompany the application.

#### **§19-8-5. Drugs Excluded from Prescriptive Authority.**

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

5.1.a. Schedules I and II of the Uniform Controlled Substances Act;

5.1.b. Anticoagulants;

5.1.c. Antineoplastics;

5.1.d. Radio-pharmaceuticals; or

5.1.e. General anesthetics.

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

5.2. Drugs listed under Schedule III and benzodiazepines are limited to a 72 hour supply without refill.

5.3. The advanced nurse practitioner or certified nurse-midwife may prescribe drugs from Schedules IV through V in a quantity necessary for up to a 90 day supply, may provide for only one (1) refill, and shall provide that the prescription expires in 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.*

5.4. The maximum dosage of any drug, including antidepressants, prescribed by the advanced nurse practitioner or certified nurse-midwife 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.

5.5. Each prescription and subsequent refills given by the advanced nurse practitioner or certified nurse-midwife shall be entered on the patient's chart.

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

5.7. An advanced nurse practitioner or certified nurse-midwife may administer local anesthetics.

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

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

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

5.9.a.1. The name, title, address and phone number of the prescribing advanced nurse practitioner or certified nurse-midwife;

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

5.9.a.3. The date of the prescription;

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

5.9.a.5. The number of refills;

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

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

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

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

5.9.c. An advanced nurse practitioner or certified nurse-midwife shall at the time of the initial prescription record in the patient record the plan for continued evaluation of the effectiveness of the controlled substances prescribed.

5.9.d. An advanced nurse practitioner or certified nurse-midwife shall prescribe refills of controlled substances according to current laws and standards.

5.9.e. Drugs considered to be proved human teratogens shall not be prescribed during a known pregnancy by the advanced nurse practitioner 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.

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.

#### **§19-8-6. Termination of Limited Prescriptive Privileges.**

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.

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

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.

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.

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

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 expiration date.

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 reinstated by the Board on satisfactory explanation for the failure to renew and submission of the prescriptive authority application and fee.

6.8. An advanced nurse practitioner 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.

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

6.10. An advanced nurse practitioner or certified nurse-midwife with prescriptive authority may not delegate the prescribing of drugs to any other person.