

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

Form #1

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1032 JUN 23 AM 9 11  
OFFICE OF THE SECRETARY OF STATE

**NOTICE OF PUBLIC HEARING ON A PROPOSED RULE**

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

RULE TYPE: LEGISLATIVE; CITE AUTHORITY 30-7-15A, 15B, 15C, and 30-15-1 through 7C.

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 8

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

DATE OF PUBLIC HEARING: July 30, 1992 TIME: 10:00 a.m.

LOCATION OF PUBLIC HEARING: Conference Room (Board of Medicine)

101 Dee Drive

Charleston West Virginia 25311-1620

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: \_\_\_\_\_

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL \_\_\_\_\_

2-90



4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Minimal; Most of the cost of implementing these rules will be covered by the application fee provided for in the law.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

None

C. Economic Impact on Citizens/Public at Large.

Beneficial; Will increase the number of primary health care providers in the State of West Virginia who can offer basic health care services including the prescription of drugs.

Date:

June 19, 1992

Signature of Agency Head or Authorized Representative

Janet H. Swickild

TITLE 19  
LEGISLATIVE RULES  
WEST VIRGINIA BOARD OF EXAMINERS  
FOR REGISTERED PROFESSIONAL NURSES

SERIES 8  
LIMITED PRESCRIPTIVE AUTHORITY  
FOR NURSES IN ADVANCED PRACTICE

BRIEF SUMMARY:

These rules establish the requirements whereby the Board authorizes qualified nurses in advanced practice to issue written and/or oral prescriptions, and specifies application procedures, renewal requirements, conditions for termination of prescriptive authority, notification requirements to the Board of Medicine, Board of Osteopathy, and Board of Pharmacy, and educational requirements in the area of pharmacology and drug management.

TITLE 19  
LEGISLATIVE RULES  
WEST VIRGINIA BOARD OF EXAMINERS  
FOR REGISTERED PROFESSIONAL NURSES

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 8  
LIMITED PRESCRIPTIVE AUTHORITY  
FOR NURSES IN ADVANCED PRACTICE

§19-8-1. General.

1.1. Scope. --- These rules establish the requirements whereby the Board authorizes qualified nurses in advanced practice to issue written and/or oral prescriptions as per West Virginia Code §30-7-15a, 15b, 15c, and §30-15-1 through 7c.

1.2. Authority West Virginia Code §30-7-15a, 15b, 15c and §30-15-1 through 7c.

1.3. Filing Date: June 23, 1992

1.4. Effective Date: \_\_\_\_\_

§19-8-2. Definition.

2.1. The nurse in advanced practice is one who has been recognized by the Board for Announcement of Advanced Practice as per Legislative Rules, Title 19, Series 7, Sections 1-4.

2.2. The certified nurse-midwife is one who has been licensed by the Board to practice nurse-midwifery as per West Virginia Code §30-15-1c.

2.3. The nurse in advanced practice shall be referred to in these rules as:

2.3.1. Advanced Nurse Practitioners, and

2.3.2. Certified Nurse-Midwives.

§30-8-3. Application and Eligibility for Limited Prescriptive Authority.

3.1. The advanced nurse practitioner/certified nurse-midwife shall submit a notarized application for prescriptive authority on forms provided by the Board along with a fee of \$125.00.

3.1.1. A voided sample of the prescription form shall be submitted with the application.

3.1.2. The advanced nurse practitioner/certified nurse-midwife shall submit 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 following conditions for prescriptive practice are in place:

3.1.2.1. Mutually agreed upon written guidelines or protocols for prescriptive authority as it applies to the advanced nurse practitioner's/certified nurse-midwife's clinical practice.

3.1.2.2. Statements describing the individual and shared responsibilities of the advanced nurse practitioner/certified nurse-midwife and the physician pursuant to the collaborative agreement between them.

3.1.2.3. Periodic and joint evaluation of prescriptive practice.

3.1.2.4. Periodic and joint review and updating of the written guidelines or protocols.

3.1.3. The advanced nurse practitioner/certified nurse-midwife with prescriptive authority shall submit additional documentation of the conditions in rule 3.1.2. above at the request of the Board.

3.2. The Board shall forward a copy of such verification specified in rule 3.1.2. above 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 West Virginia Code §30-7-15b.

3.3.1. If any evidence exists that all eligibility requirements have not been met, prescriptive authority shall not be granted.

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

3.4.1. If any evidence exists that all eligibility requirements have not been met, prescriptive authority shall not be granted.

3.5. Upon satisfactory evidence that the applicant has met all requirements for prescriptive authority as set forth in West Virginia Code §30-7-15a, 15b, 15c, §30-15-1 through 7c, Legislative Rules Title 19, Series 7 and these rules, authority to prescribe drugs as set forth in these rules will be granted and an identification number will be assigned by the Board.

3.5.1. The Board shall notify the Board of Medicine, the Board of Osteopathy, and the Board of Pharmacy of those advanced nurse practitioners/certified nurse-midwives who have been granted prescriptive authority, and shall also provide the prescribers'

6.1.5. General anesthetics.

6.1.6. Drugs listed under Schedule III shall be limited to a seventy-two hour supply without refill.

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

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

#### §19-8-7. Termination of limited prescriptive privileges.

7.1. The Board may deny or revoke privileges for prescriptive authority if the applicant has not met conditions set forth in the law or these rules, or if the applicant has violated any part of the West Virginia Code §30-7 or §30-15.

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

7.3. The Board shall immediately terminate prescriptive authority of the advanced nurse practitioner/certified nurse-midwife if disciplinary action has been taken against his/her license to practice registered professional nursing in accordance with West Virginia Code 30-7-11 and Legislative Rules Title 19, Series 5.

7.4. Prescriptive authority for the advanced nurse practitioner shall terminate immediately if the license to practice registered professional nursing in the State of West Virginia lapses.

7.5. Prescriptive authority for the certified nurse-midwife shall terminate immediately if either the license to practice registered professional nursing or the license to practice as nurse-midwife in the State of West Virginia lapses.

7.6. Prescriptive authority shall be immediately and automatically terminated if national certification as an advanced nurse practitioner/certified nurse-midwife lapses.

7.7. 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, such authority will terminate immediately upon expiration.

7.8. Any advanced nurse practitioner or certified nurse-midwife who allows her/his prescriptive authority to lapse by failing to renew in a timely manner, may be reinstated by the Board

identification number.

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

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

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

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

4.4. Prescriptive authority for the advanced nurse practitioner/certified nurse-midwife shall be renewed biennially by March 30, of odd-numbered years.

4.5. Application for renewal of prescriptive authority shall be submitted on forms provided by the Board. The application must be notarized, and the fee of \$125.00 must accompany the application.

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

5.1. Prior to Board 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 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 pharmacology course content and objectives.

#### §19-8-6. Drugs Excluded from Prescriptive Authority.

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

6.1.1. Schedules I and II of the Uniform Controlled Substances Act.

6.1.2. Anticoagulants.

6.1.3. Antineoplastics.

6.1.4. Radio-pharmaceuticals.

on satisfactory explanation for such failure to renew and submission of prescriptive authority application and fee.

§19-8-8. Adoption/revision or rules/policies.

8.1. The Board shall have the authority to adopt and revise such rules and/or policies as may be necessary to enable it to carry into effect the provisions of this article.