

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

Form #4

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OFFICE OF 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 30-7-15A, 15B, 15C, AND 30-15-1 THROUGH 7C

AMENDMENT TO AN EXISTING RULE: YES NO

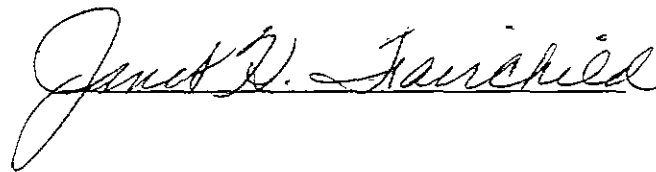
IF YES, SERIES NUMBER OF RULE BEING AMENDED: N/A

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

THE ABOVE PROPOSED LEGISLATIVE RULE, 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.



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

SERIES 8
LIMITED PRESCRIPTIVE AUTHORITY
FOR NURSES IN ADVANCED PRACTICE

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§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 West Virginia 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 West Virginia Code §30-7-15a, and §30-15-7a.

1.3. Filing Date: _____

1.4. Effective Date: _____

§19-8-2. Definition.

2.1. The nurse in advanced practice is a nurse who has been recognized by the Board for Announcement of Advanced Practice as provided for in Legislative Rules 19CSR7.

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

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

2.3.1. Advanced Nurse Practitioners, and

2.3.2. Certified Nurse-Midwives.

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

3.1. The advanced nurse practitioner or 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 or 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 collaborative agreement includes the following:

3.1.2.1. 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;

3.1.2.2. 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;

3.1.2.3. Provision for the periodic and joint evaluation of the prescriptive practice;

3.1.2.4. Provision for the periodic and joint review and updating of the written guidelines or protocols.

3.1.3. The advanced nurse practitioner or certified nurse-midwife with prescriptive authority shall submit additional documentation of the regulations of Section 3.1.2. of this rule at the request of the Board.

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

3.3.1. 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 West Virginia Code §30-15-7b.

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

3.5. If at the time of application for prescriptive authority, the Board obtains information that a 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.

3.6. 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, and this rule, the Board may grant authority to prescribe drugs as set forth in this rule and shall assign an identification number.

3.6.1. 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.

3.6.1.1. The advanced nurse practitioner or certified nurse-midwife shall file with the Board any restrictions on prescriptive authority that are not imposed by West Virginia 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. 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 or 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. 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 nurse shall submit an application for renewal of prescriptive authority 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 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 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. Drugs Excluded from Prescriptive Authority.

6.1. The advanced nurse practitioner or 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.
- 6.1.5. General anesthetics.

6.2. Drugs listed under Schedule III are limited to a seventy-two hour supply without refill.

6.3. The advanced nurse practitioner or certified nurse-midwife shall not prescribe drugs from Schedules IV through V in excess of quantity necessary for thirty (30) days, shall not provide for more than five (5) refills, and shall provide that the prescription expires in six (6) months.

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

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

6.5.1. 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:

a. The maximum dosage shall be indicated in the protocol and shall in no case exceed the manufacturer's average therapeutic dose for that drug.

b. Each prescription and subsequent refills 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 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 no more than ninety (90) dose units or a thirty (30) day supply, whichever is less.

e. Prescriptions for phenodiazepines and benzodiazepines shall be limited to a seventy-two (72) hour supply and shall be non-refillable.

f. Prescriptions for specific antidepressants, to include tricyclics, MAO inhibitors, and miscellaneous antidepressants of bupropion, fluoxetine, maprotiline, 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.

h. Advanced nurse practitioners and certified nurse midwives shall not prescribe other prescription drugs or refill for a period exceeding six (6) months.

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

6.7. The advanced nurse practitioner or 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.

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

6.8.1. All prescriptions shall include the following information:

6.8.1.1. The name, title, address and phone number of the advanced nurse practitioner and/or certified nurse-midwife who is prescribing;

6.8.1.2. The name and address of the patient;

6.8.1.3. The date of the prescription;

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

6.8.1.5. The number of refills;

6.8.1.6. The expiration date of prescriptive authority;

6.8.1.7. The signature of the prescriber on the written prescription;

6.8.1.8. The Drug Enforcement Agency number of the prescriber.

6.8.2. The advanced nurse practitioner and/or nurse mid-wife shall document the records of all prescriptions in patient records.

6.8.3. An advanced nurse practitioner and/or certified nurse-midwife shall, within thirty (30) days of the initial prescription, record in the client record his or her evaluation of the effectiveness of the controlled substances prescribed.

6.8.4. An advanced nurse practitioner and/or certified nurse-midwife shall not prescribe refills of controlled substances unless the refill prescription is in writing.

6.8.5. Drugs considered to be proved human teratogens shall

not be prescribed during 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 CFR201.57). 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. 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. Termination of limited prescriptive privileges.

7.1. 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 West Virginia Code §30-7-1 et seq. or §30-15-1 et seq.

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

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

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

7.6. Prescriptive authority is immediately and automatically terminated if national certification as an advanced nurse practitioner or 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, the authority terminates immediately upon expiration.

7.8. 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 be reinstated by the Board on satisfactory explanation for the failure to renew and submission

of prescriptive authority application and fee.

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

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

7.11. An advanced nurse practitioner and/or certified nurse-midwife with prescriptive authority shall 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 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 §30-7-1 et seq.

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SERIES 8
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BRIEF SUMMARY:

This rule establishes the requirements whereby the Board authorizes qualified nurses in advanced practice to prescribe prescription drugs, 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.

