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## SENATE BILL NO. 456

Offered January 11, 2006

Prefiled January 11, 2006

*A BILL to amend and reenact § 54.1-2957.01 of the Code of Virginia, relating to prescription of certain controlled substances by nurse practitioners.*

Patron—Devolites Davis

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:****1. That § 54.1-2957.01 of the Code of Virginia is amended and reenacted as follows:**

§ 54.1-2957.01. Prescription of certain controlled substances and devices by licensed nurse practitioners.

A. In accordance with the provisions of this section and pursuant to the requirements of Chapter 33 (§ 54.1-3300 et seq.) of this title, a licensed nurse practitioner, other than a certified registered nurse anesthetist, shall have the authority to prescribe controlled substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.) of this title as follows: (i) Schedules V and VI controlled substances on and after July 1, 2000; (ii) Schedules IV through VI on and after January 1, 2002; and (iii) Schedules III through VI controlled substances on and after July 1, 2003; and (iv) Schedules II through VI on and after July 1, 2006. Nurse practitioners shall have such prescriptive authority upon the provision to the Board of Medicine and the Board of Nursing of such evidence as they may jointly require that the nurse practitioner has entered into and is, at the time of writing a prescription, a party to a written agreement with a licensed physician which provides for the direction and supervision by such physician of the prescriptive practices of the nurse practitioner. Such written agreements shall include the controlled substances the nurse practitioner is or is not authorized to prescribe and may restrict such prescriptive authority as deemed appropriate by the physician providing direction and supervision.

B. It shall be unlawful for a nurse practitioner to prescribe controlled substances or devices pursuant to this section unless such prescription is authorized by the written agreement between the licensed nurse practitioner and the licensed physician.

C. The Board of Nursing and the Board of Medicine, in consultation with the Board of Pharmacy, shall promulgate such regulations governing the prescriptive authority of nurse practitioners as are deemed reasonable and necessary to ensure an appropriate standard of care for patients.

The Board of Medicine and the Board of Nursing shall be assisted in this process by an advisory committee composed of two representatives of the Board of Nursing and one nurse practitioner appointed by the Board of Nursing, and four physicians, three of whom shall be members of the Board of Medicine appointed by the Board of Medicine. The fourth physician member shall be jointly appointed by the Boards of Medicine and Nursing. Regulations promulgated pursuant to this section shall include, at a minimum, (i) such requirements as may be necessary to ensure continued nurse practitioner competency which may include continuing education, testing, and/or any other requirement, and shall address the need to promote ethical practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate communication with patients, and (ii) requirements for periodic site visits by physicians who supervise and direct nurse practitioners who provide services at a location other than where the physician regularly practices.

D. This section shall not limit the functions and procedures of certified registered nurse anesthetists or of any nurse practitioners which are otherwise authorized by law or regulation.

E. The following restrictions shall apply to any nurse practitioner authorized to prescribe drugs and devices pursuant to this section:

1. The nurse practitioner shall disclose to his patients the name, address and telephone number of the supervising physician, and that he is a licensed nurse practitioner.

2. Physicians, other than physicians employed by, or under contract with, local health departments, federally funded comprehensive primary care clinics, or nonprofit health care clinics or programs to provide supervisory services, shall not supervise and direct at any one time more than four nurse practitioners. In the case of nurse practitioners, other than certified nurse midwives, the supervising physician shall regularly practice in any location in which the nurse practitioner exercises prescriptive authority pursuant to this section. A separate office for the nurse practitioner shall not be established. In the case of certified nurse midwives, the supervising physician either shall regularly practice in the location in which the certified nurse midwife practices, or in the event that the certified nurse midwife has established a separate office, the supervising physician shall be required to make periodic site visits

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59 as required by regulations promulgated pursuant to this section.

60 3. Physicians employed by, or under contract with, local health departments, federally funded  
61 comprehensive primary care clinics, or nonprofit health care clinics or programs to provide supervisory  
62 services, shall not supervise and direct at any one time more than four nurse practitioners who provide  
63 services on behalf of such entities. Such physicians either shall regularly practice in such settings or  
64 shall make periodic site visits to such settings as required by regulations promulgated pursuant to this  
65 section.

66 F. This section shall not prohibit a licensed nurse practitioner from administering controlled  
67 substances in compliance with the definition of "administer" in § 54.1-3401 or from receiving and  
68 dispensing manufacturers' professional samples of controlled substances in compliance with the  
69 provisions of this section.

70 G. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed  
71 by the Boards of Nursing and Medicine in the category of certified nurse midwife and holding a license  
72 for prescriptive authority may prescribe Schedules ~~III~~ II through VI controlled substances without the  
73 requirement for either medical direction or supervision or a written agreement between the licensed  
74 nurse practitioner and a licensed physician while participating in a pilot program approved by the Board  
75 of Health pursuant to § 32.1-11.5.