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SENATE BILL NO. 414

Senate Amendments in [] - February 7, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact § 54.1-2957.01 of the Code of Virginia, relating to nurse practitioners; patient care team physician supervision capacity increased.*

Patron Prior to Engrossment—Senator Kiggans

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.), a licensed nurse practitioner shall have the authority to prescribe Schedule II through Schedule VI controlled substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.).

B. A nurse practitioner who does not meet the requirements for practice without a written or electronic practice agreement set forth in subsection I of § 54.1-2957 shall prescribe controlled substances or devices only if such prescribing is authorized by a written or electronic practice agreement entered into by the nurse practitioner and a patient care team physician. Such nurse practitioner shall provide to the Boards of Medicine and Nursing such evidence as the Boards may jointly require that the nurse practitioner has entered into and is, at the time of writing a prescription, a party to a written or electronic practice agreement with a patient care team physician that clearly states the prescriptive practices of the nurse practitioner. Such written or electronic practice agreements shall include the controlled substances the nurse practitioner is or is not authorized to prescribe and may restrict such prescriptive authority as described in the practice agreement. Evidence of a practice agreement shall be maintained by a nurse practitioner pursuant to § 54.1-2957. Practice agreements authorizing a nurse practitioner to prescribe controlled substances or devices pursuant to this section either shall be signed by the patient care team physician or shall clearly state the name of the patient care team physician who has entered into the practice agreement with the nurse practitioner.

It shall be unlawful for a nurse practitioner to prescribe controlled substances or devices pursuant to this section unless (i) such prescription is authorized by the written or electronic practice agreement or (ii) the nurse practitioner is authorized to practice without a written or electronic practice agreement pursuant to subsection I of § 54.1-2957.

C. The Boards of Medicine and Nursing shall promulgate regulations governing the prescriptive authority of nurse practitioners as are deemed reasonable and necessary to ensure an appropriate standard of care for patients. Such regulations shall include requirements as may be necessary to ensure continued nurse practitioner competency, which may include continuing education, testing, 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.

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 the patient at the initial encounter that he is a licensed nurse practitioner. Any party to a practice agreement shall disclose, upon request of a patient or his legal representative, the name of the patient care team physician and information regarding how to contact the patient care team physician.

2. Physicians shall not serve as a patient care team physician on a patient care team at any one time to more than ~~six~~ 10 nurse practitioners. [*However, for patient care teams delivering care in an emergency department, physicians shall not serve as a patient care team physician on a patient care team at any one time to more than six nurse practitioners.*]

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

G. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife or clinical nurse

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59 specialist and holding a license for prescriptive authority may prescribe Schedules II through VI
60 controlled substances. However, if the nurse practitioner licensed by the Boards of Medicine and
61 Nursing in the category of certified nurse midwife or clinical nurse specialist is required, pursuant to
62 subsection H or J of § 54.1-2957, to practice pursuant to a practice agreement, such prescribing shall
63 also be in accordance with any prescriptive authority included in such practice agreement.

64 H. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed
65 by the Boards of Medicine and Nursing as a certified registered nurse anesthetist shall have the authority
66 to prescribe Schedule II through Schedule VI controlled substances and devices in accordance with the
67 requirements for practice set forth in subsection C of § 54.1-2957 to a patient requiring anesthesia, as
68 part of the periprocedural care of such patient. As used in this subsection, "periprocedural" means the
69 period beginning prior to a procedure and ending at the time the patient is discharged.