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SENATE BILL NO. 984

Offered January 23, 1995

A BILL to amend and reenact § 54.1-2957.01 of the Code of Virginia, relating to prescriptive authority of licensed nurse practitioners.

Patrons—Schewel, Andrews, Holland, E.M., Lambert and Walker; Delegates: Ball, Connally, DeBoer and Melvin

Referred to the 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. A licensed nurse practitioner, other than a certified registered nurse anesthetist, shall have the authority to prescribe Schedule VI controlled substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.) of this title pursuant to the requirements of Chapter 33 (§ 54.1-3300 et seq.) of this title 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.

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) the formulary of the specific Schedule VI drugs and devices that nurse practitioners are eligible to prescribe pursuant to this section to the extent, and in the manner, authorized in a written protocol between the nurse practitioner and the supervising physician, 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.

In order to maintain a current and appropriate list of specific Schedule VI drugs and devices, the Boards of Medicine and Nursing may, from time to time, amend the Formulary required by this subsection and, as provided in § 9-6.14:4.1, shall be exempted from the Administrative Process Act (§ 9-6.14:1 et seq.) when so doing. The Boards shall, however, jointly conduct public hearings prior to making such amendments to the Formulary. Thirty days prior to conducting such hearing, the Boards shall give written notice by mail of the date, time, and place of the hearings to all currently licensed nurse practitioners and any other persons requesting to be notified of the hearings and publish notice of its intention to amend the Formulary in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any amendments. Proposed and final amendments of the list shall also be published, pursuant to § 9-6.14:22, in the Virginia Register of Regulations. Final amendments to the Formulary shall become effective upon filing with the Registrar of Regulations.

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 ~~two~~ four nurse practitioners. In the case of nurse practitioners, other than certified nurse midwives, the supervising

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60 physician shall regularly practice in any location in which the nurse practitioner exercises prescriptive
61 authority pursuant to this section. A separate office for the nurse practitioner shall not be established. In
62 the case of certified nurse midwives, the supervising physician either shall regularly practice in the
63 location in which the certified nurse midwife practices, or in the event that the certified nurse midwife
64 has established a separate office, the supervising physician shall be required to make periodic site visits
65 as required by regulations promulgated pursuant to this section.

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

72 F. This section shall not prohibit a licensed nurse practitioner from administering Schedule VI
73 controlled substances in compliance with the definition of "administer" in § 54.1-3401. However, this
74 section shall not otherwise authorize the dispensing or the sale of Schedule VI controlled substances by
75 licensed nurse practitioners unless pursuant to the lawful order of a physician.