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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

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ENROLLED

HOUSE BILL No. 4158

(By Delegate Mr. Speaker, Mr. Chambers, & Del Bunk)
[By Request of the Executive]

— ● —

Passed Feb. 10, 1992

In Effect From Passage

ENROLLED
H. B. 4158

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE BURK)
[By Request of the Executive]

[Passed February 10, 1992; in effect from passage.]

AN ACT to amend article seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto three new sections, designated sections fifteen-a, fifteen-b and fifteen-c; to amend and reenact sections one, two, three, five, six and seven, article fifteen of said chapter thirty; and to further amend said article fifteen by adding thereto three new sections, designated sections seven-a, seven-b and seven-c, all relating to provisions for registered professional nurses and nurse-midwives prescriptive authority for prescription drugs, collaborative relationship with physician requirements, rules, classification of drugs to be prescribed, coordination with boards, eligibility for prescriptive authority, application, fee, form of prescriptions, termination of authority, renewal, notification of termination of authority, nurse-midwives definitions, licenses, qualifications, annual registration fee, suspension or revocation of licenses, and limitations of authority.

Be it enacted by the Legislature of West Virginia:

That article seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto three new sections, designated sections fifteen-a, fifteen-b and fifteen-c; that sections one, two, three, five, six and seven, article fifteen of said chapter thirty

be amended and reenacted; and that said article fifteen be further amended by adding thereto three new sections, designated section seven-a, seven-b and seven-c, all to read as follows:

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

§30-7-15a. Prescriptive authority for prescription drugs; collaborative relationship with physician requirements; promulgations of rules; classification of drugs to be prescribed; coordination with other boards; coordination with board of pharmacy.

1 (a) The board may, in its discretion, authorize an
2 advanced nurse practitioner to prescribe prescription
3 drugs in a collaborative relationship with a physician
4 licensed to practice in West Virginia and in accordance
5 with applicable state and federal laws. An authorized
6 advanced nurse practitioner may write or sign prescrip-
7 tions or transmit prescriptions verbally or by other
8 means of communication.

9 (b) For purposes of this section an agreement to a
10 collaborative relationship for prescriptive practice
11 between a physician and an advanced nurse practitioner
12 shall be set forth in writing. Verification of such
13 agreement shall be filed with the board by the advanced
14 nurse practitioner. The board shall forward a copy of
15 such verification to the board of medicine. Collaborative
16 agreements shall include, but not be limited to, the
17 following:

18 (1) Mutually agreed upon written guidelines or
19 protocols for prescriptive authority as it applies to the
20 advanced nurse practitioner's clinical practice;

21 (2) Statements describing the individual and shared
22 responsibilities of the advanced nurse practitioner and
23 the physician pursuant to the collaborative agreement
24 between them;

25 (3) Periodic and joint evaluation of prescriptive
26 practice; and

27 (4) Periodic and joint review and updating of the
28 written guidelines or protocols.

29 (c) The board shall promulgate legislative rules in
30 accordance with the provisions of chapter twenty-nine-
31 a of this code governing the eligibility and extent to
32 which an advanced nurse practitioner may prescribe
33 drugs. Such rules shall provide, at a minimum, a state
34 formulary classifying those categories of drugs which
35 shall not be prescribed by advanced nurse practitioners,
36 including, but not limited to, Schedules I and II of the
37 Uniform Controlled Substances Act, anticoagulants,
38 antineoplastics, radio-pharmaceuticals and general
39 anesthetics. Drugs listed under Schedule III shall be
40 limited to a seventy-two hour supply without refill.

41 (d) The board shall consult with other appropriate
42 boards for the development of the formulary.

43 (e) The board shall transmit to the board of pharmacy
44 a list of all advanced nurse practitioners with prescrip-
45 tive authority. The list shall include:

46 (1) The name of the authorized advanced nurse
47 practitioner;

48 (2) The prescriber's identification number assigned by
49 the board; and

50 (3) The effective date of prescriptive authority.

**§30-7-15b. Eligibility for prescriptive authority; applica-
tion; fee.**

1 An advanced nurse practitioner who applies for
2 authorization to prescribe drugs shall:

3 (a) Be licensed and certified in West Virginia as an
4 advanced nurse practitioner holding a baccalaureate
5 degree in science or the arts;

6 (b) Not be less than eighteen years of age;

7 (c) Provide the board with evidence of successful
8 completion of forty-five contact hours of education in
9 pharmacology and clinical management of drug therapy

10 under a program approved by the board fifteen hours
11 of which shall be completed within the two-year period
12 immediately before the date of application;

13 (d) Provide the board with evidence that he or she is
14 a person of good moral character and not addicted to
15 alcohol or the use of controlled substances; and

16 (e) Submit a completed, notarized application to the
17 board, accompanied by a fee of one hundred twenty-five
18 dollars.

**§30-7-15c. Form of prescriptions; termination of author-
ity; renewal; notification of termination of
authority.**

1 (a) Prescriptions authorized by an advanced nurse
2 practitioner must comply with all applicable state and
3 federal laws; must be signed by the prescriber with the
4 initials "A.N.P." or the designated certification title of
5 the prescriber; and must include the prescriber's
6 identification number assigned by the board.

7 (b) Prescriptive authorization shall be terminated if
8 the advanced nurse practitioner has:

9 (1) Not maintained current authorization as an
10 advanced nurse practitioner; or

11 (2) Prescribed outside the advanced nurse practition-
12 er's scope of practice or has prescribed drugs for other
13 than therapeutic purposes; or

14 (3) Has not filed verification of a collaborative
15 agreement with the board.

16 (c) Prescriptive authority for an advanced nurse
17 practitioner must be renewed biennially. Documentation
18 of eight contact hours of pharmacology during the
19 previous two years must be submitted at the time of
20 renewal.

21 (d) The board shall notify the board of pharmacy and
22 the board of medicine within twenty-four hours after
23 termination of, or change in, an advanced nurse
24 practitioner's prescriptive authority.

ARTICLE 15. NURSE-MIDWIVES.**§30-15-1. Definitions.**

1 The following terms wherever used or referred to in
2 this article shall have the following meaning:

3 (a) "Midwife" means a person who assists in the
4 management and care of a woman and her infant during
5 the prenatal, delivery and postnatal periods.

6 (b) "Midwifery" means the practice of performing the
7 service of a midwife for a fee or compensation.

8 (c) "Nurse-midwife" means a qualified professional
9 nurse registered with the West Virginia board of
10 examiners for registered professional nurses who by
11 virtue of additional training is specifically qualified to
12 practice nurse-midwifery according to the statement of
13 standards for the practice of nurse-midwifery as set
14 forth by the American college of nurse-midwives.

15 (d) "Board" means the West Virginia board of
16 examiners for registered professional nurses.

§30-15-2. Licenses required.

1 (a) No person, other than a physician, shall engage or
2 hold themselves out as practicing nurse-midwifery
3 without a license to do so issued by the West Virginia
4 board of examiners for registered professional nurses:
5 *Provided*, That this requirement does not apply to those
6 midwives who hold a license upon the first day of July,
7 one thousand nine hundred seventy-three, issued by the
8 West Virginia board of health. Persons holding licenses
9 on said date issued by the said board of health, shall be
10 permitted to practice midwifery as formerly defined
11 and according to the authority granted to them upon the
12 issuance of their licenses, until the expiration of such
13 licenses without the privilege of renewal.

14 (b) No person may practice or offer to practice as a
15 nurse-midwife with prescriptive authority without a
16 license to do so issued by the West Virginia board of
17 examiners for registered professional nurses and issued
18 pursuant to section seven-a of this article.

§30-15-3. Qualifications for licensing.

1 (a) A nurse-midwife license shall be issued by the
2 board to any applicant who provides evidence that he
3 or she:

4 (1) Is a registered professional nurse licensed by the
5 board;

6 (2) Is a graduate of a nurse-midwifery education
7 program approved by the American college of nurse-
8 midwives or any American college of nurse-midwives
9 designated successor organization; and

10 (3) Is certified by the American college of nurse-
11 midwives.

12 (b) Any nurse-midwife who desires privileges for
13 prescriptive authority as described in section seven-a of
14 this article must, in addition to the evidence required
15 by subsection (a) of this section, submit to the board the
16 information required by section seven-b herein.

§30-15-5. Form of licenses; annual registration fee.

1 (a) Licenses or certificates issued by the board shall
2 bear a serial number, the full name of the applicant, the
3 date of issuance of any such license, the seal of the board
4 and the signature of the executive secretary of the
5 board: *Provided*, That if prescriptive authority has been
6 granted pursuant to section seven-a of this article, such
7 authorization shall also be included on each license or
8 certificate issued by the board.

9 (b) Every licensed nurse-midwife shall procure from
10 the secretary of the board annually, on or before the first
11 day of July, a certificate of registration. The certificate
12 shall be issued by said secretary upon the payment of
13 a fee to be fixed by the board, not to exceed the sum
14 of ten dollars. The secretary shall mail annually, on or
15 before the first day of June, to each licensed nurse-
16 midwife a printed blank form to be properly filled in
17 and returned by such licensed person on or before the
18 first day of July to the secretary of the board. Upon the
19 receipt of the form properly filled in, and such fee, the

20 annual certificate of registration shall be issued and
21 transmitted.

22 (c) The authority to practice as a nurse-midwife with
23 prescriptive authority shall be indicated on the appli-
24 cant's registered professional license issued by the
25 board.

§30-15-6. Suspension or revocation of licenses.

1 (a) The board may suspend or revoke a license for any
2 of the following reasons:

3 (1) Failure to remain current in annual registration;

4 (2) Gross negligence in performance of service as
5 provided by the statement of standards for the practice
6 of nurse-midwifery by the American college of nurse-
7 midwives; or

8 (3) The commission of a crime in association with the
9 practice of nurse-midwifery.

10 (b) Before any license shall be revoked or suspended,
11 the accused shall be furnished with a written statement
12 of the reasons for such suspension or revocation and
13 shall be given reasonable notice of, and be entitled to,
14 a hearing before the board, in person, or by attorney,
15 according to the provisions of chapter twenty-nine-a of
16 this code.

§30-15-7. Limitations of authority; collaborative relationship with physicians.

1 (a) The license to practice nurse-midwifery shall
2 entitle the holder to practice such profession according
3 to the statement of standards of the American college
4 of nurse-midwives, and such holder shall be required to
5 practice in a collaborative relationship with a licensed
6 physician engaged in family practice or the specialized
7 field of gynecology or obstetrics, or as a member of the
8 staff of any maternity, newborn or family planning
9 service approved by the West Virginia department of
10 health and human resources, who, as such, shall practice
11 nurse-midwifery in a collaborative relationship with a
12 board-certified or board-eligible obstetrician, gynecolo-
13 gist, or the primary-care physician normally directly

14 responsible for obstetrical and gynecological care in said
15 area of practice.

**§30-15-7a. Prescriptive authority for prescription drugs;
collaborative relationship with physician
requirements; promulgation of rules; classi-
fication of drugs to be prescribed; consulta-
tion with other boards; coordination with
board of pharmacy.**

1 (a) The board shall, in its discretion, authorize a
2 nurse-midwife to prescribe prescription drugs in a
3 collaborative relationship with a physician licensed to
4 practice in West Virginia and in accordance with
5 applicable state and federal laws. An authorized nurse-
6 midwife may write or sign prescriptions or transmit
7 prescriptions verbally or by other means of
8 communication.

9 (b) For purposes of this section an agreement to a
10 collaborative relationship for practice between a
11 physician and a nurse-midwife shall be set forth in
12 writing. Verification of such agreement shall be filed
13 with the board by the nurse-midwife. The board shall
14 forward a copy of such verification to the board of
15 medicine. Collaborative agreements shall include, but
16 not be limited to, the following:

17 (1) Mutually agreed upon written guidelines or
18 protocols for prescriptive practice as it applies to the
19 nurse-midwife's clinical practice;

20 (2) Statements describing the individual and shared
21 responsibilities of the nurse-midwife and the physician
22 pursuant to the collaborative agreement between them;

23 (3) Periodic and joint evaluation of prescriptive
24 practice; and

25 (4) Periodic and joint review and updating of the
26 written guidelines or protocols.

27 (c) The board shall promulgate legislative rules in
28 accordance with the provisions of chapter twenty-nine
29 of this code governing the eligibility and extent to which
30 a nurse-midwife may prescribe drugs. Such rules shall

31 provide, at a minimum, a state formulary classifying
32 those categories of drugs which shall not be prescribed
33 by nurse-midwives, including, but not limited to,
34 Schedules I and II of the Uniform Controlled Substances
35 Act, anticoagulants, antineoplastics, radio-pharmaceut-
36 icals and general anesthetics. Drugs listed under
37 schedule III shall be limited to a seventy-two hour
38 supply without refill.

39 (d) The board shall consult with other appropriate
40 boards for development of the formulary.

41 (e) The board shall transmit to the board of pharmacy
42 a list of all nurse-midwives with prescriptive authority.
43 The list shall include:

44 (1) The name of the authorized nurse-midwife;

45 (2) The prescriber's identification number assigned by
46 the board; and

47 (3) The effective date of prescriptive authority.

**§30-15-7b. Eligibility for prescriptive authority; applica-
tion; fee.**

1 (1) A nurse-midwife who applies for authorization to
2 prescribe drugs shall:

3 (a) Be licensed and certified as a nurse-midwife in the
4 state of West Virginia;

5 (b) Not be less than eighteen years of age;

6 (c) Provide the board with evidence of successful
7 completion of forty-five contact hours of education in
8 pharmacology and clinical management of drug therapy
9 under a program approved by the board, fifteen of
10 which shall be completed within the two-year period
11 immediately before the date of application;

12 (d) Provide the board with evidence that he or she is
13 a person of good moral character and not addicted to
14 alcohol or the use of controlled substances; and

15 (e) Submit a completed, notarized application to the
16 board, accompanied by a fee of one hundred twenty-five
17 dollars.

§30-15-7c. Form of prescription; termination of authority; renewal; notification of termination of authority.

1 (a) Prescriptions authorized by a nurse-midwife must
2 comply with all applicable state and federal laws; must
3 be signed by the prescriber with the initials "C.N.M.";
4 and must include the prescriber's identification number
5 assigned by the board.

6 (b) Prescriptive authorization shall be terminated if
7 the nurse-midwife has:

8 (1) Not maintained current authorization as a nurse-
9 midwife; or

10 (2) Prescribed outside the nurse-midwife's scope of
11 practice or has prescribed drugs for other than thera-
12 peutic purposes; or

13 (3) Has not filed verification of a collaborative
14 agreement with the board.

15 (c) Prescriptive authority for a nurse-midwife must be
16 renewed biennially. Documentation of eight contact
17 hours of pharmacology during the previous two years
18 must be submitted at the time of renewal.

19 (d) The board shall notify the board of pharmacy and
20 the board of medicine within twenty-four hours after
21 termination of, or change in, a nurse-midwife's prescrip-
22 tive authority.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Homer Heck

Chairman Senate Committee

Bruce C. Moore

Chairman House Committee

Originating in the House.

Takes effect from passage.

Samuel E. Helms

Clerk of the Senate

Donald G. Kopp

Clerk of the House of Delegates

Paul F. Buntin

President of the Senate

Robert C. Allen

Speaker of the House of Delegates

The within *is approved* this the *12th*
day of *February*, 1992.)

Robert C. Allen
Governor

PRESENTED TO THE

GOVERNOR

Date 2/11/92

Time 9:29 pm