WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

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ENROLLED

HOUSE BILL No. 4158

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

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Passed ........................................... Feb. 10, 1992

In Effect ........................................ 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.

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

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

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

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

(3) Periodic and joint evaluation of prescriptive practice; and
(4) Periodic and joint review and updating of the written guidelines or protocols.

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

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

(e) The board shall transmit to the board of pharmacy a list of all advanced nurse practitioners with prescriptive authority. The list shall include:

1. The name of the authorized advanced nurse practitioner;

2. The prescriber’s identification number assigned by the board; and

3. The effective date of prescriptive authority.

§30-7-15b. Eligibility for prescriptive authority; application; fee.

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

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

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

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

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

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

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

(a) Prescriptions authorized by an advanced nurse
practitioner must comply with all applicable state and
federal laws; must be signed by the prescriber with the
initials “A.N.P.” or the designated certification title of
the prescriber; and must include the prescriber’s
identification number assigned by the board.

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

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

(2) Prescribed outside the advanced nurse practitio-
er’s scope of practice or has prescribed drugs for other
than therapeutic purposes; or

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

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

(d) The board shall notify the board of pharmacy and
the board of medicine within twenty-four hours after
termination of, or change in, an advanced nurse
practitioner’s prescriptive authority.
ARTICLE 15. NURSE-MIDWIVES.


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

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

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

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

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

§30-15-2. Licenses required.

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

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

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

1. Is a registered professional nurse licensed by the board;
2. Is a graduate of a nurse-midwifery education program approved by the American college of nurse-midwives or any American college of nurse-midwives designated successor organization; and
3. Is certified by the American college of nurse-midwives.

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

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

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

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

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

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

§30-15-7. Limitations of authority; collaborative relation-
ship 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.

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

(b) For purposes of this section an agreement to a
1 collaborative relationship for practice between a
2 physician and a nurse-midwife shall be set forth in
3 writing. Verification of such agreement shall be filed
4 with the board by the nurse-midwife. The board shall
5 forward a copy of such verification to the board of
6 medicine. Collaborative agreements shall include, but
7 not be limited to, the following:

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

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

(3) Periodic and joint evaluation of prescriptive
12 practice; and

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

(c) The board shall promulgate legislative rules in
14 accordance with the provisions of chapter twenty-nine
15 of this code governing the eligibility and extent to which
16 a nurse-midwife may prescribe drugs. Such rules shall
provide, at a minimum, a state formulary classifying
those categories of drugs which shall not be prescribed
by nurse-midwives, including, but not limited to,
Schedules I and II of the Uniform Controlled Substances
Act, anticoagulants, antineoplastics, radio-pharmaceut-
cicals and general anesthetics. Drugs listed under
schedule III shall be limited to a seventy-two hour
supply without refill.

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

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

(1) The name of the authorized nurse-midwife;
(2) The prescriber's identification number assigned by
the board; and
(3) The effective date of prescriptive authority.

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

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

(a) Be licensed and certified as a nurse-midwife in the
state of West Virginia;
(b) Not be less than eighteen years of age;
(c) Provide the board with evidence of successful
completion of forty-five contact hours of education in
pharmacology and clinical management of drug therapy
under a program approved by the board, fifteen of
which shall be completed within the two-year period
immediately before the date of application;
(d) Provide the board with evidence that he or she is
a person of good moral character and not addicted to
alcohol or the use of controlled substances; and
(e) Submit a completed, notarized application to the
board, accompanied by a fee of one hundred twenty-five
dollars.
§30-15-7c. Form of prescription; termination of authority; renewal; notification of termination of authority.

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

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

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

(2) Prescribed outside the nurse-midwife's scope of practice or has prescribed drugs for other than therapeutic purposes; or

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

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

(d) The board shall notify the board of pharmacy and the board of medicine within twenty-four hours after termination of, or change in, a nurse-midwife's prescriptive authority.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Homer Heck  
Chairman Senate Committee

Donald C. House  
Chairman House Committee

Originating in the House.

Takes effect from passage.

Robert E. Blankenhorn  
Clerk of the Senate

Donald A. Kopp  
Clerk of the House of Delegates

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

Governor