

1 HB688
2 119754-1
3 By Representative Johnson
4 RFD: Health
5 First Read: 09-MAR-10

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8 SYNOPSIS: Under existing law, a certified registered
9 nurse practitioner and a certified nurse midwife
10 may prescribe legend drugs.

11 This bill would authorize certified
12 registered nurse practitioners and certified nurse
13 midwives to prescribe controlled substances in
14 Schedules III to V, inclusive, under certain
15 conditions.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

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21 Relating to the practice of nursing by certified
22 registered nurse practitioners and certified nurse midwives;
23 to amend Sections 34-21-81 and 34-21-86, Code of Alabama 1975,
24 to authorize the certified registered nurse practitioners and
25 certified nurse midwives to prescribe certain controlled
26 substances under certain conditions.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 34-21-81 and 34-21-86, Code of
2 Alabama 1975, are amended to read as follows:

3 "§34-21-81.

4 "As used in this article, the following terms shall
5 have the following meanings:

6 "~~(3)~~(1) ADVANCED PRACTICE NURSE. A registered nurse
7 that has gained additional knowledge and skills through
8 successful completion of an organized program of nursing
9 education that prepares nurses for advanced practice roles and
10 has been certified by the Board of Nursing to engage in the
11 practice of advanced practice nursing. There shall be four
12 categories of advanced practice nurses: Certified registered
13 nurse practitioners (CRNP), certified nurse midwives (CNM),
14 certified registered nurse anesthetists (CRNA), and clinical
15 nurse specialists (CNS). Certified registered nurse
16 practitioners and certified nurse midwives are subject to
17 collaborative practice agreements with an Alabama physician.
18 Certified registered nurse anesthetists and clinical nurse
19 specialists are not subject to collaborative practice
20 agreements with an Alabama physician and are not subject to
21 the requirements of Sections 34-21-82, 34-21-83, and 34-21-85
22 to 34-21-92, inclusive, and are prohibited from engaging in
23 any of the acts or functions of a certified registered nurse
24 practitioner (CRNP) or a certified nurse midwife (CNM) as
25 established by this article and ~~regulations~~ rules adopted
26 under this article.

1 "~~(4)~~(2) ADVANCED PRACTICE NURSING. The delivery of
2 health care services by registered nurses who have gained
3 additional knowledge and skills through successful completion
4 of an organized program of nursing education that prepares
5 nurses for advanced practice roles as certified registered
6 nurse practitioners, certified nurse midwives, certified nurse
7 anesthetists, and clinical nurse specialists:

8 "a. Practice as a certified registered nurse
9 practitioner (CRNP) means the performance of nursing skills by
10 a registered nurse who has demonstrated by certification that
11 he or she has advanced knowledge and skills in the delivery of
12 nursing services within a health care system that provides for
13 consultation, collaborative management, or referral as
14 indicated by the health status of the ~~client~~ patient.

15 "b. Practice as a certified nurse midwife (CNM)
16 means the performance of nursing skills by a registered nurse
17 who has demonstrated by certification that he or she has
18 advanced knowledge and skills relative to the management of
19 women's health care focusing on pregnancy, childbirth, the
20 postpartum period, care of the newborn, family planning, and
21 gynecological needs of women, within a health care system that
22 provides for consultation, collaborative management, or
23 referral as indicated by the health status of the ~~client~~
24 patient.

25 "c. Practice as a certified registered nurse
26 anesthetist (CRNA) means the performance of or the assistance
27 in any act involving the determination, preparation,

1 administration, or monitoring of any drug used to render an
2 individual insensible to pain for surgical and other
3 therapeutic or diagnostic procedures. The nurse anesthetist is
4 qualified in accordance with Section 27-46-3 and is licensed
5 by the Board of Nursing and functions under the direction of a
6 physician licensed to practice medicine, or a dentist, who is
7 immediately available.

8 "d. Practice of clinical nurse specialist (CNS)
9 nursing means the performance of nursing skills by a
10 registered nurse who, through study and supervised practice at
11 the graduate level and as evidenced by certification, has
12 advanced knowledge and practice skills in a specialized area
13 of practice, except that a clinical nurse specialist may not
14 do any of the following:

15 "1. Perform delegated medical acts or engage in
16 collaborative practice as described in this article.

17 "2. Perform any of the functions of a certified
18 registered nurse practitioner or a certified nurse midwife as
19 described in this article and the ~~regulations~~ rules adopted
20 under this article, whether or not performed within a
21 collaborative practice relationship.

22 "3. Prescribe drugs of any type. A clinical nurse
23 specialist may perform nursing services permitted under this
24 subdivision as an independent contractor.

25 "~~(1)~~ (3) BOARD OF MEDICAL EXAMINERS. The State Board
26 of Medical Examiners established pursuant to Section 34-24-53.

1 "~~(2)~~(4) BOARD OF NURSING. The Board of Nursing
2 established under Section 34-21-2.

3 "(5) COLLABORATION. A formal relationship between
4 one or more certified registered nurse practitioners and
5 certified nurse midwives and a physician or physicians under
6 which these nurses may engage in advanced practice nursing as
7 evidenced by written protocols approved in accordance with the
8 requirements of this article or exempted in accordance with
9 requirements of this article. The term collaboration does not
10 require direct, on-site supervision of the activities of a
11 certified registered nurse practitioner or a certified nurse
12 midwife by the collaborating physician. The term does require
13 such professional oversight and direction as may be required
14 by the rules and regulations of the State Board of Medical
15 Examiners and the Board of Nursing.

16 "~~(7)~~(6) JOINT COMMITTEE OF THE STATE BOARD OF
17 MEDICAL EXAMINERS AND THE BOARD OF NURSING FOR ADVANCED
18 PRACTICE NURSES. The Joint Committee of the State Board of
19 Medical Examiners and the Board of Nursing for Advanced
20 Practice Nurses shall mean and shall be a committee composed
21 of all of the following:

22 "a. Two physicians licensed to practice medicine in
23 the State of Alabama.

24 "b. One registered nurse licensed to practice
25 professional nursing in the State of Alabama.

26 "c. One licensed physician engaged in a
27 collaborative practice with a certified registered nurse

1 practitioner or a certified nurse midwife in the State of
2 Alabama.

3 "d. One certified registered nurse practitioner
4 engaged in advanced practice with a physician in the State of
5 Alabama.

6 "~~(8)~~ (7) LEGEND DRUG. Any drug, medicine, chemical,
7 or poison bearing on the label the words, "Caution, Federal
8 Law prohibits dispensing without prescription" or similar
9 words indicating that such drug, medicine, chemical, or poison
10 may be sold or dispensed only upon the prescription of a
11 licensed practitioner, except that the term legend drug shall
12 not include any drug, substance, or compound which is listed
13 in Schedules I ~~through V~~ or II of the Alabama Uniform
14 Controlled Substances Act.

15 "~~(6)~~ (8) PHYSICIAN or COLLABORATING PHYSICIAN. A
16 doctor of medicine or a doctor of osteopathy licensed to
17 practice medicine in Alabama who agrees in writing to practice
18 in collaboration with one or more certified registered nurse
19 practitioners or certified nurse midwives in accordance with
20 the rules and regulations adopted by the State Board of
21 Medical Examiners and the Board of Nursing.

22 "(9) PRESCRIBE or PRESCRIBING. The act of issuing a
23 written prescription for a legend drug, including controlled
24 substances in Schedules III to V, inclusive, of the Alabama
25 Uniform Controlled Substances Act.

26 "(10) PRESCRIPTION. An order for a legend drug ~~which~~
27 ~~is written and signed~~ given by a practitioner authorized by

1 law to prescribe and administer such drugs and which is
2 intended to be filled, compounded, or dispensed by a
3 pharmacist.

4 "(11) PROTOCOL. A document approved in accordance
5 with Section 34-21-87 establishing the permissible functions
6 and activities to be performed by certified registered nurse
7 practitioners and certified nurse midwives and signed by
8 collaborating physicians and any nurse practitioners or nurse
9 midwives practicing with those physicians.

10 "§34-21-86.

11 "(a) Certified registered nurse practitioners and
12 certified nurse midwives, engaged in collaborative practice
13 with physicians practicing under protocols approved in the
14 manner prescribed by this article may prescribe legend drugs,
15 including controlled substances in Schedules III to V,
16 inclusive, of the Alabama Uniform Controlled Substances Act to
17 their patients, subject to both of the following conditions:

18 "(1) The drug type, dosage, quantity prescribed, and
19 number of refills shall be authorized in an approved protocol
20 signed by the collaborating physician; and

21 "(2) The drug shall be on the formulary recommended
22 by the joint committee and adopted by the State Board of
23 Medical Examiners and the Board of Nursing.

24 "(b) A certified registered nurse practitioner or a
25 certified nurse midwife may not initiate a call-in
26 prescription in the name of a collaborating physician for any
27 drug, whether legend or controlled substance, which the nurse

1 practitioner or certified nurse midwife is not authorized to
2 prescribe under the protocol signed by the collaborating
3 physician and certified registered nurse practitioner or
4 certified nurse midwife and approved under this section unless
5 the drug is specifically ordered for the patient by the
6 physician, either in writing or by a verbal order which has
7 been reduced to writing, and which has been signed by the
8 physician within a time specified in the rules and regulations
9 approved by the State Board of Medical Examiners and the Board
10 of Nursing.

11 "(c) Registered nurses and licensed practical nurses
12 are authorized to administer any legend drug, including
13 controlled substances in Schedules III to V, inclusive, of the
14 Alabama Uniform Controlled Substances Act that has been
15 lawfully ordered or prescribed by an authorized practitioner
16 including certified registered nurse practitioners, certified
17 nurse midwives, and/or assistants to physicians.

18 "(d) The Board of Medical Examiners shall be the
19 certifying board for issuance of controlled substances
20 registration certificates and shall promulgate rules and set
21 reasonable fees for registration and for the administration of
22 this article relating to the prescription or dispensing of
23 controlled substances by certified registered nurse
24 practitioners or certified nurse midwives in accordance with
25 this article."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.