

Committee of Joint Boards of Joint Boards of Nursing and Medicine Updates

From: Jay P Douglas Executive Director, Virginia Board of Nursing

Certified Registered Nurse Anesthetists

Effective July 1, 2020 Certified Registered Nurse Anesthetists (CRNAs) have the authority to prescribe. Essentially, by operation of law, CRNAs will be granted prescriptive authority **automatically**. Unlike other categories of nurse practitioners, CRNAs will not have to apply for nor will they receive a separate *Rx Authority* designation. Therefore, after July 1, 2020, when obtaining license verifications through the Department of Health Professions License Lookup system, a separate '*Rx Authority*' designation for those nurse practitioners licensed in the category of CRNA will not be listed. Verification of an NP license number that begins with 0024 combined with the CRNA specialty category indicates that the CRNA is eligible to apply for a DEA number.

Prescriptive Authority includes Schedule II through VI
CRNAs are **not** required to have a practice agreement

In order to monitor and promote safe prescribing practices, Virginia established the Prescription Monitoring Program (PMP) that tracks prescriptions for controlled substances.

The law requires prescribers of Schedule II-V medications to register with the PMP
<http://www.dhp.virginia.gov/PractitionerResources/PrescriptionMonitoringProgram/>

Prescribers must consult the PMP for other Schedule II-V controlled substances currently prescribed to a patient when initiating a new course of treatment that includes prescribing of opioids for more than seven days. Prescribers are not required to request information from the PMP when an opioid is prescribed to a patient during an inpatient hospital admission or discharge.

For your convenience, here is the new law below, please note changes to various sections of the code and specifically the addition of section H:

Bill Tracking - 2020 session > Legislation - SB1059/SB264

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, ~~other than a certified registered nurse anesthetist~~, 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 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 and holding a license for prescriptive authority may prescribe (i) Schedules II through V controlled

substances in accordance with any prescriptive authority included in a practice agreement with a licensed physician pursuant to subsection H of § [54.1-2957](#) and (ii) Schedule VI controlled substances without the requirement for inclusion of such prescriptive authority in a practice agreement.

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

18VAC90-40-20. Authority and Administration of Regulations.

- A. The statutory authority for this chapter is found in §§ [54.1-2957.01](#), [54.1-3303](#), [54.1-3401](#), and [54.1-3408](#) of the Code of Virginia.

Prescriptive Authority for Nurse Practitioners (categories other than CRNAs)

Effective 3/4/2020 Nurse Practitioners do not have separate NP and Prescriptive Authority licenses

The Committee of the Joint Boards of Nursing and Medicine promulgated regulation changes that resulted in the elimination of the requirement for nurse practitioners to obtain/maintain a separate prescriptive authority license (#0017). These changes went into effect on **March 4, 2020** so no renewal notices will be sent and renewal of prescriptive authority licenses (#0017) is unnecessary after March 4, 2020. Regulation changes are posted at www.dhp.virginia.gov.

Key points:

- You are required to renew your current Nurse Practitioner license (#0024) and your prerequisite Registered Nurse (RN) license (*Note: you must renew your RN license first before proceeding with renewing your Nurse Practitioner license).
- Your license is clearly designated with *Rx Authority* which may be viewable through [License Lookup](#).
- You are still required to comply with the **continued competency requirements** if you have prescriptive authority as indicated in 18 VAC 90-40-55.
- If you do not currently have a prescriptive authority license (#0017), a paper application (\$35 application fee) will be posted on the [Board of Nursing webpage](#) to add this to your existing Nurse Practitioner license.

Paperless Licensing:

The Department of Health Professions has moved to a 'paperless' licensing system. Licensees were advised of this process change prior to implementation. All new and renewed licenses will contain only the license type and the license number. Upon renewal, the licensee will receive a final hard copy. All details for a license type (i.e. any 'specializations' such as Autonomous Practice, Rx Authority, etc.) may be viewed on [License Lookup](#).

COVID -19 Waivers:

Due to COVID -19 temporary regulatory waivers are in place and can be found at <http://www.dhp.virginia.gov/Boards/Nursing/AbouttheBoard/News/COVIDI19/Content-330940-en.html>

See the [Board of Nursing staff listing](#) for information on where to go for licensure application or other assistance

7/1/2020 JPD