
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2711.3/91 3rd draft

ATTY/TYPIST: LC:sj

BRIEF TITLE:

2 SSB 5635 - H COMM AMD
3 By Committee on Health Care

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT. The legislature finds
8 that the prescribing of legend drugs and controlled substances is an
9 activity requiring specialized knowledge and training.

10 The legislature further finds that the development of educational
11 requirements necessary to prescribe legend drugs and controlled
12 substances and quality assurance guidelines to promote safe and
13 effective prescribing practices are in the best interests of the public
14 health and safety.

15 The legislature declares that in an effort to achieve greater
16 access to health care services, advanced registered nurse practitioners
17 should be granted plenary authority to prescribe drugs. The
18 legislature further declares that a prescriptive authority advisory
19 committee can assist in regulating the prescribing activities of
20 advanced registered nurse practitioners."

21 "NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly
22 requires otherwise, the definitions in this section apply throughout
23 this chapter.

24 (1) "Advanced registered nurse practitioner" means an individual
25 licensed under this chapter.

1 (2) "Prescriptive authority advisory committee" means the
2 prescriptive authority advisory committee to the state board of nursing
3 as outlined in sections 6 and 7 of this act.

4 (3) "Prescriptive authority use plan" means written criteria
5 utilized by advanced registered nurse practitioners with prescriptive
6 authority that demonstrate a process of consultation and referral with
7 other health care professionals under chapter 18.22, 18.32, 18.57, or
8 18.71 RCW or an advanced registered nurse practitioner under chapter
9 18.88 RCW and quality assurance mechanisms pertaining to prescribing
10 practices of advanced registered nurse practitioners pursuant to
11 section 7 of this act.

12 (4) "Consultation" or "collaboration" means a process that involves
13 two or more health care professionals working together, though not
14 necessarily in direct and bodily presence, with each contributing his
15 or her respective area of expertise to provide more comprehensive care
16 than one alone can offer.

17 (5) "Board" means the state board of nursing."

18 NEW SECTION. **Sec. 3.** SCOPE OF ADVANCED REGISTERED NURSE
19 PRACTITIONER PRACTICE. An advanced registered nurse practitioner is a
20 registered nurse prepared in a formal educational program to assume an
21 expanded role in providing health care services. This practice builds
22 on previous knowledge and skill and utilizes in-depth knowledge of
23 physical assessment and management of illnesses or conditions within
24 the advanced registered nurse practitioner's scope of practice.
25 Advanced registered nurse practice includes collaboration with other
26 licensed health professionals such as physicians, pharmacists,
27 podiatrists, dentists, and nurses. An advanced registered nurse
28 practitioner shall:

1 (1) Hold a current license to practice as a registered nurse in
2 Washington as provided in chapter 18.88 RCW;

3 (2) Have completed an advanced formal education program in the area
4 of specialty;

5 (3) Have been granted a certification credential for specialized
6 and advanced nursing practice granted by a national certifying body
7 whose certification program is approved by the board; and

8 (4) Upon the approval of the board, be granted plenary authority to
9 prescribe legend drugs as defined in chapter 69.41 RCW and controlled
10 substances, schedules II-V as defined in chapter 69.50 RCW when acting
11 within their scope of practice."

12 "NEW SECTION. **Sec. 4.** LICENSE REQUIRED. After July 1, 1992, no
13 person may practice or represent oneself as an advanced registered
14 nurse practitioner unless licensed as both a registered nurse and as an
15 advanced registered nurse practitioner by the department under this
16 chapter."

17 "NEW SECTION. **Sec. 5.** TRANSITION PERIOD. Until July 1, 1992, and
18 notwithstanding the provisions of sections 1 through 12 of this act,
19 nurses licensed under this chapter and authorized by the board to
20 prescribe legend drugs and schedule V controlled substances may
21 continue to prescribe these drugs. Such authorized nurses who are
22 certified registered nurse anesthetists may directly administer or
23 order medications to be administered preoperatively, intraoperatively,
24 or postoperatively in licensed health care facilities during this
25 transition period."

26 "NEW SECTION. **Sec. 6.** PRESCRIPTIVE AUTHORITY ADVISORY COMMITTEE.

27 (1) There is created a prescriptive authority advisory committee,

1 hereafter referred to as the committee, to the state board of nursing,
2 which shall consist of six members who are residents of this state.
3 The governor shall make appointments to the committee.

4 (2) The committee shall be composed of:

5 (a) Three advanced registered nurse practitioner members who shall
6 be licensed as advanced registered nurse practitioners under provisions
7 of this chapter, are actively engaged in their areas of practice at the
8 time of appointment, and have had five years of at least half-time
9 experience in the clinical practice of nursing.

10 (b) One physician member who shall be licensed under chapter 18.71
11 or 18.57 RCW, is actively engaged in his or her area of practice at the
12 time of appointment, and has had five years of at least half-time
13 experience in the clinical practice of medicine.

14 (c) One pharmacist member who shall be licensed as a pharmacist
15 under chapter 18.64 RCW, is actively engaged in his or her area of
16 practice at the time of appointment, and has had five years of at least
17 half-time experience in the clinical practice of pharmacy.

18 (d) One member to represent the public who shall not (i) be a
19 member of another health professional regulatory board or advisory
20 committee, (ii) hold a health occupational credential, (iii) have a
21 fiduciary obligation to a health care facility, or (iv) have a material
22 financial interest in the rendering of health care services.

23 (3) Prescriptive authority advisory committee members shall serve
24 for a term of three years until their successors are appointed and
25 qualified, except that the initial appointments, which shall be made
26 within ninety days after the effective date of this act, shall be as
27 follows:

28 (a) Two registered nurse practitioners shall serve for one year;

29 (b) The physician and public member shall serve for two years;

1 (c) One registered nurse practitioner and the pharmacist shall
2 serve for three years.

3 (4) Whenever a vacancy shall occur on the committee by reason other
4 than the expiration of a term of office, the governor shall appoint a
5 successor of like qualifications for the remainder of the unexpired
6 term. Members shall continue to serve until their successors are
7 appointed. No person shall serve as a member of the committee for more
8 than two consecutive terms. No person may concurrently serve on the
9 committee and the boards regulating health care professionals under
10 chapter 18.57, 18.71, or 18.72 RCW or the state board of nursing as
11 authorized by this chapter.

12 (5) The governor may remove any appointed member from the committee
13 for neglect of any duty required by law, or for incompetency or
14 unprofessional conduct as defined in chapter 18.130 RCW.

15 (6) The committee shall hold regular annual meetings. Other
16 meetings shall be held at such times as deemed necessary or advisable
17 by the chair or by a majority of the members. Reasonable notice of all
18 meetings shall be given in a manner prescribed by the rules of the
19 committee. A chair and vice-chair will be decided by a vote of the
20 committee. A quorum of the committee shall consist of at least five
21 members. The committee shall work with and through the board and the
22 department.

23 (7) Each member of the committee shall, in addition to travel
24 expenses in accordance with RCW 43.03.050 and 43.03.060 while away from
25 home, be compensated in accordance with RCW 43.03.240."

26 "NEW SECTION. **Sec. 7.** POWERS AND DUTIES OF THE PRESCRIPTIVE
27 AUTHORITY ADVISORY COMMITTEE. (1) In addition to any other authority
28 provided by the law, the committee shall:

1 (a) Develop a monitoring system of the prescribing practices of
2 advanced registered nurse practitioners for legend drugs and schedules
3 II-V for recommendation to the board. The committee shall report
4 evidence of a pattern of inappropriate prescribing by an advanced
5 registered nurse practitioner to the board immediately.

6 (b) Shall deliver opinions to the board on all disciplinary matters
7 pertaining to prescriptive practices, and pertaining to decisions
8 regarding new specialty categories of advanced registered nurse
9 practitioners pending, before the board. The board shall review the
10 committee's opinion before taking final disciplinary action. Should
11 the board's final decision differ from the opinion of the committee,
12 the committee has the authority to appeal the board's decision to the
13 secretary. The secretary is authorized to deliver a final opinion on
14 all appeals that is final and binding.

15 (c) Recommend to the board requirements for a prescriptive
16 authority use plan which outlines procedures for consultation and
17 referral with other health care professionals. The purpose of the
18 prescriptive authority use plan is to encourage collaboration between
19 health care professionals regarding their prescriptive practices but is
20 not intended to burden the efficient delivery of services through
21 mandatory consultations and referrals. In developing the requirements
22 for the prescriptive authority use plan, the committee shall provide
23 that the advanced registered nurse practitioner submit in writing (i)
24 a brief description of the advanced registered nurse practitioner's
25 clinical practice; (ii) a description of the process for consultation
26 and referral including documentation of consultations and referrals in
27 the patient's medical record; (iii) a list of names and titles of
28 health care professionals and agencies utilized for routine
29 consultation and referral. If the advanced registered nurse
30 practitioner is considered to be providing primary care services, the

1 list should include at least one physician who is appropriate to the
2 advanced registered nurse's scope of practice; and (iv) a description
3 of the process for quality assurance used to evaluate the prescriptive
4 practices of the advanced registered nurse practitioner; and

5 (d) Recognize and consider the education and training of practicing
6 nurses who were authorized by the committee to have prescriptive
7 authority for legend drugs and schedule V controlled substances prior
8 to the effective date of this act. The committee shall limit any
9 additional education and training required of such persons to those
10 areas relating to the additional prescriptive authority authorized
11 under this chapter.

12 (2) Except for provisions of subsection (1) of this section, all
13 other matters pertaining to licensure of an advanced registered nurse
14 practitioner shall be determined and governed by the state board of
15 nursing. These matters include, but are not limited to, delineating
16 the qualifications for licensure of advanced registered nurse
17 practitioners; specifying requirements for the renewal of licensure;
18 approving accrediting and certification bodies for the purpose of
19 licensure of advanced registered nurse practitioners, approving
20 curricula, establishing criteria for minimum standards for schools
21 preparing persons for licensure under this chapter.

22 (3) The committee and the board shall coordinate to assure the
23 implementation of this chapter."

24 "NEW SECTION. **Sec. 8.** DUTIES OF THE DEPARTMENT. In mutual
25 consultation with the committee, the department shall:

26 (1) Establish forms and procedures necessary to administer sections
27 1 through 12 of this act;

28 (2) Hire clerical, administrative, investigative, and other staff
29 as needed to implement sections 1 through 12 of this act;

1 (3) Keep an official record of all proceedings. A part of the
2 record shall consist of a register of all applicants for licensure as
3 an advanced registered nurse practitioner under this chapter and the
4 results of each application; and

5 (4) To the extent possible the department shall minimize costs by
6 coordinating whenever possible clerical, investigative, and
7 administrative activities associated with the board and the committee
8 operation."

9 "NEW SECTION. **Sec. 9.** QUALIFICATIONS OF APPLICANTS FOR LICENSE.

10 An applicant for a license to practice as an advanced registered nurse
11 practitioner shall submit to the committee (1) an attested written
12 application on department forms; (2) written official evidence of
13 diploma from an approved school of nursing; (3) proof of licensure as
14 a registered nurse as provided for under this chapter; (4) a
15 prescriptive authority use plan as established in section 7 of this
16 act; and (5) any other official records specified by the committee.
17 The applicant at the time of such submission shall not be in violation
18 of chapter 18.130 RCW or any provision of this chapter."

19 "NEW SECTION. **Sec. 10.** CREDENTIALING BY ENDORSEMENT. The
20 department may issue a license by endorsement to practice as an
21 advanced registered nurse practitioner to an applicant who is duly
22 credentialed as a registered nurse and an advanced registered nurse
23 practitioner, or its equivalent, under the laws of another state,
24 territory or possession of the United States if the board determines
25 that the other jurisdiction's credentialing standards are substantially
26 equivalent to the standards in this state."

1 "NEW SECTION. **Sec. 11.** USE OF NOMENCLATURE. Any person who holds
2 a license to practice as an advanced registered nurse practitioner in
3 this state shall have the right to use the title "advanced registered
4 nurse practitioner" and the abbreviations "ARNP" or "A.R.N.P.". No
5 other person shall assume such title or use such abbreviation or any
6 other words, letters, signs, or figures to indicate that the person
7 using them is an advanced registered nurse practitioner."

8 "NEW SECTION. **Sec. 12.** EMERGENCY DISPENSING OF CONTROLLED
9 SUBSTANCES. Dispensing of controlled substances under schedules II
10 through V is limited to emergency situations. In such an emergency,
11 dispensing is limited to a maximum of a forty-eight hour supply of the
12 prescribed controlled substance."

13 "**Sec. 13.** RCW 18.88.010 and 1973 c 133 s 1 are each amended to
14 read as follows:

15 In order to safeguard life, health and to promote public welfare,
16 any person practicing or offering to practice nursing as a registered
17 nurse or as an advanced registered nurse practitioner in this state
18 shall hereafter be required to submit evidence that he or she is
19 qualified so to practice, and shall be licensed as hereinafter
20 provided. The registered nurse (~~is~~) and the advanced registered
21 nurse practitioner are directly accountable and responsible to the
22 individual consumer for the quality of nursing care rendered."

23 "**Sec. 14.** RCW 18.88.160 and 1991 c 3 s 216 are each amended to
24 read as follows:

25 Each applicant for a license to practice as a registered nurse or
26 a specialized or an advanced registered nurse practitioner shall pay a
27 fee determined by the secretary as provided in RCW (~~43-24-086~~)

1 43.70.250 to the state treasurer. All fees collected shall be used to
2 support the activities of the board, committee, and the department for
3 implementation of this chapter. The costs of supporting the board and
4 the committee and their activities shall be borne equally by all
5 registered nurses and advanced registered nurses licensed under this
6 chapter."

7 "Sec. 15. RCW 18.88.175 and 1991 c 3 s 217 are each amended to
8 read as follows:

9 Upon approval by the board, and when applicable, the committee, and
10 following verification of satisfactory completion of an advanced formal
11 education, the department of health shall issue an interim permit
12 authorizing the applicant to specialty practice (~~(specialized and)~~) or
13 as an advanced nursing (~~(practice)~~) practitioner pending notification
14 of the results of the first certification examination. The board and
15 the committee shall require persons practicing with an interim permit
16 to be supervised by a health care practitioner regulated under chapter
17 18.71, 18.57, 18.22, 18.32 RCW, or this chapter. If the applicant
18 passes the examination, the department shall grant advanced registered
19 nurse practitioner status. If the applicant fails the examination, the
20 interim permit shall expire upon notification and is not renewable.
21 The holder of the interim permit is subject to chapter 18.130 RCW."

22 "Sec. 16. RCW 18.88.220 and 1991 c 3 s 220 are each amended to
23 read as follows:

24 A person licensed under the provisions of this chapter desiring to
25 retire temporarily from the practice of nursing or as an advanced
26 registered nurse practitioner in this state shall send a written notice
27 to the secretary.

1 Upon receipt of such notice the name of such person shall be placed
2 on inactive status. While remaining on this status the person shall
3 not practice nursing or as an advanced registered nurse practitioner in
4 the state as provided in this chapter. When such person desires to
5 resume practice, application for renewal of license shall be made to
6 the board and renewal fee payable to the state treasurer. Persons on
7 inactive status for three years or more must provide evidence of
8 knowledge and skill of current practice as required by the board or as
9 hereinafter in this chapter provided."

10 **"Sec. 17.** RCW 18.88.280 and 1989 c 114 s 7 are each amended to
11 read as follows:

12 This chapter shall not be construed as (1) prohibiting the
13 incidental care of the sick by domestic servants or persons primarily
14 employed as housekeepers, so long as they do not practice professional
15 nursing within the meaning of this chapter, (2) or preventing any
16 person from the domestic administration of family remedies or the
17 furnishing of nursing assistance in case of emergency; (3) nor shall it
18 be construed as prohibiting such practice of nursing by students
19 enrolled in approved schools as may be incidental to their course of
20 study nor shall it prohibit such students working as nursing aides; (4)
21 nor shall it be construed as prohibiting auxiliary services provided by
22 persons carrying out duties necessary for the support of nursing
23 service including those duties which involve minor nursing services for
24 persons performed in hospitals, nursing homes or elsewhere under the
25 direction of licensed physicians or the supervision of licensed,
26 registered nurses; (5) nor shall it be construed as prohibiting or
27 preventing the practice of nursing in this state by any legally
28 qualified nurse of another state or territory whose engagement requires
29 him or her to accompany and care for a patient temporarily residing in

1 this state during the period of one such engagement, not to exceed six
2 months in length, if such person does not represent or hold himself or
3 herself out as a nurse licensed to practice in this state; (6) nor
4 shall it be construed as prohibiting nursing or care of the sick, with
5 or without compensation, when done in connection with the practice of
6 the religious tenets of any church by adherents thereof so long as they
7 do not engage in the practice of nursing as defined in this chapter;
8 (7) nor shall it be construed as prohibiting the practice of any
9 legally qualified nurse of another state who is employed by the United
10 States government or any bureau, division or agency thereof, while in
11 the discharge of his or her official duties; (8) permitting the
12 measurement of the powers or range of human vision, or the
13 determination of the accommodation and refractive state of the human
14 eye or the scope of its functions in general, or the fitting or
15 adaptation of lenses or frames for the aid thereof; (9) permitting the
16 prescribing or directing the use of, or using, any optical device in
17 connection with ocular exercises, visual training, vision training or
18 orthoptics; (10) permitting the prescribing of contact lenses for, or
19 the fitting or adaptation of contact lenses to, the human eye; (11)
20 prohibiting the performance of routine visual screening; (12)
21 permitting the practice of dentistry or dental hygiene as defined in
22 chapters 18.32 and 18.29 RCW respectively; (13) permitting the practice
23 of chiropractic as defined in chapter 18.25 RCW including the
24 adjustment or manipulation of the articulations of the spine; (14)
25 permitting the practice of (~~pediatry~~) podiatric medicine and surgery
26 as defined in chapter 18.22 RCW; (15) permitting the performance of
27 major surgery, except such minor surgery as the board may have
28 specifically authorized by rule (~~or regulation duly~~) adopted in
29 accordance with the provisions of chapter 34.05 RCW; (16) permitting
30 the prescribing of controlled substances as defined in schedule(~~s~~) I

1 ((~~through IV~~)) of the Uniform Controlled Substances Act, chapter 69.50
2 RCW; (17) prohibiting the determination and pronouncement of death."

3 "NEW SECTION. Sec. 18. Sections 1 through 12 of this act are
4 each added to chapter 18.88 RCW."

5 "NEW SECTION. Sec. 19. Sections captions as used in this
6 chapter do not constitute any part of the law."

7 "NEW SECTION. Sec. 20. If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected."

11 "NEW SECTION. Sec. 21. This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and shall take
14 effect immediately."

15 **SSB 5635** - H COMM AMD
16 By Committee on Health Care
17

18 On page 1, beginning on line 2 of the title, strike all material
19 through "emergency." on line 6 of the title, and insert "amending RCW
20 18.88.010, 18.88.160, 18.88.175, 18.88.220, and 18.88.280; adding new
21 sections to chapter 18.88 RCW; creating a new section; and declaring an
22 emergency."