

Texas Board of Nursing

333 Guadalupe Street, Suite 3-460, Austin, TX 78701

Web Site: <http://www.bon.state.tx.us>

Advanced Practice Office Contact Information:

E-Mail: apn@bon.state.tx.us Telephone (512) 305-6843 Fax: (512) 305-7401

Advanced Practice Information Website: <http://www.bon.state.tx.us/practice/gen-apn.html>

Please note: This form is appropriate for individuals who have previously obtained APN approval and now wish to apply for prescriptive authority. If you are currently applying for APN authorization, the “Advanced Practice Nurse Application (with option for Prescriptive Authority)” allows you to apply for advanced practice authorization and prescriptive authority at the same time. You do not need to fill out a separate prescriptive authority application.

NOTICE REGARDING

PRESCRIPTIVE AUTHORITY

Prescriptive Authority is an optional authority for those who qualify and wish to write prescriptions. **As of April 1, 1999, anyone who uses this application to apply for prescriptive authority must hold *full Advanced Practice Nurse (APN) authorization or provisional APN authorization (for up to one year from the program completion date while he/she is waiting to take the exam).* The Texas Board of Nursing WILL NOT issue prescriptive authority to those who hold only a 90-day Interim Approval.** This prescriptive authority application should only be completed by applicants who have received full APN authorization or have been granted provisional authorization as a Graduate APN for up to one year from the program completion date while waiting to take the exam. Therefore, if you have recently applied for authorization as an Advanced Practice Nurse and did not apply for prescriptive authority at that time, you should not complete this prescriptive authority application yet. **Please complete the prescriptive authority application after you have been issued either *full or provisional APN authorization.*** You must be able to answer "yes" to question 5 on this application and list the approval date of your full APN authorization or provisional authorization (not a 90-day Interim Approval date). You must also hold a current, permanent Texas RN license number **or** a current multi-state RN license and be residing in that state.

Thank you in advance for your cooperation!

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**Board's Policy Regarding Academic Courses
for Prescriptive Authority**

In reference to Rule 222.2(a)(2)(A) and (A)(ii), CNSs are required to have completed courses in pharmacotherapeutics, advanced health assessment, pathophysiology, and diagnosis and management of problems within the clinical specialty. These courses shall be academic courses from a regionally accredited institution with a minimum of 45 clock hours per course (comparable to a 3-semester hour course). **As a policy, the Board recognizes, as equivalent to the academic course, those courses offered by an academic institution through its continuing education department when the courses are identical to the courses offered in the academic institution's Advanced Practice Nurse track, including hours, clinical, passing standard, and all outcome measures (examinations).**

In reference to Rule 222.2(a)(2)(A)(iii), as a Board policy, ***Clinical Nurse Specialists in Psychiatric/Mental Health Nursing*** who have been certified in this role and specialty by the American Nurses Credentialing Center will be considered to have met course requirements for pathophysiology and diagnosis and management of clinical problems within the clinical specialty. CNSs in Psychiatric/Mental Health must complete additional courses in advanced health assessment and pharmacotherapeutics.

PRESRIPTIVE AUTHORITY APPLICATION PREPARATION CHECKLIST

The following checklist will guide you in the preparation of your application. This list is for your use only and does not need to be included with your application.

- _____ Read the instructions for completing the application and Rule 222 in their entirety

- _____ **Enclose a check or money order (in US dollars) for \$50** made payable to the Texas Board of Nursing

- _____ Complete questions 1 through 7 of the application. If you are a clinical nurse specialist, you **must** also answer question number 8. Do NOT use correction fluid or tape. If you make a mistake, place a single line through the error, note the correction, and place your initials by the correction. Incomplete applications and applications that appear altered by the use of correction fluid/tape will be returned to the applicant and may result in a delay in processing the application.

- _____ Carefully read the “Affidavit/Consent” portion of the application and sign the application.

- _____ If you are a clinical nurse specialist, enclose an official transcript(s) and course descriptions for your courses in advanced assessment, pathophysiology, pharmacotherapeutics, and medical diagnosis and management of diseases and conditions within the clinical specialty area.

- _____ If you hold **current** national certification in your advanced role and specialty, enclose a photocopy of your **current** national certification document (must show expiration date).

- _____ If applicable, enclose a photocopy of your compact RN license—refer to page 1 of the instructions (note: Applicants who hold a valid Texas RN license are NOT required to send a copy of the license)

- _____ Mail the application, evidence of current national certification (if applicable), a copy of your compact RN license (if applicable) and the processing fee to: Texas Board of Nursing, ATTN: APN Office, 333 Guadalupe, Suite 3-460, Austin, TX, 78701.

Appl. Rcv'd On _____	Approval Date _____	Approved by _____	Audit Number _____	Amount _____
APN Category _____	APN Approval Date _____	LPA Number _____	Date Paid _____	Received by _____

Texas Board of Nursing
 333 Guadalupe Suite 3-460 Austin, Texas 78701

APPLICATION FOR PRESCRIPTIVE AUTHORITY FOR ADVANCED PRACTICE NURSES

PLEASE PRINT

1. First Name _____ Middle Name _____ Last Name _____

2. Mailing Address _____
Street Address City State Zip Code

Telephone Number Home: (____) _____ Cell: (____) _____ Work: (____) _____

E-mail address: _____

3. Social Security # _____ Date of Birth _____ RN License # _____ State _____
(If compact license other than Texas, attach a copy of the RN license)

4. Clinical Area of Practice _____ (E.g. pediatrics, adult health, gerontology)

5. Advanced Practice Title Approved by the Texas Board of Nursing _____
See instructions—pg. 3

6. Do you hold full or provisional authorization to practice in this role and specialty from the Texas Board of Nursing as defined in Rule 221?

No _____ Yes _____ ****If you cannot answer yes, you are not eligible to apply at this time. You are NOT eligible for prescriptive authority if you only have 90-Day Interim Approval.**

7. Do you hold certification in your advanced role and specialty from a national certifying body recognized by the Board?

No _____ Yes _____ ****If "yes", a copy of current national certification must be enclosed.**

8. If you are a Clinical Nurse Specialist, please indicate the course number and title of the course that you completed in each of the following areas:

Pharmacotherapeutics _____ Advanced Health Assessment _____
 Pathophysiology _____ Diagnosis & Management _____

Please note: Clinical Nurse Specialists must submit official transcripts and course descriptions.

AFFIDAVIT/CONSENT

(Applicant's name as signed below) _____, attests that: (a) he/she is the person referred to in this application for approval for prescriptive authority; (b) the statements contained herein are true in every respect; (c) prescriptive authority will only be utilized in an eligible site; and (d) he/she has read and understands this affidavit and has read, meets requirements, and will abide by the rules and regulations relating to Advanced Practice Nurses and Prescriptive Authority as specified in 22 Texas Administrative Code §§ 221 and 222.

Signature of Applicant _____

Date _____

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This application packet has been developed for the advanced practice nurse who wishes to be granted Prescriptive Authority by the Texas Board of Nursing. Please read the instructions carefully PRIOR to completing the application.

A \$50 non-refundable processing fee is required. If you are requesting Prescriptive Authority in more than one advanced practice role and/or specialty area, you must submit a separate application and processing fee for each role and specialty.

The application for Prescriptive Authority is a **LEGAL DOCUMENT**. Therefore, the application must be complete (all questions answered) and legible. Correction fluid/tape (such as white-out) is not acceptable. **You will be required to fill out a new application if you submit your application with correction fluid/tape on it.** If you make a mistake, place a single line through the error, make the correction, and place your initials by the correction.

Prior to completing the Application for Prescriptive Authority as an Advanced Practice Nurse

When applying for Prescriptive Authority in an advanced practice role and specialty, you must have current, valid full or provisional authorization to practice in that role and specialty in the State of Texas when you sign this application. Therefore,

- if you hold 90-Day Interim Approval,
- if your advanced practice authorization is on inactive status, or
- you do not hold authorization to practice in the role and specialty,

you are not eligible to submit this application at this time. Applications signed prior to the full or provisional authorization date will not be approved. You must obtain full or provisional authorization to practice in the advanced role and specialty for which you wish to utilize Prescriptive Authority from the Texas Board of Nursing. To obtain an application for authorization to practice as an advanced practice nurse in the State of Texas, visit the Advanced Practice web site at: <http://www.bon.state.tx.us/practice/gen-apn.html>.

You must hold a current, valid Texas RN license or a current, valid compact RN license at the time you sign this application. If at any time your RN license becomes invalid (e.g., inactive or delinquent status), your advanced practice authorization is also considered invalid. Therefore, if you do not hold a current, valid RN license in Texas or in a compact state, you are not eligible to complete this application at this time. Please note, if you hold a compact license in a state that has entered the Nurse Licensure Compact (also referred to as a party state), you must meet all requirements for compact privileges in the party state. Please be advised that the compact privilege only extends to those nurses who permanently reside in the party state. If you move to Texas or your primary state of residence changes, you may need to obtain a Texas RN license. If you have questions about whether you need to obtain a Texas RN license, contact the Advanced Practice office at (512) 305-6843 during normal business hours.

Application Packet Materials

In addition to the application, this packet includes a copy of Rule 222, relating to Advanced Practice Nurses with Prescriptive Authority, from the *Rules and Regulations Relating to Nurse Education, Licensure and Practice*, Texas Board of Nursing. Advanced practice nurses must comply with the Texas Nursing Practice Act and the rules and regulations governing the practice of advanced practice nursing (Rule 221), advanced practice nurses with prescriptive authority (Rule 222) as well as the rules and regulations governing the practice of registered nursing (including Rule 217.11). It is your responsibility as an advanced practice nurse to be familiar with all laws and regulations relating to your practice and writing prescriptions.

Please note, if you are a nurse anesthetist, the Texas Board of Nursing does not require that you hold Prescriptive Authority to provide anesthesia or anesthesia-related services. The Texas Board of Nursing requires you to hold Prescriptive Authority if your practice requires you to write prescriptions for categories of dangerous drugs or controlled substances in Schedules III - V to be filled at a community pharmacy. Please be advised, however, that an individual facility may elect to make Prescriptive Authority a requirement for you to provide anesthesia or anesthesia-related services within that facility.

Processing Prescriptive Authority Applications

Standard processing time for the application is 10-15 business days from the date of receipt in the APN

office. Applications are processed in the order in which they are received. If any of the information on your application is incorrect, incomplete or illegible, processing of the application may be delayed. You will be notified in writing as soon as your application has been approved or if additional information is required.

General Instructions for Completing and Filing the Application

The application for Prescriptive Authority requires its own set of documents in order to be approved. If you have already submitted documents with other applications (such as transcripts or verification of national certification) they will not be used with this application.

Specific Instructions for Completing the Application

Questions 1 through 3: Please print legibly (in ink) or type your legal name, address, telephone contact information, social security number, date of birth, RN license number, and the state in which the RN license was issued. You must hold a current, valid Texas RN license (permanent license only) or a current valid compact RN license. If you hold a current, valid, permanent Texas RN license, please list this number on the application. If you hold a current, valid compact RN license from a party state, please list the compact state and the RN license number on the application. Please attach a photocopy of your compact RN license from your home state of residence.

If you hold a temporary Texas RN license, you are NOT eligible to submit this application at this time. If you have questions relating to the processing of your application for a permanent Texas RN license, contact the Licensing Department at (512) 305-6809 during normal business hours.

Question 4: Please list the clinical specialty area of practice in which you will utilize your prescriptive authority. Examples of clinical specialty areas include, but are not limited to, areas such as women's health, pediatrics, geriatrics, and family practice. Please note, physical locations such as rural health clinic, hospital, or private physician's office are not acceptable.

Question 5: Please list the advanced practice role and specialty for which you are requesting prescriptive authority (e.g., family nurse practitioner, nurse-midwife, clinical nurse specialist in medical-surgical nursing, etc.). Please note: this must be the title you have been authorized to use by the Texas Board of Nursing. This title is indicated on your authorization to practice document or the online verification section of our web site (<http://www.bon.state.tx.us>). **If you hold provisional**

authorization to practice, you must indicate that you hold a graduate advanced practice title (such as graduate pediatric nurse practitioner, graduate clinical nurse specialist in psychiatric/mental health nursing, etc.).

Please note that you **must** hold either full or provisional authorization to practice in this role and specialty from the Texas Board of Nursing prior to submitting this application. You may only list one advanced practice title per application. If you wish to utilize Prescriptive Authority in more than one role and specialty, you must submit a separate application and documentation for each advanced practice title under which you intend to write prescriptions.

Question 6: In order to be approved for Prescriptive Authority in Texas, you must hold current full or provisional authorization to practice in an advanced role and specialty from the Texas Board of Nursing. If you have not applied for authorization to practice as an advanced practice nurse in Texas, you may obtain an application by visiting the BON web site at <http://www.bon.state.tx.us/practice/gen-apn.html>. If you only hold a 90-Day Interim Approval to practice as an advanced practice nurse in Texas, you are not yet eligible to apply for Prescriptive Authority. Please do NOT complete the Prescriptive Authority application until after you have been granted either full or provisional advanced practice authorization. If you are not certain whether you hold authorization or what type of authorization you hold, contact the advanced practice office at (512) 305-6843 during normal business hours.

Question 7: Please indicate whether you are certified in the advanced practice role and specialty listed in question five (5) by a national certifying body recognized by the Board. If you are certified, please enclose a photocopy of your **current** national certification. This document **must** bear an expiration date. Although you may have submitted this document previously, the Prescriptive Authority application requires its own set of documentation. Documents denoting membership in a professional organization can not be substituted as evidence of current national certification. The following is a list of national certifying bodies recognized by the Board:

- (1) American Nurses Credentialing Center (ANCC)—BON recognizes only certain examinations; see page 6 for a list of BON recognized examinations
- (2) American Academy of Nurse Practitioners (AANP)
- (3) American Association of Critical Care Nurses (AACN)—BON recognizes the CCNS examination only
- (4) American Midwifery Certification Board
- (5) Pediatric Nursing Certification Board (PNCB)
- (6) National Certification Corporation for the Obstetric, Gynecologic, and Neonatal Nursing Specialties (NCC)—BON recognizes the WHNP and NNP examinations only
- (7) Council on Certification of Nurse Anesthetists/Council on Recertification of Nurse Anesthetists

Question 8: Clinical nurse specialists **must** provide documentation that they have completed separate, dedicated courses in advanced assessment, pathophysiology, pharmacotherapeutics, and medical diagnosis and management of diseases and conditions within the clinical specialty area in order to be approved for Prescriptive Authority. Each of these courses must be at least 45 clock hours (equivalent to three semester credit hours) in length and must be a graduate level academic course from an accredited institution. In the blanks provided, please indicate the course number and title for the course that you completed in each of these areas. **Official transcripts and course descriptions** from the program(s) that provided these courses are required (refer to Rule 222.2).

Current Board policy states that clinical nurse specialists in psychiatric/mental health nursing who hold national certification in this role and specialty from the American Nurses Credentialing Center

*will be considered to have met course requirements for pathophysiology and medical diagnosis and management of diseases and conditions within the clinical specialty area. Clinical nurse specialists in psychiatric/mental health nursing **must** still provide official transcripts and course descriptions verifying that they have completed courses in advanced assessment and pharmacotherapeutics that meet the above specified criteria.*

Affidavit/ When you print your legal name and sign the affidavit, you are attesting to the following:

Consent:

- (1) that you are the person referred to in the application;
- (2) that the information contained on the application is true and correct;
- (3) that you will only utilize Prescriptive Authority in an eligible site; and
- (4) that you have read and understand the affidavit as well as the rules and regulations governing advanced practice nurses (Rule 221) and advanced practice nurses with Prescriptive Authority (Rule 222).

Rule 222 is included with this application packet. If you do not have a current copy of Rule 221, it is available on the board's web site: <http://www.bon.state.tx.us>. You are reminded that you are not eligible to complete this application at this time if you hold 90-Day Interim Approval or do not hold current full or provisional authorization to practice as an advanced practice nurse. If you require information regarding the current status of your advanced practice authorization or your advanced practice application, contact the advanced practice application office at (512) 305-6843 during normal business hours.

**Fee/
Completion
of the
Application:**

Enclose \$50 in the form of a check or money order (in US dollars) payable to the Texas Board of Nursing. This is a nonrefundable fee for the purpose of processing the application. If you wish to be granted Prescriptive Authority in more than one role and specialty, you must submit additional complete applications and processing fees for each role and specialty.

**Mailing the
Application:**

Mail the completed application and processing fee to:

Texas Board of Nursing
ATTN: APN Office
333 Guadalupe, Suite 3-460
Austin, TX 78701

Approval of the Application

Upon satisfaction of the above requirements, you will receive a written response concerning your approval status. When your application is approved, you will be issued a Prescriptive Authority identification number that must appear on the prescriptions that you initiate. If your application is not approved, you will be provided with a written explanation outlining the reason(s) for denial.

Additional Requirements

Controlled Substances: You must have **FULL** authorization to practice as an advanced practice nurse from the BON before you may proceed with the process to obtain appropriate permits (see next paragraph) and prescribe controlled substances. Board rules prohibit this practice for graduate advanced practice nurses with provisional authorization. Please note: The status of your authorization does not change from provisional to full until evidence that you have obtained national certification is received in the board office. It is your responsibility to ensure our office receives evidence that you have been certified.

If you have full authorization to practice and prescriptive authority from the BON, you must comply with the following requirements prior to authorizing or issuing a prescription for controlled substances: Verify that you and your delegating physician(s) have met all requirements for delegation of prescriptive authority to an advanced practice nurse that have been set forth by the Texas Medical Board (TMB). For questions regarding TMB requirements, contact the TMB by telephone (512/305-7030) or via their web site (<http://www.tmb.state.tx.us>). Once you and the physician have complied with TMB requirements, you must submit an application for controlled substances

registration to the Texas Department of Public Safety (TX DPS). **You must have a prescriptive authority number that has been issued by the Texas Board of Nursing before you may submit the controlled substances registration form.** Applications may be obtained by calling (512/424-2188) or e-mailing the TX DPS (tppcsr@txdps.state.tx.us). After the controlled substances permit has been issued, you may apply for a DEA registration number. DEA applications may be obtained by calling one of the DEA's regional offices or via the DEA's web site at <http://www.deadiversion.usdoj.gov/>. The BON can provide interested advanced practice nurses with applications for prescriptive authority only. The applications for TX DPS and DEA registration must be obtained from the appropriate resource as indicated above. You may not legally prescribe controlled substances in Texas unless you hold **both** a current TX DPS permit **and** DEA registration.

A note to CRNAs: The BON does not require that you have prescriptive authority to write orders for drugs and devices for the purpose of administering anesthesia or anesthesia-related services.

In addition, Rule 222.4(d) requires that you comply with the Texas State Board of Pharmacy's (TSBP's) requirements regarding generic substitution. You may request a copy of the TSBP's rules regarding generic substitution (specifically Chapter 309) by visiting the TSBP's web site at: <http://www.tsbp.state.tx.us> or calling the TSBP at (512) 305-8000 during normal business hours. Although Rule 222.4(c) contains a list of elements that must be included on all prescriptions issued by advanced practice nurses, specific questions regarding prescription format should be directed to the TSBP.

You are reminded that Prescriptive Authority issued by the Texas Board of Nursing is initially limited to categories of dangerous drugs only.

No prescriptions for scheduled (controlled) drugs in Schedules III - V may be authorized or issued unless you:

- **hold FULL authorization to practice (graduate advanced practice nurses may not authorize or issue prescriptions for controlled substances)**
- **comply with all requirements for a controlled substances permit set forth by the Texas Department of Public Safety (512/ 424 - 2188)**
- **comply with all requirements for a registration number set forth by the Drug Enforcement Administration (DEA) <http://www.deadiversion.usdoj.gov>**

Recognized National Certification Examinations

Rule 221.4(b) requires national certification for all applicants who completed their programs on or after 1/1/1996 unless the applicant is eligible to apply for a waiver of this requirement under the provisions of Rule 221.7(c). The following is a table delineating specific examination(s) recognized by the Texas Board of Nursing for specific advanced practice roles and specialty areas. **This is not an exhaustive list**; rather, this list contains the advanced practice titles most commonly recognized by the board and the examinations accepted by the Board as meeting the national certification requirement for advanced practice nurses in those roles and specialty areas. If you do not see your advanced role and specialty listed, please contact the APN application office at (512) 305-6843 during regular business hours to obtain additional information.

Advanced Practice Role and Specialty	National Certification Examinations Recognized by the Texas Board of Nursing
Nurse Anesthetist	Council on Certification of Nurse Anesthetists' Certification Examination
Nurse-Midwife	American Midwifery Certification Board Examination—must take examination for certification as a CNM
Acute Care Nurse Practitioner (ACNP)	American Nurses Credentialing Center's ACNP examination
Acute Care Pediatric Nurse Practitioner (ACPNP)	Pediatric Nursing Certification Board's <u>Acute Care</u> -CPNP examination
Adult Nurse Practitioner (ANP) (May take either examination)	American Nurses Credentialing Center's ANP examination OR American Academy of Nurse Practitioners' ANP examination
Emergency Nurse Practitioner (ENP)	American Nurses Credentialing Center's FNP examination
Family Nurse Practitioner (FNP) (May take either examination)	American Nurses Credentialing Center's FNP examination OR American Academy of Nurse Practitioners' FNP examination
Gerontological Nurse Practitioner (GNP)	American Nurses Credentialing Center's GNP examination
Neonatal Nurse Practitioner (NNP)	National Certification Corporation's NNP examination
Pediatric Nurse Practitioner (PNP) (May take either examination)	Pediatric Nursing Certification Board's <u>Primary Care</u> -CPNP examination OR American Nurses Credentialing Center's PNP examination
Psychiatric/Mental Health Nurse Practitioner (PMHNP) (May take either examination)	American Nurses Credentialing Center's Adult PMHNP examination OR American Nurses Credentialing Center's Family PMHNP examination
Women's Health Nurse Practitioner (WHNP)	National Certification Corporation's WHNP examination
Clinical Nurse Specialist in Adult Health Nursing	American Nurses Credentialing Center's Clinical Specialist—Adult Health Nursing examination
Clinical Nurse Specialist in Critical Care Nursing	AACN Certification Corporation's CCNS examination
Clinical Nurse Specialist in Gerontological Nursing	American Nurses Credentialing Center's Clinical Specialist—Gerontological Nursing examination
Clinical Nurse Specialist in Medical/Surgical Nursing	American Nurses Credentialing Center's Clinical Specialist—Adult Health Nursing examination
Clinical Nurse Specialist in Pediatric Nursing	American Nurses Credentialing Center's Clinical Specialist—Pediatric Nursing examination
Clinical Nurse Specialist in Psychiatric/ Mental Health Nursing (May take either examination)	American Nurses Credentialing Center's Clinical Specialist—Adult Psychiatric/Mental Health Nursing examination OR American Nurses Credentialing Center's Clinical Specialist— Child/ Adolescent Psychiatric/Mental Health Nursing examination

Obtaining a DEA Number:

Advanced practice nurses with full authorization to practice and prescriptive authority must comply with the following requirements prior to authorizing or issuing a prescription for controlled substances:

The advanced practice nurse must submit an application for a controlled substances registration to the Texas Department of Public Safety (TX DPS). Applications may be obtained by e-mailing the Texas Department of Public Safety at tpccsr@txdps.state.tx.us or calling (512/424-2188). **You must have a prescriptive authority number that has been issued by the Texas Board of Nursing before you may submit the controlled substances registration form.** After the controlled substances permit has been issued, the advanced practice nurse may apply for a DEA registration number. DEA applications may be obtained via the DEA's web site at <http://www.deadiversion.usdoj.gov/>. You may also call your local DEA office. Phone numbers can be found on <http://www.usdoj.gov/dea/pubs/states/texas.html>. **The BON can provide interested advanced practice nurses with applications and information regarding prescriptive authority only.** The applications for TX DPS and DEA registration **must** be obtained from the appropriate resource as indicated above.

§222.5. Prescriptions for Dangerous Drugs.

Advanced practice nurses with full or provisional authorization to practice and valid prescription authorization numbers are eligible to carry out or sign prescription drugs orders for dangerous drugs in accordance with the standards and requirements set forth in this chapter

§222.6. Prescriptions for Controlled Substances.

(a) Advanced practice nurses with full authorization to practice and valid prescription authorization numbers are eligible to prescribe certain categories of controlled substances. Graduate advanced practice nurses who hold provisional authorization to practice shall not authorize or issue prescriptions for controlled substances until they have been issued full authorization to practice by the board.

(b) Advanced practice nurses with full authorization to practice and valid prescription authorization numbers who authorize or issue prescriptions for controlled substances shall:

(1) Limit prescriptions for controlled substances to those listed in Schedules III, IV, or V as established by the commissioner of public health under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);

(2) Issue prescriptions for a period not to exceed 30 days;

(3) Not authorize the refill of a prescription for a controlled substance prior to consultation with the delegating physician and notation of the consultation in the patient's chart; and

(4) Not authorize the prescription of a controlled substance for a child less than two years of age prior to consultation with the delegating physician and notation of the consultation in the patient's chart.

(c) All other standards and requirements as set forth in this chapter relating to carrying out or signing prescription drug orders by advanced practice nurses must be met. In addition, advanced practice nurses with full authorization to practice and valid prescription authorization numbers must comply with all federal, state and local laws and regulations relating to the prescribing of controlled substances, including but not limited to, requirements set forth by the Texas Department of Public Safety and the Drug Enforcement Administration.

§222 Advanced Practice Nurses with Prescriptive Authority

§222.1. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

(1) Advanced practice nurse - A registered nurse approved by the board to practice as an advanced practice nurse based on completing an advanced educational program acceptable to the board. The term includes a nurse practitioner, nurse-midwife, nurse anesthetist, and a clinical nurse specialist. The advanced practice nurse is prepared to practice in an expanded role to provide health care to individuals, families, and/or groups in a variety of settings including but not limited to homes, hospitals, institutions, offices, industry, schools, community agencies, public and private clinics, and private practice. The advanced practice nurse acts independently and/or in collaboration with other health care professionals in the delivery of health care services.

(2) Alternate site - A practice site:

(A) Where services similar to the services provided at the delegating physician's primary practice site are provided; and

(B) Located within 60 miles of the delegating physician's primary practice site.

(3) Board - The Board of Nurse Examiners for the State of Texas

(4) Carrying out or signing a prescription drug order - Completing a prescription drug order presigned by the delegating physician or signing (writing) a prescription by an advanced practice nurse after that person has been designated to the Board of Medical Examiners by the delegating physician as a person delegated to sign a prescription.

(5) Controlled substance—A substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Groups 1, 1-A, or 2 through 4 of chapter 481 Texas Health and Safety Code (Texas Controlled Substances Act). The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance.

(6) Dangerous drug - A device or a drug that is unsafe for self medication and that is not included in schedules I-V or penalty groups I-IV of chapter 481 Texas Health and Safety Code (Texas Controlled Substances Act). The term includes a device or a drug that bears or is required to bear the legend: "Caution: federal law prohibits dispensing without prescription" or "RX only" or another legend that complies with federal law.

(7) Diagnosis and management course - A course offering both didactic and clinical content in clinical decision-making and aspects of medical diagnosis and medical management of diseases and conditions. Supervised clinical practice must include the opportunity to provide pharmacological and non-pharmacological management of diseases and problems considered within the scope of practice of the advanced practice nurse's specialty and role.

(8) Eligible sites - Sites serving medically underserved populations; a physician's primary practice site; an alternate site; or a facility-based practice site.

(9) Facility-based practice site - A licensed hospital or licensed long term care facility that serves as the practice location for the advanced practice nurse.

(10) Health Manpower Shortage Area - An urban or rural area, population group, or public or nonprofit private medical facility or other facility that the Secretary of the United States Department of Health and Human Services

(USDHHS) designates as having a health manpower shortage, as described by 42 USC Section 254e(a)(1) or a successor federal statute or regulation.

(11) Medically Underserved Area (MUA)

(A) An urban or rural area or population group that the Secretary of the United States Department of Health and Human Services (USDHHS) designates as having a shortage of those services as described by 42 USC Section 300e-1(7) or a successor federal statute or regulation; or

(B) an area defined as medically underserved by rules adopted by the Texas Board of Health (Texas Department of Health) based on demographics specific to this State, geographic factors that affect access to health care, and environmental health factors.

(12) Pharmacotherapeutics course - A course that offers content in pharmacokinetics and pharmacodynamics, pharmacology of current/commonly used medications, and the application of drug therapy to the treatment of disease and/or the promotion of health.

(13) Physician's primary practice site -

(A) the practice location at which the physician spends the majority of the physician's time;

(B) a licensed hospital, a licensed long-term care facility, or a licensed adult care center where both the physician and the APN are authorized to practice;

(C) a clinic operated by or for the benefit of a public school district to provide care to the students of that district and the siblings of those students, if consent to treatment at that clinic is obtained in a manner that complies with Chapter 32, Family Code;

(D) the residence of an established patient; or

(E) another location at which the physician is physically present with the advanced practice nurse.

(14) Protocols or other written authorization - Written authorization to provide medical aspects of patient care that are agreed upon and signed by the APN and the physician, reviewed and signed at least annually, and maintained in the practice setting of the APN. Protocols or other written authorization shall be defined to promote the exercise of professional judgment by the APN commensurate with his/her education and experience. Such protocols or other written authorization need not describe the exact steps that the APN must take with respect to each specific condition, disease, or symptom and may state types or categories of drugs that may be prescribed rather than just list specific drugs.

(15) Shall and must - Mandatory requirements.

(16) Should - A recommendation

(17) Site serving a medically underserved population -

(A) a site located in a medically underserved area;

(B) a site located in a health manpower shortage area;

(C) a clinic designated as a rural health clinic under 42 USC 1395x(aa);

(D) a public health clinic or a family planning clinic under contract with the Texas Department of Human Services or the Texas Department of Health;

(E) a site located in an area in which the Texas Department of Health determines there is an insufficient number of physicians providing services to eligible clients of federal, state, or locally funded health care programs; or

(F) a site that the Texas Department of Health determines serves a disproportionate number of clients eligible to participate in federal, state, or locally funded health care programs

§222.2. Approval for Prescriptive Authority.

(a) Credentials: To be approved by the board to carry out or sign prescription drug orders and issued a prescription authorization number, a Registered Nurse (RN) shall:

(1) have full or provisional authorization by the board to practice as an advanced practice nurse.

(A) RNs with provisional authorization to practice as graduate advanced practice nurses who are eligible for prescription authorization numbers shall be limited to prescribing for categories of dangerous drugs only.

(B) RNs with Interim Authorization to practice as advanced practice nurses are not eligible for a prescription authorization number;

(2) file a complete application for Prescriptive Authority and submit such evidence as required by the board to verify the following educational qualifications:

(A) To be eligible for Prescriptive Authority, advanced practice nurses must have successfully completed courses in pharmacotherapeutics, pathophysiology, advanced assessment, and diagnosis and management of problems within the clinical specialty.

(i) Nurse Practitioners, Nurse-Midwives and Nurse Anesthetists will be considered to have met the course requirements of this section on the basis of courses completed in the advanced educational program.

(ii) Clinical Nurse Specialists shall submit documentation of successful completion of separate courses in the content areas described in subsection (b A) of this section. These courses shall be academic courses from a regionally accredited institution with a minimum of 45 clock hours per course.

(iii) The board, by policy, may determine that certain specialties of Clinical Nurse Specialists meet one or more of the course requirements on the basis of the advanced educational program.

(B) Clinical Nurse Specialists who have been approved by the board as advanced practice nurses by petition on the basis of completion of a non-nursing master's degree shall not be eligible for prescriptive authority.

(b) Sites: Prescribing privileges are limited to eligible sites to include sites serving certain medically underserved populations, physician's primary practice sites, alternate sites, and facility-based practice sites.

(c) Exceptions Granted by the Texas State Board of Medical Examiners: Requirements for utilizing limited prescriptive authority may be modified or waived if a delegating physician has received a modification or waiver from the Texas State Board of Medical Examiners of any site or supervision requirements for a physician to delegate the carrying out or signing of prescription drug orders to the advanced practice nurse.

§222.3. Renewal of Prescriptive Authority.

(a) The advanced practice nurse shall renew the privilege to carry out or sign prescription drug orders in conjunction with the RN license renewal application.

(b) The advanced practice nurse seeking to maintain prescriptive authority shall attest, on forms provided by the

board, to completing at least five contact hours of continuing education in pharmacotherapeutics within the preceding biennium.

(c) The continuing education requirement in subsection (b) of this section, shall be in addition to continuing education required under Chapter 216 of this title (relating to Continuing Education).

§222.4. Minimum Standards for Carrying Out or Signing Prescriptions

(a) The advanced practice nurse with a valid prescription authorization number:

(1) shall carry out or sign prescription drug orders for only those drugs that are:

(A) authorized by Protocols or other written authorization for medical aspects of patient care; and

(B) prescribed for patient populations within the accepted scope of professional practice for the advanced practice nurse's specialty area; and

(2) shall comply with the requirements for adequate physician supervision published in the rules of the Board of Medical Examiners relating to Delegation of the Carrying Out or Signing of Prescription Drug Orders to Physician Assistants and Advanced Practice Nurses as well as other applicable laws,

(b) Protocols or other written authorization shall be defined in a manner that promotes the exercise of professional judgement by the advanced practice nurse commensurate with the education and experience of that person.

(1) A protocol or other written authorization:

(A) is not required to describe the exact steps that the advanced practice nurse must take with respect to each specific condition, disease, or symptom; and

(B) may state types or categories of medications that may be prescribed or contain the types or categories of medications that may not be prescribed.

(2) Protocols or other written authorization:

(A) shall be written, agreed upon and signed by the advanced practice nurse and the physician

(B) reviewed and signed at least annually; and

(C) maintained in the practice setting of the advanced practice nurse.

(c) Prescription Information: The format and essential elements of the prescription shall comply with the requirements of the Texas Board of Pharmacy. The following information must be provided on each prescription:

(1) the patient's name and address;

(2) the name, strength, and quantity of the drug to be dispensed;

(3) directions to the patient regarding taking of the drug and the dosage;

(4) the intended use of the drug, if appropriate;

(5) the name, address, telephone number, and, if the prescription is for a controlled substance, the DEA number of the delegating physician;;

(6) address and telephone number of the site at which the prescription drug order was carried out or signed;

(7) the date of issuance;

(8) the number of refills permitted; and

(9) the name, prescription authorization number, original signature, and, if the prescription is for a controlled substance, the DEA number of the advanced practice nurse signing or co-signing the prescription drug order..

(d) Generic Substitution. The advanced practice nurse shall authorize or prevent generic substitution on a prescription in compliance with the current rules of the Texas State Board of Pharmacy relating to Generic Substitution. (03/2002)

§222.5. Prescriptions for Dangerous Drugs.

Advanced practice nurses with full or provisional authorization to practice and valid prescription authorization numbers are eligible to carry out or sign prescription drugs orders for dangerous drugs in accordance with the standards and requirements set forth in this chapter.

§222.6 Prescriptions for Controlled Substances.

(a) Advanced practice nurses with full authorization to practice and valid prescription authorization numbers are eligible to prescribe certain categories of controlled substances. Graduate advanced practice nurses who hold provisional authorization to practice shall not authorize or issue prescriptions for controlled substances until they have been issued full authorization to practice by the board.

(b) Advanced practice nurses with full authorization to practice and valid prescription authorization numbers who authorize or issue prescriptions for controlled substances shall:

(1) Limit prescriptions for controlled substances to those listed in Schedules III, IV, or V as established by the commissioner of public health under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);

(2) Issue prescriptions for a period not to exceed 30 days;

(3) Not authorize the refill of a prescription for a controlled substance prior to consultation with the delegating physician and notation of the consultation in the patient's chart; and

(4) Not authorize the prescription of a controlled substance for a child less than two years of age prior to consultation with the delegating physician and notation of the consultation in the patient's chart.

(c) All other standards and requirements as set forth in this chapter relating to carrying out or signing prescription drug orders by advanced practice nurses must be met. In addition, advanced practice nurses with full authorization to practice and valid prescription authorization numbers must comply with all federal, state and local laws and regulations relating to the prescribing of controlled substances, including but not limited to, requirements set forth by the Texas Department of Public Safety and the Drug Enforcement Administration.

§222.7. Prescribing at Sites Serving Certain Medically Underserved Populations.

When carrying out or signing prescription drug orders at a site serving a medically underserved population, the advanced practice nurse shall:

(1) maintain Protocols or other written authorization that must be reviewed and signed by both the advanced practice nurse and the delegating physician at least annually;

(2) have access to the delegating physician or alternate delegating physician for consultation, assistance with medical emergencies, or patient referral;

(3) provide a daily status report to the physician on any problems or complications encountered that are not covered by protocol; and

(4) shall be available during on-site visits by the physician which shall occur at least once every 10 business days that the advanced practice nurse is on site providing care.

§222.8 Prescribing at Physicians' Primary Practice Sites.

When carrying out or signing prescription drug orders at a physician's primary practice site, the advanced practice nurse shall:

(1) maintain Protocols or other written authorization that must be reviewed and signed by both the advanced practice nurse and the delegating physician at least annually;

(2) sign or co-sign prescription drug orders only for those patients with whom the physician has established or will establish a physician-patient relationship although the physician is not required to see the patient within a specified time period.

§222.9. Prescribing at Alternate Sites.

When carrying out or signing prescription drug orders at an alternate site, the advanced practice nurse shall:

(1) maintain Protocols or other written authorization that must be reviewed and signed by both the advanced practice nurse and the delegating physician at least annually;

(2) be on-site with the physician at least twenty percent of the time; and

(3) have access to the physician through direct telecommunication for consultation, patient referral, or assistance with a medical emergency;

§222.10. Prescribing at Facility-based Practice Sites.

When carrying out or signing prescription drug orders at a facility-based practice site, the advanced practice nurse shall:

(1) maintain Protocols or other written authorization developed in accordance with facility medical staff policies

and reviewing the authorizing documents with the appropriate medical staff at least annually;

(2) sign or co-sign prescription drug orders in the facility in which the delegating physician is the medical director, the chief of medical staff, the chair of the credentialing committee, or a department chair; or a physician who consents to the request of the medical director or chief of the medical staff to delegate; and

(3) sign or co-sign prescription drug orders for the care or treatment of only those patients for whom physicians have given their prior consent.

§222.11. Conditions for Obtaining and Distributing Drug Samples.

The advanced practice nurse with a valid prescription authorization number may request, receive, possess and distribute prescription drug samples provided:

(1) all requirements for the advanced practice nurse to sign prescription drug orders are met;

(2) Protocols or other physician orders authorize the advanced practice nurse to sign the prescription drug orders;

(3) the samples are for only those drugs that the advanced practice nurse is eligible to prescribe in accordance with the standards and requirements set forth in this chapter; and

(4) a record of the sample is maintained and samples are labeled as specified in the Dangerous Drug Act (Health and Safety Code, Chapter 483) or the Controlled Substances Act (Health and Safety Code, Chapter 481) and 37 Tex. Admin. Code chapter 13.

§222.12. Enforcement.

(a) Any nurse who violates these rules shall be subject to removal of the authority to prescribe under this rule and disciplinary action by the board under Texas Occupations Code §301.452.

(b) The board shall report to the Texas Department of Public Safety and the Drug Enforcement Administration any of the following:

(1) Any significant changes in the status of the RN license/advanced practice authorization, or

(2) Disciplinary action impacting an advanced practice nurse's ability to authorize or issue prescription drug orders.

(c) The practice of the advanced practice nurse approved by the board to carry out or sign prescription drug orders is subject to monitoring by the board on a periodic basis.