

SENATE BILL 680

By Massey

AN ACT to amend Tennessee Code Annotated, Section 24-9-101; Section 49-2-124; Section 53-10-104; Section 53-10-302; Section 53-11-309; Section 56-32-137; Section 56-7-2408; Section 63-1-109; Section 63-1-301; Section 63-1-313; Section 63-10-217; Section 63-10-505; Section 63-10-506; Title 63, Chapter 29; Section 63-51-102; Section 63-6-244; Section 63-6-802; Title 63, Chapter 7; Section 63-9-121; Section 68-1-128; Section 68-11-224 and Section 71-5-1414, relative to advanced practice registered nurses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 24-9-101(a)(6), is amended by deleting the language “advanced practice nurse” and substituting the language “advanced practice registered nurse”.

SECTION 2. Tennessee Code Annotated, Section 49-2-124, is amended by deleting the language “advanced practice nurse” wherever it appears in subdivisions (c)(3) and (c)(4) and substituting the language “advanced practice registered nurse”.

SECTION 3. Tennessee Code Annotated, Section 53-10-104(c), is amended by deleting the language “nurse practitioner” and substituting the language “advanced practice registered nurse”.

SECTION 4. Tennessee Code Annotated, Section 53-10-302(13), is amended by deleting the language “advanced practice nurse with a certificate of fitness” and substituting the language “advanced practice registered nurse with a license”.

SECTION 5.

(a) Tennessee Code Annotated, Section 53-11-309, is amended by deleting the language “advanced practice nurse with a certificate of fitness” wherever it appears in

subsections (a) and (b) and substituting the language “advanced practice registered nurse with a license”.

(b) Tennessee Code Annotated, Section 53-11-309, is amended by deleting the language “advanced practice nurse with a certificate of fitness” wherever it appears in subsections (a) and (b) and substituting the language “advanced practice registered nurse with a license”.

SECTION 6. Tennessee Code Annotated, Section 56-7-2408(a), is amended by deleting the language “or a nationally certified clinical specialist” and substituting the language “nurse midwife licensed under § 63-7-123, or a clinical nurse specialist licensed under § 63-7-123”.

SECTION 7. Tennessee Code Annotated, Section 63-1-109(a)(7), is amended by deleting the language “Advanced practice nurse” and substituting the language “Advanced practice registered nurse”.

SECTION 8. Tennessee Code Annotated, Section 63-1-301, is amended by deleting the language “Advanced practice nurse” from subdivision (1) and substituting the language “Advanced practice registered nurse”; and by deleting the language “§ 63-7-126” from subdivision (1) and substituting the language “§ 63-7-123”; and by deleting the language “advanced practice nurses” from subdivision (6)(A) and substituting the language “advanced practice registered nurses,”.

SECTION 9. Tennessee Code Annotated, Section 63-1-313(a), is amended by deleting the language “advanced practice nurse with certificates of fitness” wherever it appears and substituting the language “advanced practice registered nurse with a license”.

SECTION 10. Tennessee Code Annotated, Section 63-6-244(d), is amended by deleting the language “advanced practice nurse” and substituting the language “advanced practice registered nurse”; and by deleting the language “§ 63-7-126” and substituting the language “§ 63-7-123”.

SECTION 11. Tennessee Code Annotated, Section 63-6-802(9), is amended by deleting the language “advanced practice nurse” and substituting the language “advanced practice registered nurse”.

SECTION 12. Tennessee Code Annotated, Section 63-7-115, is amended by deleting subsection (b).

SECTION 13. Tennessee Code Annotated, Section 63-7-123, is amended by deleting the section in its entirety and substituting the following:

(a)

(1) “Certified registered nurse anesthetist practice” means the provision of anesthesia care and related services including:

- (A) Performing history and physical;
- (B) Conducting a pre-anesthesia evaluation;
- (C) Obtaining an informed consent;
- (D) Developing and initiating a plan of care;
- (E) Selecting, ordering, and administering drugs and selecting invasive and noninvasive modalities; and

(F) Providing post-anesthesia evaluation and discharge from the post-anesthesia area or facility.

(2) “Clinical nurse specialist practice” means the provision of care including:

- (A) The diagnosis and treatment of health and illness states;
- (B) Disease management;
- (C) Prescribing pharmacologic and nonpharmacologic therapies;
- (D) Ordering, performing, and interpreting diagnostic studies; and
- (E) Prevention of illness and risk behaviors.

(3) “Nurse midwife practice” means the provision of care including:

(A) The management, diagnosis, and treatment of women’s primary health care, including pregnancy, childbirth, postpartum period, care of the newborn, family planning, partner care management relating to sexual health, and gynecological care of women across the life span;

(B) Ordering, performing, and interpreting diagnostic studies; and

(C) Prescribing pharmacologic and nonpharmacologic therapies.

(4) “Nurse practitioner practice” means the provision of care including:

(A) Health promotion, disease prevention, health education, and counseling;

(B) Providing health assessment and screening activities;

(C) Diagnosing, treating, and facilitating patients’ management of their acute and chronic illnesses and diseases;

(D) Ordering, performing, and interpreting diagnostic studies; and

(E) Prescribing pharmacologic and nonpharmacologic therapies.

(5)

(A) The “practice of advanced practice registered nursing” means the performance of an expanded scope in one of the recognized advanced practice nurse roles. The scope and practice standards of the advanced practice nurse are defined by the national professional nursing organizations specific to the practice.

(B) The practice of advanced practice registered nursing requires the advanced practice registered nurse to:

(i) Be accountable to patients for the quality of advanced nursing care rendered;

(ii) Be accountable for recognizing limits of knowledge and experience;

(iii) Be accountable for planning for the management of situations beyond the advanced practice registered nurse's expertise; and

(iv) Collaborate with physicians and other healthcare providers.

(b)

(1) A nurse who is issued a license as an advanced practice registered nurse under § 63-7-207 and this section:

(A) Is authorized to prescribe or issue controlled substances listed in Schedules II, III, IV, and V of title 39, chapter 17, part 4; and

(B) Shall file a notice with the board, containing the advanced practice registered nurse's name and a copy of the formulary listing the schedules of controlled substances to be prescribed or issued by the advanced practice registered nurse. The advanced practice registered nurse is responsible for updating this information.

(2)

(A) An advanced practice registered nurse may only prescribe or issue a Schedule II or III opioid listed on the formulary for a maximum of one (1) nonrefillable, thirty-day course of treatment.

(B) In order to prescribe more than one (1) nonrefillable, thirty-day supply of a Schedule II or III opioid per patient, an advanced practice registered nurse must have a collaborative agreement for prescribing scheduled drugs with a physician.

(C) This subdivision (b)(2) shall not apply to prescriptions issued in a hospital or nursing home licensed under title 68, or inpatient facilities licensed under title 33.

(3)

(A) Any prescription written and signed or drug issued by an advanced practice registered nurse shall be deemed to be that of the advanced practice registered nurse whether or not the prescribing advanced practice registered nurse has a collaborative agreement with a physician. Every prescription issued under this section shall be entered in the medical records of the patient and shall be written on a preprinted prescription pad bearing the name, address, and telephone number of the advanced practice registered nurse and, if applicable, the collaborating physician. An advanced practice registered nurse shall sign each prescription that the advanced practice registered nurse issues.

(B)

(i) Any handwritten prescription order for a drug prepared by an advanced practice registered nurse who is authorized to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription.

(ii) The handwritten prescription order must contain:

(a) The name of the prescribing advanced practice registered nurse;

(b) The name and strength of the drug prescribed;

(c) The quantity of the drug prescribed,  
handwritten in letters or in numerals;

(d) Instructions for the proper use of the drug; and

(e) The month and day that the prescription order was issued, recorded in letters or in numerals, or a combination of letters and numerals.

(iii) The prescribing advanced practice registered nurse must sign the handwritten prescription order on the day it is issued, unless the prescription order is:

(a) Issued as a standing order in a hospital, nursing home, or assisted-care living facility, as defined in § 68-11-201; or

(b) Prescribed by a nurse practitioner in the department of health or a local health department, or dispensed by the department of health or a local health department under § 63-10-205.

(C)

(i) Any typed or computer-generated prescription order for a drug issued by an advanced practice registered nurse who is authorized to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription order.

(ii) A typed or computer-generated prescription order must contain:

(a) The name of the prescribing advanced practice registered nurse;

(b) The name and strength of the drug prescribed;

(c) The quantity of the drug prescribed, recorded in letters or in numerals;

(d) Instructions for the proper use of the drug; and

(e) The month and day that the typed or computer-generated prescription order was issued, recorded in letters or in numerals, or a combination of letters and numerals.

(iii) The prescribing advanced practice registered nurse must sign the typed or computer-generated prescription order on the day it is issued, unless the prescription order is:

(a) Issued as a standing order in a hospital, nursing home, or assisted-care living facility, as defined in § 68-11-201; or

(b) Prescribed by a nurse practitioner in the department of health or a local health department, or dispensed by the department of health or a local health department under § 63-10-205.

(D) Nothing in this section shall prevent an advanced practice registered nurse from issuing a verbal prescription order.

(E)

(i) All handwritten, typed, or computer-generated prescription orders must be issued on either tamper-resistant prescription paper or printed utilizing a technology that results in a tamper-resistant prescription that meets the current centers for medicare and medicaid service guidance to state medicaid



directors regarding § 7002(b) of the United States Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act of 2007, Pub.L.No. 110-28, and meets or exceeds TennCare requirements for tamper-resistant prescriptions.

(ii) Subdivision (b)(3)(E)(i) shall not apply to prescriptions written for inpatients of a hospital, outpatients of a hospital where the doctor or other person authorized to write prescriptions writes the order into the hospital medical record and then the order is given directly to the hospital pharmacy and the patient never has the opportunity to handle the written order, a nursing home or an assisted-care living facility as defined in § 68-11-201, inpatients or residents of a mental health hospital or residential facility licensed under title 33, or individuals incarcerated in a local, state, or federal correctional facility.

(F) Any handwritten, typed, or computer-generated prescription order for a Schedule II controlled substance prepared by an advanced practice registered nurse who is authorized to prescribe a drug must be written, typed, or printed as a separate prescription order. The handwritten, typed, or computer-generated prescription order must contain all information otherwise required by law. The prescribing advanced practice registered nurse must sign the handwritten, typed, or computer-generated prescription order on the day it is issued.

(c)

(1) The board may issue a license to practice as an advanced practice registered nurse to an applicant who meets the qualifications, competencies, training, education, and experience required under § 63-7-207(14), including, but not limited to:

(A) Holding an unencumbered license or privilege to practice as a registered nurse in this state;

(B) Graduating from a board-approved advanced practice registered nurse graduate or post-graduate program that is accredited by a board-approved nursing accrediting body; and

(C) Passing the advanced practice registered nurse certification examination in the advanced practice registered nurse role and population focus congruent with educational preparation.

(2) The board shall determine whether a certification program may be used as a licensure requirement for advanced practice registered nurses.

(d)

(1) As used in subdivisions (b)(2) and (b)(3)(A), this subsection (d), and subsection (k), “collaborative agreement” means a mutually agreed upon plan for the oversight of prescribing between an advanced practice registered nurse and one (1) or more physicians licensed under title 63, chapter 6 or 9.

(2) Any advanced practice registered nurse who is recognized by the board as a nurse practitioner, certified nurse midwife, or certified nurse specialist must practice for two thousand eighty (2,080) hours within the context of a collaborative agreement with a physician. An advanced practice registered nurse shall submit written evidence to the board of nursing upon completion of the required collaborative experience.

(e) The board shall promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to establish:

(1) Practice standards that are specific to the role and population focus of each advanced practice registered nursing practice area; and

(2) Patient care standards for advanced practice registered nurses.

(f) Advanced practice registered nurses shall assure that patient care is provided according to patient care standards established by national professional nursing associations, in addition to the patient care standards promulgated under subdivision (e)(2). In the event of a conflict between patient care standards established by national professional nursing associations and the board's standards, advanced practice registered nurses shall comply with the board's standards.

(g) Nurse practitioners, nurse anesthetists, nurse midwives, and clinical nurse specialists holding the education and practice credentials described in subsection (c) shall apply to the board for a license to practice as an advanced practice registered nurse, including authorization to use the title "advanced practice registered nurse" or the abbreviation "APRN". No other person shall assume that title or use that abbreviation or any other words, letters, or signs to indicate that the person is an advanced practice registered nurse.

(h) An applicant for a license to practice as an advanced practice registered nurse shall pay an initial fee set by the board and a biennial renewal fee set by the board.

(i)

(1) A nurse practitioner, nurse anesthetist, nurse midwife, or clinical nurse specialist who holds a Tennessee registered nurse license in good standing and current national specialty certification in the advanced practice

specialty shall be eligible for a license to practice as an advanced practice registered nurse on May 22, 2002, and shall be exempt from the requirement of a master's degree or higher in the nursing specialty if licensed in Tennessee and holding national specialty certification prior to July 1, 2005.

(2) Notwithstanding the requirements of this section, a nurse anesthetist shall be eligible for a license to practice as an advanced practice registered nurse if the nurse anesthetist graduated prior to January 1, 1999, from a nurse anesthesia educational program approved by the American Association of Nurse Anesthetists Council on Accreditation.

(j)

(1) An advanced practice registered nurse shall only perform invasive procedures involving any portion of the spine, spinal cord, sympathetic nerves of the spine, or block of major peripheral nerves of the spine in any setting not licensed under title 68, chapter 11, under the direct supervision of a Tennessee physician licensed pursuant to chapter 6 or 9 of this title who is actively practicing spinal injections and has current privileges to do so at a facility licensed under title 68, chapter 11. The direct supervision provided by a physician in this subsection (j) shall only be offered by a physician who meets the qualifications established in § 63-6-244(a)(1) or (a)(3) or § 63-9-121(a)(1) or (a)(3).

(2) For purposes of this subsection (j), "direct supervision" means being physically present in the same building as the advanced practice registered nurse at the time the invasive procedure is performed.

(3) This subsection (j) shall not apply to an advanced practice registered nurse performing major joint injections except sacroiliac injections or performing

soft tissue injections or epidurals for surgical anesthesia or labor analgesia in unlicensed settings.

(k) Nothing in this chapter shall be construed as requiring an advanced practice registered nurse who is recognized as a certified registered nurse anesthetist to obtain a collaborative agreement under this section in order to select, order, or administer appropriate medications and related services during the perioperative period.

SECTION 14. Tennessee Code Annotated, Section 63-7-126, is amended by deleting the section in its entirety.

SECTION 15. Tennessee Code Annotated, Section 63-7-202(a), is amended by deleting subdivision (1) and substituting the following:

(1) Nine (9) members, one (1) from each congressional district, who are either an advanced practice registered nurse or a registered nurse at the time of their appointment. At least two (2) members shall be registered nurses. At least three (3) members shall be advanced practice registered nurses. For the purposes of this section, an advanced practice registered nurse shall not include registered nurses;

SECTION 16. Tennessee Code Annotated, Section 63-7-202(f)(4), is amended by deleting the language “advanced practice nurse” and substituting the language “advanced practice registered nurse”.

SECTION 17. Tennessee Code Annotated, Section 63-7-207(14), is amended by deleting the language “certificate of fitness as a nurse practitioner” and substituting the language “license to practice as an advanced practice registered nurse”.

SECTION 18. Tennessee Code Annotated, Section 63-9-121(d), is amended by deleting the language “advanced practice nurse” and substituting the language “advanced practice registered nurse”; and by deleting the language “§ 63-7-126” and substituting the language “§ 63-7-123”.

SECTION 19. Tennessee Code Annotated, Section 63-10-217(d), is amended by deleting the language “advanced practice nurses (APN)” and substituting the language “advanced practice registered nurses (APRN)”; and by deleting the language “APN” wherever that language appears and substituting the language “APRN”.

SECTION 20. Tennessee Code Annotated, Section 63-10-505(h)(1)(C), is amended by deleting the language “advanced practice nurse” and substituting the language “advanced practice registered nurse,”.

SECTION 21. Tennessee Code Annotated, Section 63-10-506, is amended by deleting the language “advanced practice nurse” and substituting the language “advanced practice registered nurse”.

SECTION 22. Tennessee Code Annotated, Section 63-51-102(b), is amended by deleting the language “certified nurse practitioner” and substituting the language “advanced practice registered nurse”.

SECTION 23. Tennessee Code Annotated, Section 68-1-128, is amended by deleting the language “advanced practice nurse” wherever it appears in subdivisions (a)(2) and (b)(1)(A) and subsection (d) and substituting the language “advanced practice registered nurse”; and by deleting the language “advanced practice nurses” in subdivision (b)(1)(A) and substituting the language “advanced practice registered nurses”.

SECTION 24. Tennessee Code Annotated, Section 68-11-224(a), is amended by deleting the language “and is recognized by the board of nursing as an advanced practice nurse under § 63-7-126” from subdivisions (1) and (5) and substituting the language “and is licensed by the board of nursing as an advanced practice registered nurse under § 63-7-123”.

SECTION 25. Tennessee Code Annotated, Section 71-5-1414(d)(5)(C), is amended by deleting the language “advanced practice nurse” and substituting the language “advanced practice registered nurse,”.

SECTION 26. Any certification as an advanced practice nurse issued under title 63, chapter 7, that is valid and effective at 11:59 p.m. on June 30, 2015, shall remain valid and effective until the certification is renewed, retired, or revoked, or the certification expires without being renewed.

SECTION 27. Section 5(b) of this act shall take effect at 12:01 a.m. July 1, 2016, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2015, the public welfare requiring it.