“Scope of Practice” Legislation (September , 2013)


This list is divided into three parts: (1) Bills pending in legislatures that are still in session; (2) Bills pending in legislatures that have carryover. Twenty-three states do not have carryover; measures not enacted expire when the legislature adjourns. New scope of practice legislation may be introduced in these states, but information will not be available until next year; (3) Scope of practice bills enacted this year.

Bills Pending in Legislatures Still in Session

Massachusetts HB2009 (Identical to SB1079), An Act improving the quality of health care and reducing costs. Would amend the Controlled Substances Act, to expand the authority of nurse practitioners, nurse anesthetists, licensed dental hygienists and other nursing personnel acting under the supervision of a practitioner to dispense, administer or conduct research on controlled substances in accordance with regulations promulgated by the board of registration in nursing after consultation with the Department of Public Health (DPH); would strike the requirement that DPH promulgate regulations regarding the registration of nurse anesthetists in an advanced practice nursing role; would add nurse anesthetists as practitioners registered with DPH: **would remove the requirement that the board of registration in medicine concur on any advanced practice nursing regulations promulgated by DPH,** (In Joint Committee on Public Health)

Michigan SB 2. Would establish a license for nurse midwives, nurse practitioners, and clinical nurse specialists (Approved by the Senate Committee on Reforms, Restructuring, and Reinventing; awaits Senate consideration.) This bill is in play during the remainder of the session. There was an unsuccessful attempt to add the bill to the Medicaid Expansion measure that was enacted.

New Jersey AB 3512, Consumer Access to Health Care Act. Would eliminate the requirement of joint protocol with physician for advanced practice nurses
to prescribe medication. (In the Assembly Health and Senior Services Committee)

**New York SB 2309**, Practice of Registered Professional Nursing. Would allow the practice of registered professional nursing by a certified nurse practitioner to include diagnosis and performance without collaboration of a licensed physician. (In Senate Committee on Higher Education)

**New York SB 2672**, (Same as **AB 4381**) Nurse Practitioners. Would amend the Education Law; would allow nurse practitioners to perform any function in conjunction with the making of a diagnosis of illness or physical condition. (In Senate Committee on Higher Education)

**New York AB 4381**, Nurse Practitioners. Would amend the Education Law; would permit nurse practitioners to perform any function in conjunction with the making of a diagnosis of illness or physical condition. (In Assembly Committee on Higher Education)

**New York SB 5400**, Nurse Practitioners. Would include nurse practitioners as a provider of services for purposes of collaborative drug therapy management and would authorize pharmacists to perform such management permanent. (In Senate Committee on Higher Education)

**New York AB 4846**, Nurse Practitioners Modernization Act. Would amend the Education Law; would establish the nurse practitioners modernization act which allows the practice of registered professional nursing by a certified nurse practitioner to include diagnosis and performance without collaboration of a licensed physician. (In Assembly Committee on Higher Education)

**New York SB 4611**, Nurse Practitioners Modernization Act. Would amend the Education Law; would establish the nurse practitioners modernization act; would terminate a written practice agreement with a collaborating physician. (In Senate Committee on Higher Education)

**Pennsylvania SB 1063**. Would provide for Licensure as a Certified Nurse Practitioner. (In the Senate Committee on Consumer Protection and Professional Licensure)

**Bills Pending in Carryover Legislatures**
California SB 491, Nurse Practitioners. Would amend the Nurse Practice Act.; would authorize a nurse practitioner to perform certain acts without physician supervision if the practitioner meets specified requirements; would require the practitioner to refer the patient to a physician or surgeon or other health care provider under certain circumstances; would require professional liability insurance; would prohibit the supplanting of a physician and surgeon employed by specified health care facilities. (Passed the Senate; In the Assembly Committee on Appropriations)

North Carolina SB 555, Regulation of Nurse Practitioners and Fees. Would amend the nursing practice act to authorize the board of nursing to regulate nurse practitioners; would establish new fees related to regulating nurse practitioners. (In the Senate Rules and Operations of the Senate Committee)

Tennessee SB 976, Controlled Substances (Same as HB 1211). Would place certain conditions on nurse practitioners and physician assistants who are authorized to prescribe or issue Schedules II, III and IV drugs. (In Senate Committee on Health and Welfare); HB 1211 (In the House Committee on Criminal Justice)

Scope of Practice Bills Enacted In 2013

Alabama SB 229, Prescribing of Certain Controlled Substances. Allows for the prescribing of certain schedules of controlled substances by certified registered nurse practitioners and certified nurse midwives with collaborative practice agreements; provides for the establishment of qualifications required for CRNPs and CNM to obtain a Qualified Alabama Controlled Substances Registration Certificate; provides for prescriptive, administering, and dispensing authority of CRNPs and CNMs in possession of a QACSC; provides for a certifying board.

Illinois HB 1052, Nurse Practice Act, Provides that certain collaborative agreements may not restrict the categories of patients of an advanced practice nurse within the nurse's scope of training or limit third party payors, government health programs, or the practice area of the nurse; adds certain references to podiatric practice; provides that an advanced practice nurse shall not be considered prohibited from providing certain care or treatment, including patient histories, women's health examinations, or school physicals.
Nebraska LB 243, Nurse Practitioner Practice. Redefines nurse practitioner practice; adds the term acute to the type of conditions listed in the provisions governing a nurse practitioner's authorized practice stipulations.

Nevada AB 170, Advanced Practice of Nursing. Authorizes the Board of Nursing to issue a license as an advanced practice registered nurse to certain registered nurses; authorizes the Board to require an advanced practice registered nurse to maintain a policy of professional liability insurance; prohibits an advanced practice registered nurse from prescribing a controlled substance listed in schedule II except under specified circumstances.