

SENATE BILL 2110

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 33; Title 49; Title 53; Title 55; Title 56; Title
63; Title 68 and Title 71, relative to nurses.

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

SECTION 1. Tennessee Code Annotated, Section 63-7-123, is amended by deleting the section and substituting the following:

(a) As used in this section:

(1) "Advanced practice registered nurse" means an individual licensed to engage in the practice of professional nursing in accordance with standards established or recognized by the board by rule, in one (1) of the following roles:

- (A) Certified nurse practitioner;
- (B) Certified registered nurse anesthetist;
- (C) Certified nurse-midwife; or
- (D) Clinical nurse specialist;

(2) "Healthcare facility" or "facility" means:

(A) Any developmental center, treatment resource, group residence, boarding home, sheltered workshop, activity center, rehabilitation center, hospital, community mental health center, counseling center, clinic, group home, halfway house, or any other entity that provides a mental health, intellectual or developmental disability service, or an alcohol and drug abuse prevention and/or treatment facility, as defined in § 33-2-402; or

(B) Any institution, place, or building providing healthcare services that is required to be licensed under chapter 11 of this title; and

(3) "Healthcare provider" means healthcare professionals, establishments, or facilities licensed, registered, certified, or permitted pursuant to this title or title 68 and regulated under the authority of either the department of health or any agency, board, council, or committee attached to the department of health.

(b)

(1) An advanced practice registered nurse is responsible and accountable for health promotion and maintenance as well as the assessment, diagnosis, treatment, and management of patient health care, including the use and prescription of pharmacologic and non-pharmacologic interventions. An advanced practice registered nurse is accountable to patients, the board, and the nursing profession for:

(A) Complying with the requirements of this section and the quality of advanced practice nursing care rendered;

(B) Recognizing the limits of the advanced practice registered nurse's own knowledge and experience;

(C) Planning for the management of situations beyond the advanced practice registered nurse's expertise, experience, training, or education;

(D) Consulting with or referring patients to other healthcare providers as appropriate; and

(E) Collaborating and communicating in a cooperative working relationship with other healthcare providers in the provision of patient care.

(2) An advanced practice registered nurse shall assure that the nurse individually provides patient care according to patient care standards established by national professional nursing associations and adopted by the board by rule, in addition to any other patient care standards promulgated by the board. If a conflict exists between patient care standards established by a national professional nursing association and the standards adopted by the board by rule, then the advanced practice registered nurse shall comply with the standards of the board.

(c)

(1) The board shall 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) and the requirements of this section.

(2) An applicant for initial licensure to practice as an advanced practice registered nurse must:

(A) Submit a completed application and appropriate fees as established by the board by rule;

(B) Hold a current, unencumbered license as a registered nurse in this state;

(C) Not hold an encumbered license, certification, or other privilege to practice as a registered nurse in any state or territory of the United States;

(D) Have completed an accredited graduate or post-graduate level advanced practice registered nurse program in one (1) of the following roles:

- (i) Certified nurse practitioner;
- (ii) Certified registered nurse anesthetist;
- (iii) Certified nurse-midwife; or
- (iv) Clinical nurse specialist;

(E) Hold a current certification from a national certifying body recognized by the board by rule as a:

- (i) Certified nurse practitioner;
- (ii) Certified registered nurse anesthetist;
- (iii) Certified nurse-midwife; or
- (iv) Clinical nurse specialist;

(F) Report any criminal conviction, nolo contendere plea, or other plea arrangement in lieu of conviction;

(G) Have committed no acts or omissions that are grounds for disciplinary action as set forth in this chapter; and

(H) Provide any other information required by the board by rule.

(3) The board shall issue a license by endorsement to an advanced practice registered nurse licensed under the laws of another state or territory of the United States if, pursuant to the rules of the board, the applicant meets the qualifications for licensure in this state. An applicant for advanced practice registered nurse licensure by endorsement must:

(A) Submit a completed application and appropriate fees as established by the board by rule;

(B) Hold a current, unencumbered license as a registered nurse in a state or territory of the United States;

(C) Not hold an encumbered license, certification, or other privilege to practice as a registered nurse in any state or territory of the United States or be under current investigation by the licensing authority of any state or territory of the United States;

(D) Have completed an accredited graduate or post-graduate level advanced practice registered nurse program in one (1) of the following specialties:

- (i) Certified nurse practitioner;
- (ii) Certified registered nurse anesthetist;
- (iii) Certified nurse-midwife; or
- (iv) Clinical nurse specialist;

(E) Hold a current certification from a national certifying body recognized by the board by rule as a:

- (i) Certified nurse practitioner;
- (ii) Certified registered nurse anesthetist;
- (iii) Certified nurse-midwife; or
- (iv) Clinical nurse specialist;

(F) Report any criminal conviction, nolo contendere plea, or other plea arrangement in lieu of conviction; and

(G) Provide any other information required by the board by rule.

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

(A) Establish a continuing education requirement, including the percentage of continuing education hours that must be related to specialty fields of practice, pharmacology, and controlled substances;

(B) Establish practice standards that are specific to the role and population focus of each advanced practice registered nursing practice role;

(C) Establish patient care standards for advanced practice registered nurses;

(D) Establish a process to use a certification program as a licensure requirement for advanced practice registered nurses for any certification program the board deems appropriate; and

(E) Set a biennial license renewal fee.

(d) Notwithstanding subsection (c), on the effective date of this act, the board shall issue an advanced practice registered nurse license with prescriptive authority to each person who holds a current national specialty certification as a certified nurse practitioner, certified registered nurse anesthetist, certified nurse-midwife, or clinical nurse specialist, and:

(1) Holds an advanced practice registered nurse certificate issued in this state that is in good standing on the effective date of this act; or

(2) Holds the equivalent of an advanced practice registered nurse certificate in this state that was issued in another state or territory of the United States and that is in good standing on the effective date of this act.

(e)

(1) The board shall grant prescribing, ordering, selecting, administering, dispensing, and issuing authority through the advanced practice registered nurse license, as long as the licensee has completed an accredited graduate or post-graduate level advanced practice registered nurse program.

(2) Prescribing, ordering, selecting, administering, dispensing, and issuing authority includes the authority to:

(A) Prescribe and institute therapy or referrals of patients to healthcare facilities or healthcare providers;

(B) Prescribe, select, administer, dispense, and furnish pharmacological agents, including over-the-counter, uncontrolled, and controlled substances; and

(C) Plan and initiate a therapeutic regimen that includes ordering and prescribing non-pharmacological interventions, including, but not limited to:

(i) Durable medical equipment;

(ii) Medical devices;

(iii) Nutrition;

(iv) Blood and blood products; and

(v) Diagnostic and supportive services, including, but not limited to, home health care; hospice; and physical, speech, and occupational therapy.

(3) The prescribing, ordering, selecting, administering, dispensing, and issuing authority provided by this subsection (e) includes the ability to prescribe, order, select, administer, dispense, and issue schedule II, III, IV, and V controlled substances as described in the Tennessee Drug Control Act of 1989, compiled in title 39, chapter 17, part 4, in compliance with the law of this state.

(4) For each exercise of prescribing authority pursuant to this section, the advanced practice registered nurse shall do the following:

(A) Enter the prescription in the medical record of the patient; and

(B)

(i) If the prescription order is a handwritten prescription order:

(a) Write the prescription on a preprinted prescription pad that bears the name, National Provider Identifier (NPI) number, address, and telephone number of the advanced practice registered nurse;

(b) Include the following information on the prescription order:

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

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

(3) The quantity of the drug prescribed;

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

(5) The date the prescription order was issued;

(c) Complete the prescription order in a legible manner that is comprehensible by a pharmacist; and

(d) Sign each prescription order that the advanced practice registered nurse issues, on the date the prescription order is issued. However, the advanced practice registered nurse does not have to sign the

prescription order on the date the prescription order is issued if the prescription order is:

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

(2) Prescribed by an advanced practice registered nurse employed by the department of health or a local health department, or dispensed by the department of health or a local health department as stipulated in § 63-10-205; or

(ii) If the prescription order is a typed or computer-generated prescription order:

(a) Include the following information on the prescription order:

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

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

(3) The quantity of the drug prescribed;

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

(5) The date the prescription order was issued;

(b) Complete the prescription order in a legible manner that is comprehensible by a pharmacist;

(c) Sign each prescription order that the advanced practice registered nurse issues, on the date the prescription order is issued. However, the advanced practice registered nurse does not have to sign the prescription order on the date the prescription order is issued if the prescription order is:

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

(2) Prescribed by an advanced practice registered nurse employed by the department of health or a local health department, or dispensed by the department of health or a local health department as stipulated in § 63-10-205.

(5) This section does not prevent an advanced practice registered nurse from issuing a verbal prescription order.

(6) Each handwritten, typed, or computer-generated prescription order must be issued on 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 U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Pub.L. 110-28), and meets or exceeds requirements for tamper-resistant prescriptions under the laws of this state. This subdivision (e)(6) does not apply to prescriptions written for:

(A) Inpatients of a hospital;

(B) Outpatients of a hospital, if the person authorized to write prescriptions writes the prescription order into the hospital medical record, the order is given directly to the hospital pharmacy, and the patient never has the opportunity to handle the written order;

(C) A nursing home or assisted care living facility, as those terms are defined in § 68-11-201;

(D) Inpatients or residents of a mental health hospital or residential facility licensed under title 33; or

(E) Individuals incarcerated in a local, state, or federal correctional facility.

(7) Each handwritten, typed, or computer-generated prescription order for a Schedule II controlled substance prepared by an advanced practice registered nurse who is authorized by law to prescribe a Schedule II controlled substance must be a separate prescription order. The handwritten, typed, or computer-generated prescription order must contain all information otherwise required by this section. In every case, the prescribing advanced practice registered nurse must sign the handwritten, typed, or computer-generated prescription order for a Schedule II controlled substance the day it is issued.

(f) This chapter does not require an advanced practice registered nurse specializing as a certified registered nurse anesthetist to obtain authorization to prescribe pursuant to this chapter in order to select, order, or administer drugs during services ordered by a physician, dentist, or podiatrist that the certified registered nurse anesthetist provides in collaboration with the ordering physician, dentist, or podiatrist within the scope of practice of the certified registered nurse anesthetist and authorized by clinical privileges granted by the medical staff of the facility. An order by a certified

registered nurse anesthetist for drugs pursuant to this subsection (f) is only valid for dispensing for administration at the facility where the anesthesia services are being provided.

(g) 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 facility not licensed under title 68, chapter 11, when under the direct supervision of a 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 pursuant to title 68, chapter 11. A physician shall only provide direct supervision pursuant to this subsection (g) if the physician meets the qualifications established in § 63-6-204(b) or (a)(3) or § 63-9-113. For purposes of this subsection (g), "direct supervision" means being physically present in the same building as the advanced practice registered nurse at the time the invasive procedure is performed. This subsection (g) does not apply to an advanced practice registered nurse performing major joint injections, except sacroiliac injections, or to performing soft tissue injections or epidurals for surgical anesthesia or labor analgesia in unlicensed settings.

(h)

(1) On and after the effective date of this act, references in any title to an advanced practice nurse, nurse practitioner, or any of the roles listed in subdivision (c)(2)(D) or (c)(3)(D) are deemed references to an advanced practice registered nurse under this section.

(2) On and after the effective date of this act, references in any title to a certificate of fitness, license, or other regulatory authority for an advanced practice nurse, advanced practice registered nurse, nurse practitioner, or any of

the roles listed in subdivision (c)(2)(D) or (c)(3)(D) are deemed references to an advanced practice registered nurse license under this section.

(i) Notwithstanding any law to the contrary, and except as otherwise provided in this section, an advanced practice registered nurse who holds prescribing authority pursuant to this section may exercise that authority without supervision by or collaboration with a physician.

SECTION 2. Tennessee Code Annotated, Section 63-7-126, is amended by deleting the section.

SECTION 3. Tennessee Code Annotated, Section 53-11-311(b)(1)(D), is amended by deleting the language "prescription order from a physician licensed under title 63, chapter 6 or 9" and substituting instead the language "prescription order from a physician licensed under title 63, chapter 6 or 9, or an advanced practice registered nurse licensed under § 63-7-123".

SECTION 4. Tennessee Code Annotated, Section 53-11-311(c), is amended by deleting the subsection and substituting the following:

(c)

(1) Notwithstanding any other provision of this title, physicians licensed under title 63, chapter 6 or 9, and advanced practice registered nurses licensed under § 63-7-123, are the only healthcare providers authorized to prescribe any buprenorphine product for any federal food and drug administration approved use in recovery or medication-assisted treatment.

(2) Healthcare providers not licensed pursuant to title 63, chapter 6 or 9, or § 63-7-123, and who are otherwise permitted to prescribe Schedule II or III drugs under this title, are prohibited from prescribing any buprenorphine product for treatment of opioid dependence. However, the providers may participate in the assessment and management of patients with an opiate addiction.

SECTION 5. Tennessee Code Annotated, Section 53-11-311(d)(1), is amended by deleting the language "If a prescribing physician cannot make the required consultation or referral" and substituting instead the language "If a prescribing physician or advanced practice registered nurse cannot make the required consultation or referral".

SECTION 6. Tennessee Code Annotated, Section 49-4-939(d)(5)(A), is amended by deleting the language "certificate of fitness as a nurse practitioner" and substituting instead the language "license as a nurse practitioner".

SECTION 7. Tennessee Code Annotated, Section 53-10-101(a), is amended by deleting the language "licensed doctor, dentist, optometrist or veterinarian" and substituting instead the language "licensed doctor, dentist, optometrist, veterinarian, or advanced practice registered nurse".

SECTION 8. Tennessee Code Annotated, Section 53-10-105(a), is amended by deleting the language "optometrist authorized pursuant to § 63-8-102(12), or veterinarian, and" and substituting instead the language "optometrist authorized pursuant to § 63-8-102(12), veterinarian, or advanced practice registered nurse, and".

SECTION 9. Tennessee Code Annotated, Section 53-10-105(b)(2), is amended by deleting the language "or veterinarian" and substituting instead the language "veterinarian, or advanced practice registered nurse".

SECTION 10. Tennessee Code Annotated, Section 53-10-304(d)(3), is amended by deleting the language "with certificates of fitness to prescribe".

SECTION 11. Tennessee Code Annotated, Section 53-11-309, is amended by deleting the language "certificate of fitness" wherever it appears in subsections (a) and (b) and substituting instead the word "license".

SECTION 12. Tennessee Code Annotated, Section 55-21-113, is amended by deleting the section and substituting the following:

An advanced practice registered nurse licensed under title 63, chapter 7, and a physician assistant licensed under title 63, chapter 19, have the same authority that a physician has under this part to issue certified statements of disability or deafness to accompany the application of persons who are disabled or deaf or hard of hearing to obtain the appropriate registration, license plates, placards and decals from the department, as described in this part. A physician assistant has the authority granted by this section only if the authority is expressly included in the written protocol developed jointly by the supervising physician and the physician assistant, whichever is applicable, setting forth the range of services that may be performed by the physician assistant.

SECTION 13. Tennessee Code Annotated, Section 56-7-2408(a), is amended by deleting the language "or a nationally certified clinical specialist" and substituting instead the language "certified nurse-midwife licensed under § 63-7-123, or a clinical nurse specialist licensed under § 63-7-123".

SECTION 14. Tennessee Code Annotated, Section 63-1-301(1), is amended by deleting the language "§ 63-7-126" and substituting instead the language "§ 63-7-123".

SECTION 15. Tennessee Code Annotated, Section 63-1-313(a), is amended by deleting the language "certificates of fitness" wherever it appears and substituting instead the word "license".

SECTION 16. Tennessee Code Annotated, Section 63-6-243(b)(1), is amended by deleting the subdivision and substituting the following:

(1) All hormone replacement therapy must be performed by a physician licensed under this chapter or chapter 9 of this title, an advanced practice registered nurse licensed under chapter 7 of this title, or delegated by the physician to a physician assistant licensed pursuant to chapter 19 of this title; and

SECTION 17. Tennessee Code Annotated, Section 63-6-244(d), is amended by deleting the language "§ 63-7-126" and substituting instead the language "§ 63-7-123".

SECTION 18. Tennessee Code Annotated, Section 63-6-802(9), is amended by deleting the subdivision and substituting the following:

(9) "Referral" means a written or telecommunicated authorization for genetic counseling services from a physician licensed to practice medicine in all its branches, an advanced practice registered nurse licensed under chapter 7 of this title, or a physician assistant who has an agreement and signed protocols with a supervising physician that authorizes referrals to a genetic counselor; and

SECTION 19. Tennessee Code Annotated, Section 63-7-106(g), is amended by deleting the subsection and substituting the following:

(g) An applicant for an advanced practice registered nurse license pursuant to § 63-7-123 shall pay a fee as set by the board by rule.

SECTION 20. Tennessee Code Annotated, Section 63-7-115, is amended by deleting subsection (b).

SECTION 21. Tennessee Code Annotated Section 63-7-122(a)(1), is amended by deleting the subdivision and substituting the following:

Any person from practicing or attempting to practice as a professional or registered nurse, as described in § 63-7-103, as a licensed practical nurse, as described in § 63-7-108, or as an advanced practice registered nurse, as described in § 63-7-123, without possessing a valid license;

SECTION 22. Tennessee Code Annotated, Section 63-7-124(c), is amended by deleting the language "; provided, that this requirement does not supersede any protocol under which a nurse practitioner is rendering service to a patient pursuant to § 63-6-204 or § 63-7-123".

SECTION 23. Tennessee Code Annotated, Section 63-7-207(14), is amended by deleting the language "certificate of fitness as a nurse practitioner" and substituting instead the language "license to practice as an advanced practice registered nurse".

SECTION 24. Tennessee Code Annotated, Section 63-9-121(d), is amended by deleting the language "§ 63-7-126" and substituting instead the language "§ 63-7-123".

SECTION 25. Tennessee Code Annotated, Section 63-10-204(42)(A)(i), is amended by deleting the language "or other allied medical practitioner" and substituting instead the language "advanced practice registered nurse, or other allied medical practitioner".

SECTION 26. Tennessee Code Annotated, Section 63-10-215(a), is amended by deleting the language "63-7-123(b)(3)(B)" and substituting instead the language "63-7-123".

SECTION 27. Tennessee Code Annotated, Section 63-13-303(a), is amended by deleting the language "podiatry or osteopathy, except" and substituting instead the language "podiatry or osteopathy, or an licensed advanced practice registered nurse, except".

SECTION 28. Tennessee Code Annotated, Section 63-32-105(a)(18), is amended by deleting the subdivision.

SECTION 29. Tennessee Code Annotated, Section 63-32-115(a), is amended by deleting the language "The department shall also allow a collaborating physician at any time the opportunity to review, accept, and update the existence of a collaborating relationship between the physician and the holder of a certificate of fitness pursuant to § 63-7-123."

SECTION 30. Tennessee Code Annotated, Section 63-32-115(d), is amended by deleting the subsection and substituting the following:

(d) This section does not repeal or override the confidentiality provisions contained in title 53, chapter 10, part 3, except to the extent that the department uses the information to update the existence of a collaborating relationship between a physician and a physician assistant licensed under § 63-19-105.

SECTION 31. Tennessee Code Annotated, Section 68-1-128(a)(2), is amended by deleting the language "each advanced practice registered nurse and".

SECTION 32. Tennessee Code Annotated, Section 68-1-128(b)(1)(A), is amended by deleting the language "each collaborating physician of an advanced practice registered nurse and physician assistant" and substituting instead the language "each collaborating physician of a physician assistant"; and deleting the language "and that, for advanced practice registered nurses and physician assistants" and substituting instead the language "and that, for physician assistants".

SECTION 33. Tennessee Code Annotated, Section 68-1-128(e), is amended by deleting the language "the collaborating physician of an advanced practice registered nurse or physician assistant" and substituting instead the language "the collaborating physician of a physician assistant".

SECTION 34. Tennessee Code Annotated, Section 68-10-104(c)(2), is amended by deleting the subdivision and substituting the following:

(2) Any physician, advanced practice registered nurse licensed under § 63-7-123, or physician assistant with an appropriate supervising physician.

SECTION 35. 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 instead the language "and is licensed by the board of nursing as an advanced practice registered nurse under § 63-7-123".

SECTION 36. 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, 2020, remains valid and effective until the certification is retired, revoked, or expires without being renewed.

SECTION 37. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it.