

# Prescriptive Authority Primer

A Step-by-Step Guide for Washington State ARNPs

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This revision of the original June 2007 Primer reflects the following changes affecting ARNP practice.

- Repealing (WA State) RCW 18.79.255. Seventy-two Hour Limitation of Dispensing Schedule II-IV Drugs.
- Issuance of multiple prescriptions for Schedule II Controlled Substances. (Code of Federal Regulations)

See “Discussion Section” for background and links to more information.

The ability to prescribe medicines for patients is an integral part of ARNP practice. The steps outlined below will lead to acquiring the credentials necessary to meet both WA State and federal requirements to support prescriptive authority. The Washington Administrative Code (WAC) sites addressing the competencies required for prescriptive authority are referenced.

It is noteworthy here to acknowledge the pivotal role ARNPs United of WA State (AUWS) plays in supporting independent practice. Prior to 2005 this primer would have included instructions on establishing a Joint Practice Agreement (JPA) with a physician. In 2005, AUWS collaborated with a coalition of nursing organizations to help pass a bill which repealed the legislation requiring the JPA. The coalition membership included the Washington State Nurses Association, Association for Advanced Practice Psychiatric Nurses, and the Washington Association of Nurse Anesthetists. Thanks to the coalition membership for their diligence in achieving this significant milestone in expanding ARNP scope of practice.

## Step 1: Obtain and Maintain Active RN Licensure

License must be renewed annually on or before your birthday. Continuing Education *is not* required to maintain RN licensure.

**Note:** ARNPs must maintain both the RN and ARNP licensure in WA State. *From the website cited below: “Continuing Education is not required for Registered Nurses and Licensed Practical Nurses. While the Nursing Care Quality Assurance Commission and the Department of Health encourage continuing education, the Legislature must give the Nursing Commission the authority to mandate continuing education, this has not occurred”.*

See the website for complete details, contact information and forms:

Front page for the WA State Dept. of Health is at: [www.doh.wa.gov](http://www.doh.wa.gov) Select “licensing/certification”  
<https://fortress.wa.gov/doh/hpqa1/hps6/Nursing/licensure.htm>

## Step 2: Obtain and maintain Active ARNP Licensure

An ARNP license must be renewed every two years on or before your birthday.

If requirements for prescriptive authority are met, licensure will include prescriptive authority for both legend and scheduled drugs, however to prescribe scheduled drugs the ARNP must register with the DEA, i.e. obtain a DEA number (see DEA section, Step 4).

An overview of the requirements for ARNP licensure can be found at the following web site:

<http://apps.leg.wa.gov/WAC/default.aspx?cite=246-840>

Specific requirements for the ARNP application are at the following web site:

<http://apps.leg.wa.gov/WAC/default.aspx?cite=246-840-340>

Initial licensure requires thirty (30) hours in pharmacotherapeutics. The Commission interprets this so that graduates of advanced practice programs are considered to be eligible even if the course was taken more than 2 years before graduation. If a graduate does not apply for a license with prescriptive authority within 2 years of graduation then another 30 hours of pharmacology will be required.

An overview of the requirements for prescriptive authority can be found at:

<http://apps.leg.wa.gov/WAC/default.aspx?cite=246-840-410>

### **A. Continuing Education *is* required for renewal of your ARNP license**

*From the website cited below: "Advanced Registered Nurse Practitioners are required to complete thirty (30) hours every two years in their area of specialty. See WAC 246-840-360. An additional fifteen (15) hours in pharmacotherapeutics related to licensee's scope of practice is required if you have prescriptive authority. See WAC 246-840-450".*

The CEUs must be obtained within a two-year time period immediately prior to the date of application for renewal of prescriptive authority.

<https://fortress.wa.gov/doh/hpqa1/hps6/Nursing/education.htm>

### **B. Attestation of Advanced Nursing Practice requirement**

250 hours of ARNP practice in the re-licensure period is required. This must be providing direct patient care services and does not include faculty evaluation of students in the clinical area if the faculty is not providing the patient care. Follow the link below to view the full text and download the Attestation Form.

<https://fortress.wa.gov/doh/hpqa1/hps6/Nursing/documents/arnpattest.pdf>

### **C. National Certification**

National Certification in the area of practice is required to maintain licensure in WA State. Should the certification lapse, licensure is considered lapsed. Ensure you are meeting the practice and continuing education requirements to satisfy your National Certifying Body as well as the State Licensing Authorities.

### **Note to WA State CNMs**

The American Midwifery Certification Board (formerly the ACNM Certification Council) states:

"If you were certified before January 1, 1996 your certificate has no expiration date and is valid for life. However, if you were certified after January 1, 1996 your certificate is valid for eight years. At the end of the eight-year cycle, you must have complied with the American Midwifery Certification Board's Certificate Maintenance Program (CMP) to have your certificate renewed for the next eight years."

See [www.amcbmidwife.org](http://www.amcbmidwife.org) for more information.

### **Nursing Commission Customer Service**

Contact information for customer service for the WA State Department of Health HPQA (Health Professions Quality Assurance) Office is below.

**Walk in Counter Hours of Operation:** 8 AM - 4:30 pm Monday - Friday, Excluding state holidays.

**Physical Location:**  
310 Israel Rd  
Tumwater WA 98501

**Email:** hpqa.csc@doh.wa.gov  
**Phone:** 360.236.4700  
**Fax:** 360.236.4818

<b>For Correspondence With Money</b>	<b>For Correspondence Without Money</b>
Health Professions Quality Assurance Customer Service Center PO Box 1099 Olympia WA 98507-1099	Health Professions Quality Assurance Customer Service Center PO Box 47865 Olympia WA 98504

### **Step 3: Obtain a DEA (Drug Enforcement Agency Number)**

Required to prescribe scheduled drugs and administered via the US Dept. of Justice, DEA Diversion Department, the current (07/07) fee is \$510 for the 3 year certification period. Point your browser to [www.deadiversion.usdoj.gov/](http://www.deadiversion.usdoj.gov/) for initial application and renewal information. Online application can be completed by going to the following web site.

[http://www.deadiversion.usdoj.gov/drugreg/reg\\_apps/onlineforms\\_new.htm](http://www.deadiversion.usdoj.gov/drugreg/reg_apps/onlineforms_new.htm)

Renewals can be submitted online, however if changes have occurred during the renewal period submission must be completed via mail.

[http://www.deadiversion.usdoj.gov/drugreg/reg\\_apps/onlineforms.htm](http://www.deadiversion.usdoj.gov/drugreg/reg_apps/onlineforms.htm)

#### **DEA Local Contact information:**

Seattle Field Division  
400 2nd Avenue West  
Seattle, WA 98119

Diversion Number: 206.553.5990  
Diversion Fax: 206.553.7757  
Diversion Program Manager Fax: 206.553.1576

#### **Registration Numbers**

Serving Alaska & Washington: 888.219.1418 (Edie Chelius)  
Serving Idaho & Oregon: 888.219.4261

### **Step 4: Obtain a “NPI” Identifier Number: National Provider Identifier Number**

This a unique number assigned by the Federal Department of Health and Human Services, Centers for Medicare & Medicaid Services (CMS), National Plan and Provider Enumeration System (NPES). This number does not replace the DEA number and is essential for billing purposes.

[http://www.cms.hhs.gov/NationalProvIdentStand/01\\_Overview.asp#TopOfPage](http://www.cms.hhs.gov/NationalProvIdentStand/01_Overview.asp#TopOfPage)

Acquiring a NPI number is free, with application available on-line. Should you not receive your NPI number within 15 days, be sure to check your SPAM folder. Contact phone number for the NPI “Enumerator” is at 800.465.3203.

### **Discussion:**

#### **1. Repeal of the 72 hour limit Dispensing Law (WAC 246-840-245):**

ARNPs can dispense Schedule II-IV drugs without the 72-hour constraint formerly imposed by RCW 18.79.255 (see below). The seventy-two hour limit did not apply to prescribing Schedule II-IV drugs. This law is a 2008 legislative success and makes our practice fully autonomous and without restrictions. The law became effective June 2008.

Repeal:

<http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/Session%20Law%202008/6267.SL.pdf>

Bill summary:

<http://apps.leg.wa.gov/billinfo/summary.aspx?year=2008&bill=6267>

Seventy two hour limit (law prior to repeal):

<http://apps.leg.wa.gov/WAC/default.aspx?cite=246-840-425>

## **2. Refills of Controlled Substances according to WA State Law (RCW):**

*From the website cited below “(d) Except when dispensed directly by a practitioner authorized to prescribe or administer a controlled substance, other than a pharmacy, to an ultimate user, a substance included in Schedule III or IV, which is a prescription drug as determined under RCW [69.04.560](#), may not be dispensed without a written or oral prescription of a practitioner. Any oral prescription must be promptly reduced to writing. The prescription shall not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner. A substance included in Schedule II may not be dispensed without the written prescription of a practitioner.*

*See full RCW at: <http://apps.leg.wa.gov/80/RCW/default.aspx?cite=69.50.308>*

## **3. Issuance of Multiple Prescriptions / Refills of Schedule II Controlled Substances (Federal Law):**

A practitioner may provide individual patients with multiple prescriptions for the same schedule II controlled substance to be filled sequentially. The combined effect of these multiple prescriptions is to allow the patient to receive, over time, up to a 90-day supply of that controlled substance. Federal regulations have always required that all prescriptions for controlled substances “be dated as of, and signed on, the day when issued.” **21 CFR 1306.05(a)**. This rule does not require individual practitioners to issue multiple prescriptions or to see their patients only once every 90 days. This rule became effective on December 19, 2007.

*Section 1306.05: [http://www.deadiversion.usdoj.gov/21cfr/cfr/1306/1306\\_05.htm](http://www.deadiversion.usdoj.gov/21cfr/cfr/1306/1306_05.htm)*

## **4. Washington State Law regarding ARNP Practice Activities allowed:**

a. See RCWs of Nursing Practice Activities per WA State Law:

<http://apps.leg.wa.gov/RCW/default.aspx?cite=18.79.250>

b. Nurse Practice Act per WA State DOH can be found at:

<https://fortress.wa.gov/doh/hpqa1/hps6/Nursing/practice.htm>

## **5. Tracking System and Planning for Renewals and Licensure:**

I recommend setting up a tickler file to ensure maintenance of certification, licensure, and CEUs in addition to planning for the fees required. Negotiate the fees and time for these practice essentials into your provider contracts whenever possible. In the event you pay the costs yourself, be sure to track and deduct them on your Federal Income Taxes. There are few different ways to accomplish that; to learn more seek tax advice.

## **6. Keep your file current at your place of practice:**

Forward copies of license and certification renewals to your business office manager. In the event of an inspection, you will want to have current documents readily available.

## **7. Malpractice and Liability Insurance:**

It is your responsibility to ensure your coverage. Should your employer pay your premiums, be sure to obtain a copy of the face sheet. Ensure the coverage dates are current and the coverage acceptable and consistent with your requirements. Some ARNPs prefer to carry their own policies in addition to an employer paid policy. Seek legal counsel if you have questions. Become fluent in protecting your assets. Some resources are Carolyn Bupperts books (NP, JD) and [www.nso.com](http://www.nso.com) (Nursing Service Organization, an ARNP underwriter)

## **8. Consider Certifications: American Heart Association, BLS, PALS, ACLS, etc:**

Consider acquiring certification if your practice may require you to function as a team leader or member in an emergency situation where medicines/oxygen may need to be administered (“prescribed”). Safeguard your practice and patients.

## **9. The Decision to Prescribe...**

The choice to prescribe controlled substances and/or accept or create a position where prescribing scheduled medicines may be an integral part of the patient’s treatment plan is an important personal and professional decision. Education, training, practice patterns, provider experience(s), and practice setting are some of the influences that shape our choices. Louise Kaplan, PhD, ARNP and Marie-Annette Brown, PhD, ARNP recently published the results of a study entitled “The Transition of Nurse Practitioners to Changes in Prescriptive Authority” in the [Journal of Nursing Scholarship, Second quarter volume 39; issue 2, pages 184-190](#). Be sure to read the full text to gain a fuller understanding of the issues surrounding this complex and important decision.

**This Prescriptive Authority Primer is intended to assist you in developing and maintaining a thorough and practical understanding of WA State ARNP prescriptive authority and the credentialing process. Look to AUWS for further assistance with questions or concerns.**

**Membership in AUWS supports efforts that broaden and maintain ARNP scope of practice thus improving access to care for patients. Receive the monthly ARNP Care newsletter to stay informed of legislative and other activities pertinent to ARNP practice. AUWS contact information can be found on the header of this document, via the website at [www.auws.org](http://www.auws.org) , or by email at [au@auws.org](mailto:au@auws.org).**