

1 HB268
2 216564-1
3 By Representatives Kitchens and McCutcheon
4 RFD: Boards, Agencies and Commissions
5 First Read: 03-FEB-22

SYNOPSIS: Under existing law, the Board of Nursing is responsible for the regulation of the practice of nursing in this state, which includes Certified Registered Nurse Anesthetists (CRNAs). Under existing law, CRNAs function under the direction of a licensed physician who is required to be immediately available.

This bill would specify that a CRNA practices in coordination with a licensed physician or a podiatrist.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Board of Nursing; to amend Section 34-21-81, Code of Alabama 1975, to further provide for the definition of advanced practice nursing by a Certified Registered Nurse Anesthetist; and to specify that a Certified

1 Registered Nurse Anesthetist practices in coordination with a
2 licensed physician or a podiatrist.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 34-21-81, Code of Alabama 1975,
5 is amended to read as follows:

6 "§34-21-81.

7 "As used in this article, the following terms shall
8 have the following meanings:

9 "(1) BOARD OF MEDICAL EXAMINERS. The State Board of
10 Medical Examiners established pursuant to Section 34-24-53.

11 "(2) BOARD OF NURSING. The Board of Nursing
12 established under Section 34-21-2.

13 "(3) ADVANCED PRACTICE NURSE. A registered nurse
14 ~~that~~ who has gained additional knowledge and skills through
15 successful completion of an organized program of nursing
16 education that prepares nurses for advanced practice roles and
17 has been certified by the Board of Nursing to engage in the
18 practice of advanced practice nursing. There shall be four
19 categories of advanced practice nurses: Certified registered
20 nurse practitioners (CRNP), certified nurse midwives (CNM),
21 certified registered nurse anesthetists (CRNA), and clinical
22 nurse specialists (CNS). Certified registered nurse
23 practitioners and certified nurse midwives are subject to
24 collaborative practice agreements with an Alabama physician.
25 Certified registered nurse anesthetists and clinical nurse
26 specialists are not subject to collaborative practice
27 agreements with an Alabama physician and are not subject to

1 the requirements of Sections 34-21-82, 34-21-83, and 34-21-85
2 to 34-21-92, inclusive, and are prohibited from engaging in
3 any of the acts or functions of a certified registered nurse
4 practitioner (CRNP) or a certified nurse midwife (CNM) as
5 established by this article and regulations adopted under this
6 article.

7 "(4) ADVANCED PRACTICE NURSING. The delivery of
8 health care services by registered nurses who have gained
9 additional knowledge and skills through successful completion
10 of an organized program of nursing education that prepares
11 nurses for advanced practice roles as certified registered
12 nurse practitioners, certified nurse midwives, certified nurse
13 anesthetists, and clinical nurse specialists:

14 "a. Practice as a certified registered nurse
15 practitioner (CRNP) means the performance of nursing skills by
16 a registered nurse who has demonstrated by certification that
17 he or she has advanced knowledge and skills in the delivery of
18 nursing services within a health care system that provides for
19 consultation, collaborative management, or referral as
20 indicated by the health status of the client.

21 "b. Practice as a certified nurse midwife (CNM)
22 means the performance of nursing skills by a registered nurse
23 who has demonstrated by certification that he or she has
24 advanced knowledge and skills relative to the management of
25 women's health care focusing on pregnancy, childbirth, the
26 postpartum period, care of the newborn, family planning, and
27 gynecological needs of women, within a health care system that

1 provides for consultation, collaborative management, or
2 referral as indicated by the health status of the client.

3 "c. Practice as a certified registered nurse
4 anesthetist (CRNA) means providing anesthesia care, and the
5 performance of or the assistance in any act involving the
6 determination, preparation, administration, procedural
7 ordering, or monitoring of any drug used to render an
8 individual insensible to pain for surgical and other
9 therapeutic or diagnostic procedures. The nurse anesthetist is
10 qualified in accordance with Section 27-46-3 and is licensed
11 by the Board of Nursing and functions ~~under the direction of~~
12 in coordination with a physician licensed to practice
13 medicine, a podiatrist, or a dentist, who is immediately
14 available.

15 "d. Practice of clinical nurse specialist (CNS)
16 nursing means the performance of nursing skills by a
17 registered nurse who, through study and supervised practice at
18 the graduate level and as evidenced by certification, has
19 advanced knowledge and practice skills in a specialized area
20 of practice, except that a clinical nurse specialist may not
21 do any of the following:

22 "1. Perform delegated medical acts or engage in
23 collaborative practice as described in this article.

24 "2. Perform any of the functions of a certified
25 registered nurse practitioner or a certified nurse midwife as
26 described in this article and the regulations adopted under

1 this article, whether or not performed within a collaborative
2 practice relationship.

3 "3. Prescribe drugs of any type. A clinical nurse
4 specialist may perform nursing services permitted under this
5 subdivision as an independent contractor.

6 "(5) COLLABORATION. A formal relationship between
7 one or more certified registered nurse practitioners and
8 certified nurse midwives and a physician or physicians under
9 which these nurses may engage in advanced practice nursing as
10 evidenced by written protocols approved in accordance with the
11 requirements of this article or exempted in accordance with
12 requirements of this article. The term collaboration does not
13 require direct, on-site supervision of the activities of a
14 certified registered nurse practitioner or a certified nurse
15 midwife by the collaborating physician. The term does require
16 such professional oversight and direction as may be required
17 by the rules and regulations of the State Board of Medical
18 Examiners and the Board of Nursing.

19 "(6) COORDINATION. The working relationship between
20 health care providers, each contributing his or her respective
21 expertise in the provision of patient care, and includes the
22 discussion of patient treatment and coordination in the
23 management and delivery of health care.

24 "~~(6)~~ (7) PHYSICIAN or COLLABORATING PHYSICIAN. A
25 doctor of medicine or a doctor of osteopathy licensed to
26 practice medicine in Alabama who agrees in writing to practice
27 in collaboration with one or more certified registered nurse

1 practitioners or certified nurse midwives in accordance with
2 the rules and regulations adopted by the State Board of
3 Medical Examiners and the Board of Nursing.

4 "~~(7)~~(8) JOINT COMMITTEE OF THE STATE BOARD OF
5 MEDICAL EXAMINERS AND THE BOARD OF NURSING FOR ADVANCED
6 PRACTICE NURSES. The Joint Committee of the State Board of
7 Medical Examiners and the Board of Nursing for Advanced
8 Practice Nurses shall mean and shall be a committee composed
9 of all of the following:

10 "a. Two physicians licensed to practice medicine in
11 the State of Alabama.

12 "b. One registered nurse licensed to practice
13 professional nursing in the State of Alabama.

14 "c. One licensed physician engaged in a
15 collaborative practice with a certified registered nurse
16 practitioner or a certified nurse midwife in the State of
17 Alabama.

18 "d. One certified registered nurse practitioner
19 engaged in advanced practice with a physician in the State of
20 Alabama.

21 "e. One certified nurse midwife engaged in advanced
22 practice with a physician in the State of Alabama.

23 "~~(8)~~(9) LEGEND DRUG. Any drug, medicine, chemical,
24 or poison bearing on the label the words, "Caution, Federal
25 Law prohibits dispensing without prescription" or similar
26 words indicating that such drug, medicine, chemical, or poison
27 may be sold or dispensed only upon the prescription of a

1 licensed practitioner, except that the term legend drug shall
2 not include any drug, substance, or compound which is listed
3 in Schedules I through V of the Alabama Uniform Controlled
4 Substances Act.

5 "~~(9)~~(10) PRESCRIBE or PRESCRIBING. The act of
6 issuing a written prescription for a legend drug.

7 "~~(10)~~(11) PRESCRIPTION. An order for a legend drug
8 which is written and signed by a practitioner authorized by
9 law to prescribe and administer such drugs and which is
10 intended to be filled, compounded, or dispensed by a
11 pharmacist.

12 "~~(11)~~(12) PROTOCOL. A document approved in
13 accordance with Section 34-21-87 establishing the permissible
14 functions and activities to be performed by certified
15 registered nurse practitioners and certified nurse midwives
16 and signed by collaborating physicians and any nurse
17 practitioners or nurse midwives practicing with those
18 physicians."

19 Section 2. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.