

## HEALTH PROFESSIONAL MODERNIZATION ACT (DRAFT, OCTOBER 25, 2012)

### **SUMMARY**

The *Health Professional Modernization Act* addresses a problem that plagues states all over the country: lack of access to quality primary care. Generally, people think of their physicians when they talk about primary care providers, but there is a myriad of other avenues to quality primary care. For example, nurse practitioners are trained to handle the vast majority of basic primary care needs, but throughout many states, they are limited in their ability to do so by overly restrictive scope of practice laws.

By freeing advanced practice registered nurses (APRNs) to practice to the full extent of their education and training, states can increase their citizens' access to quality primary care. The *Act* also protects citizens by putting all APRNs underneath the authority of their respective boards in their states. Also, the *Act* puts the regulation of these APRNs underneath the authorities that understand them best but that still operate subject to the will of the legislature.

America's doctors are the best in the world, and they should be dealing with world class issues of care. The basic primary care needs can be served more cost effectively by freeing all of our APRNs to practice to the full extent of their knowledge and training.

### **MODEL LEGISLATION**

**Section 1. Short Title.** This Act shall be known as the "Health Professional Modernization Act."

#### **Section 2. Definitions.**

A. In this Act, "advanced practice registered nurse" means a nurse practitioner, nurse anesthetist, nurse-midwife, or clinical nurse specialist who holds a license issued under {insert state licensing statute} and who:

1. Has successfully completed a graduate-level advanced practice registered nursing education program accredited by a national accrediting organization recognized by the respective board that prepares the nurse to function as a nurse practitioner, nurse anesthetist, nurse-midwife, or clinical nurse specialist;
2. If the education program required under Paragraph 1 was completed after January 1, 1996, has met requirements established or recognized by the respective board for national certification;
3. Is licensed by the respective board to provide nursing care in an area with a targeted population group recognized and approved by the respective board; and
4. Meets requirements established by the respective board for continued competence.

B. The term "advanced practice registered nurse" is synonymous with "advanced nurse practitioner" and "advanced practice nurse".

### **Section 3. Scope of Practice.**

A. Primary care by an advanced practice registered nurse is based on:

1. Knowledge and skills acquired in basic nursing education;
2. Licensure as a registered nurse;
3. Successful completion of a graduate-level advanced practice registered nursing program accredited by a national accrediting organization recognized by the respective board;
4. Current certification in accordance with **{insert reference to state occupations code or similar chapter}** by a national certifying body recognized by the respective board in the appropriate advanced practice registered nursing role approved by the respective board; and
5. Nursing care provided in an area with at least one targeted population group recognized and approved by the respective board.

B. Practice as an advanced practice registered nurse is an expanded scope of nursing practice in a role approved by the respective board and in an area with a targeted population group recognized and approved by the respective board, with or without compensation or other personal profit, and includes the scope of practice of a registered nurse.

C. The scope of practice of an advanced practice registered nurse includes, but is not limited to, advanced assessment, diagnosing, prescribing, and ordering.

D. An advanced practice registered nurses may serve as a primary care provider of record.

### **Section 4. Applicability to Primary Care Providers.**

A. This Act does not limit or modify the scope of practice of a registered nurse who is not an advanced practice registered nurse approved by the board.

B. The scope of practice of a registered nurse includes any act of professional nursing the nurse is authorized to perform under this Act.

**Section 5. Licensure.** A person may not practice or offer to practice advanced practice registered nursing in this state unless the person is licensed as an advanced practice registered nurse under this Act.

**Section 6. Application.** An applicant for an advanced practice registered nurse license shall submit to the respective board an application on the form prescribed by the respective board, any required fee, and any other information required by the respective board.

### **Section 7. Practice by Primary Care Provider.**

A. An advanced practice registered nurse who holds a license issued under this Act may:

1. Diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources; and
2. Plan and initiate a therapeutic regimen that includes ordering and prescribing medical devices and equipment, nutrition, and diagnostic and supportive services, including home health care, hospice, physical therapy, and occupational therapy.

B. An advanced practice registered nurse shall practice as a licensed independent practitioner in accordance with standards established and recognized by the respective board to protect the public health and safety.

C. An advanced practice registered nurse is accountable to patients, the nursing profession, and the respective board for:

1. Complying with the requirements of this Act;
2. Providing quality advanced nursing care;
3. Recognizing the nurse's limits of knowledge and experience;
4. Planning for the management of situations beyond the nurse's expertise; and
5. Consulting with or referring patients to other health care providers as appropriate.

**Section 8. Prescribing and Ordering Authority.**

A. The respective board may grant prescribing and ordering authority in accordance with this Act through the issuance of an advanced practice registered nursing license to a registered nurse approved by the respective board to practice as an advanced practice registered nurse.

B. As authorized by the respective board, an advanced practice registered nurse may prescribe, procure, administer, and dispense dangerous drugs and controlled substances.

**Section 9.** Notwithstanding **{insert section of state occupations code}**, as added by this Act, an advanced practice registered nurse who has been approved by the respective board to provide advanced nursing care is not required to hold a license as an advanced practice registered nurse until **{insert date}**.

**Section 10. {Severability Clause}**

**Section 11. {Repealer Clause}**

**Section 12. {Effective Date}**

**PATIENT ACCESS EXPANSION ACT (DRAFT, OCTOBER 25, 2012)**

**SUMMARY**

This Act prohibits maintenance of licensure, maintenance of certification, and specialty certification as state requirements to practice medicine. It also prohibits the state medical board from funding the Federation of State Medical Boards.

**MODEL LEGISLATION**

**Section 1. Short Title.** This Act shall be known as the "Patient Access Expansion Act."

**Section 2. Prohibition of Maintenance of Licensure, Maintenance of Certification, Specialty Certification to Practice Medicine.**

The state of **{insert state}** is prohibited from requiring any form of maintenance of licensure, maintenance of certification, or original certification by a specialty medical board, in order to practice medicine within the state.

**Section 3. Prohibition of State Funding of Federation of State Medical Boards.**

The **{insert state medical board}** is prohibited from funding the Federation of State Medical Boards (FSMB). Funds from physician licensures shall not be sent to FSMB and the state of **{insert state}** shall not permit any money to be forwarded to FSMB from this state.

**Section 3. {Severability Clause}**

**Section 4. {Repealer Clause}**

**Section 5. {Effective Date}**

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