



SPONSOR: Sen. Hall-Long & Rep. Barbieri
Sens. Bushweller, Lopez; Reps. Carson, Heffernan, Jaques, J.
Johnson, Kenton, Miro, Osienski, Potter, Baumbach

DELAWARE STATE SENATE

148th GENERAL ASSEMBLY

SENATE BILL NO. 57
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE DELAWARE BOARD OF NURSING.

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

Amend Chapter 19, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1902. Definitions.

(b)(1) "Advanced practice registered nurse ("APRN")" means an individual ~~whose education and certification meet criteria established by the Board of Nursing who is currently licensed as a registered nurse and has a master's degree or a postbasic program certificate in a clinical nursing specialty with national certification. When no national certification at the advanced level exists, a master's degree in a clinical nursing specialty will qualify an individual for advanced practice nurse licensure.~~ with knowledge and skills acquired in basic nursing education; licensure as an RN; and graduation from or completion of a graduate level APRN program accredited by a national accrediting body and current certification by a national certifying body in the appropriate APRN role and at least one population focus. "Advanced practice registered nurse" shall include, ~~but not be limited to,~~ certified nurse practitioners, certified registered nurse anesthetists, certified nurse midwives ~~and~~ or clinical nurse specialists. Advanced practice nursing means an expanded scope of nursing in a role and population focus approved by the Board of Nursing, with or without compensation or personal profit, and includes the RN scope of practice. The scope of an APRN includes, but is not limited to, performing acts of advanced assessment, diagnosing, prescribing and ordering. Advanced practice nursing is

the application of nursing principles, including those described in subsection (o) of this section, at an advanced level and includes:

§ 1906. Delaware Board of Nursing -- Powers and duties.

(a) The Board shall:

~~(7) Establish categories of advanced practice nurses which shall include, but not be limited to, pediatric nurse practitioner, family nurse practitioner, maternal-gynecological nurse practitioner, clinical specialist in psychiatric-mental health nursing, nurse anesthetist and gerontological nurse practitioner and standards for the advanced practice nurse in each category. Such standards shall take into account the type of advanced levels of nursing practice which are or may be performed and the clinical and didactic education, experience or both needed to practice safely at those levels. In setting such standards, the Board shall consult with advanced practice nurses and physicians and health care organizations utilizing advanced practice nurses. The standards shall be consistent with the national certifying organization standards of practice recognized by the Board in its rules and regulations;~~ Establish categories of advanced practice registered nurses in the roles of certified nurse practitioner (CNP), certified registered nurse anesthetist (CRNA), certified nurse midwife (CNM), and clinical nurse specialist (CNS) and in the population foci of family/individual across the lifespan, adult-gerontology, neonatal, pediatrics, women's health/gender-related or psychiatric/mental health. Each APRN shall use the designation "APRN" plus role title as a minimum for purposes of identification and documentation. When providing nursing care, the APRN shall provide clear identification that indicates his/her APRN designation;

§ 1918. Renewal or reinstatement of license; lapse of license; late renewal; penalties; retirement from practice; temporary permit to practice.

(a) Every advanced practice registered nurse, registered or licensed practical nurse licensed under this chapter shall reregister biennially by filing an application; provided however, that the license of any licensee who is on active military duty with the armed forces of the United States and serving in a theater of hostilities on the date such application or reregistration is due shall be deemed to be current and in full compliance with this chapter until the expiration of 60 days after such licensee is no longer on active military duty in a theater of hostilities. ~~The advanced practice nurses' independent practice and/or independent prescriptive authority shall be subject to biennial renewal upon application made to the "Joint Practice Committee."~~ The advanced practice registered nurses' licensure and/or prescriptive authority shall be subject to biennial renewal coinciding with RN license renewal. In the event the applicant has not been actively employed in professional, practical, or advanced practice registered nursing in the past 5 years, the applicant will be required to give evidence of satisfactory completion of

a professional or practical nursing refresher program within an approved agency within 2 years prior to renewal before licensure by renewal will be granted an appropriate board approved nursing refresher program within 1 year prior to licensure by reinstatement.

APRNs not in clinical practice for more than the past two years must provide evidence of satisfactory completion of 24 contact hours of CE, 12 in pharmacotherapeutics and 12 in the clinical management of patients within one year prior to applying for renewal. APRNs not in clinical practice for more than the past five years must complete 45 hours of pharmacotherapeutics CE within one year prior to application in addition to the advanced practice nursing refresher program. In the event no advanced practice refresher program is available, the applicant must complete 600 hours of supervised clinical experience in the appropriate advanced practice role and population focus, with a qualified preceptor within 1 year prior to licensure by reinstatement. A qualified APRN preceptor holds an active unencumbered license or privilege to practice as an APRN or is a physician who has an active unencumbered license and practices in a comparable practice focus in the clinical setting.

(b) Upon receipt of the application and fee, the Board shall verify the accuracy of the information set forth in the application and issue to the applicant a certificate of renewal of license for 2 years, provided that the applicant has successfully completed continuing education requirements as may be established by the Board. Such certificate shall entitle the holder to engage in the practice of professional, practical, or advanced practice registered nursing for the period stated therein. Any licensee whose license lapses for failure to renew the license may be reinstated by the Board upon satisfactory evidence of active employment in professional, ~~or~~ practical, or advanced practice registered nursing within the past 5 years or satisfactory completion of a refresher program within an approved agency within a 1-year period prior to renewal and upon satisfactory explanation for the failure to renew the license and payment of a penalty fee to be determined.

(d) After a license has lapsed or been inactive for 5 or more years and the applicant has not been in active practice in professional or practical nursing in the past 5 years, the applicant will be required to give evidence of satisfactory completion of a professional or practical nursing refresher program within an approved agency within ~~2 years~~ one year prior to reinstatement before licensure by reinstatement will be granted. In the event no refresher course is available the Board may consider alternate methods of evaluating current knowledge in professional or practical nursing.

§ 1920. License requirements; use of abbreviations.

(b) No person shall engage in practice as an advanced practice registered nurse without a Board-issued license as an advanced practice registered nurse. Notwithstanding any provision to the contrary, the use of title and abbreviation for advanced practice registered nurses is authorized in accordance with the following:

(1) Only certified ~~registered~~ nurse practitioners may use that title, the abbreviation "CRNP" or any other words, letters, signs or figures indicating that the person using the same is a certified nurse practitioner.

(2) Only certified registered nurse anesthetists may use that title, the abbreviation "CRNA" or any other words, letters, signs or figures indicating that the person using the same is a certified registered nurse anesthetist.

(3) Only certified ~~registered~~ nurse midwives may use that title, the abbreviation "CNM" or any other words, letters, signs or figures indicating that the person using the same is a certified nurse midwife.

(4) Only clinical nurse specialists may use that title, the abbreviation "CNS" or any other words, letters, signs or figures indicating that the person using the same is a clinical nurse specialist.

(5) The abbreviation for the APRN designation for a certified nurse practitioner, a certified registered nurse anesthetist, a certified nurse midwife, and for a clinical nurse specialist will be APRN, plus the role title, i.e., CNP, CRNA, CNM, or CNS. It shall be unlawful for any person to use the title "APRN" or "APRN" plus their respective role titles, authorized abbreviations or any other title that would lead a person to believe the individual is an APRN, unless permitted by this Act.

§ 1927. Prescription requirements.

~~No written prescription shall be prescribed if it does not contain the following information clearly written, clearly hand printed, electronically printed, or typed:~~

- ~~(1) The name, address and phone number of the prescriber;~~
- ~~(2) The name and strength of the drug prescribed;~~
- ~~(3) The quantity of the drug prescribed;~~
- ~~(4) The directions for use of the drug;~~
- ~~(5) Date of issue.~~

An APRN licensed by the Board may prescribe, order, procure, administer, store, dispense and furnish over the counter, legend and controlled substances pursuant to applicable state and federal laws and within the APRN's role and population focus.

(1) Written, verbal or electronic prescriptions and orders shall comply with all applicable state and federal laws.

(2) All prescriptions shall be clearly written, clearly hand printed, electronically printed, or typed and shall include, but not be limited to, the following information:

- (a) The name, title, address, phone number, and registration number of the prescriber;
- (b) Name of patient;
- (c) Date of prescription;
- (d) Full name of the drug, dosage, route, amount to be dispensed and directions for its use;
- (e) Number of refills;
- (f) Signature of prescriber on written prescription;
- (g) DEA number of the prescriber on all scheduled drugs.

(3) APRNs may receive, sign for, record and distribute samples to patients. Distribution of drug samples shall be in accordance with state law and DEA laws, regulations and guidelines.