MEDICAL PRACTICE ACT OF 1985 - "LEGEND DRUG" AND NURSE-MIDWIFE LICENSE

Act of Jul. 20, 2007, P.L. 324, No. 50 **Cl. 63**

Session of 2007
No. 2007-50

HB 1255

AN ACT

Amending the act of December 20, 1985 (P.L.457, No.112), entitled "An act relating to the right to practice medicine and surgery and the right to practice medically related acts; reestablishing the State Board of Medical Education and Licensure as the State Board of Medicine and providing for its composition, powers and duties; providing for the issuance of licenses and certificates and the suspension and revocation of licenses and certificates; providing penalties; and making repeals," providing for the definition of "legend drug"; and further providing for nurse-midwife license.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, is amended by adding a definition to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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"Legend drug." A drug:

(1) limited by the Federal Food, Drug and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) to being dispensed by prescription; and

(2) the product label of which is required to contain the following statement: "CAUTION: FEDERAL LAW PROHIBITS DISPENSING WITHOUT A PRESCRIPTION."

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Section 2. Section 35 of the act is amended by adding subsections to read:

Section 35. Nurse-midwife license.

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(c) Authorization.--

(1) A nurse-midwife is authorized to practice midwifery pursuant to a collaborative agreement with a physician and regulations promulgated by the board.

(2) A nurse-midwife who possesses a master's degree or its substantial equivalent and national certification may prescribe, dispense, order and administer drugs, including legend drugs and Schedule II through Schedule V controlled substances, as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and

Cosmetic Act, provided that the nurse-midwife demonstrates to the board that:

(i) The nurse-midwife has successfully completed at least 45 hours of coursework specific to advanced pharmacology at a level above that required by a professional nursing education program.

(ii) As a condition of biennial license renewal by the board, a nurse-midwife shall complete the continuing education requirement as required by the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law. In case of a nurse-midwife who has prescriptive authority under this act, the continuing education required by The Professional Nursing Law shall include at least 16 hours in pharmacology in that two-year period.

(iii) The nurse-midwife acts in accordance with a collaborative agreement with a physician which shall at a minimum identify the categories of drugs from which the nurse-midwife may prescribe or dispense and the drugs which require referral, consultation or comanagement.

(iv) The nurse-midwife acts in accordance with the following restrictions:

(A) A nurse-midwife shall not prescribe, dispense, order or administer a controlled substance except for a woman's acute pain. In the case of a Schedule II controlled substance, the dose shall be limited to 72 hours and shall not be extended except with the approval of the collaborating physician. In the case of a Schedule III or IV controlled substance, the prescription shall be limited to 30 days and shall only be refilled with the approval of the collaborating physician.

(B) A nurse-midwife shall prescribe, dispense, order or administer psychotropic drugs only after consulting with the collaborating physician.

(3) A nurse-midwife may, in accordance with a collaborative agreement with a physician and consistent with the nurse-midwife's academic educational preparation and national certification, prescribe, dispense, order and administer:

(i) Medical devices.

(ii) Immunizing agents.

(iii) Laboratory tests.

(iv) Therapeutic, diagnostic and preventative measures.

(d) Collaborative agreements.--The physician with whom a nurse-midwife has a collaborative agreement shall have hospital clinical privileges in the specialty area of the care for which the physician is providing collaborative services.

Section 3. The State Board of Medicine shall promulgate regulations to implement the amendment of section 35 of the act within 12 months of the effective date of this act. The board shall report every three months on the status of the regulations to the Consumer Protection and Professional Licensure Committee of the Senate and the Professional Licensure Committee of the House of Representatives.

Section 4. This act shall take effect in 60 days.

APPROVED--The 20th day of July, A. D. 2007.

EDWARD G. RENDELL