



Missouri Department of Health and Senior Services

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Jane Drummond
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Matt Blunt
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CONTROLLED SUBSTANCE AUTHORITY FOR ADVANCED PRACTICE REGISTERED NURSES (APRNs)

SB 724 was signed into law by Governor Matt Blunt on June 10, 2008.

The text of the bill may be viewed by going to the website below and <clicking> on Truly Agreed to and Finally Passed. http://www.senate.mo.gov/08info/BTS_Web/BillText.aspx?SessionType=R&BillID=93

Many of the provisions of the bill take effect on August 28, 2008. This does not mean that on that date APRNs will be able to prescribe controlled substances. A number of changes in state regulations and state agency processes will need to be finalized before this can happen.

The new law changes Section 335.019 to establish that the Missouri State Board of Nursing will grant certificates of controlled substance prescriptive authority to APRNs that meet certain requirements.

The Board of Nursing, the Board of Registration for the Healing Arts and the Bureau will need to promulgate regulations (or modify existing regulations) to implement the provisions of the new law. This process takes a minimum of nine months to complete.

However, before that, discussions with the U.S. Drug Enforcement Administration indicate that a legal opinion from the Missouri Attorney General's office will be needed to show that the controlled substance authority delegated to APRNs under collaborative practice is independent authority -- that is, APRNs will not have to contact collaborating physician(s) prior to prescribing a controlled substance. The opinion from the Office of the Missouri Attorney General will be reviewed by the Office of General Counsel at the DEA headquarters and the DEA will make a determination of the nurses have independent authority and if a DEA registration and number will be issued.

Modifications to the state controlled substance registration database are required to document collaborative practice relationships, as any change in the status of a physician's registration would impact the APRNs with which he/she has collaborative practice agreements. Any status change would need to be communicated to impacted parties (APRNs) quickly to avoid inadvertent violations of controlled substance law.

Examples of changes that would be communicated to APRNs:

- The collaborating physician changes practice location without notifying the Bureau within 30 days of the change. This causes the physician's registration to automatically close pursuant to Regulation 19 CSR 30-1.023. The closure of the physician's registration automatically closes the registrations of any APRNs to whom he/she has delegated controlled substance authority.
- The collaborating physician is placed on probation which limits his/her controlled substance authority. The limitations on the physician's registration could also apply to any APRNs to whom he/she had delegated controlled substance authority.

The Bureau will require that APRNs applying for a BNDD registration provide a copy of the certificate of prescriptive authority and copies of any collaborative practice agreement delegating controlled substance authority to the applicant before a state controlled substances registration will be issued. Information regarding schedules and the list of drugs authorized under the agreements will be maintained in connection with the registration.

If you have other questions, or would like to discuss this or any other controlled substance issues, please feel free to contact the Bureau of Narcotics and Dangerous Drugs at 573-751-6321.

www.dhss.mo.gov

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