



**NURSE PRACTITIONER
EXPANDED FURNISHING AUTHORITY FOR SCHEDULE II
CONTROLLED SUBSTANCES, BPC 2836.1**

Effective January 1, 2004

Assembly Bill 1196, (Montanez), Chapter 748 was signed by Governor Gray Davis on October 9, 2003 and became effective January 1, 2004. The new law amends Business and Professions Code, BPC, Section 2836.1 Furnishing. This amended law expands the certified nurse practitioner furnishing authority to include pharmaceutical drugs that are classified as Schedule II controlled substance under the California Uniform Controlled Substance Act. The new law requires the BRN certified nurse practitioners with an active furnishing number and registration with the United States Drug Administration. The furnishing nurse practitioner with a DEA registration may by approved standardized procedure or protocol furnish or order Schedule II controlled substances. The furnishing nurse practitioner must complete a BRN approved continuing education course that includes Schedule II controlled substances prior to receiving her DEA authority for Schedule II controlled substances.

The following is a summary of the changes to BCP 2836.1 and the entire Section 2836.1 follows with the changes underlined and high lighted:

- *Schedule II controlled substance protocols, the provision for furnishing Schedule II controlled substances shall address the diagnosis of the illness, injury, or condition for which the Schedule II controlled substance is to be furnished.*
- *Drugs and devices furnished or ordered by a nurse practitioner may include Schedule II through V controlled substances under the California Uniform Controlled Substance Act (Division 10 (commencing with Section 1100) of the Health and Safety Code and shall be further limited to those drugs and devices agreed upon by the nurse practitioner and physician and surgeon and specified in the standardized procedure.*
- *Schedule II or III controlled substances furnished or ordered by the nurse practitioner, furnished or ordered in accordance with a patient specific protocol approved by the treating or supervision physician. .*
- *NPs who are BRN certified and with an active furnishing number, authorized by approved standardized procedure or protocols to furnish Schedule II controlled substances, and registered with the United States Drug Enforcement Administration, DEA, shall complete, as part of their continuing education requirements, a course including Schedule II controlled substances based on the standards developed by the board.*

2836.1. Neither this chapter nor any other provision of law shall be construed to prohibit a nurse practitioner from furnishing or ordering drugs or devices when all of the following apply:

(a) The drugs or devices are furnished or ordered by a nurse practitioner in accordance with standardized procedures or protocols developed by the nurse practitioner and the supervising physician and surgeon under any of the following circumstances:

- (1) When furnished or ordered incidental to the provision of family planning services.
- (2) When furnished or ordered incidental to the provision of routine health care or prenatal care.
- (3) When rendered to essentially healthy persons.

(b) The nurse practitioner is functioning pursuant to standardized procedure, as defined by Section 2725, or protocol. The standardized procedure or protocol shall be developed and approved by the supervising physician and surgeon, the nurse practitioner, and the facility administrator or the designee.

(c) (1) The standardized procedure or protocol covering the furnishing of drugs or devices shall specify which nurse practitioners may furnish or order drugs or devices, which drugs or devices may be furnished or ordered, under what circumstances, the extent of physician and surgeon supervision, the method of periodic review of the nurse practitioner's competence, including peer review, and review of the provisions of the standardized procedure.

(2) In addition to the requirements in paragraph (1), for Schedule II controlled substance protocols, the provision for furnishing Schedule II controlled substances shall address the diagnosis of the illness, injury, or condition for which the Schedule II controlled substance is to be furnished.

(d) The furnishing or ordering of drugs or devices by a nurse practitioner occurs under physician and surgeon supervision. Physician and surgeon supervision shall not be construed to require the physical presence of the physician, but does include (1) collaboration on the development of the standardized procedure, (2) approval of the standardized procedure, and (3) availability by telephonic contact at the time of patient examination by the nurse practitioner.

(e) For purposes of this section, no physician and surgeon shall supervise more than four nurse practitioners at one time.

(f) (1) Drugs or devices furnished or ordered by a nurse practitioner may include Schedule II through Schedule V controlled substances under the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code) and shall be further limited to those drugs agreed upon by the nurse practitioner and physician and surgeon and specified in the standardized procedure.

(2) When Schedule II or III controlled substances, as defined in Sections 11055 and 11056, respectively, of the Health and Safety Code, are furnished or ordered by a nurse practitioner, the controlled substances shall be furnished or ordered in accordance with a patient-specific protocol approved by the treating or supervising physician. A copy of the section of the nurse practitioner's standardized procedure relating to controlled substances shall be provided, upon request, to any licensed pharmacist who dispenses drugs or devices, when there is uncertainty about the nurse practitioner furnishing the order.

(g) (1) The board has certified in accordance with Section 2836.3 that the nurse practitioner has satisfactorily completed (1) at least six month's physician and surgeon-supervised experience in the furnishing or ordering of drugs or devices and (2) a course in pharmacology covering the drugs or devices to be furnished or ordered under this section.

(2) Nurse practitioners who are certified by the board and hold an active furnishing number, who are authorized through standardized procedures or protocols to furnish Schedule II controlled substances, and who are registered with the United States Drug Enforcement Administration, shall complete, as part of their continuing education requirements, a course including Schedule II controlled substances based on the standards developed by the board. The board shall establish the requirements for satisfactory completion of this subdivision.

(h) Use of the term "furnishing" in this section, in health facilities defined in subdivisions (b), (c), (d), (e), and (i) of Section 1250 of the Health and Safety Code, shall include (1) the ordering of a drug or device in accordance with the standardized procedure and (2) transmitting an order of a supervising physician and surgeon.

(i) "Drug order" or "order" for purposes of this section means an order for medication which is dispensed to or for an ultimate user, issued by a nurse practitioner as an individual practitioner, within

the meaning of Section 1306.02 of Title 21 of the Code of Federal Regulations. Notwithstanding any other provision of law, (1) a drug order issued pursuant to this section shall be treated in the same manner as a prescription of the supervising physician; (2) all references to "prescription" in this code and the Health and Safety Code shall include drug orders issued by nurse practitioners; and (3) the signature of a nurse practitioner on a drug order issued in accordance with this section shall be deemed to be the signature of a prescriber for purposes of this code and the Health and Safety Code.

SB 151 (Burton) Chapter 406 was signed by Governor Gray Davis on September 16, 2003 to become effective January 1, 2003. The bill amends existing law that provides for electronic monitoring of prescribing and dispensing of Schedule II controlled substances pursuant to the Controlled Substance Utilization Review and Evaluation System (CURES) program. By increasing the scope of Nursing Practice Act, the violation of which is a misdemeanor, the bill would impose a state-mandated local program. SB 151, Burton, Chapter incorporates additional changes to Section 11165 of the Health and Safety Code.