



## NURSE MIDWIVES FURNISHING CONTROLLED SUBSTANCES

Effective January 2002

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### **Business and Professions Code, Section 2746.51.**

- (a) Neither this chapter nor any other provision of law shall be construed to prohibit a certified nurse-midwife from furnishing or ordering drugs or devices, including controlled substances classified in Schedule III, IV, or V under the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code), when all of the following apply:
- (1) The drugs or devices are furnished or ordered incidentally to the provision of any of the following:
    - (A) Family planning services, as defined in Section 14503 of the Welfare and Institutions Code.
    - (B) Routine health care or perinatal care, as defined in subdivision (d) of Section 123485 of the Health and Safety Code.
    - (C) Care rendered to essentially healthy persons within a facility specified in subdivision (a), (b), (c), (d), (i), or (j) of Section 1206 of the Health and Safety Code, a clinic as specified in Section 1204 of the Health and Safety Code, a general acute care hospital as defined in subdivision (a) of Section 1250 of the Health and Safety Code, a licensed birth center as defined in Section 1204.3 of the Health and Safety Code, or a special hospital specified as a maternity hospital in subdivision (f) of Section 1250 of the Health and Safety Code.
  - (2) The drugs or devices are furnished or ordered by a certified nurse-midwife in accordance with standardized procedures or protocols. For purposes of this section, standardized procedure means a document, including protocols, developed and approved by the supervising physician and surgeon, the certified nurse-midwife, and the facility administrator or his or her designee. The standardized procedure covering the furnishing or ordering of drugs or devices shall specify all of the following:
    - (A) Which certified nurse-midwife may furnish or order drugs or devices.
    - (B) Which drugs or devices may be furnished or ordered and under what circumstances.
    - (C) The extent of physician and surgeon supervision.
    - (D) The method of periodic review of the certified nurse-midwife's competence, including peer review, and review of the provisions of the standardized procedure.
  - (3) If Schedule III controlled substances, as defined in Section 11056 of the Health and Safety Code, are furnished or ordered by a certified nurse-midwife, the controlled substances shall be furnished or ordered in accordance with a patient-specific protocol approved by the treating or supervising physician and surgeon.
  - (4) The furnishing or ordering of drugs or devices by a certified nurse-midwife occurs under physician and surgeon supervision. For purposes of this section, no physician and surgeon shall supervise more than four certified nurse-midwives at one time. Physician and surgeon supervision shall not be construed to require the physical presence of the physician, but does include all of the following:
    - (A) Collaboration on the development of the standardized procedure or protocol.
    - (B) Approval of the standardized procedure or protocol.
    - (C) Availability by telephonic contact at the time of patient examination by the certified nurse-midwife.
- (b) (1) The furnishing or ordering of drugs or devices by a certified nurse-midwife is conditional on the issuance by the board of a number to the applicant who has successfully completed the requirements of paragraph (2). The number shall be included on all transmittals of orders for drugs or devices by the certified nurse-midwife. The board shall maintain a list of the certified nurse-midwives that it has certified pursuant to this paragraph and the number it has issued to each one. The board shall make the list available to the California State Board of Pharmacy upon its request. Every certified nurse-

midwife who is authorized pursuant to this section to furnish or issue a drug order for a controlled substance shall register with the United States Drug Enforcement Administration.

(2) The board has certified in accordance with paragraph (1) that the certified nurse-midwife has satisfactorily completed at least six month's physician and surgeon supervised experience in the furnishing or ordering of drugs or devices and a course in pharmacology covering the drugs or devices to be furnished or ordered under this section. The board shall establish the requirements for satisfactory completion of this paragraph.

(3) A copy of the standardized procedure or protocol relating to the furnishing or ordering of controlled substances by a certified nurse-midwife shall be provided upon request to any licensed pharmacist who is uncertain of the authority of the certified nurse-midwife to perform these functions.

### **Schedule II Controlled Substances – Limitations**

Furnishing Schedule II Controlled Substances as Defined in Section 11055 of the Health and Safety Code

Drugs or devices furnished or ordered by a California certified nurse midwife with a furnishing certificate and a DEA registration number **may** include schedule II under the following conditions:

- The drugs or devices are furnished or ordered in a hospital and in accord with a patient-specific protocol approved by the treating or supervising physician.
- The drugs or devices are furnished or ordered by a CNM in accordance with standardized procedure or protocols. Standardized procedure means a document including protocols, developed and approved by the supervising physician and surgeon, the certified nurse-midwife, and the facility administrator or his or her designee.
- The standardized procedure covering the furnishing or ordering of schedule II drugs or devices shall specify all of the following:
  - (A) Which certified nurse-midwife may furnish or order drugs or devices (schedule II).
  - (B) Which drugs or devices may be furnished or ordered and under what circumstance.
  - (C) The extent of physician and surgeon supervision.
  - (D) The method of periodic review of the certified nurse-midwife's competence, including peer review, and review of the provisions of the standardized procedure.
- The furnishing or ordering of drugs or devices by a certified nurse-midwife occurs under physician and surgeon supervision. No physician shall supervise more than four (4) certified nurse-midwives at one time. Physician's and surgeon's supervision shall not be construed to require the physical presence of the physician but includes all of the following:
  - (A) Collaboration on the development of the standardized procedure or protocol.
  - (B) Approve of the standardized procedure or protocol.
  - (C) Availability by telephonic contact at the time of patient examination by the CNM.