



CRITERIA FOR FURNISHING NUMBER UTILIZATION

Certified Nurse-Midwives

INTRODUCTION

The Nursing Practice Act, Business and Professions Code (B&P) Section 2746.51(d) authorizes certified nurse-midwives (CNMs) to obtain and utilize a “furnishing number” to furnish drugs and/or devices including controlled substances classified in Schedule II, III, IV or V under the California Uniform Controlled Substance Act. Furnishing of drugs and/or devices by a CNM means “the act of making a pharmaceutical agent or agents available to the patient in strict accordance with approved standardized procedure”. After the CNM receives a furnishing number issued by the Board of Registered Nursing, the CNM may apply for a DEA registration number to furnish controlled substances.

Furnishing Definition

Furnishing of drugs or devices by a certified nurse-midwife means the act of making a pharmaceutical agent or agents available to the patient in strict accordance with a standardized procedure or protocol. Use of the term “furnishing” in this section shall include the following:

- (1) The ordering of a drug or device, in accordance with the standardized procedure or protocol.
- (2) Transmitting an order of a supervising physician and surgeon.

(BPC Section 2746.51(d)(1), (2))

Drug Order

“Drug order” or “order” for purposes of this section means an order for medication or for a drug or device that is dispensed to or for an ultimate user, issued by a certified nurse-midwife as an individual practitioner, within the meaning of Section 1306.03 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 certified nurse-midwives; and (3) the signature of a certified nurse-midwife 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. (BPC Section 2746.51(e))

Furnishing Number

The furnishing or ordering of drugs and devices by a certified nurse-midwife is conditional on the issuance by the board of a furnishing number to the applicant who has successfully completed the requirements. The furnishing number shall be included on all transmittals of orders for drugs or devices by the certified nurse-midwife. Every certified nurse-midwife who is authorized to furnish or issues a drug order for a controlled substance shall register with the United States Drug Enforcement Administration, DEA. (BPC 2746.51 (b) (1))

Furnishing Limitations on Drugs and/or Devices---Drugs and/or devices are furnished including controlled substance in accordance with standardized procedures or protocols developed by the CNM and supervising physician when all of the following apply:

The drugs and devices are furnished or ordered incidentally to the following provisions 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, consistent with the certified nurse mid-wife's educational preparation or for which clinical competence has been established and maintained, to persons within a facility specified in subdivision (a), (b), (c), (d), (i), or (j) of Section 1206 of 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 specialty hospital specified as a maternity hospital in subdivision (f) of Section 1250 of the Health and Safety Code.

(BPC 2746.51 (a), (1), (A), (B), (C))

Furnishing Standardized Procedure and 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 procedures covering the furnishing or ordering of drugs and devices shall specify the following:

- (A) Which certified nurse-midwife may furnish or order drugs and devices.
- (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.

(BPC 2746.51(a),(2),(A),(B),(C),(D)

Furnishing Controlled Substances

Schedule II or III controlled substances, as defined in Section 11055 and 11056 of the Health and Safety Code, are furnished or ordered by a certified nurse-midwife, the controlled substance shall be furnished or ordered in accordance with the patient-specific protocol approved by the treating or supervising physician and surgeon. For Schedule II controlled substance protocol, the provision for furnishing Schedule II controlled substance shall address the diagnosis of illness, injury, or condition for which the Schedule II controlled substance is to be furnished.

(BPC 2748.51(a),(3))

Physician Supervision

The furnishing or ordering for drugs and devices by a certified nurse-midwife occurs under physician supervision. 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.

(BPC 2748.51(a), (4), (A), (B), (C)

Furnishing: Sign for the Request and Receipt of Pharmaceutical Samples and Devices.

Certified nurse-midwives, nurse practitioners and physician assistants are authorized to sign for the request and receipt of complimentary samples of dangerous drugs and devices identified in their standardized procedures or protocols that have been approved by the physician per BCP Section 4061 of the Pharmacy law.

Pharmacist Request for Standardized Procedures or Protocols

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.

(BPC 2748.51 (3))