

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Nursing

RULE CITATION: 21 NCAC 36 .0809

DEADLINE FOR RECEIPT: Friday, July 9, 2021

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b)(6)(E), Page 2, line 15, please change "and/or" to "or"

Also on 15, what is the difference between a physical and sexual relationship here?

On line 16, what is an "emotional intimate" relationship? Do you mean "emotionally" intimate? And who will determine this?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

21 NCAC 36 .0809 is amended as published in NCR 35:18, pages 2063-2064 as follows:

21 NCAC 36 .0809 PRESCRIBING AUTHORITY

(a) The prescribing stipulations contained in this Rule apply to writing prescriptions and ordering the administration of medications.

(b) Prescribing and dispensing stipulations are as follows:

(1) Drugs and devices that may be prescribed by the nurse practitioner in each practice site shall be included in the collaborative practice agreement as outlined in Rule .0810(2) of this Section.

(2) Controlled Substances (Schedules II, IIN, III, IIN, IV, V) defined by the State and Federal Controlled Substances Acts may be procured, prescribed, or ordered as established in the collaborative practice agreement, providing all of the following requirements are met:

(A) the nurse practitioner has an assigned DEA number that is entered on each prescription for a controlled substance;

(B) refills may be issued consistent with Controlled Substance laws and regulations; and

(C) the primary supervising physician(s) shall possess ~~the same~~ a schedule(s) of controlled substances ~~as equal to or greater than~~ the nurse practitioner's DEA registration.

(3) The nurse practitioner may prescribe a drug or device not included in the collaborative practice agreement only as follows:

(A) upon a specific written or verbal order obtained from a primary or back-up supervising physician before the prescription or order is issued by the nurse practitioner; and

(B) the written or verbal order as described in Part (b)(3)(A) of this Rule shall be entered into the patient record with a notation that it is issued on the specific order of a primary or back-up supervising physician and signed by the nurse practitioner and the physician.

(4) Each prescription shall be noted on the patient's chart and include the following information:

(A) medication and dosage;

(B) amount prescribed;

(C) directions for use;

(D) number of refills; and

(E) signature of nurse practitioner.

(5) Prescription Format:

(A) all prescriptions issued by the nurse practitioner shall contain ~~the supervising physician(s) name,~~ the name of the ~~patient,~~ patient and the nurse practitioner's ~~name,~~ name and telephone number, and approval number, number;

(B) the nurse practitioner's assigned DEA number shall be written on the prescription form when a controlled substance is prescribed as defined in Subparagraph (b)(2) of this Rule.

(6) A nurse practitioner shall not prescribe controlled substances, as defined by the State and Federal Controlled Substances Acts, for the following:

- 1 (A) nurse practitioner's own use;
2 (B) nurse practitioner's supervising physician;
3 (C) member of the nurse practitioner's immediate family, which shall mean a:
4 (i) spouse;
5 (ii) parent;
6 (iii) child;
7 (iv) sibling;
8 (v) parent-in-law;
9 (vi) son or daughter-in-law;
10 (vii) brother or sister-in-law;
11 (viii) step-parent;
12 (ix) step-child; or
13 (x) step-siblings;
14 (D) any other person living in the same residence as the licensee; or
15 (E) anyone with whom the nurse practitioner is having a physical, sexual, and/or
16 emotional intimate relationship.

17 (c) The nurse practitioner may obtain approval to dispense the drugs and devices other than samples included in the
18 collaborative practice agreement for each practice site from the Board of Pharmacy, and dispense in accordance with
19 21 NCAC 46 .1703 that is hereby incorporated by reference including subsequent amendments.
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21 *History Note: Authority G.S. 90-8.1; 90-8.2; 90-18.2; 90-18(c)(14); 90-171.23(b)(14);*

22 *Recodified from 21 NCAC 36 .0227(h) Eff. August 1, 2004;*

23 *Amended Eff. March 1, 2017; December 1, 2012; April 1, 2011; November 1, 2008; August 1, 2004;*

24 *Readopted Eff. January 1, ~~2019~~ 2019;*

25 *Amended Eff. August 1, 2021*