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Session 3
State Law & Standing Orders:
WASHINGTON

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Associate Professor
Milken Institute School of Public Health
George Washington University
Overview

Purpose

• State Practice Acts
• State Law Review: (all states/ not specific to WA)
  – Terms equivalent to Standing Orders
  – Terms equivalent to Vaccination
  – Elements of Immunization Practice
• Immunization Practice in Washington
• Supervision Requirements
• Practice Settings
• Notable Provisions in Washington Law
• Summary
Purpose

Ensure supervising physicians understand:

• Immunization practice = medical practice
• All states have laws governing how physicians delegate medical tasks to health professionals
• Laws may address:
  o The medical practice eligible for delegation
  o Which professionals may participate
  o Level of required supervision
  o Where the practice may occur
• Broad variability among states – No state authorizes all NPHPs to assess, prescribe and administer vaccines
State Law Review (all states)

Reviewed laws, regulations, attorney’s general opinions, case law governing:

• Medical Assistants
• Midwives
• Nurses
  – Advanced Practice Nurse
  – Clinical Nurse Specialist
  – Nurse Practitioner
  – Practical Nurse
  – Registered Nurse
  – Vocational Nurse
• Pharmacists
• Physician Assistants
State Law Review (all states)

Terms equivalent to “standing orders”:

Collaboration:
- With collaboration
- Collaborative practice
- Collaborative practice agreement
- Collaborative authority
- Collaborating provider

Delegation
- Delegated authority
- Delegation order, agreement

Protocol
- Prescriber-approved protocols
The term “standing orders” is not included in WASHINGTON law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Equivalent Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Practice Nurse</td>
<td>Under collaborative interaction</td>
</tr>
<tr>
<td>• Midwife</td>
<td></td>
</tr>
<tr>
<td>• Nurse Practitioner</td>
<td></td>
</tr>
<tr>
<td>• Clinical Nurse Specialist*</td>
<td></td>
</tr>
<tr>
<td>Medical Assistant (Certified or Registered)</td>
<td>May practice as delegated</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>May practice under direction and supervision</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>May act under general direction of a licensed physician, physician assistant, advanced registered nurse practitioner, midwife</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>SILENT</td>
</tr>
<tr>
<td></td>
<td>Bill introduced establishes written guidelines or protocols for drug therapy</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>May act under an approved written delegation agreement</td>
</tr>
</tbody>
</table>

* CNS added at rule hearing in January
State Law Review (all states)

Terms equivalent to “vaccination”:

- Immunization
- Diagnostic or therapeutic regimens/measures
- Drug or device by injection
- Nonscheduled legend drug/substance*
- Medication**
- Pharmacological agents
- Prescription drugs or devices
- Schedule VI controlled substances

* LEGEND DRUGS are approved by the FDA and must be dispensed to the public only when a licensed physician or other licensed provider prescribes them. Legend drugs may be a controlled substance or a non-narcotic.


** MEDICATION includes drugs and pharmaceuticals and may be administered by injection or other methods.
# Defining “Vaccination” in WASHINGTON Law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Practice Nurse  • Midwife  • Nurse Practitioner  • Clinical Nurse Specialist</td>
<td>MIDWIFE:  • Drugs; Medications  • MMR to nonimmune postpartum women  • HBig &amp; HBV to newborns of Hepatitis B+ mothers  OTHERS: Vaccines</td>
</tr>
<tr>
<td>Medical Assistant (Certified or Registered)</td>
<td>• Single dose medications  • Vaccines; Multidose vaccine</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>Inoculations</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>Medications; Inoculations</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>Silent</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>Drugs, Vaccines</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Legend drugs</td>
</tr>
</tbody>
</table>
Immunization Practice includes:

**Assessment:** Screening, examining, diagnosing, treating

- **EXCLUDES:** merely collecting or reporting data, interviewing or taking patient history

**Prescription:** Oral, written or electronic

- **EXCLUDES:** simply transmitting a prescription issued by another provider

**Administration:** Injection, oral, nasal

- **EXCLUDES:** Dispensing medication
## Immunization Practice in WASHINGTON Law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Assessment</th>
<th>Prescription</th>
<th>Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Practice Nurse</td>
<td>OWN AUTHORITY</td>
<td>OWN AUTHORITY</td>
<td>DELEGATED</td>
</tr>
<tr>
<td>• Midwife</td>
<td></td>
<td></td>
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<tr>
<td>• Nurse Practitioner</td>
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<td></td>
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<tr>
<td>• Clinical Nurse Specialist</td>
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<tr>
<td>Midwife</td>
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<td>OWN AUTHORITY</td>
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<tr>
<td>Medical Assistant (Certified or Registered)</td>
<td>SILENT</td>
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<td>Practical Nurse</td>
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<tr>
<td>Registered Nurse</td>
<td>OWN AUTHORITY</td>
<td>SILENT</td>
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<td>SILENT</td>
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<tr>
<td>Pharmacist</td>
<td>SILENT</td>
<td>SILENT</td>
<td>OWN AUTHORITY</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>SILENT</td>
<td>DELEGATED</td>
<td>DELEGATED</td>
</tr>
</tbody>
</table>
Supervision Requirements include:

Medical Assistant
Direct, within close proximity of supervisor, undefined supervision, at physician’s discretion

Midwife
Collaborative agreements with supervising physicians if midwife is an Advanced Practice Nurse

Nurses in Advanced Practice
Collaborative agreement with supervising physician/system governs entire practice
State Law Review (all states) (cont.)

Supervision Requirements include:

**Practical Nurse**
Direct, on-site supervision from physician, dentist, podiatrist, nurse in advanced practice, registered nurse, physician assistant

**Registered Nurse**
In collaboration with physician, dentist, podiatrist

**Vocational Nurse**
None listed

**Pharmacist**
Under own license or under delegated authority, protocol

**Physician Assistant**
With adequate physician supervision
## Supervision Requirements in WASHINGTON Law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Practice Nurse</td>
<td>May use:</td>
</tr>
<tr>
<td>• Midwife</td>
<td>• Independent judgment; and</td>
</tr>
<tr>
<td>• Nurse Practitioner</td>
<td>• Collaborative interaction with other health care professionals</td>
</tr>
<tr>
<td>• Clinical Nurse Specialist</td>
<td></td>
</tr>
<tr>
<td>Medical Assistant (Certified or Registered)</td>
<td>May act under supervision of health care practitioner</td>
</tr>
<tr>
<td></td>
<td>(&quot;supervision&quot; required to be on premises)</td>
</tr>
<tr>
<td></td>
<td>CMA = Dosage must be verified by health care practitioner)</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>• May act under direction and supervision of a licensed physician, PA, ARNP, RN, CNM</td>
</tr>
<tr>
<td></td>
<td>• Who need not be physically present if:</td>
</tr>
<tr>
<td></td>
<td>− The order given is written within a reasonable time and included in the patient’s record</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>May administer medications and inoculations as prescribed by a physician, physician assistant, advanced registered nurse practitioner, midwife</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>May administer drugs under own license</td>
</tr>
<tr>
<td></td>
<td>(Bill updating scope of practice under review in 2016)</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Written supervision agreement, as determined by the physician and assistant, and approved by the commission</td>
</tr>
</tbody>
</table>
State Law Review (all states)

Permissible Practice Settings include:

Medical Assistant
- Public, private ambulatory care setting, delegating physician’s office, licensed clinics

Midwife
- Public/private clinical settings, physician’s offices

Nurses in Advanced Practice (APN; CNS; NP)
- Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Practical Nurse
- Public/private clinical settings, patient’s home, schools, occupational health, community health settings
Permissible Practice Settings include:

Registered Nurse
• Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Vocational Nurse
• Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Pharmacist
• Hospitals, pharmacies, other health care facilities, jails

Physician Assistant
• Clinical and community locations
## Practice Settings in WASHINGTON Law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Practice Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>Physician offices; clinics; group practices; other health care facilities; rural and small medical practices and clinics</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>Community based long-term care; in-home settings</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>Community based long-term care; in-home settings; home health agency; hospice agency; hospital; community based care; medical clinic; office</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>SILENT</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Hospital; nursing home; other health care institution; multispecialty group</td>
</tr>
</tbody>
</table>
Notable Bill Before WASHINGTON’s Legislature

SB5822 WILL EXPAND PHARMACISTS’ AUTHORITIES

• Permits use of written guidelines or protocols to administer drugs

• Permits immunization of patients ages ≥3 years with the administration of emergency reaction medications as approved by the pharmacy quality assurance commission
Delegation of Immunizations in WASHINGTON

1. ADVANCED PRACTICE NURSE (Midwife, Clinical Nurse Specialist, Nurse Practitioner):
   - NPs: Assess patient status and prescribe under own authority; may administer drugs under delegated authority. When indicated, may assess in collaboration with other professionals
   - MWs: Assess patient status, prescribe and administer certain vaccines under their own authority; administer other medications/drugs under delegation. When indicated, may assess in collaboration with other professionals

2. MEDICAL ASSISTANT: May administer vaccines under supervision of a health care practitioner

3. PRACTICAL NURSE: May assess patient status and administer inoculations under delegated authority

4. REGISTERED NURSE: May assess patient status under their own or delegated authority and administer medications and inoculations as prescribed

5. PHARMACIST: May administer drugs under own authority

6. PHYSICIAN ASSISTANT: May prescribe and administer legend drugs under written supervision agreement

7. VOCATIONAL NURSES: Not addressed in Washington law
Comments????
Citations

Citations


Citations