

HB 793- Transition to Practice for Nurse Practitioners

Governor signs stringent “transition to practice” model for NPs; requires 5 years of post-graduate training

Virginia has passed the most stringent nurse practitioner “transition to practice” model in the country, requiring not only five years of post-graduate training for NPs, but also that the training be with a physician in the same specialty. Gov. Ralph Northam signed House Bill 793 into law last week. The effort to create a transition to practice model for NP practice is thanks to the political advocacy efforts of the physician community, VACEP, MSV, and other specialty groups.

Over the past decade, the physician community and VACEP specifically have been involved in numerous scope of practice legislative battles with nurse practitioners, most recently in 2012 when direct supervision was replaced with a more team-based, collaborative practice model. Not only did this model serve our patients, but it also encouraged team-based care and served as model legislative for other states.

To be clear, we want to emphasize that NPs play a key role in providing high quality patient care in the emergency department. They are integral part of a team-based care model and we value the role they and physician assistants play in providing excellent emergency care 365 days a year, seven days a week and 24 hours a day. It is, however, critically important to ensure that our patients are cared for by the most qualified professionals in the emergency department.

However, we were ever vigilant about what was happening around the country and we have seen many changes in how healthcare was being delivered. Twenty-two states have full independent practice for nurse practitioners immediately after they graduate with their degree. A newer model that has taken root is a more moderated “transition to practice” model that eleven states have adopted. It sets up a process that provides some guardrails and training requirements for NPs before they can practice independently. The most recent state to pass such a bill, Illinois, required 4,000 hours of practice before transitioning to independent practice.

After a thorough discussion with our Board and our Executive Committee this fall, we concluded that our philosophical objection to nurse practitioners practicing independently immediately out of school remained strong. In the emergency department, we adamantly believe that nurse practitioners should not be able to practice without physician collaboration and in practicality, see no way that would serve the public good. But we also spent time discussing an alternative “transition to practice” model for Virginia if there was movement and an appetite in the legislature to move toward independent practice.

Working together with the other physician specialties and the Medical Society of Virginia, we met all summer and fall with the nurse practitioners association to see if we could come to a compromise position. We did not. However, the physician groups worked together to craft our ideal bill with all the necessary guardrails – leaving the current law in place for collaborative practice; creating a separate transition to practice pathway with: education from an accredited university; five years of practice with a physician, not another nurse practitioner, working with the same patient population and in the practice area the NP is certified and licensed in; signed

attestation from the physician they practiced with to the Joint Boards signing off on their ability to practice independently; limiting their practice to the scope of their clinical and professional training and limits of knowledge and experience; continuing to consult and collaborate with other healthcare providers; and having a clear plan for referrals of complex cases and emergencies.

During the 2018 session, it became clear that when the NPs introduced their bill allowing for independent practice after only 1,040 hours of training (six months) we needed to put forth our proposal as an alternative. It was accepted and adopted, over the objections of the nurse practitioners. After it was sent to the Governor, we asked for some clarifying amendments to make it even more clear that NP's had to work for five years in the same primary or specialty care field as the physician. The Governor and his staff did not think that amendment was necessary and instead believes that level of specificity can be handled in the ensuing regulatory process this summer and fall.

VACEP will continue to diligently represent your interests in that process to ensure the regulations reflect the intent of the law as passed. Thank you to everyone for your hard work over this past year!