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**Date:** January 7, 2009

**DQA Memo 09-001**

**To:** Community-based Residential Facilities  
Adult Family Homes

CBRF 01  
AFH 01

**From:** Kevin Coughlin, Director  
Bureau of Assisted Living

**VIA:** Otis Woods, Administrator  
Division of Quality Assurance

**Advanced Practice Nurse Prescribers in Assisted Living**

This memo addresses some general issues related to advanced practice nurses (APNs) and advanced practice nurse prescribers (APNPs) practicing in assisted living facilities. Additionally, this memo creates a general variance to specific rules that may have limited APNPs from fully practicing in certain assisted living facilities.

Wis. Admin. Code § N 8.02(1) and (2), defines “advance practice nurse” and “advance practice nurse prescriber” as follows:

(1) “Advanced practice nurse” means a registered nurse who possesses the following qualifications:

- (a) The registered nurse has a current license to practice professional nursing in this state, or has a current license to practice professional nursing in another state which has adopted the nurse licensure compact;
- (b) The registered nurse is currently certified by a national certifying body approved by the board as a nurse practitioner, certified nurse-midwife, certified registered nurse anesthetist or clinical nurse specialist; and,
- (c) For applicants who receive national certification as a nurse practitioner, certified nurse-midwife, certified registered nurse anesthetist or clinical nurse specialist after July 1, 1998, the registered nurse holds a master’s degree in nursing or a related health field granted by a college or university accredited by a regional accrediting agency approved by the board of education in the state in which the college or university is located.

(2) “Advanced practice nurse prescriber” means an advanced practice nurse who has been granted a certificate to issue prescription orders under s. 441.16 (2), of [the Wisconsin Statutes].

There are two groups of advanced practice nurses (APNs): those that can issue prescription orders and those who cannot. Within these two groups, many APNs may specialize, *e.g.*, in wound care, psychiatric care and other areas. Advance practice nurses generally practice independently in their area of expertise.

In practicing independently, APNs may assess and direct care within their scope of practice. Advanced practice nurses who are also advanced practice nurse prescribers (APNPs) are authorized to write prescriptions for medications; however, APNPs may not be fully recognized in the current rules governing the operation of an assisted living facility. For example, Wis. Admin. Code § HFS 83.33(2)(h)1., indicates that a “physician’s written order” is required for medications. Another example can be found in § HFS 88.07(3)(d), which requires a “written order from a physician” for staff to administer medications in an Adult Family Home.

In light of the authority under Wis. Admin. Code ch. N 8, and the limiting language in Wis. Admin. Code chs. HFS 83 and 88, the Division of Quality Assurance (DQA) is issuing a general variance for chs. HFS 83 and HFS 88 that specifically allows advance practice nurse prescribers to practice within the scope of their license as that practice relates to the issuing of prescription orders in these two types of assisted living facilities. The details of the general variance are in the grid that follows.

<b>Applicable Administrative Code provision</b>	<b>Current Language</b>	<b>Variance</b>
HFS 83.33(2)(h)1.	Each CBRF shall ensure that there is a physician’s written order for nursing care, medications, rehabilitation services and therapeutic diets provided or arranged by the CBRF.	A “practitioner,” as defined in Wis. Admin. Code § HFS 83.04(48), is authorized to issue prescription orders for medications under this section. (A “practitioner” means a person licensed in this state to prescribe and administer drugs or licensed in another state and recognized by this state as a person authorized to prescribe and administer drugs.)
HFS 88.07(3)(d)	Before a licensee or service provider dispenses or administers a prescription medication to a resident, the licensee shall obtain a written	

	order from the physician who prescribed the medication specifying who by name or position is permitted to administer the medication, under what circumstances and in what dosage the medication is to be administered. The licensee shall keep the written order in the resident's file.	
HFS 88.10(3)(q)	Medication. To receive all prescribed medications in the dosage and at the intervals prescribed by the resident's physician, and to refuse medication unless there has been a court order under s. 51.61(1)(g), Wis. Stats., with a court finding of incompetency.	A practitioner is authorized to issue prescription orders under these sections. (A "practitioner" means a person licensed in this state to prescribe and administer drugs or licensed in another state and recognized by this state as a person authorized to prescribe and administer drugs.)

In addressing the authority of an advanced practice nurse in assisted living facilities, the Division of Quality Assurance has been asked about advanced practice nurse prescribers and collaborative agreements with physicians. The DQA refers facilities and APNPs to Wis. Admin. Code § N 8.10(7), which requires APNPs to document their collaborative relationships with a physician. In this regard, DQA's expectation is that all applicable assisted living facilities using APNPs have some type of written agreement or memorandum of understanding that is consistent with the requirements of Wis. Admin. Code chs. HFS 83 or 88, and N 8.