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Client Alert: Florida Board of Nursing to Begin Drafting Regulations Regarding APRN Independent Practice

INDUSTRY SECTOR

Health Care

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Earlier this year, the Florida Legislature passed House Bill 607 ("HB 607"), which allows certain qualified advanced practice registered nurses ("APRNs") to practice independently of a physician. The new law takes effect on July 1, 2020. This month, the Board of Nursing ("Board") met, in part, to discuss various aspects of HB 607 and implementing additional clarifying regulations for independent APRN practice. On June 10, 2020, the Board announced that it is moving forward with the rulemaking process and will be drafting and implementing rules governing independent practice for APRNs.

First, the registration application for independent practice for APRNs will be available after it has been adopted by rule, which is anticipated to take at least 90 days. The Board also agreed that it will finalize appointments to the Council on APRN Autonomous Practice ("the Council") by the end of June 2020. The Council will develop "standards of practice" for APRNs in independent practice to recommend to the Board for formal adoption.

The Board further voted to define "primary care practice" to include "health promotion, disease prevention, health maintenance, counseling, patient education, and diagnosis and treatment of acute and chronic illnesses in a variety of health care settings." By way of background, per HB 607, an APRN may not practice independently unless they practice in primary care specialties, such as family medicine, general pediatrics, general internal medicine, or midwifery. As the Board's proposed definition of "primary care practice" is broader and more descriptive than the statutory language, the Board's additional definition may help APRNs determine if they are engaged in "primary care practice." If an APRN is unsure whether their practice fits into the new primary care practice definition, they should consult their compliance officer or a health care lawyer. As a word of caution, although the Board has signaled that this is likely to be the final definition of primary care practice, the definition does not take effect until it passes the rulemaking process and, thus, this definition could be subject to change in the final regulations.

Finally, the Board decided to provide an equivalency to the graduate level coursework that APRNs are

required to complete under HB 607, prior to entering independent practice. In lieu of the graduate level coursework, an APRN may attend 45 continuing education hours in each of the required subject areas. These hours must be offered by a Board-approved provider or a national organization empowered to accredit nursing continuing education. The courses must have been taken within the five years preceding the registration application. Submitted courses must have documentation of differential diagnosis and pharmacology in the course description and objectives.

Health care providers should monitor regulatory development from the Board, as the forthcoming regulations will provide additional information regarding APRNs' independent practice in Florida. As is the case with any newly expanded scope of practice, health care providers should proceed with caution and consult with their compliance officer or health care lawyer as needed.

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