STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

IN RE: DECLARATORY RULING CONCERNING WHETHER APRNs LICENSED IN CONNECTICUT CAN PERFORM PHYSICAL EXAMINATIONS FOR COMMERCIAL DRIVER'S LICENSES

Procedural Background

By letter submitted to the Department of Public Health in March 2014, Elaine M. Papp, RN MSN, COHN-S CM, Division Chief, Medical Programs, Federal Motor Carrier Safety Administration, U.S. Department of Transportation in Washington, D.C., requested that the Board of Examiners for Nursing ("Board") issue a response to the following question:

> Does the scope of practice for Advanced Practice Registered Nurses permit them to conduct the testing and physical examination of body systems required on the enclosed medical Examination Report, determine whether the driver is physically qualified to drive a [commercial motor vehicle] in interstate commerce, and complete the Medical Examiner's Certificate?

Board Exhibit ("Bd. Ex.") 1.

On April 2, 2014, Ms. Papp's request came before the Board and the matter was tabled to the May 7, 2014 meeting.

On April 29, 2014, a Notice of Declaratory Ruling Proceeding was posted in the *Connecticut Law Journal* which gave notice that the Board intended to take up this matter at its meeting scheduled for May 7, 2014, and that it intended to take any actions provided in Conn. Gen. Stat. § 4-176(e), including but not limited to, issuing a declaratory ruling at said meeting without further proceedings.

On May 7, 2014, at its scheduled meeting, the Board, as provided by Conn Gen. Stat. § 4-176(a), on its own motion, voted to initiate a proceeding and issue a declaratory ruling regarding whether the scope of Advanced Practice Registered Nurse ("APRN") practice in Connecticut permits an APRN to conduct the testing and physical examination of body systems required on the Medical Examination Report, as codified in 49 C.F.R. § 391.43, to determine whether a driver is physically qualified to drive a commercial motor vehicle ("CMV") in interstate commerce, and complete the Medical Examiner's Certificate on the Medical Examination Report.

On May 7, 2014, at the proceeding, the Board entered the letter from Elaine M. Papp, RN MSN, COHN-S CM, Division Chief, Medical Programs, Federal Motor Carrier Safety Administration, U.S. Department of Transportation in Washington, D.C., and the letter's attachments, into the record as Bd. Ex. 1. Bd. Ex. 1 includes pertinent federal regulations, the Medical Examination Report and Advisory Criteria codified in 49 C.F.R. § 391.43.

The Declaratory Ruling was conducted in accordance with Conn Gen. Stat. § 4-176 and §§ 19a-9-1 et seq. of the Regulations of Connecticut State Agencies.

In Connecticut, the scope of practice for APRNs is set forth in Conn. Gen. Stat. § 20-87a.[1] In issuing this declaratory ruling, the Board reviewed the APRN's scope of practice in Conn. Gen. Stat. § 20-87a, the pertinent federal regulations, the Medical Examination Report and Advisory Criteria, as provided in Bd. Ex. 1. The Board reviewed each of the requirements set forth in the federal regulations, the Medical Examination Report and Advisory Criteria to

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[1] Conn Gen. Stat. § 20-87a states, in pertinent part,

(a) The practice of nursing by a registered nurse is defined as the process of diagnosing human responses to actual or potential health problems, providing supportive and restorative care, health counseling and teaching, case finding and referral, collaborating in the implementation of the total health care regimen, and executing the medical regimen under the direction of a licensed physician, dentist or advanced practice registered nurse. A registered nurse may also execute orders issued by licensed physician assistants, podiatrists and optometrists, provided such orders do not exceed the nurse's or the ordering practitioner's scope of practice.

(b) Advanced nursing practice is defined as the performance of advanced level nursing practice activities that, by virtue of postbasic specialized education and experience, are appropriate to and may be performed by an advanced practice registered nurse. The advanced practice registered nurse performs acts of diagnosis and treatment of alterations in health status, as described in subsection (a) of this section, and shall collaborate with a physician licensed to practice medicine in this state. In all settings, the advanced practice registered nurse may, in collaboration with a physician licensed to practice medicine in this state, prescribe, dispense and administer medical therapeutics and corrective measures and may request, sign for, receive and dispense drugs in the form of professional samples in accordance with sections 20-14c to 20-14e, inclusive, except that an advanced practice registered nurse licensed pursuant to section 20-94a and maintaining current certification from the American Association of Nurse Anesthetists who is prescribing and administrating medical therapeutics during surgery may only do so if the physician who is medically directing the prescriptive activity is physically present in the institution, clinic or other setting where the surgery is being performed. For purposes of this subsection, "collaboration" means a mutually agreed upon relationship between an advanced practice registered nurse and a physician who is educated, trained or has relevant experience that is related to the work of such advanced practice registered nurse. The collaboration shall address a reasonable and appropriate level of consultation and referral, coverage for the patient in the absence of the advanced practice registered nurse, a method to review patient outcomes and a method of disclosure of the relationship to the patient. Relative to the exercise of prescriptive authority, the collaboration between an advanced practice registered nurse and a physician shall be in writing and shall address the level of schedule II and III controlled substances that the advanced practice registered nurse may prescribe and provide a method to review patient outcomes, including, but not limited to, the review of medical therapeutics, corrective measures, laboratory tests and other diagnostic procedures that the advanced practice registered nurse may prescribe, dispense and administer. An advanced practice registered nurse licensed under the provisions of this chapter may make the determination and pronouncement of death of a patient, provided the advanced practice registered nurse attests to such pronouncement on the certificate of death and signs the certificate of death no later than twenty-four hours after the pronouncement.

. . . .

determine whether such testing and physical examinations of body systems were within the scope of practice for APRNs under General Statutes § 20-87a. In making its ruling, the Board applied the training and experience of its expert members. *See Pet v. Department of Health Services*, 228 Conn. 651, 667 (1994).

On May 7, 2014, the Board issued the following ruling:

Ruling

The scope of practice for Advanced Practice Registered Nurses in Connecticut permits them to conduct the testing and physical examination of body systems required on the Medical Examination Report, as codified in 49 C.F.R. § 391.43, to determine whether a driver is physically qualified to drive a commercial motor vehicle in interstate commerce, and complete the Medical Examiner's Certificate on the Medical Examination Report.

5/7/14
Date

Patricia C. Bouffard, D.N.Sc.
Patricia C. Bouffard, D.N.Sc.
Chairperson
Connecticut Board of Examiners for Nursing