

Frequently Asked Questions about Scope of Practice and Nurse Practitioners

How many categories of nurse practitioners are there?

10. See 18 VAC 90-30-70.

What are relationships for nurse practitioners in these categories?

For nurse practitioners in the category of CRNA, they must practice under the supervision of a physician, but does not have to have a practice agreement. For nurse practitioners in the category of Certified Nurse Midwives, they must practice in “consultation” with a physician, and have a practice agreement. Finally, for all other categories of nurse practitioners, they have to collaborate and consult with a patient care team physician as evidenced in a practice agreement.

What is required to be contained in a practice agreement between a patient care team physician and a nurse practitioner?

The requirements for what must be contained in a practice agreement are set forth in 18 VAC 90-30-120 (D). This regulation requires the written or electronic practice agreement to include provisions for

- “1. The periodic review of patient charts or electronic patient records by patient care team physician and may include provisions for visits to the site where health care is delivered in a manner and the frequency determined by the patient care team;
2. Appropriate physician input in complex clinical cases and patient emergencies and for referrals; and
3. The nurse practitioner’s authority for signatures, certifications, stamps, verifications, affidavits, and endorsements provided, it is:
 - a) In accordance with the specialty license of the Nurse Practitioner and within the scope of practice of the patient care team physician;
 - b) Permitted by Sect. 54.1-2957.02 or applicable Sections of the Code of Virginia; and
 - c) not in conflict with Federal law or regulation.”

Is a patient care team physician required to practice at the same location as the nurse practitioner?

No. A patient care team physician may choose to visit or practice at the same site as the nurse practitioner, but there is no statutory or regulatory requirement that the physician must do so. It is discretionary between the physician and the nurse practitioner.

Does a practice agreement have to be in writing?

A practice agreement may be maintained in writing or electronically.

Does a practice agreement have to be filed with the Board of Nursing or the Board of Medicine?

No. Pursuant to 18 VAC 90-30-120(E), practice agreement shall be maintained by the Nurse Practitioner and made available to the Board or their representatives upon request.

Does a practice agreement have to be signed by the patient care team physician?

No. The physician's name may be clearly stated or may be signed by the physician. 54.1-2957.01

Are there any special provisions for practice agreements when care is provided in a hospital or within a healthcare system?

Yes. 18 VAC 90-30-120 permits nurse practitioners providing care to patients within a hospital or healthcare system to have the practice agreement included as part of the documents delineating the nurse practitioner's clinical privileges or the electronic or written delineation of duties and responsibilities.

May telemedicine be used on a patient care team between physicians and nurse practitioners?

Yes. Va Code Sect. 54.1-2957(c) requires nurse practitioners, as part of a patient care team to maintain the appropriate collaboration and consultation with at least one patient care team physician. Further, that Section specifies, "collaboration and consultation among nurse practitioners and patient care team physicians may be provided through telemedicine as described in Sect. 38.2-3418.6"

How is the issue of professional liability addressed?

Patient care team physicians most often are covered by a professional liability insurance policy. A physician wishing to become a patient care team physician should confirm with his insurance agent that coverage is provided for his work on a patient care team. In some instances, the policy may need to have an endorsement added, specifically stating that coverage is available.

As to nurse practitioners, professional liability insurance coverage is often purchased directly by the nurse practitioner, but the nurse practitioner may also be on the same policy with the patient care team physician.

The only statutory comment regarding professional liability insurance for patient care team members is found in 54.1-2957(c) which provides "physicians on a patient care team may require that a nurse practitioner be covered a professional liability insurance policy with limits equal to the current limitation on damages as set forth in Sect. 8.01-581.15 and [The Medical Malpractice Act]."

Is there a limitation on the number of nurse practitioners that a patient care team physician may serve at any given time?

Yes. For nurse practitioners, who have prescriptive authority under 54.1-2957.01(e)(2), "physicians may not serve as a patient care team physician on a patient care team at any one time to more than six nurse practitioners."

Is there any limitation on how many nurse practitioners a physician can serve as a patient care team physician if the nurse practitioner does not have prescriptive authority?

No, there is no limitation.

How has the limitation of six been interpreted for nurse practitioners who have prescriptive authority?

The Boards have interpreted the limitation of six nurse practitioners at any one time to mean that a physician may serve as a patient care team physician for six nurse practitioners in the office at 9am, go to a different office in the afternoon, have six different nurse practitioners and then go to a free clinic at night and work with six nurse practitioners who are different from the first two settings. In other words, there is no limitation on the total number of nurse practitioners a physician can participate with through multiple practice agreements in any given day, rather the limitation is there can be no more than six nurse practitioners partnering with a patient care team physician, at any one time.

May a patient care team physician be compensated or charge a fee for serving on a patient care team?

There are no statutes or regulations prohibiting or addressing compensation of patient care team physicians. Some patient care team physicians serve on a patient care team as part of their regular duties. Other patient care team physicians negotiate compensation with nurse practitioners or health systems.