



DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON DC 20420

APR 02 2013

Executive Director
State Board of Nursing

Dear Executive Director:

The Department of Veterans Affairs (VA) is pursuing national policy that will recognize the full practice status of all VA Advanced Practice Registered Nurses (APRN) and the ability of VA nurses to use protocols in the delivery of patient care.

The National Council of State Boards of Nursing (NCSBN) *Consensus Model for APRN Regulation* will provide the foundation for VA's qualification requirements for all APRN employment including: Completion of an accredited post-graduate program; board certification by a VA approved accrediting body; and demonstrated ongoing competence in the area of practice. APRNs currently licensed in states with collaborative practice agreement requirements will have the opportunity to request additional time (up to 2 years) to transition to independent practice through a formal program that may include mini residencies, continuing education, and formal preceptorships. Nurses other than APRNs will receive additional education and training to ensure they can safely and effectively engage in protocol-driven practice as authorized elements of practice.

The authority for this national policy is title 38, United States Code, which authorizes VA to prescribe all rules and regulations which are necessary and appropriate to carry out its statutory role as a provider of a national health care system for the Nation's Veterans. This includes the authority to establish the qualifications of its health care practitioners and regulate their professional conduct. With the exception of controlled substances prescribing, which by Federal law requires adherence to state licensure requirements for such prescribing, VA determines the elements of clinical practice for its health care practitioners.

In order to be employed by VA, health care professionals must be licensed in a state to practice their profession. This is a statutory employment qualification only, and does not authorize states to regulate the conduct and activities of VA health care professionals in the performance of their Federal duties. As a matter of comity and cooperation, VA has adopted a policy of compliance with state law where it would not interfere with VA operations or the activities of its employees acting within the scope of their Federal employment. However where Federal and state law conflict, per Article VI of the U.S. Constitution (Supremacy Clause) the Federal law must prevail. Thus, VA health

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regulations are more expansive or otherwise inconsistent with their State Practice Acts.

VA recognizes that states have an important interest in the health and well being of their residents. As a matter of policy, VA will cooperate with inquiries from State Licensing Boards (SLB) concerning clinical problems with a licensed VA practitioner's patient care. VA also will notify SLBs when it determines that the clinical practice of a licensed health care professional during VA employment so significantly failed to meet generally accepted standards of clinical practice as to raise reasonable concern for the safety of patients.


VA national and regional officials will continue to work closely with individual State Boards of Nursing to ensure that there is a clear understanding of VA's policy and practice, and to make clear VA's commitment to cooperation and collaboration with state boards as official licensing bodies. VA's Office of General Counsel would be happy to discuss this matter with counsel for the state boards and State Attorneys General.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Petzel".

Robert A. Petzel, M.D.
Under Secretary for Health

Sincerely,

A handwritten signature in black ink, appearing to read "Will A. Gunn".

Will A. Gunn
General Counsel