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| LOCAL COMMISSIONERS MEMORANDUM |  
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Transmittal No: 90 LCM-141

Date: August 30, 1990

Division: Commissioner's  
Office

TO: Local District Commissioners

SUBJECT: Filed Regulation 505.32

ATTACHMENTS: Attachment listed below  
(Attachment available on-line)

The following changes to the Official Regulations of the State Department of Social Services have been filed for adoption with the Secretary of State.

18 NYCRR 505.32 relating to nurse practitioner services.

The final rule - Filed: 8/29/90 - Effective: 9/19/90.

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Michael J. McNaughton  
Director, Local District  
Policy Communications

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 363-a(2) and 365-a(2)(a) of the Social Services Law, I Cesar A. Perales, Commissioner of Social Services, do hereby add Section 505.32 to the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective when the Notice of Adoption is published in the New York State Register.

Signed: \_\_\_\_\_

Commissioner

Dated: August 29, 1990

This is to certify that this is the original of an order of the State Department of Social Services made on, August 29, 1990 adding Section 505.32 to the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, the express terms of which were published in the New York State Register on May 30, 1990.

Dated: August 29, 1990

Signed: \_\_\_\_\_

Commissioner

Section 505.32 is added to read as follows:

505.32 Nurse practitioner services.

(a) Definitions.

(1) Nurse practitioner means an individual who is a licensed and currently registered as a professional nurse in the State and who is certified under section 6910 of the Education Law as a nurse practitioner.

(2) Nurse practitioner services means the provision of services to a medical assistance (MA) recipient which are in conformity with the provisions of sections 6902 and 6910 of the Education Law, regulations of the Education Department and regulations of the Department of Health.

(3) Collaborating physician means a physician who is not excluded from participation in either the MA or the Medicare programs, with whom the nurse practitioner maintains practice agreements and practice protocols in accordance with section 6902 of the Education Law.

(4) Practice agreements and practice protocols means written documents meeting the requirements of section 6902 of the Education Law and 8 NYCRR 64.6 of the Education Department's regulations.

(b) Written practice agreement and practice protocols required. Written practice agreements and practice protocols between nurse practitioners and their collaborating physicians must contain the provisions required by the Education Law and regulations of the Education Department, including provisions for the collaborating

physician's review of patient records at least every three months. The nurse practitioner must make the written practice agreements and practice protocols and evidence that the collaborating physician has reviewed patient records available to the Department and its agents for purposes of conducting audits under the MA program.

(c) Identification of collaborating physician required. The nurse practitioner must submit the name of and other identifying information concerning the collaborating physician with the nurse practitioner's MA enrollment application.

(d) Payment for nurse practitioner services. MA coverage for nurse practitioner services is available in accordance with the provisions of this subdivision.

(i) Payment for nurse practitioner services be made in accordance with fees established by the Department of Health and approved by the Director of the Budget.

(ii) The collaborating physician's review of patient records required by the Educational Law is not a billable service under the MA program.

(iii) Payment for nurse practitioner services provided by a nurse practitioner who is paid a salary by a medical facility which is reimbursed under the MA program for its services on a rate basis will be made on a fee for service basis only if the cost of the nurse practitioner services is not included in the facility's cost-based rate.

(iv) Payment will be made for medically necessary ancillary services which are covered under the MA program and which the nurse practitioner orders for an MA recipient. Payment will only be made for prescription drugs when prescribed by a nurse practitioner

who has the authority to write prescriptions under the provisions of the Education Law and regulations of the Education Department.

(e) This section is effective for services provided by nurse practitioners on and after July 1, 1990.