

Advanced Registered Nurse Practitioner Care

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Official Newsletter of ARNPs United of Washington State

September 2009

Join Us At Conference

It's that time of year again! Time to register for our region's *stellar* annual advanced practice conference, designed by and for nurse practitioners in all specialties! This year's conference is October 28-31 in downtown Seattle. "Being able to sustain this national conference in our own backyard for the past 30 years reflects loyal support from the whole advanced practice community!" says Maddy Wiley, co-chair of the planning committee. As one participant wrote in 2007, "I was here last year and had so much fun I came back with two of my colleagues!" This conference is known for its outstanding speakers, specialty tracks, practice-oriented workshops, and excellent organization. Back by popular demand is the fifth annual art show, The "Art" of Advanced Practice, showcasing the work of attendees. (Bring your priceless creations!) The poster session is also returning for the second year.

This year's keynote speakers are Richard Ries (Wednesday evening, "Prescription Drug Abuse and the Role of the Prescribing Practitioner"), John Medina (Thursday, "Brain Rules"), and Benjamin Danielson (Friday, "Health Disparities in the Context of the Changing Political and Economic Climate"). Call UWCNE at 206.543.1047 or email them at cne@u.washington.edu for more information or go to www.uwcne.org. The conference brochure is at <http://www.uwcne.org/conf/PDFs/09130-C.pdf>.

H1N1 Vaccine

This fall, the federal government is planning to provide H1N1 (swine flu) vaccine to states at no cost. Vaccination is strictly voluntary. Some vaccine supplies (needles, syringes, sharps containers, and alcohol swabs) will also be provided at no cost.

The Washington State Department of Health and local health partners invite interested licensed health care providers and facilities (including hospitals, clinics, pharmacists, and community vaccinators) to pre-register to receive this new vaccine.

Becoming an H1N1 vaccine provider is a two-step process. First, pre-register by completing the online application (www.doh.wa.gov/swineflu/h1n1reg.htm). Second, sign the H1N1 Provider Agreement with the final terms. We'll send the agreement to you before vaccine is sent to your clinic site.

There is no cost to pre-register and no obligation to order vaccine. Local health agencies will make final decisions about which providers receive H1N1 vaccine in their communities.

Pre-registered providers will receive periodic e-mail updates. H1N1 information is also available on our Web site: www.doh.wa.gov/swineflu.

Contact your local health agency (www.doh.wa.gov/LHJMap/LHJMap.htm) for information about the H1N1 (swine flu) vaccine. For more information about the pre-registration form, contact Jan Hicks-Thomson (jan.hicks-thomson@doh.wa.gov) at 360.236.3578.

Thanks for all you do for public health.

Update on Prescription Refusal

By Ann Darlington

The saga continues as the local version of the prescription refusal issue works its way through our legal system. Washington is not alone in dealing with this issue; similar fights are happening in the legislative arenas of Idaho, Montana and New York. Many have called it "Refuse and Refer," reflecting the claim that it is appropriate for a pharmacy or a pharmacist to refuse to fill prescriptions to which they object on religious or moral grounds, and to refer clients elsewhere. It has also been called "Prescription Refusal," since some have argued that it is their right to altogether refuse to fill an objectionable prescription (like Plan B) with no obligation to send a client elsewhere.

Our local story's name has evolved along with its history. It began when two pharmacists and one pharmacy challenged the 2007 Washington Board of Pharmacy's rules requiring that legally prescribed medications be filled. The legal title in Washington state's case is "Storman's vs. Selecky," that is, the owner of Ralph's Thriftway Pharmacy in Olympia (Storman) against the Secretary of the WA State Department of Health (Mary Selecky). Local legal folks now call it the "Pharmacy Refusal" case, because in its current phase, the Storman's case focuses specifically on the right of the pharmacy to refuse to fill objectionable prescriptions.

Some basic background: In the spring of 2007, the WA State Board of Pharmacy (BOP) adopted two sets of rules governing "Pharmacies' Responsibilities" and "Pharmacist's Professional Responsibilities" (WAC 246-869-010 and WAC 246-863-095) to protect patients' access to lawful prescription medications without discrimination or delay. Under these pharmacy rules, if a pharmacist objects to dispensing a medication for personal, moral, or religious reasons, the pharmacy can accommodate the objecting pharmacist. But the pharmacy must also ensure that the prescription is filled in a reasonably timely manner. (Please see our previous

ARNP Care articles on this subject, in our July 2007 and May 2008 issues found on our website at www.auws.org. For the full administrative code language of the rules, go to <http://apps.leg.wa.gov/wac>.

A summary of the local legal battle: So far in WA state, it's all been about an injunction – no trial has yet taken place. In October 2007, Storman's (represented by the ultra-conservative Alliance Defense Fund, which is headquartered in Arizona) won its bid in the western WA US District Court (Judge Ronald B. Leighton presiding) for an injunction against the WA BOP rules for all pharmacies and pharmacists in our state, thus putting legal restraints on the application and enforcement of the pharmacy rules. In May 2008, the US 9th Circuit Court of Appeals (in San Francisco) declined to stay (that is, remove) the injunction pending their full appeal of the case. That appeal was finally completed on July 8, 2009. The Circuit Court repealed the injunction, saying, "Because we conclude that the district court incorrectly applied a heightened level of scrutiny to a neutral law of general applicability, and because the injunction is overbroad, we vacate, reverse, and remand." In simpler terms: the Circuit Court found that the District Court erred in how it viewed the case and therefore ruled wrongly in allowing the injunction against the BOP rules. Storman's had argued that the Free Exercise Clause of the 14th Amendment to the US Constitution ("Congress shall make no law prohibiting the free exercise of religion") meant that because of their religious beliefs, they were singled out, and that the rules were specifically directed against religion and religious practices. The Circuit Court disagreed, stating that the rules were neutral and had general applicability: "...the purpose of the new rules was not to eliminate religious objections to delivery of lawful medicines, but to eliminate all objections that do not ensure patient health, safety, and access to medication." Storman's has already asked the 9th Circuit Court of Appeals to re-hear their case, arguing that there should have been a full panel of 9 judges ruling on their case, rather than the panel of three who reviewed it.

Professor Will Huhn recently wrote about both the national and WA state issues in the Akron Law Café blog (see www.ohioverticals.com/blogs/akron_law_cafe/2009/07/stormans). He explained it this way: "Laws that are directed at religion are subject to strict scrutiny and are presumed to be unconstitutional. In such cases the government bears a heavy burden of proving that the law is constitutional. In contrast, neutral laws of general application are unconstitutional under the Free Exercise Clause only if the law lacks a rational basis—that is only if the law has no tendency to achieve any legitimate state purpose..." Referring to the Storman's case, he said, "The Court of Appeals remanded the case to the

lower court so that it could determine whether the law in fact serves as a rational basis...[that is]...whether the plaintiffs challenging the law had 'negated every conceivable basis supporting the new rules.' In light of the standard established by the Court of Appeals' ruling, it is likely that on remand the District Court will uphold the constitutionality of the regulation." We'll see about that.

So what's next? If the Circuit Court is willing to re-hear Storman's case, that rehearing would happen sometime this winter. If as expected, they decline the rehearing request, Storman's would probably petition the US Supreme Court to review the Circuit Court's decision to lift the injunction. Of course one never knows, but it is likely the Supreme Court would decline to review the Circuit Court's findings, which would end the injunction phase of all this. Only then can the case finally go to trial, which would be back in Judge Leighton's District Court. The sole issue to be resolved there would be whether or not the BOP had a rational reason to pass the rules in the first place. Once that decision is rendered, the side that loses would likely appeal that finding, so the case would yet again go back to the 9th Circuit Court of Appeals. And after that? If the Circuit Court's decision were appealed again, the next step would be the US Supreme Court. Justice is convoluted!

As a sidebar and on a personal note, I wish to recognize that not all nurse practitioners agree that the BOP rules are appropriate; they believe that some version of "Refuse and Refer" should be the right of pharmacies and pharmacists. These NPs fear similar rules restraining their own practice choices. However, the rules do allow for certain exceptions and accommodations – for example, when there is simply no call for a given medication in a pharmacy's market area (e.g., Plan B doesn't fit in a pharmacy catering to a geriatric population), or the patient has no means or intention of paying for the med, or another pharmacist can do Plan B counseling over the phone. This is all very complicated, but let us remember that the primary issue is access to care, including patients' access to all legally prescribed meds, controversial or not. We at ARNPs United of WA State will continue to listen to those who worry about the BOP rules. We will take to heart the need to remain vigilant in maintaining balance between rules and rights, and to retain prescriptive authority as a part of access to care. My belief is that just as the BOP rules allow pharmacists to defer to an in-house or on-call colleague to fill a legal prescription, so can we continue to find a middle ground that allows us to practice within our scopes and our comfort zones as nurse practitioners.

Stay tuned...

Mom & Baby Mobile Health Centers Have Become Primary Care Providers Along the Gulf Coast

Four years after the hurricanes of 2005, four March of Dimes Mom & Baby Mobile Health Centers® serve as the primary health care providers for thousands of pregnant women, teenagers and children living along the Gulf Coast.

Launched as an emergency response to the devastation inflicted upon New Orleans and the region's hospitals and health care facilities, these mobile prenatal health centers have taken the place of regular health care provider for these areas. Although all of the hospitals in Jefferson Parish have reopened, four out of nine still remain closed in Orleans Parish and none have reopened in St. Bernard Parish.

They have provided more than 7,800 patient visits since they began operating in 2007. The centers travel throughout New Orleans and its surrounding suburbs. They make regular stops at community centers, churches, schools and even Kmart in Biloxi, MS.

Some of the services provided by the mobile health centers include ultrasounds, prenatal visits, pregnancy testing, preconception counseling, CenteringPregnancy (a group prenatal care program), referrals to remaining hospitals in the area for high risk women who require specialized care, and postpartum checkups.

"Many of our patients are Spanish-speaking, and because we are bi-lingual we can offer these women access to quality health care," says Rosa Bustamante-Forest, RN, MPH, MN, program director for the Mom & Baby Mobile Health Center® in New Orleans. "We're seeing repeat patients from last year who are pregnant again, which speaks volumes to the quality of care we offer."

The Mom & Baby Mobile Health Centers were funded through the March of Dimes Hurricane Assistance Fund, including a \$3 million gift from the People of Qatar.

Inside, the Mom & Baby Mobile Health Centers look like a regular healthcare provider's office, with private exam areas, waiting areas and nurses' station. They are equipped with fetal monitors, ultrasounds and other equipment, and a backup generator. The handicap accessible centers have bilingual staff, including an obstetrician, nurse practitioner or midwife, a nurse, lab technician and an outreach worker. The vehicles have a fixed schedule at consistent locations so services will be dependable and expected.

operative care, rounding on patients in the hospital and providing first assist in surgery. The MultiCare Regional Cancer Center is a network affiliate of the Seattle Cancer Care Alliance. The practice is conveniently located on the main campus of our 391-bed tertiary care center with a 43 bed dedicated inpatient oncology medical surgical unit. Located just 30 miles south of Seattle, on the shores of Puget Sound, you'll experience the best of Northwest living, from big city amenities to the pristine beauty and recreational opportunities of the great outdoors. Excellent compensation, a full array of benefits, and a great location make for an exciting opportunity.

Please visit our website to apply online at www.blazenewtrails.org, email your CV to blazenewtrails@multicare.org or fax your CV to 866-264-2818. Please refer to opportunity 5802 when responding.

Renton/Auburn, WA – Long-Term Care

NP wanted for our facilities in Renton and Auburn. We are looking for a FNP, ANP, or GNP, will train. Competitive salary and benefits. Flexible hours. Only fun loving, easy going, self-motivators need apply. For more information please call Paula or Sarah at 818-843-5225; visit our web site at www.mobilemedicalnursing.com or send your CV to Dino at drk99@sbcglobal.net

Federal Way, WA – ARNPs Wanted

NHC is a progressive Medical Center located in Federal Way WA. We have an amazing opportunity for 2-6 positions for ARNPs and Certified Midwives to be a part of our team. This is a unique format. You would have a complete support system and built in referrals And have the freedom to practice independently. Our brand new and completely remodeled space is furnished with every thing you need to get started. The space is beautiful it includes one large office/2 treatment rooms/one lab/front desk reception & billing. There is also an opportunity to have more space if needed. We are group with Regence and could offer becoming a provider. We are an integrated clinic with services that include massage, acupuncture, chiropractic, medical skin care, physical therapy, family counseling. This is a high income earning potential. Please contact Teresa Fromm 253-942-3305 or Teresa@fwmusculartherapy.com.

Olympia, WA – ARNP Wanted

ARNP/PA needed for small Family Practice in Olympia, WA. Please email resume and salary requirements to maximusgmt@hotmail.com or fax 360.528.8192

CE Opportunities

Pacific NW 32nd Annual Conference for Advanced Practice in Primary and Acute Care

October 28-31, 2009 • 6.0-21.6 contact hours • Washington State Convention & Trade Center, Seattle, WA

Enhance your clinical competencies • Acquire new assessment and management skills • Examine critical issues in health care at the state and national level • Foster a strong coalition of providers in advanced practice • Learn about new products, services, and pharmaceutical agents at this highly-acclaimed conference.

For information call CNE, 206-543-1047

email: cne@u.washington.edu

Web: uwcne.org

The URL for the Advanced Practice in Primary and Acute Care brochure: <http://www.uwcne.org/conf/PDFs/09130-C.pdf>

Meetings

Join us! Puget Sound Nurse Practitioners Association is a non-profit organization supporting ARNPs in Puget Sound since 1998. We meet every other month and offer a social hour/networking and a CME talk. Annual dues are \$35/\$17.50 for students. Apply for membership and find meeting information at <http://PSNPA.org>

Classified Ads

Tacoma, WA – Full Time ARNP

MultiCare Health System is searching for a full-time ARNP and/or PA-C to work with our gynecologic oncologist providing pre and post-

West Sound Advanced Practice Association meets the second Thursday of the month. Meetings include networking/dinner/educational session. E-mail Fionafnp@centurytel.net for more information.

253.852.9042. Fax 253.852.7725. Email care@nurse.net.

Healthy Humor

The doctor answered the phone and heard the familiar voice of a colleague on the other end of the line. "We need a fourth for poker," said the friend.
"I'll be right over," whispered the doctor.
As he was putting on his coat, his wife asked, "Is it serious?"
"Oh yes, quite serious," said the doctor gravely. "Why, there are three doctors there already!"

ARNPs United of WA State
10024 S.E. 240th St., Suite #102, Kent, WA 98031
253.480.1035 Fax: 253.852.7725
Email: au@auws.org Web site: www.auws.org

ARNP Care
10024 S.E. 240th St., Suite #102, Kent, WA 98031
253.852.9042 Fax: 253.852.7725
Email: care@nurse.net Web site: www.nurse.org/wa/arnpcare

Ad Information

Copy deadline is the second Tuesday of the month prior to publication. Ads may be accepted later than this on a space-available basis. Position Available Ads of less than 66 words are \$45, of 66 to 130 words are \$75, and greater than 130 words are \$105. Position Available Ads are priced per insertion. Continuing Education Announcements of less than 65 words are \$70, of 66 to 130 words are \$105, or 131 words or greater are \$130. Continuing Education Announcements are per offering for up to three (3) consecutive insertions. New Product Announcements per product for one insertion of 130 words or less are \$75. Ad Inserts are \$550 for one issue. All ads are subject to space limitations and editing. Call for detailed rate information. Mail copy to ARNP Care, 10024 SE 240th St, #102, Kent, WA 98031. Phone

Editors:
Robert T. Smithing, MSN, ARNP
Madeline D. Wiley, MSN, ARNP
ARNPs United Contributing Editors:
Deb Smith, FNP, DNP, ARNP (President)
Louise Kaplan, PhD, ARNP (Legislative Chair)
Patti Krafft, FNP, ARNP (ARNP Care Committee Chair)
Managing Editor:
Tracy Kiele
Production Staff:
Sarah Abid
Publisher:
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Kent WA 98031
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