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# Are Nurse Practitioners Practicing Medicine?

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[DISCLOSURES](#) | December 02, 2015

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## Question

After being licensed, a NP can diagnose, order tests, and treat patients. Isn't this practicing medicine?



Response from Carolyn Buppert, MSN, JD  
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## Nursing or Medicine?

Here is a question from a nurse practitioner (NP) student: "After being licensed, a NP can diagnose, order tests, and treat patients. Isn't this practicing medicine? Or is it advanced practice nursing? **What is the difference?"**

In some states, the definitions of "practice of medicine" and "practice of advanced practice nursing" overlap. In other states, diagnosis and treatment are the practice of medicine, with advanced practice nurses authorized to perform some medical functions, usually under specified terms.

Every state has a law defining "the practice of medicine" within that state. For example, North Carolina defines the practice of medicine as:

Offering or undertaking to prescribe, order, give, or administer any drug or medicine for the use of any other individual. Offering or undertaking to prevent or diagnose, correct, prescribe for, administer to, or treat in any manner or by any means, methods, or devices any disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition of any

individual, including the management of pregnancy or parturition.<sup>[1]</sup>

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Some states, and the District of Columbia, define diagnosis and treatment as the "practice of advanced practice nursing." For example, in the District of Columbia, "practice of advanced practice nursing" means the performance of advanced-level nursing actions, with or without compensation, by a licensed registered nurse with advanced education, knowledge, skill, and scope of practice who has been certified to perform such actions by a national certifying body acceptable to the Board of Nursing. The practice of advanced practice registered nursing includes advanced assessment, medical diagnosis, prescribing, selecting, administering and dispensing therapeutic measures, treating alterations of health status and carrying out other functions....<sup>[2]</sup>

## The Legal Practice of Medicine

One must look at state law to decide whether medical diagnosis and treatment constitute the practice of medicine, whether NPs are authorized to practice specified aspects of medicine under delegation from a physician, or whether medical diagnosis and treatment are within the definition of advanced practice nursing.

Let's compare three state laws on nurse NP practice:

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North Carolina. In North Carolina, an NP is defined as a currently licensed registered nurse approved to perform medical acts consistent with the nurse's area of NP academic educational preparation and national certification under an agreement with a licensed physician for ongoing supervision, consultation, collaboration, and evaluation of medical acts performed.<sup>[3]</sup>



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### References

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