HOUSE DOCKET, NO. 986 FILED ON: 1/15/2013

HOUSE . . . . . No. 2009

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan and Paul J. Donato

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act improving the quality of health care and reducing costs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	*11th Middlesex*
Paul J. Donato	*35th Middlesex*
Ellen Story	*3rd Hampshire*
Bradley H. Jones, Jr.	*20th Middlesex*
Stephen Kulik	*1st Franklin*
Bruce J. Ayers	*1st Norfolk*
Matthew A. Beaton	*11th Worcester*
Paul Brodeur	*32nd Middlesex*
William N. Brownsberger	*Second Suffolk and Middlesex*
Thomas J. Calter	*12th Plymouth*
Christine E. Canavan	*10th Plymouth*
Edward F. Coppinger	*10th Suffolk*
Marcos A. Devers	*16th Essex*
Stephen L. DiNatale	*3rd Worcester*
Benjamin B. Downing	*Berkshire, Hampshire, Franklin and Hampden*
James J. Dwyer	*30th Middlesex*
Sean Garballey	*23rd Middlesex*

Denise C. Garlick	*13th Norfolk*
Anne M. Gobi	*5th Worcester*
Thomas A. Golden, Jr.	*16th Middlesex*
Kenneth I. Gordon	*21st Middlesex*
Bradford Hill	*4th Essex*
Jay R. Kaufman	*15th Middlesex*
Peter V. Kocot	*1st Hampshire*
David Paul Linsky	*5th Middlesex*
Brian R. Mannal	*2nd Barnstable*
James R. Miceli	*19th Middlesex*
Kevin J. Murphy	*18th Middlesex*
Alice Hanlon Peisch	*14th Norfolk*
Denise Provost	*27th Middlesex*
Dennis A. Rosa	*4th Worcester*
Tom Sannicandro	*7th Middlesex*
John W. Scibak	*2nd Hampshire*
Carl M. Sciortino, Jr.	*34th Middlesex*
Frank I. Smizik	*15th Norfolk*
Thomas M. Stanley	*9th Middlesex*
Aaron Vega	*5th Hampden*
Daniel B. Winslow	*9th Norfolk*
Jonathan D. Zlotnik	*2nd Worcester*
Benjamin Swan	*11th Hampden*
William Smitty Pignatelli	*4th Berkshire*
John H. Rogers	*12th Norfolk*
Paul McMurtry	*11th Norfolk*
Randy Hunt	*5th Barnstable*

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HOUSE . . . . . No. 2009

By Representatives Khan of Newton and Donato of Medford, a petition (accompanied by bill, House, No. 2009) of Kay Khan, Paul J. Donato and others relative to further regulating health care costs and the dispensing of controlled substances. Public Health.

The Commonwealth of Massachusetts

An Act improving the quality of health care and reducing costs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 94C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the definition for “Marihuana” the following definition:-

“Medication Order”, an order for medication entered on a patient's medical record maintained at a hospital, other health facility, or ambulatory health care setting and is dispensed for immediate administration to the ultimate user by an individual who under chapter 94C administers such medication. Where this chapter requires a prescription, a "Medication Order" shall satisfy such requirement for all purposes.

SECTION 2. Said section 1 of said chapter 94C, as so appearing, is hereby further amended by adding the following 2 subsections to the definition of “practitioner”:-

(d) A nurse practitioner authorized by section 80I of chapter 112 and registered pursuant to subsection (f) of section 7 to distribute, dispense, conduct research with respect to, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in the commonwealth.

(e) A nurse anesthetist authorized by section 80H of chapter 112 and registered pursuant to subsection (f) of section 7 to distribute, dispense, conduct research with respect to, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in the commonwealth.

SECTION 3. Subsection (d) of section 7 of said chapter 94C, as so appearing, is hereby amended by striking out paragraph (4) and inserting in place thereof the following paragraph:-

21 (4) a registered nurse or licensed practical nurse or a licensed dental hygienist when the
22 licensed dental hygienist is administering local anesthesia agents under the supervision of a
23 practitioner as defined in section 1;

24 SECTION 4. Said subsection (d) of said section 7 of said chapter 94C, as so appearing, is
25 hereby further amended by striking out paragraph (7) and inserting in place thereof the following
26 paragraph: -

27 (7) any person performing the nursing services which do not require licensure as a nurse
28 by clauses (1), (2), (3) and (5) of section 80B of chapter 112 when any such person is acting
29 under the supervision of a practitioner;

30 SECTION 5. Said section 7 of said chapter 94C, as so appearing, is hereby further
31 amended by adding in lines 115 and 118 after the word "podiatrist," the following words: - nurse
32 practitioner, nurse anesthetist

33 SECTION 6. Said section 7 of said chapter 94C, as so appearing, is hereby further
34 amended in subsection (g) by striking out in line 129 the words "of nurse practitioners and for"

35 SECTION 7. Said section 7 of said chapter 94C, as so appearing, is hereby further
36 amended by striking out in line 138 the words: "nurse practitioners and"

37 SECTION 8. Subsection (g) of said section 7 of said chapter 94C, as so appearing, is
38 hereby amended by striking out the last paragraph.

39 SECTION 9. Section 9 of said chapter 94C, as so appearing, is hereby amended by
40 inserting in line 1 after the word "podiatrist," the following words:- nurse practitioner, nurse
41 anesthetist,

42 SECTION 10. Said section 9 of said chapter 94C, as so appearing, is hereby further
43 amended by inserting in line 27 after the words "nurse-midwifery," the following words:-
44 advanced practice nursing

45 SECTION 11. Said section 9 of said chapter 94C, as so appearing, is hereby further
46 amended in line 3 by striking out the words "nurse practitioner and" and in lines 7 and 8 by
47 striking the words "nurse anesthetist, as limited by subsection (g) of said section 7 and section
48 80H of said chapter 112,"

49 SECTION 12. Said section 9 of said chapter 94C, as so appearing, is hereby further
50 amended in lines 91 and 98 by adding after the words "nurse practitioner," the following words:-
51 nurse anesthetist

52 SECTION 13. Section 18 of said chapter 94C, as so appearing, is hereby amended in
53 lines 10, 26 and 52 by adding after the words "to practice medicine" the following words:- or
54 advanced practice nursing

55 SECTION 14. Said section 18 of chapter 94C, as so appearing, is hereby further amended
56 in line 24 by adding after the words “said physician” the following words:- , nurse practitioner or
57 nurse anesthetist

58 SECTION 15. Said section 18 of chapter 94C, as so appearing, is hereby further amended
59 in line 38 by adding after the words “practice medicine” the following words:- , a nurse
60 practitioner who is licensed to practice advanced practice nursing or a nurse anesthetist who is
61 licensed to practice advanced practice nursing

62 SECTION 16. Section 80B of chapter 112, as so appearing in the Official Edition is
63 hereby amended by inserting in line 12 after the word “practitioners” the following words:- ,
64 nurse anesthetists

65 SECTION 17. Said section 80B of chapter 112, as so appearing, is hereby further
66 amended by striking out the seventh paragraph and inserting in place thereof the following
67 paragraph:- Advanced practice nursing regulations which govern the provision of advanced
68 practice nursing services and related care, including but not limited to the ordering and
69 interpreting of tests and the ordering of treatment and therapeutics and any registration as a
70 practitioner under chapter 94C, shall be promulgated by the board.

71 SECTION 18. Said section 80B of chapter 112, as so appearing, is hereby further
72 amended by striking out in lines 50 and 51 the following words:- “in the ordering of tests,
73 therapeutics and the prescribing of medications,”

74 SECTION 19. Section 80E of chapter 112, as so appearing, is hereby amended by
75 striking out in lines 1 and 7 the following words:- nurse practitioner or

76 SECTION 20. Chapter 112 of the General Laws, as so appearing, is hereby amended by
77 striking out the Section 80H and inserting in place thereof the following section:- Section 80H.
78 Pursuant to section 80B, a nurse anesthetist may be registered to distribute, dispense, conduct
79 research with respect to, or use in teaching or chemical analysis, a controlled substance in the
80 course of professional practice or research in the commonwealth in accordance with regulations
81 promulgated by the board of registration in nursing after consultation with the department of
82 public health.

83 SECTION 21. Section 211 of said chapter 112, as so appearing, is hereby amended in
84 line 31 by inserting after the word “physician” the following words:- or nurse anesthetist

85 SECTION 22. Said section 211 of said chapter 112, as so appearing, is hereby further
86 amended in line 33 by adding after the word “anesthesiologist” the following words:- or nurse
87 anesthetist

88 SECTION 23. Section 80I of chapter 112 of the General Laws inserted by section 113 of
89 chapter 224 of the acts of 2012 is hereby amended by striking out the second and third sentence

90 and inserting in place thereof the following sentence:- Pursuant to section 80B, a nurse
91 practitioner may be registered to distribute, dispense, conduct research with respect to, or use
92 in teaching or chemical analysis, a controlled substance in the course of professional practice or
93 research in the commonwealth in accordance with regulations promulgated by the board of
94 registration in nursing after consultation with the department of public health.