

HOUSE No. 1970

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

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 adoption of the accompanying bill:

An Act relative to the independent practice of health care in the Commonwealth.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Thomas A. Golden, Jr.

16th Middlesex

David M. Nangle

17th Middlesex

HOUSE No. 1970

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 1970) of Thomas A. Golden, Jr., and David M. Nangle relative to specific standards and scope of practice set by health boards of registration. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1980 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the independent practice of health care in the Commonwealth.

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

1 SECTION 1. Section 23A of chapter 112, as appearing in the 2014 Official Edition, shall
2 be amended by striking the definitions “athletic training”, “occupational therapy”, and “physical
3 therapy” in their entirety and inserting the following new definitions in place thereof:

4 ““Athletic training”, shall be as determined by the board and in accordance with national
5 standards of practice for athletic trainers.

6 “Occupational Therapy”, shall be as determined by the board and in accordance with
7 national standards of practice for occupational therapists.

8 “Physical therapy”, shall be as determined by the board and in accordance with national
9 standards of practice for physical therapists”

10 SECTION 2. Section 23R of chapter 112, as appearing in the 2014 Official Edition, shall
11 be amended by striking the definitions “respiratory care” in its entirety and inserting the
12 following new definition in place thereof:

13 ““Respiratory care”, shall be determined by the board and in accordance with national
14 standards of practice for respiratory care therapists.”

15 SECTION 3. Section 66 of chapter 112, as appearing in the 2014 Official Edition, shall
16 be amended by striking the section in its entirety and inserting the following new section in place
17 thereof:

18 “Section 66. The practice of optometry, as referred to in this section to section 73,
19 inclusive, shall be as determined by the board of registration of optometry and in accordance
20 with national standards of practice for optometrists.”

21 SECTION 4. Sections 66A to 68B, inclusive, of chapter 112, as appearing in the 2014
22 Official Edition, are hereby stricken.

23 SECTION 5. Section 89 of chapter 112, as appearing in the 2014 Official Edition, is
24 hereby amended by striking the term “chiropractic” and inserting the following new term in
25 place thereof:-

26 “Chiropractic”, shall be determined by the board and in accordance with national
27 standards of practice for chiropractors.”

28 SECTION 6. Section 163 of chapter 112, as appearing in the 2014 Official Edition, is
29 hereby amended by striking the terms “marriage and family therapy”, “practice of rehabilitation

30 counseling”, “practice of mental health counseling” , and “practice of educational psychology”
31 and replacing them with the following definitions:-

32 ““Practice of marriage and family therapy”, shall be determined by the board and in
33 accordance with national standards of practice for licensed marriage and family therapists.

34 “Practice of rehabilitation counseling” shall be determined by the board and in
35 accordance with national standards of practice for licensed rehabilitation counselors.

36 “Practice of mental health counseling”, shall be determined by the board and in
37 accordance with national standards of practice for licensed mental health counselors.

38 “Practice of educational psychology”, shall be determined by the board and in accordance
39 with national standards of practice for licensed educational psychologists.”

40 SECTION 7. Section 201 of chapter 112, as appearing in the 2014 Official Edition, is
41 hereby amended by striking the term “field of dietetics and nutrition” and replacing it with the
42 following new definition:-

43 “Field of dietetics and nutrition”, shall be determined by the board and in accordance
44 with national standards of practice.

45 SECTION 8. Section 211 of chapter 112, as appearing in the 2014 Official Edition, is
46 hereby amended by striking the term “perfusion” and replacing it with the following new
47 definition:-

48 “Perfusion”, shall be determined by the board and in accordance with national standards
49 of practice for licensed perfusionists.”

50 SECTION 9. Section 225 of chapter 112, as appearing in the 2014 Official Edition, is
51 hereby amended by striking the term “massage” and replacing it with the following new
52 definition:-

53 ““Massage”, shall be as determined by the board and in accordance with national
54 standards of practice for licensed massage therapists.”

55 SECTION 10. Section 252 of chapter 112, as appearing in the 2014 Official Edition, is
56 hereby amended by striking the term “practice of genetic counseling” and replacing it with the
57 following new definition:-

58 “Practice of genetic counseling”, shall be as determined by the board and in accordance
59 with national standards of practice for licensed genetic counselors”

60 SECTION 11. Section 7, subsection (d), clause (10) of chapter 94C, as appearing in the
61 2014 Official Edition, is hereby amended by striking the clause and inserting the following
62 clause therein:-

63 (10) a duly licensed optometrist in accordance with section sixty-six of chapter one
64 hundred and twelve; provided, however, that a wholesale distributor or pharmacist may dispense
65 pharmaceutical agents to a licensed optometrist for subsequent administration to optometry
66 patients only if such optometrist provides the wholesale distributor or pharmacist with the
67 number of the optometrist's certification of qualification to administer such pharmaceutical
68 agents.

69 SECTION 12. Section 7, subsection (h), of chapter 94C, as appearing in the 2014 Official
70 Edition, is hereby amended by striking the subsection and inserting the following clause therein:-

71 (h) The commissioner shall promulgate regulations which provide for the automatic
72 registration of optometrists, upon the receipt of the fee as herein provided, to issue written
73 prescriptions in accordance with the provisions of sections 66 of chapter 112, unless the
74 registration of such optometrist has been suspended or revoked pursuant to the provisions of
75 section 13 or section 14 or unless such registration is denied for cause by the commissioner
76 pursuant to the provisions of chapter 30A. Prior to promulgating such regulations, the
77 commissioner shall consult with the board of registration in optometry.

78 SECTION 13. Notwithstanding any general or special law to the contrary, the
79 Department of Public Health and the Division of Professional Licensure shall submit a report to
80 the Chairs of the Joint Committee on Public Health, Joint Committee on Health Care Financing
81 and the Joint Committee on State Administration detailing any changes in regulations governing
82 the practice of each licensed profession before December 31st of the second year of each
83 legislative session. If necessary, the Department of Public Health and the Division of
84 Professional Licensure shall make recommendations to address necessary changes to statutory
85 prescriptive authority for any licensed professions whose national standard of practice advances
86 to include prescriptive authority.