

**SENATE . . . . . No. 1163**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John F. Keenan***

*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 advanced nursing practice.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>

**SENATE . . . . . No. 1163**

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By Mr. Keenan, a petition (accompanied by bill, Senate, No. 1163) of John F. Keenan, James J. Dwyer, Eileen M. Donoghue and Jason M. Lewis for legislation relative to the advanced nursing practice. Public Health.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act relative to the advanced nursing practice.

*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 1 of chapter 94C of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by inserting after the definition for “Marihuana” the  
3 following definition:-

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

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

11           (d) A nurse practitioner, only if said nurse practitioner has independent practice authority  
12 under section 80E of chapter 112, who is registered to distribute, dispense, conduct research with

13 respect to, or use in teaching or chemical analysis, a controlled substance in the course of  
14 professional practice or research in the commonwealth.

15 (e) A nurse anesthetist, only if said nurse anesthetist has independent practice authority  
16 under section 80H of chapter 112, who is registered to distribute, dispense, conduct research with  
17 respect to, or use in teaching or chemical analysis, a controlled substance in the course of  
18 professional practice or research in the commonwealth.

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

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

25 SECTION 4. Said section 7 of said chapter 94C, as so appearing, is hereby further  
26 amended by inserting after the words “or veterinarian” in line 115 the following: - “or to a nurse  
27 practitioner with independent practice authority pursuant to section 80E of chapter 112, or to a  
28 nurse anesthetist with independent practice authority pursuant to section 80H of chapter 112,”

29 SECTION 5. Said section 7 of said chapter 94C, as so appearing, is hereby further  
30 amended by inserting after the word “podiatrist” in line 118 the following words:- “nurse  
31 practitioner or nurse anesthetist”

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

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

36 SECTION 8. Subsection (g) of said section 7 of said chapter 94C, as so appearing, is  
37 hereby amended by striking out the last paragraph of said subsection, and inserting in place  
38 thereof the following two new paragraphs:-

39 The commissioner shall promulgate regulations which provide for the registration of  
40 nurse anesthetists in an advanced practice nursing role, as defined in section 80B of chapter 112,  
41 to issue written prescriptions for patients under section 80H of chapter 112, and under guidelines  
42 mutually-developed and agreed upon by the nurse and supervising physician if such supervision  
43 is required pursuant to said section 80H, and under regulations approved by the board of  
44 registration in nursing. Prior to promulgating the regulations, the commissioner shall consult  
45 with the board of registration in nursing and the board of registration in pharmacy with regard to  
46 those schedules of controlled substances for which nurse anesthetists may be registered.

47 The commissioner shall promulgate regulations which provide for the registration of  
48 nurse practitioners in an advanced practice nursing role, as defined in section 80B of chapter  
49 112, to issue written prescriptions for patients under section 80E of chapter 112, and under  
50 guidelines mutually-developed and agreed upon by the nurse and supervising physician if such  
51 supervision is required pursuant to said section 80E, and under regulations approved by the  
52 board of registration in nursing. Prior to promulgating the regulations, the commissioner shall  
53 consult with the board of registration in nursing and the board of registration in pharmacy with  
54 regard to those schedules of controlled substances for which nurse practitioners may be  
55 registered.

56 SECTION 9. Section 18 of said chapter 94C, as so appearing, is hereby amended in lines  
57 10, 26 and 52 by adding after the words “to practice medicine” the following words:- or  
58 advanced practice nursing

59 SECTION 10. Said section 18 of chapter 94C, as so appearing, is hereby further amended  
60 by striking the word “physician” in line 24 and inserting in place thereof the word:-  
61 “practitioner”

62 SECTION 11. Said section 18 of chapter 94C, as so appearing, is hereby further amended  
63 in line 38 by striking the words “a physician who is licensed to practice medicine” the following  
64 words:- “a practitioner who is licensed to practice medicine or advanced practice nursing”

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

67 SECTION 13. Section 80B of chapter 112, as so appearing, is hereby further amended by  
68 inserting at the end of the sixth paragraph the following:-

69 The board shall also require, as a standard of eligibility for authorization to practice in  
70 advanced nursing as a nurse practitioner or nurse anesthetist, that applicants demonstrate  
71 proficiency in the use of electronic health records, e-prescribing, and other forms of health  
72 information technology as may be determined by the board, in a manner consistent with the  
73 “meaningful use” criteria as set forth in 45 C.F.R. Part 170.

74 SECTION 14. Said section 80B of chapter 112, as so appearing, is hereby further  
75 amended by striking out the seventh paragraph and inserting in place thereof the following  
76 paragraph:-

77 Advanced practice nursing regulations which govern the provision of advanced practice  
78 nursing services and related care, including but not limited to the ordering and interpreting of  
79 tests and the ordering of treatment and therapeutics and any registration as a practitioner under  
80 chapter 94C, shall be promulgated by the board.

81 SECTION 15. Said section 80B of chapter 112, as so appearing, is hereby further  
82 amended by striking out in lines 61 and 62 the following words:- “in the ordering of tests,  
83 therapeutics and the prescribing of medications,”

84 SECTION 16. Chapter 112 of the General Laws, as so appearing, is hereby amended by  
85 striking out section 80E and inserting in place thereof the following section:-

86 Section 80E. (a) A psychiatric nurse mental health clinical specialist may issue written  
87 prescriptions and order tests and therapeutics pursuant to guidelines mutually developed and  
88 agreed upon by the nurse and the supervising physician in accordance with regulations  
89 promulgated jointly by the board and the board of registration in medicine after consultation with  
90 the board of registration in pharmacy. A prescription made by a psychiatric nurse mental health  
91 clinical specialist shall include the name of the physician with whom such nurse has developed  
92 and signed mutually agreed upon guidelines approved by said board and said board of  
93 registration in medicine pursuant to section 80B.

94 (b) Except as authorized under subsection (c) a nurse practitioner may issue written  
95 prescriptions and order tests and therapeutics pursuant to guidelines mutually developed and  
96 agreed upon by the nurse and the supervising physician in accordance with regulations  
97 promulgated by the commissioner of public health pursuant to section 7 of chapter 94C. A

98 prescription made by a nurse practitioner under this subsection shall include the name of the  
99 physician with whom such nurse has developed and signed mutually agreed upon guidelines.

100 (c) A nurse practitioner may, without the supervision described in subsection (b), issue  
101 written prescriptions and order tests and therapeutics, and shall be said to have independent  
102 practice authority for these purposes, if the nurse practitioner has completed at least two years of  
103 clinical practice under the supervisory model described in subsection (b)

104 SECTION 17. Chapter 112 of the General Laws, as so appearing, is hereby amended by  
105 striking out section 80H and inserting in place thereof the following section:-

106 Section 80H. (a) Except as authorized under subsection (b) a nurse anesthetist may issue  
107 written prescriptions and order tests and therapeutics for the immediate perioperative care of a  
108 patient pursuant to guidelines mutually developed and agreed upon by the nurse and the  
109 supervising physician in accordance with regulations promulgated by the commissioner of public  
110 health pursuant to section 7 of chapter 94C. A prescription made by a nurse anesthetist under this  
111 subsection shall include the name of the physician with whom such nurse developed and signed  
112 said mutually developed and agreed upon guidelines.

113 (b) A nurse anesthetist may, without the supervision described in subsection (a), issue  
114 written prescriptions and order tests and therapeutics for the immediate perioperative care of a  
115 patient, and shall be said to have independent practice authority for these limited purposes, if the  
116 nurse anesthetist has furnished to the board documentation that they have (i) received at least a  
117 master's degree in the practice of nurse anesthesia from a graduate school approved by a national  
118 accrediting body acceptable to the board; and (ii) completed at least two years of clinical practice  
119 under the supervisory model described in subsection (a)

120 (c) For the purposes of this section, the immediate perioperative care of a patient shall be  
121 defined as the period commencing on the day prior to surgery and ending upon discharge of the  
122 patient from post-anesthesia care. The administration of anesthesia by a nurse anesthetist directly  
123 to a patient shall not require a written prescription.

124 SECTION 18. Section 80I of chapter 112 of the General Laws, as so appearing, is  
125 hereby amended by striking out the second and third sentences.

126 SECTION 19. Chapter 112 of the General Laws, as so appearing, is hereby further  
127 amended by inserting after section 80I the following new section:-

128 Section 80J. The board shall promulgate regulations, which shall be subject to further  
129 approval by the commissioner of public health before said regulations or any subsequent changes  
130 thereto shall become effective, to ensure that the provisions and requirements of the sixth and  
131 seventh paragraphs of section 5, and the provisions and requirements of sections 5A through 5M  
132 inclusive, as they pertain to the creation and public dissemination of individual profiles, and to  
133 licensure restrictions, disciplinary actions and reports, claims or reports of malpractice,  
134 communication with professional organizations, physical and mental examinations, investigation  
135 of complaints, and other aspects of professional conduct and discipline generally; and as they are  
136 applicable to physicians and to the board of registration in medicine; are also applied in an  
137 equivalent or substantially similar manner to nurse practitioners, nurse anesthetists, and the board  
138 of registration in nursing.

139 SECTION 20. Section 211 of said chapter 112, as so appearing, is hereby amended in  
140 line 31 by inserting after the word “physician” the following words:- “, or by a nurse anesthetist  
141 with independent practice authority under section 80H,”



142           SECTION 21. Said section 211 of said chapter 112, as so appearing, is hereby further  
143 amended in line 33 by adding after the word “anesthesiologist” the following words:- “, or of a  
144 nurse anesthetist with independent practice authority under section 80H”