

# SENATE . . . . . No. 1170

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## The Commonwealth of Massachusetts

PRESENTED BY:

*Thomas P. Kennedy*

*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 to promote team based health care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>

# SENATE . . . . . No. 1170

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By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 1170) of Thomas P. Kennedy and Louis L. Kafka for legislation to promote team based health care. 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 to promote team based health care.

*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. Purpose:

2           The Legislature hereby finds and declares that:

3           A. Accountable Care Organizations (ACOs), the Patient Centered Medical Home, and  
4 other innovative models of health care delivery, all which require teamwork and integration to  
5 achieve improved health outcomes and reduced costs, work best with leadership by physicians  
6 who lead these teams with the highest level of training and preparation.

7           B. Increased use of physician-led health care teams has the potential to offset the increase  
8 in demand for physician services while improving access to care, thereby averting a primary care  
9 physician shortage.

10          C. According to survey data, a vast majority of patients believe that patients with one or  
11 more chronic conditions benefit when a physician leads the primary health care team; and four

out of five patients prefer a physician to have primary responsibility for leading and coordinating their health care.

## SECTION 2. Definitions

Chapter 112 of the Massachusetts General Laws is hereby amended at the end thereof by inserting after section 5M the following new section:

### Section 5N – Team Based Care

#### Definitions:

A. “Patient care team” means a multidisciplinary team of health care providers actively functioning as a unit with the management and leadership of one or more patient care team physicians for the purposes of providing and delivering health care to a patient or group of patients.

B. “Patient care team physician” means a physician who is actively licensed to practice medicine in the commonwealth by the board of registration in medicine, and who provides management and leadership in the care of all patients as part of a patient care team.

C. “Collaboration” means the communication and decision-making process among members of a physician-led patient care team related to the treatment and care of a patient and includes (i) communication of data and information about the treatment and care of a patient, including exchange of clinical observations and assessments; and (ii) development of an appropriate plan of care, including decisions regarding the health care provided, accessing and assessment of appropriate additional resources or expertise, and arrangement of appropriate referrals, testing, or studies.

D. “Consultation” means a process whereby an advance practice nurse or physician assistant seeks the advice or opinion of a physician or another health care practitioner.

E. “Advanced practice nurse” means a registered nurse who holds authorization as a nurse practicing under an expanded role under section 80B of this chapter and regulations under said section; and includes, but is not limited to, nurse practitioners, psychiatric nurse mental health clinical specialists, certified nurse specialists , and nurse anesthetists as provided in section 80H of this chapter. Advanced practice nurse does not, for the purpose of this section, mean a certified nurse midwife as provided in section 80C of this section.

F. “Physician assistant” means a physician assistant who holds authorization to perform medical services under section 9E of this chapter.

### SECTION 3. Requirements – Licensure and practice of advanced practice nurses.

Chapter 112 of the Massachusetts General Laws is hereby amended at the end thereof by inserting at the end of line 44 of section 80B the following new text:

Advance practice nursing regulations shall dictate that advanced practice nurses only practice as part of a physician-led patient care team. Each member of a physician-led patient care team shall have specific responsibilities related to the care of the patient or patients and shall provide health care services within the scope of his or her usual professional activities and legal scope of practice. Advance practice nurses practicing as part of a physician-led patient care team shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement including individually developed prescribing guidelines, with at least one patient care team physician. Advance practice nurses who are certified registered nurse anesthetists shall practice in collaboration and consultation with a physician, consistent with

55 Section 80H of Chapter 112, but also not exceeding the scope laid out in this paragraph. Practice  
56 of patient care teams in all settings shall include the periodic review of patient charts or  
57 electronic health records and may include visits to the site where health care is delivered in the  
58 manner and at the frequency determined by the physician led patient care team.

59 B. An advance practice nurse shall be required to be covered by a professional liability  
60 insurance policy which meets the same statutory and regulatory levels required of physician team  
61 members. Service on or leadership of a patient care team by a physician-led patient care team  
62 member or leader shall not, by the existence of such service or leadership alone, establish or  
63 create liability for the actions or inactions of other team members.

64 C. Physicians serving as a physician-led patient care team physician on a patient care  
65 team shall comply with all requirements of the Board of Registration in Medicine, including  
66 practicing with a number of advanced practice nurses that is consistent with the standards of care  
67 of the given specialty.

68 D. The advanced practice nurse shall disclose to the patient at the initial encounter that he  
69 or she is an advanced practice nurse. Any member of a physician-led patient care team shall  
70 disclose, upon request of a patient or his legal representative, the name of the physician-led  
71 patient care team physician and information regarding how to contact the patient care team  
72 physician.

73 E. The board of registration in medicine and the board of registration in nursing shall  
74 jointly promulgate regulations specifying collaboration and consultation among physicians and  
75 advance practice nurses working as part of physician-led patient care teams that shall include the  
76 development of, and periodic review and revision of, a written or electronic practice agreement;

guidelines for availability and ongoing communications that define consultation among the collaborating parties and the patient; and periodic joint evaluation of the services delivered. Practice agreements shall include a provision for appropriate physician input wherever needed, such as in complex clinical cases and patient emergencies and for referrals. The practice agreement shall be maintained by the patient care team and provided to the Boards upon request. For advance practice nurses providing care to patients within a hospital or health care system, the practice agreement may be included as part of documents delineating the advance practice nurse's clinical privileges or the electronic or written delineation of duties and responsibilities in collaboration and consultation with a patient care team physician. These requirements shall be consistent with provisions of Chapter 94 C Sections 7 and 9.

#### SECTION 4. Requirements – Licensure and practice of Physician assistants

Chapter 112 of the Massachusetts General Laws is hereby amended at the end thereof by inserting at the end of section 9E the following new text:

Physician assistant regulations shall dictate that physician assistants only practice as part of a physician-led patient care team. Each member of a physician-led patient care team shall have specific responsibilities related to the care of the patient or patients and shall provide health care services within the scope of his or her usual professional activities and legal scope of practice. Physician assistants practicing as part of a physician-led patient care team shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement including individually developed prescribing guidelines, with at least one patient care team physician. Practice of patient care teams in all settings shall include the periodic review of patient charts or electronic health records and may include visits to the site

99 where health care is delivered in the manner and at the frequency determined by the physician  
100 led patient care team.

101 B. Physicians serving as a physician-led patient care team physician on a patient care  
102 team shall comply with all requirements of the Board of Registration in Medicine, including  
103 practicing with a number of physician assistants that is consistent with the standards of care of  
104 the given specialty.

105 C. The physician assistant shall disclose to the patient at the initial encounter that he or  
106 she is a physician assistant. Any member of a physician-led patient care team shall disclose,  
107 upon request of a patient or his legal representative, the name of the physician-led patient care  
108 team physician and information regarding how to contact the patient care team physician.

109 D. The board of registration in medicine and the board of registration of physician  
110 assistants shall jointly promulgate regulations specifying collaboration and consultation among  
111 physicians and physician assistants working as part of physician-led patient care teams that shall  
112 include the development of, and periodic review and revision of, a written or electronic practice  
113 agreement; guidelines for availability and ongoing communications that define consultation  
114 among the collaborating parties and the patient; and periodic joint evaluation of the services  
115 delivered. Practice agreements shall include a provision for appropriate physician input wherever  
116 needed, such as in complex clinical cases and patient emergencies and for referrals. The practice  
117 agreement shall be maintained by the patient care team and provided to the Boards upon request.  
118 For physicians assistants providing care to patients within a hospital or health care system, the  
119 practice agreement may be included as part of documents delineating the physician assistant's  
120 clinical privileges or the electronic or written delineation of duties and responsibilities in

121 collaboration and consultation with a patient care team physician. These requirements shall be  
122 consistent with provisions of Chapter 94 C Sections 7 and 9.

123 SECTION 5. Prescriptive Authority

124 In accordance with the provisions of this section and pursuant to the limitations of section  
125 80C, 80E, and 80H of this chapter, of paragraph (g) of section 7 of Chapter 94C, of section 9 of  
126 Chapter 94C, and of regulations developed subject to these statutes, an advance practice nurse  
127 and a physician assistant shall have the authority to prescribe controlled substances and devices  
128 and order tests and therapeutics.

129 SECTION 6. Effective. This Act shall become effective immediately upon being enacted  
130 into law.

131 Section 7. Severability. If any provision of this Act is held by a court to be invalid, such  
132 invalidity shall not affect the remaining provisions of this Act, and to this end the provisions of  
133 this Act are hereby declared severable.