

HOUSE No. 2451

The Commonwealth of Massachusetts

PRESENTED BY:

Paul J. Donato and Kay Khan

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 contain health care costs and improve access to value based nurse practitioner care as recommended by the IOM and FTC.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>

<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>

<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>

HOUSE No. 2451

By Representatives Donato of Medford and Khan of Newton, a petition (accompanied by bill, House, No. 2451) of Paul J. Donato, Kay Khan and others relative to practitioners licensed to practice medicine or advanced practice nursing and improving access to value based nurse practitioner care. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to contain health care costs and improve access to value based nurse practitioner care as recommended by the IOM and FTC.

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 2014
2 Official Edition, is hereby amended by inserting after the definition for Marihuana the following
3 definition:-

4 Medication Order, an order entered on a patient's medical record maintained at a hospital,
5 other health facility, or ambulatory health care setting registered under this chapter and that is
6 dispensed only for immediate administration at the facility to the ultimate user by an individual
7 who under chapter 94C administers such medication.

8 SECTION 2. The definition of Practitioner, in said section 1 of said chapter 94C, as so
9 appearing, is hereby amended by adding the following subsection:-

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

14 SECTION 3. Section 7 of said chapter 94C, as so appearing, is hereby amended in
15 subsection (f) by adding in lines 121, 124 and 125 after the word podiatrist, the following words:
16 - nurse practitioner

17 SECTION 4. Said section 7 of said chapter 94C, as so appearing, is hereby further
18 amended in subsection (g) by striking out in line 137 the words: nurse practitioners and for

19 SECTION 5. Said subsection (g) of section 7 of said chapter 94C, as so appearing, is
20 hereby further amended by striking out in line 147 the words: nurse practitioners and

21 SECTION 6. Section 9 of said chapter 94C, as so appearing, is hereby amended in
22 subsection (a) by inserting in line 1 after the word podiatrist, the following words:- nurse
23 practitioner,

24 SECTION 7. Said subsection (a) of section 9 of said chapter 94C, as so appearing, is
25 hereby further amended in line 3 by striking out the words “nurse practitioner and”

26 SECTION 8. Said section 9 of said chapter 94C, as so appearing, is hereby further
27 amended in subsection (b) by inserting in line 29 after the words “nurse-midwifery,” the
28 following words:- advanced practice nursing

29 SECTION 9. Section 18 of said chapter 94C, as so appearing, is hereby amended in lines
30 10, 27, 54 and 55 by adding after the words “to practice medicine’ the following words:- or
31 advanced practice nursing

32 SECTION 10. Said section 18 of chapter 94C, as so appearing, is hereby further amended
33 in line 25, 34 and 35 by adding after the words “physician” the following words:- or nurse
34 practitioner

35 SECTION 11. Said section 18 of chapter 94C, as so appearing, is hereby further amended
36 by striking out, in lines 38 and 39, the words “a physician who is licensed to practice medicine”
37 and by inserting in place thereof the following words:- a practitioner who is licensed to practice
38 medicine or advanced practice nursing

39 SECTION 12. Said section 80B of chapter 112, as so appearing, is hereby further
40 amended in the seventh paragraph by adding the following sentence:- Notwithstanding
41 provisions in this section to the contrary, the board shall promulgate regulations independent of
42 the board of registration in medicine which govern the provision of nurse practitioner services
43 and related care, including, but not limited to, the ordering and interpreting of tests, the ordering
44 and evaluation of treatment and therapeutics and any registration as a practitioner, under chapter
45 94C

46 SECTION 13. Section 80E of chapter 112, as so appearing, is hereby amended by
47 striking out in lines 1, 7 and 8 the following words:- nurse practitioner or

48 SECTION 14. Said section 80E of chapter 112, as so appearing, is hereby further
49 amended by adding the following sentence:- Pursuant to section 80B, a nurse practitioner may be
50 registered to distribute, dispense, conduct research with respect to, or use in teaching or chemical

51 analysis, a controlled substance in the course of professional practice or research in the
52 commonwealth in accordance with regulations promulgated by the board of registration in
53 nursing after consultation with the commissioner of public health.

54 SECTION 15. Section 80I of chapter 112 of the General Laws inserted by section 113 of
55 chapter 224 of the acts of 2012 is hereby amended by striking out the second and third sentences.

56 SECTION 16. Section 3 of chapter 176R of the General Laws, as so appearing, is hereby
57 amended by striking out said section in its entirety and inserting in place thereof the
58 following:—

59 Section 3. A participating provider nurse practitioner practicing within the scope of his
60 license

61 shall be considered qualified within the carrier's definition of primary care provider to an
62 insured.

63 SECTION 17. The department of public health and the board of registration in nursing
64 shall

65 promulgate regulations under sections 80B, 80E and 80I of chapter 112 and sections 1,
66 7,9 and

67 18 of chapter 94C of the General Laws by December 31, 2018.