

SENATE No. 1210

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:

John F. Keenan

DISTRICT/ADDRESS:

Norfolk and Plymouth

SENATE No. 1210

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 1210) of John F. Keenan for legislation relative to the advanced nursing practice. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1163 OF 2015-2016.]

The Commonwealth of Massachusetts

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

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 is hereby amended by
2 inserting after the definition for “Marihuana” the following definition:-

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

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

10 (d) A nurse practitioner, only if said nurse practitioner has independent practice authority
11 under section 80E of chapter 112, who is registered to distribute, dispense, conduct research with
12 respect to, or use in teaching or chemical analysis, a controlled substance in the course of
13 professional practice or research in the commonwealth.

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

18 SECTION 3. Subsection (d) of section 7 of said chapter 94C, as appearing in the 2014
19 Official Edition, is hereby further amended by striking out paragraph (7) and inserting in place
20 thereof the following paragraph: -

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

24 SECTION 4. Section 7 of said chapter 94C, as so appearing, is hereby further amended
25 by inserting after the words “or veterinarian” in line 121 the following: - “or to a nurse
26 practitioner with independent practice authority pursuant to section 80E of chapter 112, or to a
27 nurse anesthetist with independent practice authority pursuant to section 80H of chapter 112,”

28 SECTION 5. Said section 7 of said chapter 94C, as so appearing, is hereby further
29 amended by inserting after the word “podiatrist” in line 125 the following words:- “nurse
30 practitioner or nurse anesthetist”

SECTION 6. Said section 7 of said chapter 94C, as so appearing, is hereby further amended in subsection (g) by striking out in line 137 the words “of nurse practitioners and for”

SECTION 7. Said section 7 of said chapter 94C, as so appearing, is hereby further amended by striking out in line 147 the words: “nurse practitioners and”

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

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

The commissioner shall promulgate regulations which provide for the registration of nurse practitioners in an advanced practice nursing role, as defined in section 80B of chapter 112, to issue written prescriptions for patients under section 80E of chapter 112, and under guidelines mutually-developed and agreed upon by the nurse and supervising physician if such supervision is required pursuant to said section 80E, and under regulations approved by the board of registration in nursing. Prior to promulgating the regulations, the commissioner shall consult with the board of registration in nursing and the board of registration in pharmacy with

regard to those schedules of controlled substances for which nurse practitioners may be registered.

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

SECTION 10. Said section 18 of chapter 94C, as so appearing, is hereby further amended by striking the word “physician” in line 25 and inserting in place thereof the word:-
“practitioner”

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

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

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

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

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

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

SECTION 15. Said section 80B of chapter 112, as so appearing, is hereby further amended by striking out in lines 64 and 65 the following words:- “in the ordering of tests, therapeutics and the prescribing of medications,”

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

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

(b) Except as authorized under subsection (c) a nurse practitioner may issue written prescriptions and order tests and therapeutics pursuant to guidelines mutually developed and

agreed upon by the nurse and the supervising physician in accordance with regulations promulgated by the commissioner of public health pursuant to section 7 of chapter 94C. A prescription made by a nurse practitioner under this subsection shall include the name of the physician with whom such nurse has developed and signed mutually agreed upon guidelines.

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

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

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

(b) A nurse anesthetist may, without the supervision described in subsection (a), issue written prescriptions and order tests and therapeutics for the immediate perioperative care of a patient, and shall be said to have independent practice authority for these limited purposes, if the nurse anesthetist has furnished to the board documentation that they have (i) received at least a 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 34 by adding after the word “anesthesiologist” the following words:- “, or of a
144 nurse anesthetist with independent practice authority under section 80H”