

SENATE No. 1257

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/26/2017</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/26/2017</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>1/26/2017</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/26/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/27/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/27/2017</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/27/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/30/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>1/30/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>1/30/2017</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/31/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/31/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/1/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/1/2017</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/2/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/2/2017</i>

<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>2/2/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/2/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>2/2/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/3/2017</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>	<i>2/3/2017</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>2/3/2017</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>2/3/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>2/3/2017</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/3/2017</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>2/17/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/28/2017</i>

SENATE No. 1257

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 1257) of Marc R. Pacheco, Jose F. Tosado, Frank A. Moran, Mathew Muratore and other members of the General Court for legislation to contain health care costs and improve access to value based nurse practitioner care as recommended by the IOM and FTC. 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 following:—
58 Section 3. A participating provider nurse practitioner practicing within the scope of his license
59 shall be considered qualified within the carrier’s definition of primary care provider to an
60 insured.

61 SECTION 17. The department of public health and the board of registration in nursing
62 shall promulgate regulations under sections 80B, 80E and 80I of chapter 112 and sections 1, 7,9
63 and 18 of chapter 94C of the General Laws by December 31, 2018.