HOUSE . . . . . No. 4535

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 9, 2020.

The committee on Mental Health, Substance Use and Recovery, to whom were referred the petition (accompanied by bill, House, No. 1730) of Kay Khan and others for legislation to improve access to care by removing barriers to practice for psychiatric nurse mental health clinical specialists and the petition (accompanied by bill, House, No. 1731) of Kay Khan and others relative to providing signature authority for psychiatric nurse mental health clinical nurse specialists, reports recommending that the accompanying bill (House, No. 4535) ought to pass.

For the committee,

MARJORIE C. DECKER.

FILED ON: 2/5/2020

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The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act to remove barriers for nurses to provide psychiatric care accompanied.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The definition of "Practitioner" in section 1 of chapter 94C, as appearing in the 2018 Official Edition, is hereby amended by adding the following subsection:-

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

SECTION 2. Said section 7 of said chapter 94C is hereby further amended by inserting after the word "podiatrist", in line 122, and in lines 125 and 126, each time it appears, as so appearing, the following words:- , nurse practitioner, psychiatric nurse mental health clinical specialist.

SECTION 3. Subsection (g) of said section 7 of said chapter 94C, as so appearing, is hereby further amended by striking out the second paragraph.

SECTION 4. Section 9 of said chapter 94C is hereby amended by inserting after the word “podiatrist”, in line 1, the following words:- , nurse practitioner, psychiatric nurse mental health clinical specialist.

SECTION 5. Said section 9 of said chapter 94C is hereby further amended by striking out, in lines 3 to 5, inclusive, the words “, nurse practitioner and psychiatric nurse mental health clinical specialist as limited by subsection (g) of said section 7 and section 80E of said chapter 112”.

SECTION 6. Said section 9 of said chapter 94C is hereby further amended by inserting after the word “nurse-midwifery”, in line 32, the following words:- , advanced practice nursing.

SECTION 7. Said section 9 of said chapter 94C is hereby further amended by inserting after the word “practitioner”, in lines 100 and 107, each time it appears, the following words:- psychiatric nurse mental health clinical specialist.

SECTION 8. Section 18 of said chapter 94C is hereby amended by striking out, in lines 10, 39 and 72 the words “to practice medicine” and inserting in place thereof, in each instance, the following words:- and authorized to engage in prescriptive practice.

SECTION 9. Said section 18 of said chapter 94C is hereby further amended by striking out, in lines 27, 54 and 55, and in line 88, the word “medicine”.

SECTION 10. Section 80B of chapter 112 is hereby amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

The board shall promulgate advanced practice nursing regulations that govern the provision of advanced practice nursing services and related care including, but not limited to, the

ordering and interpreting of tests, the ordering and evaluation of treatment and the use of therapeutics.

SECTION 11. Said section 80B of said chapter 112 is hereby further amended by striking out, in lines 64 and 65, the words “in the ordering of tests, therapeutics and the prescribing of medications, to” and inserting in place thereof the following word:- to.

SECTION 12. Said chapter 112 is hereby further amended by striking out section 80E and inserting in place thereof the following section:-

Section 80E. (a) A nurse practitioner or psychiatric nurse mental health clinical specialist may issue written prescriptions and medication orders and order tests and therapeutics pursuant to guidelines mutually developed and agreed upon by the nurse and either a supervising nurse practitioner or psychiatric nurse mental health clinical specialist who has independent practice authority or a supervising physician, in accordance with regulations promulgated by the board. A prescription issued by a nurse practitioner or psychiatric nurse mental health clinical specialist under this subsection shall include the name of the nurse practitioner or psychiatric nurse mental health clinical specialist who has independent practice authority or the supervising physician with whom the psychiatric nurse mental health clinical specialist developed and signed mutually agreed upon guidelines.

A nurse practitioner or psychiatric nurse mental health clinical specialist shall have independent practice authority to issue written prescriptions and medication orders and order tests and therapeutics without the supervision described in this subsection if the nurse practitioner or psychiatric nurse mental health clinical specialist has completed not less than 2 years of supervised practice following certification from a board-recognized certifying body;

provided, however, that supervision of clinical practice shall be conducted by a health care professional who meets minimum qualification criteria promulgated by the board, which shall include a minimum number of years of independent practice authority.

The board may allow a nurse practitioner or psychiatric nurse mental health clinical specialist to exercise such independent practice authority upon satisfactory demonstration of not less than 2 years of alternative professional experience; provided, however, that the board determines that the nurse practitioner or psychiatric nurse mental health clinical specialist has a demonstrated record of safe prescribing and good conduct consistent with professional licensure obligations required by each jurisdiction in which the nurse practitioner or psychiatric nurse mental health clinical specialist has been licensed.

(b) The board shall promulgate regulations to implement this section.

SECTION 13. Said chapter 112 is hereby further amended by striking out the second and third sentences.