

SENATE No. 1157

The Commonwealth of Massachusetts

PRESENTED BY:

Joan B. Lovely

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 improve access to care by removing barriers to practice for psychiatric nurse mental health clinical specialists.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>2/5/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/5/2019</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>2/5/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>2/12/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/13/2019</i>

SENATE No. 1157

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 1157) of Joan B. Lovely, Michael D. Brady, William N. Brownsberger, Jack Patrick Lewis and other members of the General Court for legislation to improve access to care by removing barriers to practice for psychiatric clinical nurse specialists. Mental Health, Substance Use and Recovery.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1109 OF 2017-2018.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-First General Court
(2019-2020)**
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An Act to improve access to care by removing barriers to practice for psychiatric nurse mental health clinical specialists.

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. The definition of “Practitioner” in said section 1 of said chapter 94C, as so
2 appearing, is hereby amended by adding the following clause:-

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

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

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

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

15 SECTION 5. Said section 9 of said chapter 94C, as so appearing, is hereby further
16 amended by striking out, in lines 3 to 5, inclusive, the words “, psychiatric nurse mental health
17 clinical specialist as limited by subsection (g) of said section 7 and section 80E of said chapter
18 112”.

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

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

25 SECTION 8. Section 18 of said chapter 94C is hereby amended by striking out, in lines
26 10, 39 and 72, as so appearing, the words “to practice medicine” and inserting in place thereof, in
27 each instance, the following words:- and authorized to engage in prescriptive practice.

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

30 SECTION 10. Said section 80B of said chapter 112, as so appearing, is hereby further
31 amended by striking out the seventh paragraph and inserting in place thereof the following
32 paragraph:-

33 The board shall promulgate advanced practice nursing regulations that govern the
34 provision of advanced practice nursing services and related care including, but not limited to, the
35 ordering and interpreting of tests, the ordering and evaluation of treatment and the use of
36 therapeutics.

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

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

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

50 whom the psychiatric nurse mental health clinical specialist developed and signed mutually
51 agreed upon guidelines.

52 A psychiatric nurse mental health clinical specialist shall have independent practice
53 authority to issue written prescriptions and medication orders and order tests and therapeutics
54 without the supervision described in this subsection if the psychiatric nurse mental health clinical
55 specialist has completed not less than 2 years of supervised practice following certification from
56 a board-recognized certifying body; provided, however, that supervision of clinical practice shall
57 be conducted by a health care professional who meets minimum qualification criteria
58 promulgated by the board, which shall include a minimum number of years of independent
59 practice authority.

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

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

67 SECTION 13. Said chapter 112 is hereby further amended by striking out section 80I as
68 so appearing, and inserting in place thereof the following section:

69 Section 80I. When a law or rule requires a signature, certification, stamp, verification,
70 affidavit or endorsement by a physician, when relating to physical or mental health, that

71 requirement may be fulfilled by a nurse practitioner or psychiatric nurse mental health clinical
72 specialist practicing under section 80 B.

73 SECTION 14. Said chapter 112 is hereby further amended by inserting after section 80I
74 the following 2 sections:-

75 Section 80J. A nurse authorized to practice as a psychiatric nurse mental health clinical
76 specialist pursuant to section 80B, may order and interpret tests, therapeutics and prescribe
77 medications in accordance with regulations promulgated by the board and subject to the
78 provisions of subsection (g) of section 7 of chapter 94C.

79 Section 80K. The board shall promulgate regulations, which shall be subject to approval
80 by the commissioner, to ensure that psychiatric nurse mental health clinical specialists under the
81 board of registration in nursing are subject to requirements commensurate to those that
82 physicians are subject to under the board of registration in medicine pursuant to the sixth and
83 seventh paragraphs of section 5 and sections 5A to 5M, inclusive, as they apply to the creation
84 and public dissemination of individual profiles and licensure restrictions, disciplinary actions and
85 reports, claims or reports of malpractice, communication with professional organizations,
86 physical and mental examinations, investigation of complaints and other aspects of professional
87 conduct and discipline.