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

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 Alassachusetts

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

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

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whom the psychiatric nurse mental health clinical specialist developed and signed mutuallyagreed 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.

The board may allow a 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 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 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

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requirement may be fulfilled by a nurse practitioner or psychiatric nurse mental health clinical
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:-

Section 80J. A nurse authorized to practice as a psychiatric nurse mental health clinical
specialist pursuant to section 80B, may order and interpret tests, therapeutics and prescribe
medications in accordance with regulations promulgated by the board and subject to the
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.

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