

By Mr. Reilly, a petition (accompanied by bill, Senate, No. 450) of Martin T. Reilly for legislation relative to physician assistants and nurses practicing in the expanded role. Health Care.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Eighty-Eight.

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AN ACT RELATIVE TO PHYSICIAN ASSISTANTS AND NURSES PRACTICING IN THE EXPANDED ROLE.

*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 second paragraph of paragraph (g) of  
2 section 7 of chapter 94C of the General Laws, as appearing in the  
3 1984 Official Edition, is hereby amended by striking out, in line  
4 127, the words “, nurse practitioners”.

1 SECTION 2. Said second paragraph of said paragraph (g) of  
2 said section 7 of said chapter 94C, as so appearing, is hereby  
3 further amended by striking out, in line 133, the words “, the board  
4 of registration in nursing”.

1 SECTION 3. Said paragraph (g) of said section 7 of said  
2 chapter 94C, as so appearing, is hereby amended by adding the  
3 following paragraph: —

4 The commissioner shall promulgate regulations which provide  
5 for the registration of physician assistants and of nurses practicing  
6 in the expanded role, as defined in sections eighty B and eighty  
7 C of chapter one hundred and twelve, to issue written  
8 prescriptions for patients. Prior to promulgating such regulations,  
9 the commissioner shall consult with the board of certification and  
10 approval of physician assistant training programs, the board of  
11 registration in nursing, the board of registration in medicine and  
12 the board of registration in pharmacy with regard to those

13 schedules of controlled substances for which physician assistants  
14 and nurses practicing in the expanded role may be registered.

1 SECTION 4. Said chapter 94C, as most recently amended by  
2 chapter 364 of the acts of 1985, is hereby further amended by  
3 striking out section 9 and inserting in place thereof the following  
4 section: —

5 Section 9. (a) A physician, physician assistant, subject to  
6 paragraph (g) of section seven of this chapter and section nine  
7 E of chapter one hundred and twelve, dentist, podiatrist, nurse  
8 in the expanded role as limited by said paragraph (g) of said  
9 section seven of this chapter and section eighty E of chapter one  
10 hundred and twelve, or veterinarian when registered pursuant to  
11 the provisions of said section seven and when acting conformably  
12 with the provisions of applicable federal law and any provisions  
13 of this chapter which is consistent with federal law, in good faith  
14 and in the course of professional practice for the alleviation of  
15 pain and suffering or for the treatment or alleviation of disease,  
16 may possess and prescribe such controlled substances as he may  
17 reasonably require for the purpose of patient treatment and may  
18 administer controlled substances, or he may cause the same to be  
19 administered under his direction by a nurse.

20 (b) Notwithstanding the provisions of section seventeen, a  
21 physician, physician's assistant, dentist, podiatrist, nurse in the  
22 expanded role, or veterinarian who is registered pursuant to the  
23 provisions of said section seven, when acting in good faith and  
24 in the legitimate practice of medicine, dentistry, podiatry or  
25 veterinary medicine, or a nurse when authorized by a physician,  
26 dentist, podiatrist, nurse in the expanded role, physician assistant  
27 or veterinarian in the course of said nurse's professional practice,  
28 may dispense by delivering to an ultimate user a controlled  
29 substance in a single dose or in such quantity as is in the opinion  
30 of the physician, dentist, podiatrist, nurse in the expanded role,  
31 physician assistant or veterinarian is essential for the proper  
32 treatment of the patient; provided, however, that such amount or  
33 quality of said controlled substance shall not exceed the amount  
34 needed for the immediate treatment of the patient and that all  
35 further such controlled substances required by the person as part  
36 of his treatment shall be dispensed by prescription to the ultimate  
37 user in accordance with the provisions of this chapter.

38 For the purposes of this subsection the words “immediate  
39 treatment” shall mean that quantity of a controlled substance  
40 which is necessary for the proper treatment of the patient until  
41 it is possible for him to have a prescription filled by a pharmacy.

42 (c) A nurse who has obtained from a physician, physician  
43 assistant, dentist, podiatrist, nurse in the expanded role or  
44 veterinarian a controlled substance for dispensing to an ultimate  
45 user pursuant to the provisions of subsection (b) or for  
46 administration to a patient pursuant to the provisions of  
47 subsection (a) during the absence of such physician, physician  
48 assistant, dentist, podiatrist, nurse in the expanded role or  
49 veterinarian any unused portion of such substance which is no  
50 longer required by the patient.

51 (d) Every physician, physician assistant, dentist, podiatrist,  
52 nurse in the expanded role or veterinarian shall in the course of  
53 his professional practice keep and maintain records, open to  
54 inspection by the commissioner during reasonable business hours,  
55 which shall contain the names and quantities of any controlled  
56 substance in Schedule I, II, or III received by the practitioner;  
57 the name and address of the patient for whom the controlled  
58 substance is administered or dispensed; the name, dosage and  
59 strength per dosage unit of such controlled substance; and the date  
60 of administration or dispensing.

1 SECTION 5. Section 9E of chapter 112 of the General Laws,  
2 as most recently amended by chapter 107 of the acts of 1985, is  
3 hereby further amended by striking out the third paragraph and  
4 inserting in place thereof the following paragraph: —

5 A physician assistant may order therapeutics and tests and issue  
6 written prescriptions for patients subject to paragraph (g) of  
7 section seven of chapter ninety-four C. Any prescription of  
8 medication made by a physician assistant must include the name  
9 of the supervising physician.

1 SECTION 6. Section 80B of chapter 112 is hereby amended  
2 by striking out the first two paragraphs, as appearing in the 1984  
3 Official Edition, and inserting in place thereof the following two  
4 paragraphs: —

5 For the purposes of sections seventy-four to eighty-one C,  
6 inclusive:

7 “Professional nursing” shall mean the performance for  
8 compensation of any of those services in observing and caring for  
9 the ill, injured or infirm, in applying counsel and procedures to  
10 safeguard life and health, in administering treatment or  
11 medication prescribed by a physician, dentist, nurse practicing in  
12 the expanded role, or by a physician assistant, or in teaching or  
13 supervising others, which are commonly performed by registered  
14 nurses and which require specialized knowledge and skill such as  
15 are taught and acquired under the established curriculum in a  
16 school for nurses duly approved in accordance with this chapter.  
17 “Nurse practicing in the expanded role” shall mean the  
18 performance of such additional acts by a nurse with appropriate  
19 education as are approved by the board of registration and  
20 discipline in medicine in rules and regulations which shall be  
21 promulgated and implemented by the board. “Appropriate  
22 education” shall mean successful completion by a nurse of an  
23 educational program approved by the board or compliance by the  
24 nurse with equivalent competency standards which may be set  
25 forth by the board. “Nurse practicing in the expanded role” shall  
26 not be construed to prevent the performance of additional acts  
27 involving evaluation, diagnosis, ordering therapeutics and tests,  
28 prescription of medications and treatment.

29 “Practical nursing” shall mean the performance for compensa-  
30 tion of any of those services in observing and caring for the ill,  
31 injured or infirm, in applying counsel and procedures to safeguard  
32 life and health, in administering treatment or medication  
33 prescribed by a physician, dentist, nurse practicing in the  
34 expanded role or by a physician assistant, or in teaching or  
35 supervising others, which are commonly performed by licensed  
36 practical nurses and which require specialized knowledge and skill  
37 such as are taught and acquired under the established curriculum  
38 in a school for practical nurses duly approved in accordance with  
39 this chapter.

1 SECTION 7. Said chapter 112 is hereby further amended by  
2 striking out section 80E, as so appearing, and inserting in place  
3 thereof the following section: —

4 Section 80E. A nurse authorized by the board to practice in  
5 the expanded role may order tests and therapeutics in accordance

6 with the regulations promulgated jointly by the board and the  
7 board of registration in medicine after consultation with the board  
8 of registration in pharmacy and issue written prescriptions subject  
9 to paragraph (g) of section seven of chapter ninety-four C. Any  
10 prescription of medication made by a nurse practicing in the  
11 expanded role shall include the name of the supervising or  
12 collaborating physician.”





