

SENATE No. 420

By Mr. Burke, petition (accompanied by bill, Senate, No. 420) of Edward L. Burke, Jane M. Swift, Michael LoPresti, Jr., Robert A. Durand, Frederick E. Berry, Lois G. Pines, Henri S. Rauschenbach, Lucile P. Hicks and Michael J. Barrett for legislation relative to physician assistants. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATIVE TO PHYSICIAN ASSISTANTS.

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 7 of chapter 94C of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 striking out paragraph (g) and inserting in place thereof the
4 following paragraph: —

5 (g) The commissioner may by regulation authorize the
6 registration for a specific activity or activities requiring
7 registration under this section of such persons as he determines
8 to be qualified for such registration.

9 The commissioner shall promulgate regulations which provide
10 for the registration of nurse practitioners to issue written
11 prescriptions for patients in long term care facilities or for chronic
12 patients in home care settings where the individual would
13 otherwise require institutionalization. Prior to promulgating such
14 regulation, the commissioner shall consult with the board of
15 registration in medicine, the board of registration in nursing and
16 the board of registration in pharmacy with regard to those
17 schedules of controlled substances for which nurse practitioners
18 or physician assistants may be registered.

19 The commissioner shall promulgate regulations which provide
20 for the registration of certified nurse-midwives, as provided in
21 section eighty C of chapter one hundred and twelve, to issue

22 written prescriptions for patients pursuant to guidelines mutually
23 developed and agreed upon by the certified nurse-midwife and the
24 supervising physician in accordance with regulations approved by
25 the board of registration in medicine and board of registration
26 in nursing. Prior to promulgating such regulations, the
27 commissioner shall consult with the board of registration in
28 nursing, the board of registration in medicine and the board of
29 registration in pharmacy with regard to those schedules of
30 controlled substances for which certified nurse-midwives may be
31 registered.

32 The commissioner shall promulgate regulations which provide
33 for the registration of physician assistants to issue written
34 prescriptions for patients. Prior to promulgating such regulations,
35 the commissioners shall consult with the board of registration of
36 physician assistants, the board of registration in medicine and the
37 board of registration in pharmacy with regard to those schedules
38 of controlled substances for which physician assistants may be
39 registered to issue written prescriptions therefor.

1 SECTION 2. Chapter 94C of the General Laws is hereby
2 amended by striking out section 9, as so appearing, and inserting
3 in place thereof the following section: —

4 Section 9. (a) A physician, dentist, podiatrist, nurse practi-
5 tioner as limited by paragraph (g) of section seven of this chapter
6 and section eighty E of chapter one hundred and twelve and
7 physician assistant as limited by said paragraph (g) of said section
8 seven and section nine E of said chapter one hundred and twelve
9 and a certified nurse-midwife as provided in section eighty C of
10 said chapter one hundred and twelve, or a veterinarian when
11 registered pursuant to the provisions of said section seven and
12 when action conformably with the provisions of applicable federal
13 law and any provisions of this chapter which is consistent with
14 federal law, in good faith and in the course of a professional
15 practice for the alleviation of pain and suffering or for the
16 treatment or alleviation of disease, may administer controlled
17 substances or may cause the same to be administered under his
18 direction by a nurse.

19 (b) Notwithstanding the provisions of section seventeen, a
20 physician, physician assistant, dentist, podiatrist, certified nurse-
21 midwife or veterinarian who is registered pursuant to the

22 provisions of section seven, when acting in good faith and in the
23 practice of medicine, dentistry, podiatry, nurse-midwifery,
24 veterinary medicine or a nurse, when authorized by a physician,
25 dentist, podiatrist, nurse practitioner, physician assistant, certified
26 nurse-midwife or veterinarian in the course of said nurse's
27 professional practice, may dispense by delivering to an ultimate
28 user a controlled substance in a single dose or in such quantity
29 as is, in the opinions of the physician, dentist, podiatrist, nurse
30 practitioner, physician assistant, certified nurse-midwife, or
31 veterinarian, essential for the treatment of the patient; provided,
32 however, that such amount or quantity of such controlled
33 substances required by such patient as part of such treatment shall
34 be dispensed by prescription to such ultimate user in accordance
35 with the provisions of this chapter.

36 For the purposes of this section the words, "immediate
37 treatment" shall mean the quantity of a controlled substance
38 which is necessary for the proper treatment of the patient until
39 it is possible for him to have a prescription filled by a pharmacy.

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

51 (d) Every physician, physician assistant, dentist, podiatrist,
52 certified nurse-midwife or veterinarian shall, in the course of a
53 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 substances in Schedule I, II or III received by such practitioner;
57 the name and address of the patient to whom such 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 such administration of dispensing.

61 (e) Notwithstanding the provisions of subsection (b), a
62 physician, or certified nurse-midwife, when acting in good faith
63 and providing care under a program funded in whole or in part
64 by 42 USC 300, or in a clinic licensed by the department to provide
65 comparable medical services or a registered nurse, registered
66 pursuant to the provisions of section seventy-four of chapter one
67 hundred and twelve and authorized by such physician or certified
68 nurse-midwife, may lawfully dispense controlled substances
69 pursuant to Schedule VI to recipients of these services in such
70 quantity as needed for treatment, and shall be exempt from the
71 requirement that such dispensing be in a single dosage or as
72 necessary for immediate treatment; provided, however, that such
73 registered nurse shall not so dispense except as provided in section
74 seventeen. The department may establish rules and regulations
75 controlling the dispensing of said medications including, but not
76 limited to, the types and amounts of medications dispensed and
77 appropriate safeguards for dispensing.

1 SECTION 3. Chapter 112 of the General Laws is hereby
2 amended by striking out the third paragraph and inserting in place
3 thereof the following paragraph: —

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