

By Mr. Voke of Chelsea, petition of Richard A. Voke, Elizabeth N. Metayer and Mary Jane McKenna for legislation to expand health care for nursing home residents. Health Care.

The Commonwealth of Massachusetts

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

AN ACT TO EXPAND HEALTH CARE FOR NURSING HOME RESIDENTS.

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. Chapter 49C of the General Laws is hereby
2 amended by striking out section 9, as most recently amended
3 by section 13 of chapter 1190 of the acts of 1973, and insert-
4 ing in place thereof the following section: —

5 Section 9. (a) A physician, dentist, podiatrist, practitioners
6 of professional nursing as defined in the second sentence of
7 the definition of "Professional nursing" in section eighty B of
8 chapter one hundred and twelve, physicians assistant or vet-
9 erinarian, when duly registered pursuant to the provisions of
10 section seven and when acting conformably with the provi-
11 sions of the Federal "Comprehensive Drug Abuse Prevention
12 and Control Act of 1970" or any amendment thereof, the Fed-
13 eral Food, Drug and Cosmetic Act, and any provision of this
14 chapter which is consistent with federal laws, in good faith
15 and in the course of his professional practice for the allevia-
16 tion of pain and suffering or for the treatment or alleviation
17 of disease, may possess such controlled substances as he may
18 reasonably require for the purpose of patient treatment and
19 may administer controlled substances or he may cause the
20 same to be administered under his direction by a nurse.

21 (b) Notwithstanding the provisions of section seventeen,
22 a physician, dentist, podiatrist, practitioners of professional

23 nursing as defined in the second sentence of the definition of
24 "Professional nursing" in section eighty B of chapter one
25 hundred and twelve, physicians assistant or veterinarian who
26 is duly registered pursuant to the provisions of section seven,
27 when acting in good faith and in the legitimate practice of
28 medicine, dentistry, podiatry or veterinary medicine, or a
29 nurse when authorized by a physician, dentist, podiatrist,
30 practitioners of professional nursing as defined in the second
31 sentence of the definition of "Professional nursing" in section
32 eighty B of chapter one hundred and twelve, physician assist-
33 ant or veterinarian in the course of said nurse's professional
34 practice, may dispense by delivering to an ultimate user a
35 controlled substance in a single dose or in such quantity as is
36 in the opinion of the physician, dentist, podiatrist, practition-
37 ers of professional nursing as defined in the second sentence
38 of the definition of "Professional nursing" in section eighty B
39 of chapter one hundred and twelve, physician assistant or vet-
40 erinarian essential for the proper treatment of the patient;
41 provided that such amount or quantity of said controlled sub-
42 stance shall not exceed that needed for the immediate treat-
43 ment of the patient and that all further such controlled sub-
44 stances required by the person as part of his treatment shall
45 be dispensed by prescription to the ultimate user in accord-
46 ance with the provisions of this chapter.

47 For purposes of this subsection the words "immediate treat-
48 ment" shall mean that quantity of a controlled substance
49 which is necessary for the proper treatment of the patient
50 until it is possible for him to have a prescription filled by a
51 pharmacy.

52 (a) A nurse who has obtained from a physician, dentist,
53 podiatrist, practitioners of professional nursing as defined in
54 the second sentence of the definition of "Professional nurs-
55 ing" in section eighty B of chapter one hundred and twelve,
56 physicians assistant or veterinarian a controlled substance for
57 dispensing to an ultimate user pursuant to the provisions of
58 subsection (b) or for administration to a patient pursuant to
59 the provisions of subsection (a) during the absence of such
60 physician, dentist, podiatrist, practitioners of professional

61 nursing, physicians assistant or veterinarian shall return to
62 such physician, dentist, podiatrist, practitioners of profes-
63 sional nursing, physicians assistant or veterinarian any un-
64 used portion of such substance which is no longer required by
65 the patient.

66 (d) Every physician, dentist, podiatrist, practitioners of
67 professional nursing as defined in the second sentence of the
68 definition of "Professional nursing" in section eighty B of
69 chapter one hundred and twelve, physicians assistant or vet-
70 erinarian shall in the course of his professional practice keep
71 and maintain records, open to inspection by the commissioner
72 during reasonable business hours, which shall contain the
73 names and quantities of any controlled substance in Schedule
74 I, II or III received by the practitioner; the name and ad-
75 dress of the patient for whom the controlled substance is ad-
76 ministered or dispensed; the name, dosage and strength per
77 dosage unit of such controlled substance; and the date of ad-
78 ministration or dispensing.

1 SECTION 2. Section 9E of chapter 112 of the General Laws,
2 as appearing in section 1 of chapter 937 of the acts of 1973,
3 is hereby amended by inserting after the second paragraph
4 the following paragraph: —

5 A physician assistant may order therapeutics and tests, and
6 may prescribe medications, for chronic patients in long-term
7 care facilities or in home care settings where the individual
8 would otherwise require institutionalization so long as such
9 services are rendered under the supervision of a registered
10 physician. Prescription of medication shall be limited to cate-
11 gories as are approved by the board and the board of registra-
12 tion in medicine in rules and regulations.

1 SECTION 3. The definition of "Professional nursing" in sec-
2 tion 80B of said chapter 112, as amended by section 2 of chap-
3 ter 846 of the acts of 1974, is hereby further amended by
4 striking out, in line 5, the word "or dentist" and inserting in
5 place thereof the words: — , dentist or a practitioner of pro-
6 fessional nursing as hereinafter defined, or by a physician
7 assistant.

1 SECTION 4. The definition of "Professional nursing" in said
2 section 80B of said chapter 112, as appearing in section 4 of
3 chapter 595 of the acts of 1957, is hereby amended by striking
4 out, in line 5, the words "or dentist" and inserting in place
5 thereof the words: — , dentist or practitioner of professional
6 nursing as defined in the second sentence of the definition of
7 "Professional nursing" or by a physician assistant.

1 SECTION 5. Said chapter 112 is hereby further amended by
2 inserting after section 80D the following section: —

3 *Section 80E.* A practitioner of professional nursing as de-
4 fined in the second sentence of the definition of "Professional
5 nursing" in section eighty B may order therapeutics and tests
6 and may prescribe medications, for patients in long-term care
7 facilities or home care setting where the individual would
8 otherwise require institutionalization so long as such services
9 are rendered under the supervision of a registered physician.
10 Prescription of medications shall be limited to categories as
11 are jointly approved by the board of registration in medicine
12 and the board of registration in nursing in rules and regula-
13 tions.

1 SECTION 6. The board of approval and certification of physi-
2 cian assistants and the board of registration in medicine shall
3 promulgate the rules and regulations as provided for in sec-
4 tion two of this act prior to July first, nineteen hundred and
5 eighty-three and the board of registration of nursing and the
6 board of registration in medicine shall promulgate the rules
7 and regulations as provided for in section five of this act prior
8 to July first, nineteen hundred and eighty-three.

1 SECTION 7. Sections one to five, inclusive, of this act shall
2 take effect on July first, nineteen hundred and eighty-three.