
By: Senator Hollinger

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Nurse Psychotherapists - Authority to Prescribe and Dispense Drugs**

3 FOR the purpose of authorizing nurse psychotherapists to prescribe certain drugs and to
4 prepare and dispense samples or starter dosages of certain drugs under certain
5 circumstances; requiring nurse psychotherapists to designate certain health care
6 practitioners under certain circumstances; requiring nurse psychotherapists who
7 prepare and dispense drugs to comply with certain requirements; prohibiting nurse
8 psychotherapists from engaging in certain activities; requiring the State Board of
9 Nursing to adopt certain regulations jointly with the State Board of Physician
10 Quality Assurance; defining certain terms; and generally relating to the authority of
11 nurse psychotherapists to prescribe and dispense drugs under specified
12 circumstances.

13 BY adding to

14 Article - Health Occupations
15 Section 8-509
16 Annotated Code of Maryland
17 (1994 Replacement Volume and 1995 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Health Occupations**

21 8-509.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) "NURSE PSYCHOTHERAPIST" MEANS A REGISTERED NURSE WHO IS:

25 (I) CERTIFIED BY THE BOARD AS A NURSE PSYCHOTHERAPIST;
26 AND

27 (II) GOVERNED BY REGULATIONS ADOPTED BY THE BOARD
28 UNDER § 8-205(A)(4) OF THIS TITLE.

29 (3) "PERSONALLY PREPARE AND DISPENSE" MEANS THAT A NURSE
30 PSYCHOTHERAPIST:

2

1 (I) IS PHYSICALLY PRESENT ON THE PREMISES WHERE THE
2 PRESCRIPTION IS FILLED; AND

3 (II) PERFORMS A FINAL CHECK OF THE PRESCRIPTION BEFORE IT
4 IS PROVIDED TO THE PATIENT.

5 (4) "PRACTICE NURSE PSYCHOTHERAPY" MEANS TO INDEPENDENTLY:

6 (I) ESTABLISH A MENTAL HEALTH DIAGNOSIS;

7 (II) PROVIDE INDIVIDUAL THERAPY;

8 (III) PROVIDE GROUP THERAPY;

9 (IV) PROVIDE FAMILY THERAPY; OR

10 (V) PROVIDE ANY THERAPY WHOSE PURPOSE IS TO:

11 1. EFFECT CHANGE IN THE CLIENT IN AN ATTEMPT TO
12 ALLEVIATE EMOTIONAL DISTURBANCES;

13 2. REVERSE OR CHANGE MALADAPTIVE BEHAVIOR; AND

14 3. FACILITATE PERSONALITY GROWTH AND
15 DEVELOPMENT.

16 (5) "PRACTICE NURSE PSYCHOTHERAPY" INCLUDES THE PRESCRIBING
17 OF DRUGS COMMONLY USED IN THE PRACTICE OF NURSE PSYCHOTHERAPY, IF THE
18 NURSE PSYCHOTHERAPIST HAS BEEN APPROVED BY THE BOARD TO PRESCRIBE
19 DRUGS.

20 (6) "STARTER DOSAGE" MEANS AN AMOUNT OF DRUG SUFFICIENT TO
21 BEGIN THERAPY:

22 (I) OF SHORT DURATION OF 72 HOURS OR LESS; OR

23 (II) PRIOR TO OBTAINING A LARGER QUANTITY OF THE DRUG TO
24 COMPLETE THERAPY.

25 (B) (1) A NURSE PSYCHOTHERAPIST MAY PRESCRIBE DRUGS COMMONLY
26 USED IN THE PRACTICE OF NURSE PSYCHOTHERAPY.

27 (2) BEFORE A NURSE PSYCHOTHERAPIST MAY PRESCRIBE DRUGS
28 COMMONLY USED IN THE PRACTICE OF NURSE PSYCHOTHERAPY, THE NURSE SHALL
29 DESIGNATE A HEALTH CARE PRACTITIONER WHO IS AUTHORIZED TO PRESCRIBE
30 DRUGS UNDER THIS ARTICLE WHO SHALL BE AVAILABLE IN PERSON, BY
31 TELEPHONE, OR BY SOME OTHER MEANS OF COMMUNICATION TO CONSULT WITH
32 THE NURSE SPECIFIC TO THE PRESCRIPTIVE PRACTICE OF THE NURSE.

33 (3) THE NURSE PSYCHOTHERAPIST SHALL:

34 (I) FILE WITH THE BOARD THE NAME OF THE HEALTH CARE
35 PRACTITIONER DESIGNATED UNDER PARAGRAPH (2) OF THIS SUBSECTION;

3

1 (II) DESCRIBE THE QUALIFICATIONS OF THE HEALTH CARE
2 PRACTITIONER; AND

3 (III) PROVIDE ANY OTHER INFORMATION DEEMED NECESSARY BY
4 THE BOARD.

5 (C) A NURSE PSYCHOTHERAPIST MAY PERSONALLY PREPARE AND DISPENSE
6 A SAMPLE OR STARTER DOSAGE OF ANY DRUG THE NURSE PSYCHOTHERAPIST IS
7 AUTHORIZED TO PRESCRIBE TO A PATIENT OF THE NURSE IF:

8 (1) FOR A STARTER DOSAGE, THE STARTER DOSAGE COMPLIES WITH
9 THE LABELING REQUIREMENTS OF § 12-509 OF THIS ARTICLE;

10 (2) NO CHARGE IS MADE FOR THE SAMPLE OR STARTER DOSAGE; AND

11 (3) THE NURSE PSYCHOTHERAPIST ENTERS AN APPROPRIATE RECORD
12 OF THE SAMPLE OR STARTER DOSAGE IN THE MEDICAL RECORD OF THE PATIENT.

13 (D) A NURSE PSYCHOTHERAPIST WHO PERSONALLY PREPARES AND
14 DISPENSES DRUGS IN THE COURSE OF TREATING A PATIENT AS AUTHORIZED
15 UNDER SUBSECTION (C) OF THIS SECTION SHALL ALLOW THE DIVISION OF DRUG
16 CONTROL TO ENTER AND INSPECT THE NURSE PSYCHOTHERAPIST'S OFFICE AT ALL
17 REASONABLE HOURS.

18 (E) A NURSE PSYCHOTHERAPIST MAY NOT:

19 (1) DIRECT A PATIENT TO A SPECIFIC PHARMACY; OR

20 (2) RECEIVE REMUNERATION FOR REFERRING PATIENTS TO A
21 SPECIFIC PHARMACY.

22 (F) THE BOARD SHALL ADOPT REGULATIONS JOINTLY WITH THE STATE
23 BOARD OF PHYSICIAN QUALITY ASSURANCE TO IMPLEMENT THE PROVISIONS OF
24 SUBSECTION (B) OF THIS SECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1996.