
By: Senator Hollinger

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 13, 1996

CHAPTER _____

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~~ a physician licensed in this State for a certain purpose under certain
7 circumstances; requiring nurse psychotherapists who prepare and dispense drugs to
8 comply with certain requirements; prohibiting nurse psychotherapists from engaging
9 in ~~certain activities~~ a certain activity; requiring the State Board of Nursing to adopt
10 certain regulations jointly with the State Board of Physician Quality Assurance;
11 defining certain terms; and generally relating to the authority of nurse
12 psychotherapists to prescribe and dispense drugs under specified 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~~:

2

1 (I) HAS AT LEAST A MASTER'S DEGREE AND IS CERTIFIED BY THE
2 BOARD AS A NURSE PSYCHOTHERAPIST; AND

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

5 (3) "PERSONALLY PREPARE AND DISPENSE" MEANS THAT A NURSE
6 PSYCHOTHERAPIST:

7 (I) IS PHYSICALLY PRESENT ON THE PREMISES WHERE THE
8 PRESCRIPTION IS FILLED; AND

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

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

12 (I) ESTABLISH A MENTAL HEALTH DIAGNOSIS;

13 (II) PROVIDE INDIVIDUAL THERAPY;

14 (III) PROVIDE GROUP THERAPY;

15 (IV) PROVIDE FAMILY THERAPY; OR

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

17 1. EFFECT CHANGE IN THE CLIENT IN AN ATTEMPT TO
18 ALLEVIATE EMOTIONAL DISTURBANCES;

19 2. REVERSE OR CHANGE MALADAPTIVE BEHAVIOR; AND

20 3. FACILITATE PERSONALITY GROWTH AND
21 DEVELOPMENT.

22 (5) "PRACTICE NURSE PSYCHOTHERAPY" INCLUDES THE PRESCRIBING
23 OF DRUGS COMMONLY USED IN THE PRACTICE OF NURSE PSYCHOTHERAPY, IF THE
24 NURSE PSYCHOTHERAPIST HAS BEEN APPROVED BY THE BOARD TO PRESCRIBE
25 DRUGS.

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

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

29 (II) PRIOR TO OBTAINING A LARGER QUANTITY OF THE DRUG TO
30 COMPLETE THERAPY.

31 (B) (1) IN ORDER FOR A NURSE PSYCHOTHERAPIST TO BE AUTHORIZED BY
32 THE BOARD TO PRESCRIBE AND DISPENSE DRUGS UNDER THIS SECTION, THE NURSE
33 PSYCHOTHERAPIST SHALL:

34 (I) PROVIDE EVIDENCE TO THE BOARD OF SUCCESSFUL
35 COMPLETION OF A 3-CREDIT HOUR COURSE IN PSYCHOPHARMACOLOGY, OR ITS
36 EQUIVALENT, THAT HAS BEEN APPROVED BY THE BOARD; AND

1 (II) ANNUALLY PROVIDE EVIDENCE OF COMPLETION OF A
2 MINIMUM OF THREE CONTINUING EDUCATION UNITS IN PSYCHOPHARMACOLOGY.

3 ~~(B)(1)~~ (2) A NURSE PSYCHOTHERAPIST MAY PRESCRIBE DRUGS
4 COMMONLY USED IN THE PRACTICE OF NURSE PSYCHOTHERAPY.

5 ~~(2)~~ (3) BEFORE A NURSE PSYCHOTHERAPIST MAY PRESCRIBE DRUGS
6 COMMONLY USED IN THE PRACTICE OF NURSE PSYCHOTHERAPY, THE NURSE SHALL
7 DESIGNATE A ~~HEALTH CARE PRACTITIONER~~ PHYSICIAN LICENSED IN THIS STATE
8 WHO IS AUTHORIZED TO PRESCRIBE DRUGS UNDER THIS ARTICLE WHO SHALL BE
9 AVAILABLE IN PERSON, BY TELEPHONE, OR BY SOME OTHER MEANS OF
10 COMMUNICATION TO CONSULT WITH THE NURSE SPECIFIC TO THE PRESCRIPTIVE
11 PRACTICE OF THE NURSE.

12 ~~(3)~~ (4) THE NURSE PSYCHOTHERAPIST SHALL:

13 (I) FILE WITH THE BOARD THE NAME OF THE ~~HEALTH CARE~~
14 ~~PRACTITIONER~~ LICENSED PHYSICIAN DESIGNATED UNDER PARAGRAPH ~~(2)~~ (3) OF
15 THIS SUBSECTION; AND

16 ~~(II) DESCRIBE THE QUALIFICATIONS OF THE HEALTH CARE~~
17 ~~PRACTITIONER; AND~~

18 ~~(III)~~ (II) PROVIDE ANY OTHER INFORMATION DEEMED
19 NECESSARY BY THE BOARD.

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

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

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

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

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

33 (E) A NURSE PSYCHOTHERAPIST MAY NOT:

34 ~~(1)~~ DIRECT A PATIENT TO A SPECIFIC PHARMACY; ~~OR~~

35 ~~(2)~~ RECEIVE REMUNERATION FOR REFERRING PATIENTS TO A
36 SPECIFIC PHARMACY.

37 (F) THE BOARD SHALL ADOPT REGULATIONS JOINTLY WITH THE STATE
38 BOARD OF PHYSICIAN QUALITY ASSURANCE TO IMPLEMENT THE PROVISIONS OF
39 SUBSECTION (B) OF THIS SECTION.

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