

---

**By: Delegates Goldwater and Nathan-Pulliam**

Introduced and read first time: January 31, 1997

Assigned to: Environmental Matters

---

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 who prepare and dispense drugs to  
6 comply with certain requirements; prohibiting nurse psychotherapists from directing  
7 a patient to a specific pharmacy; requiring the State Board of Nursing to adopt  
8 certain regulations jointly with the State Board of Physician Quality Assurance and  
9 the State Board of Pharmacy; defining certain terms; and generally relating to the  
10 authority of nurse psychotherapists to prescribe and dispense drugs under certain  
11 circumstances.

12 BY repealing and reenacting, without amendments,  
13 Article - Health Occupations  
14 Section 1-101(a) and (d) and 8-101(a) and (b)  
15 Annotated Code of Maryland  
16 (1994 Replacement Volume and 1996 Supplement)

17 BY adding to  
18 Article - Health Occupations  
19 Section 8-509  
20 Annotated Code of Maryland  
21 (1994 Replacement Volume and 1996 Supplement)

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

24 **Article - Health Occupations**

25 1-101.

26 (a) In this article the following words have the meanings indicated.

27 (d) "Department" means the Department of Health and Mental Hygiene.

28 8-101.

29 (a) In this title the following words have the meanings indicated.

2

1 (b) "Board" means the State Board of Nursing.

2 8-509.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

5 (2) "NURSE PSYCHOTHERAPIST" MEANS A REGISTERED NURSE WHO:

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

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

10 (3) "PERSONALLY PREPARE AND DISPENSE" MEANS THAT A NURSE  
11 PSYCHOTHERAPIST:

12 (I) IS PHYSICALLY PRESENT ON THE PREMISES WHERE A  
13 PRESCRIPTION IS FILLED; AND

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

16 (B) (1) IN THIS SUBSECTION, "WRITTEN AGREEMENT" MEANS AN  
17 AGREEMENT IN WRITING BETWEEN A NURSE PSYCHOTHERAPIST AUTHORIZED BY  
18 THE BOARD TO PRESCRIBE DRUGS COMMONLY USED IN THE TREATMENT OF  
19 PSYCHIATRIC DISORDERS AND A PHYSICIAN LICENSED IN THIS STATE WHO IS  
20 AUTHORIZED TO PRESCRIBE DRUGS UNDER THIS ARTICLE, THAT:

21 (I) ESTABLISHES GUIDELINES AND FRAMEWORKS FOR  
22 PRESCRIBING BY THE NURSE PSYCHOTHERAPIST AND A PROCEDURE FOR THE  
23 PERIODIC REVIEW OF THE GUIDELINES AND FRAMEWORKS BY THE PARTIES TO THE  
24 WRITTEN AGREEMENT;

25 (II) REQUIRES THE PHYSICIAN TO ACCEPT REFERRALS;

26 (III) REQUIRES THAT THE PHYSICIAN BE AVAILABLE FOR  
27 CONSULTATION IN PERSON, BY TELEPHONE, OR BY SOME OTHER FORM OF  
28 COMMUNICATION;

29 (IV) DESIGNATES AN ALTERNATE PHYSICIAN IF THE PHYSICIAN  
30 IDENTIFIED IN THE WRITTEN AGREEMENT TEMPORARILY BECOMES UNAVAILABLE;

31 (V) CONCERNING THE ROLE OF THE PHYSICIAN AS DESCRIBED IN  
32 THE WRITTEN AGREEMENT, HAS BEEN APPROVED BY THE BOARD OF PHYSICIAN  
33 QUALITY ASSURANCE; AND

34 (VI) DOES NOT AFFECT, MODIFY, OR ALTER THE AUTHORITY OF A  
35 NURSE PSYCHOTHERAPIST TO PRACTICE NURSING OR INDEPENDENTLY:

36 1. TO ESTABLISH A MENTAL HEALTH DIAGNOSIS;

37 2. TO PROVIDE INDIVIDUAL, GROUP, OR FAMILY THERAPY;

38 OR

1                                   3. TO PROVIDE ANY THERAPY WHOSE PURPOSE IS TO  
2 EFFECT CHANGE IN THE CLIENT IN AN ATTEMPT TO ALLEVIATE EMOTIONAL  
3 DISTURBANCES, TO REVERSE OR CHANGE MALADAPTIVE BEHAVIOR, AND TO  
4 FACILITATE PERSONALTY GROWTH AND DEVELOPMENT.

5                                   (2) IN ORDER FOR A NURSE PSYCHOTHERAPIST TO BE AUTHORIZED BY  
6 THE BOARD TO PRESCRIBE AND DISPENSE DRUGS UNDER THIS SECTION, THE NURSE  
7 PSYCHOTHERAPIST SHALL:

8                                   (I) PROVIDE EVIDENCE TO THE BOARD OF SUCCESSFUL  
9 COMPLETION OF AN ACCREDITED 45-HOUR GRADUATE LEVEL COURSE IN  
10 PSYCHOPHARMACOLOGY, OR ITS EQUIVALENT, THAT HAS BEEN APPROVED BY THE  
11 BOARD;

12                                  (II) ANNUALLY PROVIDE EVIDENCE OF COMPLETION OF A  
13 MINIMUM OF THREE CONTINUING EDUCATION UNITS IN PSYCHOPHARMACOLOGY;  
14 AND

15                                  (III) PROVIDE EVIDENCE TO THE BOARD OF COMPLETION OF AN  
16 ACCREDITED GRADUATE LEVEL COURSE IN PHYSICAL ASSESSMENT, OR ITS  
17 EQUIVALENT, THAT HAS BEEN APPROVED BY THE BOARD.

18                                  (3) A NURSE PSYCHOTHERAPIST MAY PRESCRIBE DRUGS COMMONLY  
19 USED IN THE TREATMENT OF PSYCHIATRIC DISORDERS.

20                                  (4) BEFORE A NURSE PSYCHOTHERAPIST MAY PRESCRIBE DRUGS  
21 COMMONLY USED IN THE TREATMENT OF PSYCHIATRIC DISORDERS, THE NURSE  
22 PSYCHOTHERAPIST SHALL:

23                                  (I) BE AUTHORIZED BY THE BOARD TO PRESCRIBE DRUGS; AND

24                                  (II) HAVE AND MAINTAIN IN EFFECT A WRITTEN AGREEMENT  
25 WITH THE BOARD.

26                                  (C) (1) IN THIS SUBSECTION, "STARTER DOSAGE" MEANS AN AMOUNT OF  
27 DRUG SUFFICIENT TO BEGIN THERAPY:

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

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

31                                  (2) A NURSE PSYCHOTHERAPIST MAY PERSONALLY PREPARE AND  
32 DISPENSE A SAMPLE OR STARTER DOSAGE OF ANY DRUG THE NURSE  
33 PSYCHOTHERAPIST IS AUTHORIZED TO PRESCRIBE TO A PATIENT OF THE NURSE IF:

34                                  (I) FOR A STARTER DOSAGE, THE STARTER DOSAGE COMPLIES  
35 WITH THE LABELING REQUIREMENTS OF § 12-509 OF THIS ARTICLE;

36                                  (II) NO CHARGE IS MADE FOR THE SAMPLE OR STARTER DOSAGE;  
37 AND

4

1                   (III) THE NURSE PSYCHOTHERAPIST ENTERS AN APPROPRIATE  
2 RECORD OF THE SAMPLE OR STARTER DOSAGE IN THE MEDICAL RECORD OF THE  
3 PATIENT.

4                   (D) A NURSE PSYCHOTHERAPIST WHO PERSONALLY PREPARES AND  
5 DISPENSES DRUGS IN THE COURSE OF TREATING A PATIENT AS AUTHORIZED  
6 UNDER SUBSECTION (C) OF THIS SECTION SHALL ALLOW THE OFFICE OF DRUG  
7 CONTROL IN THE DEPARTMENT TO ENTER AND INSPECT THE NURSE  
8 PSYCHOTHERAPIST'S OFFICE AT ALL REASONABLE HOURS.

9                   (E) A NURSE PSYCHOTHERAPIST MAY NOT DIRECT A PATIENT TO A SPECIFIC  
10 PHARMACY.

11                  (F) THE BOARD SHALL ADOPT REGULATIONS JOINTLY WITH THE STATE  
12 BOARD OF PHYSICIAN QUALITY ASSURANCE AND THE STATE BOARD OF PHARMACY  
13 TO IMPLEMENT THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION.

14                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 1997.