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

Introduced and read first time: February 13, 1998

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Nurse Psychotherapists - Authority to Prescribe Medications**

3 FOR the purpose of authorizing a nurse psychotherapist to prescribe certain  
4 medications if the nurse psychotherapist meets certain educational and federal  
5 registration requirements and, with a certain physician, enters into a certain  
6 written agreement that is approved by the State Board of Nursing; requiring a  
7 nurse psychotherapist to notify the Board immediately if a certain agreement is  
8 terminated and to obtain the approval of the Board of a new or amended  
9 agreement; prohibiting the Board from approving a certain agreement unless  
10 the Board makes a certain review and approval concerning the role of a certain  
11 physician; requiring the Board and the State Board of Physician Quality  
12 Assurance to establish a joint committee to make certain recommendations  
13 concerning certain written agreements; providing for the composition of a  
14 certain joint committee; requiring the Board to adopt certain regulations jointly  
15 with the State Board of Physician Quality Assurance; requiring the Board, in  
16 consultation with the State Board of Pharmacy, to develop a certain formulary  
17 jointly with the State Board of Physician Quality Assurance; providing that this  
18 Act does not affect certain authority of a nurse psychotherapist; defining certain  
19 terms; and generally relating to the authority of certain nurse psychotherapists  
20 to prescribe certain medications.

21 BY repealing and reenacting, without amendments,  
22 Article - Health Occupations  
23 Section 1-101(a) and (d) and 8-101(a) and (b)  
24 Annotated Code of Maryland  
25 (1994 Replacement Volume and 1997 Supplement)

26 BY adding to  
27 Article - Health Occupations  
28 Section 8-509  
29 Annotated Code of Maryland  
30 (1994 Replacement Volume and 1997 Supplement)

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

3 **Article - Health Occupations**

4 1-101.

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

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

7 8-101.

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

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

10 8-509.

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
12 INDICATED.

13 (2) "MEDICATIONS" MEANS MEDICATIONS COMMONLY USED IN THE  
14 TREATMENT OF PSYCHIATRIC DISORDERS AS SPECIFIED IN THE FORMULARY  
15 DEVELOPED UNDER SUBSECTION (G)(2) OF THIS SECTION.

16 (3) "NURSE PSYCHOTHERAPIST" MEANS A CERTIFIED NURSE  
17 PSYCHOTHERAPIST WHO:

18 (I) IS A REGISTERED NURSE LICENSED IN THIS STATE;

19 (II) HAS AT LEAST A MASTER'S DEGREE AND IS CERTIFIED BY THE  
20 BOARD AS A NURSE PSYCHOTHERAPIST; AND

21 (III) IS GOVERNED BY REGULATIONS ADOPTED UNDER § 8-205(A)(4)  
22 OF THIS TITLE.

23 (4) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED TO PRACTICE  
24 MEDICINE IN THIS STATE WHO IS AUTHORIZED TO PRESCRIBE MEDICATIONS UNDER  
25 THIS ARTICLE.

26 (5) "WRITTEN AGREEMENT" MEANS A WRITTEN AGREEMENT BETWEEN  
27 A NURSE PSYCHOTHERAPIST AND A PHYSICIAN CONCERNING THE PERFORMANCE BY  
28 THE NURSE PSYCHOTHERAPIST OF THE FUNCTIONS AUTHORIZED BY THIS SECTION.

29 (B) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A NURSE  
30 PSYCHOTHERAPIST TO PRACTICE NURSING OR AS PROVIDED IN REGULATIONS  
31 ADOPTED BY THE BOARD UNDER § 8-205(A)(4) OF THIS TITLE.

32 (C) THE BOARD MAY AUTHORIZE A NURSE PSYCHOTHERAPIST TO PRESCRIBE  
33 MEDICATIONS UNDER THIS SECTION IF THE NURSE PSYCHOTHERAPIST:

1 (1) SUBMITS EVIDENCE TO THE BOARD OF SUCCESSFUL COMPLETION  
2 OF:

3 (I) AN ACCREDITED 45-HOUR GRADUATE LEVEL COURSE IN  
4 PSYCHOPHARMACOLOGY, OR ITS EQUIVALENT, THAT HAS BEEN APPROVED BY THE  
5 BOARD; AND

6 (II) AN ACCREDITED GRADUATE LEVEL COURSE IN PHYSICAL  
7 ASSESSMENT, OR ITS EQUIVALENT, THAT HAS BEEN APPROVED BY THE BOARD;

8 (2) IS REGISTERED WITH THE UNITED STATES DRUG ENFORCEMENT  
9 ADMINISTRATION AS AN AUTHORIZED PRESCRIBER;

10 (3) PROVIDES ANNUALLY TO THE BOARD EVIDENCE OF COMPLETION OF  
11 A MINIMUM OF THREE CONTINUING EDUCATION UNITS IN PSYCHOPHARMACOLOGY,  
12 OR ITS EQUIVALENT, THAT HAS BEEN APPROVED BY THE BOARD; AND

13 (4) ENTERS INTO, SUBMITS TO, AND SECURES APPROVAL FROM THE  
14 BOARD OF A WRITTEN AGREEMENT WITH A PHYSICIAN, WHICH SHALL INCLUDE:

15 (I) THE IDENTITY OF THE NURSE PSYCHOTHERAPIST AND THE  
16 PHYSICIAN;

17 (II) A DESCRIPTION OF THE NATURE AND SCOPE OF THE PRACTICE  
18 OF THE NURSE PSYCHOTHERAPIST;

19 (III) AN ENUMERATION OF PROCEDURES FOR THE TREATMENT OF  
20 THE PSYCHIATRIC CONDITIONS EXPECTED TO BE ENCOUNTERED IN THE PRACTICE  
21 OF THE NURSE PSYCHOTHERAPIST;

22 (IV) THE IDENTITY OF AND LIMITATIONS ON THE USE OF DRUGS OR  
23 CLASSES OF MEDICATIONS TO BE PRESCRIBED BY THE NURSE PSYCHOTHERAPIST,  
24 INCLUDING LIMITATIONS FOR WHICH THE NURSE PSYCHOTHERAPIST MUST OBTAIN  
25 PRIOR APPROVAL FROM THE PHYSICIAN;

26 (V) THE TERMS AND CONDITIONS FOR ORDERING, PERFORMING,  
27 AND INTERPRETING LABORATORY TESTS BY THE NURSE PSYCHOTHERAPIST TO  
28 MONITOR THE USE OF A MEDICATION BY A PATIENT.

29 (VI) A MECHANISM FOR MONITORING BY THE PHYSICIAN OF THE  
30 PRESCRIBING PRACTICES OF THE NURSE PSYCHOTHERAPIST, INCLUDING PERIODIC  
31 REVIEW OF DOCUMENTATION BY THE PHYSICIAN;

32 (VII) PROCEDURES FOR PHYSICAL EXAMINATIONS, MEDICAL  
33 CLEARANCE OF PATIENTS, AND MANAGEMENT OF PSYCHIATRIC EMERGENCIES,  
34 INCLUDING THE SOURCE OF MEDICAL COVERAGE; AND

35 (VIII) A REQUIREMENT THAT THE PHYSICIAN OR A PHYSICIAN  
36 DESIGNEE OF THE PHYSICIAN BE AVAILABLE FOR CONSULTATION IN PERSON, BY

1 TELEPHONE, OR THROUGH SOME OTHER FORM OF TELECOMMUNICATION AND THAT  
2 THE PHYSICIAN AND DESIGNEE ACCEPT REFERRALS.

3 (D) IF A WRITTEN AGREEMENT IS TERMINATED BY EITHER THE NURSE  
4 PSYCHOTHERAPIST OR THE PHYSICIAN, THE NURSE PSYCHOTHERAPIST  
5 IMMEDIATELY SHALL ADVISE THE BOARD AND OBTAIN THE BOARD'S APPROVAL OF A  
6 NEW OR AMENDED WRITTEN AGREEMENT.

7 (E) THE BOARD MAY NOT APPROVE A WRITTEN AGREEMENT UNDER THIS  
8 SECTION UNLESS THE BOARD OF PHYSICIAN QUALITY ASSURANCE REVIEWS AND  
9 APPROVES THE ROLE OF THE PHYSICIAN AS ESTABLISHED IN THE WRITTEN  
10 AGREEMENT.

11 (F) (1) THE BOARD AND THE BOARD OF PHYSICIAN QUALITY ASSURANCE  
12 SHALL ESTABLISH A JOINT COMMITTEE TO MAKE RECOMMENDATIONS TO THE  
13 BOARD AND TO THE BOARD OF PHYSICIAN QUALITY ASSURANCE CONCERNING  
14 WRITTEN AGREEMENTS SUBMITTED TO THE BOARD FOR APPROVAL UNDER THIS  
15 SECTION.

16 (2) THE JOINT COMMITTEE SHALL BE COMPOSED OF AN EQUAL  
17 NUMBER OF MEMBERS APPOINTED BY THE BOARD AND THE BOARD OF PHYSICIAN  
18 QUALITY ASSURANCE.

19 (G) THE BOARD SHALL:

20 (1) ADOPT REGULATIONS JOINTLY WITH THE BOARD OF PHYSICIAN  
21 QUALITY ASSURANCE TO CARRY OUT THIS SECTION; AND

22 (2) IN CONSULTATION WITH THE STATE BOARD OF PHARMACY,  
23 DEVELOP JOINTLY WITH THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE A  
24 FORMULARY OF SCHEDULE II, III, IV, AND V MEDICATIONS OR CLASSES OF  
25 MEDICATIONS THAT A NURSE PSYCHOTHERAPIST MAY PRESCRIBE UNDER THIS  
26 SECTION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 1998.