
By: **Delegates Goldwater, Eckardt, Klausmeier, Nathan-Pulliam, Walkup,
and Hurson**

Introduced and read first time: February 12, 1999

Assigned to: Environmental Matters

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
5 requirements and, with a certain physician, enters into a certain written
6 agreement that is approved by the State Board of Nursing; requiring a nurse
7 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 of Physician Quality Assurance reviews and approves the role of a
11 certain 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 1998 Supplement)

26 BY adding to
27 Article - Health Occupations
28 Section 8-509
29 Annotated Code of Maryland
30 (1994 Replacement Volume and 1998 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:

25 (I) AUTHORIZED TO PRESCRIBE MEDICATIONS UNDER THIS
26 ARTICLE; AND

27 (II) KNOWLEDGEABLE AND EXPERIENCED IN DIAGNOSING,
28 TREATING, AND PREVENTING A MENTAL OR EMOTIONAL AILMENT OR SUPPOSED
29 AILMENT OF AN INDIVIDUAL.

30 (5) "WRITTEN PRESCRIBING AGREEMENT" MEANS A WRITTEN
31 AGREEMENT BETWEEN A NURSE PSYCHOTHERAPIST AND A PHYSICIAN
32 CONCERNING THE PERFORMANCE BY THE NURSE PSYCHOTHERAPIST OF THE
33 FUNCTIONS AUTHORIZED BY THIS SECTION.

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

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

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

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

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

14 (2) PROVIDES ANNUALLY TO THE BOARD EVIDENCE OF COMPLETION OF
15 A MINIMUM OF THREE CONTINUING EDUCATION UNITS IN PSYCHOPHARMACOLOGY,
16 OR ITS EQUIVALENT, THAT HAS BEEN APPROVED BY THE BOARD; AND

17 (3) ENTERS INTO, SUBMITS TO, AND SECURES APPROVAL FROM THE
18 BOARD OF A WRITTEN PRESCRIBING AGREEMENT WITH A PHYSICIAN, WHICH SHALL
19 INCLUDE:

20 (I) THE IDENTITY OF THE NURSE PSYCHOTHERAPIST AND THE
21 PHYSICIAN;

22 (II) A DESCRIPTION OF THE NATURE AND SCOPE OF THE PRACTICE
23 OF THE NURSE PSYCHOTHERAPIST IN RELATION TO THE PROPOSED PRESCRIBING
24 ACTIVITIES;

25 (III) AN ENUMERATION OF PROCEDURES USED IN CONJUNCTION
26 WITH PRESCRIBING MEDICATION;

27 (IV) THE IDENTITY OF AND LIMITATIONS ON THE USE OF DRUGS OR
28 CLASSES OF MEDICATIONS TO BE PRESCRIBED BY THE NURSE PSYCHOTHERAPIST,
29 INCLUDING LIMITATIONS FOR WHICH THE NURSE PSYCHOTHERAPIST MUST OBTAIN
30 PRIOR APPROVAL FROM THE PHYSICIAN;

31 (V) THE TERMS AND CONDITIONS FOR ORDERING, PERFORMING,
32 AND INTERPRETING LABORATORY TESTS BY THE NURSE PSYCHOTHERAPIST TO
33 MONITOR THE USE OF A MEDICATION BY A PATIENT;

34 (VI) A REQUIREMENT THAT THE PHYSICIAN PARTICIPATE WITH
35 THE NURSE PSYCHOTHERAPIST IN PERIODICALLY REVIEWING AND DISCUSSING THE
36 MENTAL HEALTH DIAGNOSIS, DOCUMENTATION, AND THE THERAPEUTIC OR
37 CORRECTIVE MEASURES BEING EMPLOYED IN THE TREATMENT BY THE NURSE

1 PSYCHOTHERAPIST OF A PATIENT FOR WHOM THE NURSE PSYCHOTHERAPIST
2 PRESCRIBES OR PROPOSES TO PRESCRIBE A MEDICATION; AND

3 (VII) A REQUIREMENT THAT THE PHYSICIAN OR A PHYSICIAN
4 DESIGNEE OF THE PHYSICIAN BE AVAILABLE FOR CONSULTATION IN PERSON, BY
5 TELEPHONE, OR THROUGH SOME OTHER FORM OF TELECOMMUNICATION AND THAT
6 THE PHYSICIAN AND DESIGNEE ACCEPT REFERRALS.

7 (D) BEFORE PRESCRIBING A MEDICATION, A NURSE PSYCHOTHERAPIST
8 SHALL BE REGISTERED WITH THE UNITED STATES DRUG ENFORCEMENT AGENCY AS
9 AN AUTHORIZED PRESCRIBER.

10 (E) IF A WRITTEN PRESCRIBING AGREEMENT IS TERMINATED BY EITHER THE
11 NURSE PSYCHOTHERAPIST OR THE PHYSICIAN, THE NURSE PSYCHOTHERAPIST
12 IMMEDIATELY SHALL ADVISE THE BOARD AND OBTAIN THE BOARD'S APPROVAL OF A
13 NEW OR AMENDED WRITTEN PRESCRIBING AGREEMENT.

14 (F) THE BOARD MAY NOT APPROVE A WRITTEN PRESCRIBING AGREEMENT
15 UNDER THIS SECTION UNLESS THE BOARD OF PHYSICIAN QUALITY ASSURANCE
16 REVIEWS AND APPROVES THE ROLE OF THE PHYSICIAN AS ESTABLISHED IN THE
17 WRITTEN PRESCRIBING AGREEMENT.

18 (G) (1) THE BOARD AND THE BOARD OF PHYSICIAN QUALITY ASSURANCE
19 SHALL ESTABLISH A JOINT COMMITTEE TO MAKE RECOMMENDATIONS TO THE
20 BOARD AND TO THE BOARD OF PHYSICIAN QUALITY ASSURANCE CONCERNING
21 WRITTEN PRESCRIBING AGREEMENTS SUBMITTED TO THE BOARD FOR APPROVAL
22 UNDER THIS SECTION.

23 (2) THE JOINT COMMITTEE SHALL BE COMPOSED OF AN EQUAL
24 NUMBER OF MEMBERS APPOINTED BY THE BOARD AND THE BOARD OF PHYSICIAN
25 QUALITY ASSURANCE.

26 (H) THE BOARD SHALL:

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

29 (2) IN CONSULTATION WITH THE STATE BOARD OF PHARMACY,
30 DEVELOP JOINTLY WITH THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE A
31 FORMULARY OF SCHEDULE II, III, IV, AND V MEDICATIONS OR CLASSES OF
32 MEDICATIONS THAT A NURSE PSYCHOTHERAPIST MAY PRESCRIBE WITHIN THE
33 AUTHORITY CONFERRED BY THE WRITTEN PRESCRIBING AGREEMENT.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 1999.