
By: **Delegates Goldwater and Guns**
Introduced and read first time: February 11, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Nurse Psychotherapists - Authority to Prescribe Medications in Pro Bono**
3 **Programs Not Adequately Served by Physician Volunteers**

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

22 BY repealing and reenacting, without amendments,
23 Article - Health Occupations
24 Section 1-101(a) and (d) and 8-101(a) and (b)
25 Annotated Code of Maryland
26 (1994 Replacement Volume and 1999 Supplement)

27 BY adding to
28 Article - Health Occupations
29 Section 8-509
30 Annotated Code of Maryland
31 (1994 Replacement Volume and 1999 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 (H)(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) "PROGRAM" MEANS AN ENTITY THAT:

31 (I) CONSISTS OF PRIVATE CITIZENS AND INDIVIDUALS WHO ARE
32 LICENSED UNDER THIS ARTICLE TO PROVIDE MENTAL HEALTH SERVICES;

1 (II) IS ORGANIZED AND OPERATED ON A NONPROFIT BASIS;

2 (III) PROVIDES MENTAL HEALTH SERVICES SOLELY THROUGH
3 UNPAID VOLUNTEER STAFFING AND REFERRALS;

4 (IV) RECEIVES FUNDING FROM THE STATE;

5 (V) PROVIDES THESE MENTAL HEALTH SERVICES ONLY TO LOW
6 INCOME INDIVIDUALS WITHOUT INSURANCE OR THE MEANS TO PAY FOR THE
7 SERVICES;

8 (VI) CERTIFIES TO THE SECRETARY THAT THE ENTITY HAS BEEN
9 UNABLE TO OBTAIN ADEQUATE NUMBERS OF PHYSICIAN VOLUNTEERS WILLING TO
10 PROVIDE TREATMENT AND PRESCRIBE MEDICATIONS FOR THESE INDIVIDUALS; AND

11 (VII) IS APPROVED BY THE SECRETARY AS MEETING THESE
12 REQUIREMENTS.

13 (6) "WRITTEN PRESCRIBING AGREEMENT" MEANS A WRITTEN
14 AGREEMENT BETWEEN A NURSE PSYCHOTHERAPIST AND A PHYSICIAN
15 CONCERNING THE PERFORMANCE BY THE NURSE PSYCHOTHERAPIST OF THE
16 FUNCTIONS AUTHORIZED BY THIS SECTION.

17 (B) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A NURSE
18 PSYCHOTHERAPIST TO PRACTICE NURSING OR TO PRACTICE NURSE
19 PSYCHOTHERAPY AS PROVIDED IN REGULATIONS ADOPTED BY THE BOARD UNDER §
20 8-205(A)(4) OF THIS TITLE.

21 (C) THE BOARD MAY AUTHORIZE A NURSE PSYCHOTHERAPIST TO PRESCRIBE
22 MEDICATIONS TO INDIVIDUALS RECEIVING MENTAL HEALTH SERVICES THROUGH
23 THE PROGRAM UNDER THIS SECTION IF THE NURSE PSYCHOTHERAPIST:

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

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

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

31 (2) PROVIDES ANNUALLY TO THE BOARD EVIDENCE OF COMPLETION OF
32 A MINIMUM OF 15 CONTACT HOURS IN PSYCHOPHARMACOLOGY, OR ITS
33 EQUIVALENT, THAT HAS BEEN APPROVED BY THE BOARD; AND

34 (3) ENTERS INTO, SUBMITS TO, AND SECURES APPROVAL FROM THE
35 BOARD OF A WRITTEN PRESCRIBING AGREEMENT WITH A PHYSICIAN AND A
36 PROGRAM, WHICH SHALL INCLUDE:

1 (I) THE IDENTITY OF THE NURSE PSYCHOTHERAPIST, THE
2 PHYSICIAN, AND THE PROGRAM;

3 (II) A DESCRIPTION OF THE NATURE AND SCOPE OF THE PRACTICE
4 OF THE NURSE PSYCHOTHERAPIST IN RELATION TO THE PROPOSED PRESCRIBING
5 ACTIVITIES WITHIN THE PROGRAM;

6 (III) AN ENUMERATION OF PROCEDURES USED IN CONJUNCTION
7 WITH PRESCRIBING MEDICATION WITHIN THE PROGRAM;

8 (IV) THE IDENTITY OF AND LIMITATIONS ON THE USE OF DRUGS OR
9 CLASSES OF MEDICATIONS TO BE PRESCRIBED BY THE NURSE PSYCHOTHERAPIST,
10 INCLUDING LIMITATIONS FOR WHICH THE NURSE PSYCHOTHERAPIST MUST OBTAIN
11 PRIOR APPROVAL FROM THE PHYSICIAN;

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

15 (VI) A REQUIREMENT THAT THE PHYSICIAN PARTICIPATE WITH
16 THE NURSE PSYCHOTHERAPIST IN PERIODICALLY REVIEWING AND DISCUSSING THE
17 MENTAL HEALTH DIAGNOSIS, DOCUMENTATION, AND THE THERAPEUTIC OR
18 CORRECTIVE MEASURES BEING EMPLOYED IN THE TREATMENT BY THE NURSE
19 PSYCHOTHERAPIST OF A PROGRAM PATIENT FOR WHOM THE NURSE
20 PSYCHOTHERAPIST PRESCRIBES OR PROPOSES TO PRESCRIBE A MEDICATION; AND

21 (VII) A REQUIREMENT THAT THE PHYSICIAN OR A PHYSICIAN
22 DESIGNEE OF THE PHYSICIAN BE AVAILABLE FOR CONSULTATION IN PERSON, BY
23 TELEPHONE, OR THROUGH SOME OTHER FORM OF TELECOMMUNICATION AND THAT
24 THE PHYSICIAN AND DESIGNEE ACCEPT REFERRALS.

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

28 (E) IF A WRITTEN PRESCRIBING AGREEMENT IS TERMINATED BY THE NURSE
29 PSYCHOTHERAPIST, THE PHYSICIAN, OR THE PROGRAM, THE NURSE
30 PSYCHOTHERAPIST IMMEDIATELY SHALL ADVISE THE BOARD AND OBTAIN THE
31 BOARD'S APPROVAL OF A NEW OR AMENDED WRITTEN PRESCRIBING AGREEMENT.

32 (F) THE BOARD MAY NOT APPROVE A WRITTEN PRESCRIBING AGREEMENT
33 UNDER THIS SECTION UNLESS THE BOARD OF PHYSICIAN QUALITY ASSURANCE
34 REVIEWS AND APPROVES THE ROLE OF THE PHYSICIAN AS ESTABLISHED IN THE
35 WRITTEN PRESCRIBING AGREEMENT.

36 (G) (1) THE BOARD AND THE BOARD OF PHYSICIAN QUALITY ASSURANCE
37 SHALL ESTABLISH A JOINT COMMITTEE TO MAKE RECOMMENDATIONS TO THE
38 BOARD AND TO THE BOARD OF PHYSICIAN QUALITY ASSURANCE CONCERNING
39 WRITTEN PRESCRIBING AGREEMENTS SUBMITTED TO THE BOARD FOR APPROVAL
40 UNDER THIS SECTION.

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

4 (H) THE BOARD SHALL:

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2000.