

SENATE BILL 822

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2000 Regular Session  
0lr2968  
CF HB 1101

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By: **Senator Bromwell**

Introduced and read first time: February 17, 2000

Assigned to: Rules

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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.