
By: **Senator Bromwell**

Introduced and read first time: February 21, 2001

Assigned to: Rules

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

23 BY repealing and reenacting, without amendments,
24 Article - Health Occupations
25 Section 1-101(a) and (d) and 8-101(a) and (b)
26 Annotated Code of Maryland
27 (2000 Replacement Volume)

28 BY adding to
29 Article - Health Occupations
30 Section 8-509
31 Annotated Code of Maryland
32 (2000 Replacement Volume)

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 A PROGRAM OPERATED BY 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 MENTAL HEALTH SERVICES ONLY TO LOW-INCOME
6 INDIVIDUALS WHO LACK INSURANCE OR THE MEANS TO PAY FOR THE SERVICES;
- 7 (VI) CERTIFIES TO THE SECRETARY THAT THE ENTITY HAS BEEN
8 UNABLE TO OBTAIN ADEQUATE NUMBERS OF PHYSICIAN VOLUNTEERS WILLING TO
9 PROVIDE TREATMENT AND PRESCRIBE MEDICATIONS FOR LOW-INCOME
10 INDIVIDUALS WHO LACK INSURANCE OR THE MEANS TO PAY FOR MENTAL HEALTH
11 SERVICES; AND
- 12 (VII) IS APPROVED BY THE SECRETARY AS MEETING THE
13 REQUIREMENTS OF THIS PARAGRAPH.

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

18 (B) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A NURSE
19 PSYCHOTHERAPIST TO PRACTICE NURSING OR TO PRACTICE NURSE
20 PSYCHOTHERAPY AS PROVIDED IN REGULATIONS ADOPTED BY THE BOARD UNDER §
21 8-205(A)(4) OF THIS TITLE.

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

25 (1) SUBMITS EVIDENCE TO THE BOARD OF THE NURSE
26 PSYCHOTHERAPISTS' SUCCESSFUL COMPLETION OF:

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

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

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

35 (3) ENTERS INTO, SUBMITS TO, AND SECURES APPROVAL FROM THE
36 BOARD OF A WRITTEN PRESCRIBING AGREEMENT WITH A PHYSICIAN AND A
37 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 TO BE USED IN
7 CONJUNCTION WITH PRESCRIBING MEDICATION WITHIN THE PROGRAM;

8 (IV) THE IDENTITY OF, AND LIMITATIONS ON, THE USE OF DRUGS
9 OR CLASSES OF MEDICATIONS TO BE PRESCRIBED BY THE NURSE
10 PSYCHOTHERAPIST, INCLUDING LIMITATIONS FOR WHICH THE NURSE
11 PSYCHOTHERAPIST MUST OBTAIN 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 THE
16 NURSE PSYCHOTHERAPIST IN PERIODICALLY REVIEWING AND DISCUSSING THE
17 MENTAL HEALTH DIAGNOSIS, DOCUMENTATION, AND THERAPEUTIC OR
18 CORRECTIVE MEASURES BEING EMPLOYED IN THE TREATMENT BY THE NURSE
19 PSYCHOTHERAPIST OF EACH 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 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, 2001.