



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND AND SEVENTEEN

AN ACT PROMOTING AFFORDABLE HEALTH CARE OPTIONS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 10 of Chapter 12C of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out subsection (e) and inserting in place thereof the following 2 subsections:-

(e) The center, in consultation with executive office of health and human services, shall develop an appropriate approach to reporting health care price and related information for consumers, employers and other interested parties. The center shall establish a list of the most common procedures and services based on data collected under this section and sections 8 and 9 of this chapter. The center shall require private and public health care payers to submit the payment rates for such procedures and services and other information necessary for the center to determine the rate for every provider with which the payer has contracted or has a compensation arrangement. The center shall make such prices and related information publicly available, in such form as it believes will advance the transparency of the healthcare system, but shall keep confidential all nonpublic data obtained under this section. The center shall promulgate regulations necessary to implement the provisions of this section.

(f) Except as specifically provided otherwise by the center or under this chapter, insurer data collected by the center under this section shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 or under chapter 66.

SECTION 2. Section 1 of chapter 94C of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the definition for "Marihuana" the following definition:-

"Medication Order", an order for medication entered on a patient's medical record maintained at a hospital, other health facility, or ambulatory health care setting registered under this chapter and that is dispensed only for immediate administration at the facility to the ultimate user by an individual who under chapter 94C administers such medication.

SECTION 3. Said section 1 of said chapter 94C, as so appearing, is hereby further amended by striking out, in line 308, the words, "and 66B" and inserting in place thereof the following words:- , 66B and 66C.

SECTION 4. Said section 1 of said chapter 94C, as so appearing, is hereby further amended by adding in the definition of "practitioner" the following 2 subsections:-

(d) A nurse practitioner authorized by section 80E of chapter 112 and registered pursuant to subsection (f) of section 7 to distribute, dispense, conduct research with respect to, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in the commonwealth.

(e) A nurse anesthetist authorized by section 80H of chapter 112 and registered pursuant to subsection (f) of section 7 to distribute, dispense, conduct research with respect to, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in the commonwealth.

SECTION 5. Said section 7 of said chapter 94C, as so appearing, is hereby further amended by inserting after the word "podiatrist", in lines 122 and 126, the following words:- , nurse practitioner, nurse anesthetist.

SECTION 6. Said section 7 of said chapter 94C, as so appearing, is hereby further amended by striking out, in line 213, the words " and 66B" and inserting in place thereof the following words 66B and 66C.

SECTION 7. Said section 7 of said chapter 94C, as so appearing, is hereby further amended by striking out the last paragraph.

SECTION 8. Section 9 of said chapter 94C, as so appearing, is hereby amended by inserting after the word "podiatrist", in line 1, the following words:- , nurse practitioner, nurse anesthetist.

SECTION 9. Said section 9 of said chapter 94C, as so appearing, is hereby further amended by striking out, in line 2, the words "and 66B" and inserting in place thereof the following words:- 66B and 66C.

SECTION 10. Said section 9 of said chapter 94C, as so appearing, is hereby further amended by striking out, in line 3, the words “nurse practitioner and”.

SECTION 11. Said section 9 of said chapter 94C, as so appearing, is hereby further amended by striking out, in line 4, the words “subsection (g) of said section 7 and”.

SECTION 12. Said section 9 of said chapter 94C, as so appearing, is hereby further amended by striking out, in lines 8 and 9, the words “nurse anesthetist, as limited by subsection (g) of said section 7 and section 80H of said chapter 112,”.

SECTION 13. Said section 9 of said chapter 94C, as so appearing, is hereby amended by inserting after the words “nurse-midwifery”, in line 32, the following words:- , advanced practice nursing.

SECTION 14. Said section 9 of said chapter 94C, as so appearing, is hereby further amended by inserting after the word “podiatrist”, in line 72 and 80, each time it appears, the following word:- , optometrist.

SECTION 15. Said section 9 of said chapter 94C, as so appearing, is hereby further amended by inserting after the words “nurse practitioner”, in lines 100 and 107, the following words:- , nurse anesthetist.

SECTION 16. Section 18 of said chapter 94C, as so appearing, is hereby amended by inserting after the words "practice medicine", each time they appear, in lines 10, 27, 39, 54 and 55, 72 and 88, the following words:- or advanced practice nursing

SECTION 17. Said section 18 of said chapter 94C, as so appearing, is hereby further amended by striking out the word "physician", in lines 25, 38, 72, and 74, and inserting in place thereof, in each instance, the following word:- practitioner.

SECTION 18. Chapter 112 of the General Laws is hereby amended by striking out section 13, as so appearing, and inserting in place thereof the following section:-

Section 13. Podiatry as used in this chapter shall mean the diagnosis and treatment, by medical, mechanical, electrical and surgical means, ailments of the human foot and lower leg. Allowable surgical treatment in a health care facility shall be determined by that health care facility credential committee and such surgical treatment shall be performed at that health care facility. The term physician and surgeon when used in sections 12B, 12G, 23N and 80B shall include a podiatrist acting under this section.

SECTION 19. Said chapter 112 is hereby amended by striking out section 66, as so appearing, and inserting in place thereof the following section:-

The practice of optometry, as used in this chapter, shall mean the employment of any method or means for the diagnosis, prevention, correction, management or treatment of optical deficiencies, optical deformities, visual anomalies, muscular anomalies, ocular diseases and ocular abnormalities of the human eye and adjacent tissue, including removal of superficial foreign

bodies and misaligned eyelashes, by utilization of pharmaceutical agents, by the prescription, adaptation and application of ophthalmic lenses, devices containing lenses, prisms, contact lenses, orthoptics, vision therapy, prosthetic devices and other optical aids and the utilization of corrective procedures to preserve, restore or improve vision, consistent with the provisions of sections 66A , 66B and 66C.

SECTION 20. Said section 66B of said chapter 112, as so appearing, is hereby amended by striking out, in line 31, the following words:- , except glaucoma.

SECTION 21. Said chapter 112 is hereby further amended by inserting after section 66B the following section:-

Section 66C. (a) A registered optometrist, qualified by an examination for practice under section 68 after January 1, 2013, certified under section 68C and registered to issue written prescriptions pursuant to subsection (h) of section 7 of chapter 94C, may utilize and prescribe topical and oral therapeutic pharmaceutical agents, as defined in section 66 and described in 21 U.S.C. 812 or in said chapter 94C, that are used in the practice of optometry, including those placed in schedules III, IV, V and VI by the commissioner pursuant to section 2 of said chapter 94C for the purpose of diagnosing, preventing, correcting, managing or treating glaucoma and other ocular abnormalities of the human eye and adjacent tissue and may prescribe all necessary eye-related medications, including oral anti-infective medications; provided, however, that a registered optometrist shall be prohibited from the utilization or prescription of: (i) therapeutic pharmaceutical agents for the treatment of systemic diseases; (ii) invasive surgical procedures; (iii) pharmaceutical agents administered by subdermal injection, intramuscular injection,

intravenous injection, subcutaneous injection or retrobulbar injection, or (iv) an opioid substance or drug product.

(b) If an optometrist, during the course of examining or treating a patient with the aid of a diagnostic or therapeutic pharmaceutical agent and exercising professional judgment and the degree of expertise, care and knowledge ordinarily possessed and exercised by optometrists under like circumstances, determines the existence of the signs of previously unevaluated disease which requires treatment not included in the scope of optometric practice as provided in section 66, the optometrist shall refer the patient to a licensed physician or other qualified health care practitioner.

(c) If a patient examination results in a diagnosis of congenital glaucoma or if, during the course of examining, managing or treating a patient with glaucoma, surgical treatment is indicated, an optometrist shall refer that patient to a qualified health care provider for treatment.

(d) Optometrists licensed under this chapter shall participate in relevant state and federal reports or data collection efforts relative to patient safety and medical error reduction coordinated by the Betsy Lehman center for patient safety and medical error reduction established in section 15 of chapter 12C.

SECTION 22. Said chapter 112 is hereby further amended by inserting after section 68B the following section:-

Section 68C. (a) The board of registration in optometry shall administer an examination to permit the utilization and prescription of therapeutic pharmaceutical agents as authorized in section 66C. The examination shall: (i) be held in conjunction with examinations provided in sections 68, 68A and 68B; and (ii) include any portion of the examination administered by the

National Board of Examiners in Optometry or other appropriate examinations covering the subject matter of therapeutic pharmaceutical agents as authorized in said section 66C. The board may administer a single examination to measure the qualifications necessary under said sections 68, 68A and 68B and this section. The board shall qualify optometrists to use and prescribe therapeutic pharmaceutical agents in accordance with said sections 68, 68A and 68B and this section. An applicant that presents satisfactory evidence of graduation from a school or college of optometry approved by the board subsequent to January 1, 2013, shall have satisfied all the requirements of said sections 68, 68A and 68B and this section.

(b) Examination for the utilization and prescription of therapeutic pharmaceutical agents placed in schedules III, IV, V and VI by the commissioner pursuant to section 2 of chapter 94C and defined in section 66C shall, upon application, be open to an optometrist registered under section 68, 68A or 68B and to any person who meets the qualifications for examination under said sections 68, 68A and 68B. An applicant registered as an optometrist under said section 68, 68A or 68B shall: (i) possess a current Massachusetts controlled substances registration for the use of pharmaceutical agents for the purpose of diagnosing or treating glaucoma and other ocular abnormalities of the human eye and adjacent tissue; and (ii) furnish to the board of registration in optometry evidence of the satisfactory completion of 40 hours of didactic education and 20 hours of supervised clinical education relating to the utilization and prescription of therapeutic pharmaceutical agents pursuant to said section 66C. The education shall: (i) be administered by the Massachusetts Society of Optometrists, Inc.; (ii) be accredited by a college of optometry or medicine; and (iii) meet the guidelines and requirements of the board of registration in optometry. The board of registration in optometry shall provide to each successful applicant a certificate of qualification in the utilization and prescription of all therapeutic pharmaceutical

agents as authorized under said section 66C and shall forward to the department of public health notice of such certification for each successful applicant.

(c) An optometrist licensed in another jurisdiction shall be deemed an applicant under this section by the board of registration in optometry. An optometrist licensed in another jurisdiction may submit evidence to the board of registration in optometry of practice equivalent to that required in section 68, 68A or 68B and the board, at its discretion, may accept the evidence in order to satisfy any of the requirements of this section. An optometrist licensed in another jurisdiction to utilize and prescribe therapeutic pharmaceutical agents for treating glaucoma and other ocular abnormalities of the human eye and adjacent tissue may submit evidence to the board of registration in optometry of equivalent didactic and supervised clinical education in order to satisfy all the requirements of this section. 780

(d) A licensed optometrist who has completed a postgraduate residency program approved by the Accreditation Council on Optometric Education after July 31, 1997 may submit an affidavit to the board of registration in optometry from the licensed optometrist's residency supervisor or the director of residencies at the affiliated college of optometry attesting that optometrist has completed an equivalent level of instruction and supervision that would satisfy all the requirements of this section.

(e) As a condition of license renewal, an optometrist licensed under this section shall submit to the board of registration in optometry evidence attesting to the completion of 3 hours of continuing education specific to glaucoma.

SECTION 23. Section 80B of chapter 112, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word “practitioners”, in line 12, the following words:- , nurse anesthetists,.

SECTION 24. Said section 80B of said chapter 112, as so appearing, is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-
The board shall promulgate advanced practice nursing regulations which govern the provision of advanced practice nursing services and related care including, but not limited to, the ordering and interpreting of tests and the ordering and evaluation of treatment and therapeutics.

SECTION 25. Said section 80B of said chapter 112, as so appearing, is hereby further amended by striking out in lines 64 and 65 the following words:- “in the ordering of tests, therapeutics and the prescribing of medications,”

SECTION 26. Said chapter 112 is hereby amended by striking out section 80E, as so appearing, and inserting in place thereof the following section:-

Section 80E. (a) A nurse practitioner may, without the supervision described in subsection (b), issue written prescriptions and medication orders and order tests and therapeutics and shall have independent practice authority for these purposes, if the nurse practitioner has completed at least 2 years of supervised clinical practice following certification by a certifying body recognized by the board. The board shall promulgate regulations to implement this section.

(b) A nurse practitioner may issue written prescriptions and medication orders and order tests and therapeutics pursuant to guidelines mutually developed and agreed upon by the nurse and the

supervising nurse practitioner with independent practice authority or supervising physician in accordance with regulations promulgated by the board. A prescription issued by a nurse practitioner under this subsection shall include the name of the supervising nurse practitioner or with independent practice authority or physician.

(c) A psychiatric nurse mental health clinical specialist may issue written prescriptions and order tests and therapeutics pursuant to guidelines mutually developed and agreed upon by the nurse and the supervising physician in accordance with regulations promulgated jointly by the board and the board of registration in medicine after consultation with the board of registration in pharmacy. A prescription made by a psychiatric nurse mental health clinical specialist shall include the name of the physician with whom such nurse has developed and signed mutually agreed upon guidelines approved by said board and said board of registration in medicine pursuant to section 80B.

SECTION 27. Chapter 112 of the General Law is hereby amended by striking out Section 80H, as so appearing, and inserting in place thereof the following section:-

Section 80H. (a) A nurse anesthetist may, without the supervision described in subsection (b), issue written prescriptions and medication orders and order tests and therapeutics and shall have independent practice authority for these purposes, if the nurse anesthetist has completed at least 2 years of supervised clinical practice following certification by a certifying body recognized by the board. The board shall promulgate regulations to implement this section.

(b) A nurse anesthetist may issue written prescriptions and medication orders and order tests and therapeutics pursuant to guidelines mutually developed and agreed upon by the nurse and the supervising nurse anesthetist with independent practice authority or supervising physician in

accordance with regulations promulgated by the board. A prescription issued by a nurse anesthetist under this subsection shall include the name of the supervising nurse anesthetist with independent practice authority or physician.

SECTION 28. Section 80I of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out the second and third sentences.

SECTION 29. Section 11 of chapter 176J of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 17, the figure "14" and inserting in place thereof the following figure: - 28.

SECTION 30. The department of public health shall promulgate any rules and regulations necessary to implement sections 2 to 28, inclusive, not later than January 1, 2018.

SECTION 31. Section 29 shall take effect July 1, 2018.