

March 11, 2024

Massachusetts Public Health Counsel

Department of Public Health

250 Washington St.

2nd Floor, Henry I. Bowditch Public Health Council Room

Boston, MA 02108

**RE: Proposed Amendments to Regulation 105 CMR 721.000: Standards for Prescription Format and Security in Massachusetts**

Dear Members of the Public Health Council:

On behalf of over 900 licensed Certified Registered Nurse Anesthetists (CRNAs) in the Commonwealth of Massachusetts, the Massachusetts Association of Nurse Anesthetists (MANA) is thankful for the opportunity to provide comments on the current draft of *105 CMR 721: Standards for Prescription Format and Security in Massachusetts.* We write to propose a change that would create consistency with these regulations and current Massachusetts General Law, Board of Registration in Nursing regulations, and nursing practice in the Commonwealth.

MANA respectfully requests that the language in 105 CMR 721.020 (E) reflects the ability of any Qualified Healthcare Professional, not only a physician, to supervise another CRNA’s prescriptive practice.

Section 36 of Chapter 260 of the Acts of 2020 amended M.G.L. c. 112 § 80H to authorize either a “supervising nurse anesthetist with independent practice authority or a supervising physician” to supervise a CRNA’s prescriptive practice. 244 CMR 4.07, which was updated in response to Chapter 260 of the Acts of 2020, designated either supervising practitioner to be known as a Qualified Healthcare Professional. This term has become the standard for prescriptive practice in the Commonwealth. Inclusion of the term Qualified Healthcare Professional would also create consistency with the Massachusetts Controlled Substances Registration application and with the BORN Audit Tool for prescriptive practice compliance. The definition currently being utilized is provided in 244 CMR 4.07:

*For purposes of 244 CMR 4.07, a Qualified Healthcare Professional means a person who meets the following criteria:*

1. *a physician who:*
2. *holds an unrestricted full license issued by the Board of Registration in Medicine (BORIM) that is in good standing;*
3. *is Board-certified in a specialty area appropriately related to the APRN's area of practice, or has hospital admitting privileges in a specialty area appropriately related to the APRN's area of practice; and*
4. *holds a valid controlled substances registration issued by the U.S. Drug Enforcement Administration, or the Department of Public Health, or both.*
5. *a CRNA, CNP or PNMHCS who holds:*
6. *a valid Registered Nurse license in good standing issued by the Board; and*
7. *advanced practice authorization issued by the Board that it is in the same clinical category as the person being supervised or advanced practice authorization in an area appropriately related to the practice of the person being supervised; and*
8. *a controlled substance registration issued by the U.S. Drug Enforcement Administration, or the Department of Public Health, or both, for a minimum of one year; and*
9. *either:*
	1. *a combination of supervised practice for a minimum of two years plus independent practice authority for a minimum of one year; or*
	2. *three years of independent practice authority.*

Therefore, we request that the proposed language to 105 CMR 721.020 (E) be amended to the following, so that it is consistent with the above definition and current practices:

*(E) A Prescription issued by a certified nurse practitioner, psychiatric nurse mental health clinical specialist, or certified registered nurse anesthetist shall also contain the name of the supervising Qualified Healthcare Professional as defined 244 CMR 4.07 unless the nurse issuing the Prescription is authorized for independent practice pursuant to 244 CMR 4.00: Advanced Practice Registered Nursing.*

Thank you for your attention to this matter, and thank you for the opportunity to provide comments on these regulations. Please feel free to contact MANA with any questions. We look forward to seeing finalized regulations in the near future.

Sincerely,

Melissa Croad, MSNA, CRNA, APRN

MANA Government Relations, Chair

20 Riverview Ave.

Stow, MA 01775