March 11, 2024

Commissioner Robert Goldstein, MD, PhD

James G. Lavery, Director, Bureau of Health Professions Licensure

David E. Johnson, Director, Drug Control Program

Members of the Public Health Council

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

Dear Commissioner Goldstein, Director Lavery, Director Johnson and Members of the Public Health Council,

As the professional voice of the more than 15,500 licensed nurse practitioners (NPs) in the Commonwealth of Massachusetts, the Massachusetts Coalition of Nurse Practitioners (MCNP) thanks the Public Health Council (PHC) for its leadership in updating Regulation **105 CMR 721.000: Standards for Prescription Format and Security in Massachusetts** so it is consistent with **Chapter 260 of the Acts of 2020**, which authorizes independent practice for nurse practitioners who have at least two years of prior supervised prescriptive practice.

Similar efforts have previously been undertaken by the Board of Registration in Nursing who, in September 2021, updated the regulations for Advanced Practice Registered Nurses (APRNs) at **244 CMR 4.00: Advanced Practice Registered Nursing**.

According to the updated regulations at 244 CMR 4:00, *Certified Registered Nurse Anesthetists (CRNAs), Certified Nurse Practitioners (CNPs), or Psychiatric Nurse Mental Health Clinical Specialists (PNMHCS) with a minimum of two years of supervised practice may engage in prescriptive practice without supervision upon submission of an attestation to the Board that the CRNA, CNP or PNMHCS has completed a minimum of two years of supervised practice by a* ***Qualified Healthcare Professional****.*

CRNAs, CNPs or PNMHCSs with less than two years of supervised practice experience may engage in prescriptive practice with supervision by a **Qualified Healthcare Professional** according to mutually agreed upon guidelines.

As defined in 244 CMR 4:07(1), a Qualified Healthcare Professional can be either a physician **or** a CRNA, CNP or PNMHCS who satisfies the eligibility criteria referenced below:

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| ***For purposes of 244 CMR 4.07, a Qualified Healthcare Professional means a person who meets the following criteria:*** *1. a physician who:* *a. holds an unrestricted full license issued by the Board of Registration in Medicine (BORIM) that is in good standing;* *b. 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* *c. holds a valid controlled substances registration issued by the U.S. Drug Enforcement Administration, or the Department of Public Health, or both.* *2. a CRNA, CNP or PNMHCS who holds:* *a. a valid Registered Nurse license in good standing issued by the Board; and* *b. 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* *3. 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* *4. either:* *a. a combination of supervised practice for a minimum of two years plus independent practice authority for a minimum of one year; or* *b. three years of independent practice authority* |

Although the PHC’s proposed amendment to **Section (E)) of 105 CMR 721.020 (Prescription Formats)** would implement the authorization for independent practice of nurse practitioners with at least two years of supervised prescriptive practice, it does not reflect the authority of a CNP, PNMHCS, or CRNA to serve as a supervising Qualified Healthcare Professional. As currently written, the amendment states:

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| (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 physician **unless the nurse issuing the Prescription is authorized for independent practice pursuant to 244 CMR 4.00: *Advanced Practice Registered Nursing.*** |

It is therefore requested that the language of the proposed amendment to Section (E) be revised so that it is consistent with the definition of **Qualified Healthcare Professional** with suggested changes in red as follows:

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| (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 ~~physician~~ **Qualified Healthcare Professional as defined in 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 this opportunity to present comments to the Public Health Council on the proposed amendments to 105 CMR 721.000 and for your consideration of our requested revisions.

Please feel free to contact me with any questions.

Sincerely,

*Catherine McKinnon*

Catherine McKinnon, NP

Executive Director

Massachusetts Coalition of Nurse Practitioners

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