October 4, 2016

His Excellency Charlie Baker

Governor of the Commonwealth of Massachusetts

State House, 280

Boston, MA 02133

Dear Governor Baker:

We the undersigned write to express our serious concern at the Board of Registration in Nursing (BORN) proposed rewrite of the regulations governing nursing practice.

As legislators, we are acutely sensitive to changes in the Commonwealth’s health care delivery system, recognizing the potential impacts to our constituents. The changes proposed by the BORN to the Nurse Practice Act (including 244 CMR 3.00, 244 CMR 6.00, 244 CMR 7.00 and 244 CMR 10.00), which governs the practice of nursing in the Commonwealth, are such changes that raise considerable concern. These proposed changes could affect every man, woman and child, including vulnerable populations who may be unable to self-advocate for a variety of reasons; including individuals with cognitive or intellectual disabilities and individuals who are elderly and frail. The proposed regulations would have a negative impact on patient care and we urge that the Administration re-address and reconsider the current draft of these regulations.

When addressing issues of health and safety it is important to have clear and practical rules governing what is permissible and what is not. As written the BORN-proposed changes could lead to an expansion of the delegation of nursing activities including core nurse functions such as medication administration. These changes could lead to a lack of clarity around fundamental health and safety issues potentially allowing:

* unlicensed individuals to administer medications to fragile patients who just undergone complex procedures;
* unlicensed individuals to administer intravenous, intramuscular or subcutaneous medication;
* unlicensed individuals to administer multiple medications to an individual with co-occurring medical conditions.

The majority of the language proposing these changes can be found in 244 CMR 3.05 (“Delegation of Nursing Activities”) which, in addition to the concerns stated previously, raise questions regarding the lack of clarity, accountability of the nurse, and training and competencies for unlicensed people. As written, these changes to 244 CMR 3.05 are not acceptable.

These proposed changes represent a significant deviation from existing practice, wherein with the exception of two specific programs created through regulation covering limited group home settings and limited school settings, only licensed nurses may administer medication. Current regulations recognize the specialized education, training and experience of a nurse as the proper way to ensure that patients are receiving skilled care. This is supported by research which demonstrates that nurses are the only ones best equipped to safely administer the host of complex, and potentially life-threatening, medications to critically ill patients. Having nurses at the bedside who know how to properly assess patient before, during and after administering medication protects patients, reduces complications and medical errors, and improves care.

***At a time when medical errors are already the third leading cause of death in the United States,*** re-writing regulations increases risk for patients and lower the standards of care for Massachusetts residents. Our existing high standards have long ensured the safety of Massachusetts’ patients. Nearly every medication on the market comes with serious side effects and risks for interactions. It is simply not possible to separate the pharmacology from the patient and his or her condition.

We will actively participate in the public comment period. We look forward to engaging in collaborative, productive and thoughtful conversations on the best ways to move forward without compromising the health and safety of our constituents. Until such a dialogue occurs, we urge you to stop these regulations from proceeding forward and prevent their adoption as drafted.

Sincerely,

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**Representative Denise C. Garlick**

*Thirteenth Norfolk*

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**Representative Walter F. Timilty Representative John J. Mahoney**

*Seventh Norfolk Thirteenth Worcester*

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**Representative Danielle W. Gregoire Representative Diana DiZoglio**

*Fourth Middlesex Fourteenth Essex*

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**Representative Steven S. Howitt Representative Daniel Cullinane**

*Fourth Bristol Twelfth Suffolk*

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**Representative Thomas J. Calter Representative Josh S. Cutler**

*Twelfth Plymouth Sixth Plymouth*

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*Thirty-seventh Middlesex Twelfth Norfolk*

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*Thirtieth Middlesex Sixteenth Worcester*

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**Representative Sean Garballey Representative Kevin G. Honan**

*Twenty-third Middlesex Seventeenth Suffolk*

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*Sixth Norfolk Twelfth Hampden*

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*Sixteenth Suffolk Seventh Bristol*

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**Representative Claire D. Cronin Representative Robert M. Koczera**

*Eleventh Plymouth Eleventh Bristol*

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**Representative Denise Provost Representative Mary S. Keefe** *Twenty-seventh Middlesex Fifteenth Worcester*

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**Representative David Paul Linsky Representative Harold P. Naughton, Jr.**

*Fifth Middlesex Twelfth Worcester*

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**Representative Edward F. Coppinger Representative Ann-Margaret Ferrante**

*Tenth Suffolk Fifth Essex*

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**Representative Jeffrey N. Roy Representative James J. O'Day**

*Fifteenth Worcester Fourteenth Worcester*

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**Representative Cory Atkins Representative Gerard Cassidy**

*Fourteenth Middlesex Ninth Plymouth*

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**Representative John C. Velis Representative Michael S. Day**

*Fourth Hampden Thirty Frist Middlesex*

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*Sixth Hampden Eleventh Essex*

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**Representative Paul W. Mark Representative John J. Lawn, Jr.**

*Second Berkshire Tenth Middlesex*

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**RepresentativeDaniel J. HuntRepresentative Christopher M. Markey**

*Thirteenth Suffolk Ninth Bristol*

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**Representative Elizabeth A. Malia Representative John W. Scibak**

*Eleventh Suffolk Second Hampshire*

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**Representative Aaron Vega Representative Bruce J. Ayers**

*Fifth Hampden First Norfolk*

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**Representative Thomas M. Stanley Representative Tackey Chan**

*Ninth Middlesex Second Norfolk*

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**Representative David K. Muradian, Jr. Representative Antonio F. D. Cabral**

*Ninth Worcester Thirteenth Bristol*

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**Representative Tricia Farley-Bouvier Representative Paul J. Donato**

*Third Berkshire Thirty-fifth Middlesex*

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**Representative Marjorie C. Decker Representative Angelo M. Scaccia**

*Twenty-Fifth Middlesex Fourteenth Suffolk*

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**Representative James M. Cantwell Representative Patricia A. Haddad**

*Fourth Plymouth*   *Fifth Bristol*

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**Representative Adrian Madaro Representative David M. Rogers**

*First Suffolk Twenty-Fourth Middlesex*

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**Representative Sarah K. Peake Representative Donald H. Wong**

*Fourth Barnstable Ninth Essex*