

Committee on Public Health Bill Summary

Bill No. H.2369

Title: **An act relative to enhancing the practice of nurse midwives.**

Sponsor: Representative Kay Khan

Committee: Public Health

Hearing Date: April 12, 2011

Similar Matters: None

Prior History: New bill

Current Law:

- **M.G.L. Chapter 94C§7** governs the registration of persons authorized to manufacture, distribute, dispense, or possess controlled substances. Within this section:
 - **M.G.L. Chapter 94C§7(g)** authorizes certified nurse midwives to issue written prescriptions pursuant to guidelines mutually developed and agreed upon by the certified nurse-midwife and a supervising physician, as provided for in M.G.L. Chapter 112 § 80G.
- **M.G.L. Chapter 94C § 9** governs the administration and dispensing of controlled substances within the scope of professional practice. Within this section, practitioners, including nurse practitioners, psychiatric nurse mental health clinical specialists and certified nurse midwives, as limited by specific general laws, are authorized to possess, prescribe and administer controlled substances and supervise the administration of a controlled substance by certain qualified health professional.
- **M.G.L. Chapters 112§ 74 through 81C** govern the practice of nursing in the Commonwealth.
- **M.G.L. Chapter 112§ 80B**, known as the “Nurse Practice Act,” establishes the scope of practice for registered nurses and licensed practical nurses.

- This section establishes the conditions under which a registered nurse may practice in an expanded role, otherwise referred to as “advanced practice nursing.” Advanced practice nursing includes “certified nurse midwives.”
- The Board of Registration in Nursing is authorized to establish the regulations which define the different categories of advanced practice nursing and establish their scope of practice.
- Advanced practice nurses must hold either a degree from a graduate school or a certificate of completion of an educational program related to their expanded role approved by a national accrediting body acceptable to the Board of Registration in Nursing.
- Advanced practice nurses are authorized, through regulations approved of by both the Board of Registration in Nursing and the Board of registration in Medicine, to order tests and therapeutics, and prescribe medications.
- Advanced practice nurses are required to obtain malpractice liability insurance as directed by the Board of Registration in Nursing.
- **M.G.L. Chapter 112 § 80C** requires certified nurse midwives to practice as a member of a health care team which includes a physician with admitting privileges to a hospital that offers maternity and newborn care services.
- **M.G.L. Chapter 112 § 80D** establishes an advisory committee on the practice of nurse-midwifery within the Board of Registration in Nursing comprised of 5 practicing certified nurse midwives.
- **M.G.L. Chapter 112 § 80G** authorizes certified nurse midwives to issue written prescriptions pursuant to guidelines mutually developed and agreed upon by the certified nurse-midwife and a supervising physician as required by M.G.L. Chapter 94C§7(g).
- **105 CMR 700** is the Department of Public Health’s regulation that governs the implementation of MGL Chapter 94C, Controlled Substances.
- **105 CMR 700.004** details the registration requirements for persons required to register under M.G.L Chapter 94C.
- **244 CMR 4.00** is the Board of Registration in Nursing’s regulation that governs advanced practice nursing, including definitions, education and licensure requirements, and scope of practice.

Summary:

- **Section 1** amends M.G.L. Chapter 94C§7(g) to authorize certified nurse-midwives to issue written prescriptions on their own authority.
- **Section 2** repeals M.G.L. Chapter 112 § 80C, thereby authorizing certified nurse-midwives to practice independently, without the supervision of a physician.

- **Section 3** authorizes certified nurse midwives to order and interpret tests, therapeutics, and issue written prescriptions on their own authority in accordance with the amended M.G.L. Chapter 94C§7(g) in Section 1.