Session 3

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Session 3
State Law & Standing Orders: MARYLAND

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Overview

• Professions Practice Acts
• Identified:
  – Terms equivalent to Standing Orders
  – Terms equivalent to Vaccination
  – Elements of Immunization Practice
• Immunization Practice in MARYLAND
• Supervision Requirements
• Practice Settings
• Summary
Purpose

Ensure supervising physicians understand:

• Immunization practice = medical practice

• All states have laws governing how physicians delegate medical tasks to health professionals

• Laws may address:
  • The medical practice eligible for delegation
  • Which professionals may participate
  • Level of required supervision
  • Where the practice may occur

• Broad variability among states – No state authorizes all NPHPs to assess, prescribe and administer vaccines
State Law Review

Reviewed all laws, regulations, case law, attorney’s general advisory opinions governing:

- Medical Assistants
- Midwives
- Nurses
  - Advanced Practice Nurse
  - Nurse Practitioner
  - Practical Nurse
  - Registered Nurse
  - Vocational Nurse
- Pharmacists
- Physician Assistants
Terms Equivalent to “Standing Orders”

1. Standardized Procedures
2. Written Guidelines
3. Collaboration:
   - With collaboration
   - Collaborative practice
   - Collaborative practice agreement
   - Collaborative authority
   - Collaborating provider
4. Delegation
   - Delegated authority
   - Delegation order, agreement
5. Protocol
   - Prescriber-approved protocol
### “Standing Orders” in MARYLAND Law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Equivalent Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clinical Nurse Specialist</td>
<td>SILENT</td>
</tr>
<tr>
<td>Nurse Midwife</td>
<td>SILENT</td>
</tr>
<tr>
<td>Nurse Practitioner</td>
<td>SILENT</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>Practice as prescribed by an individual who is authorized by law to prescribe medication or treatment</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>• Practice in a team relationship • Administer medication only as prescribed by an individual authorized by law to prescribe</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>Written protocol</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>May practice as delegated by supervising physician</td>
</tr>
</tbody>
</table>
Terms Equivalent to “Vaccination”

- Immunization
- Diagnostic or therapeutic regimens/measures
- Drug or device by injection
- Nonscheduled legend drug/substance*
- Medication**
- Pharmacological agents
- Prescription drugs or devices

* **LEGEND DRUGS** are approved by the FDA and must be dispensed to the public only when a licensed physician or other licensed provider prescribes them. Legend drugs may be a controlled substance or a non-narcotic.


**MEDICATION** includes drugs and pharmaceuticals and may be administered by injection or other methods.
## Defining “Vaccination” in MARYLAND Law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clinical Nurse Specialist Nurse Midwife Nurse Practitioner</td>
<td>Medication</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>Intradermal, subcutaneous, intramuscular injections</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>Medication</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>Medication</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td><strong>Pharmacist</strong></td>
<td>• <strong>Patients ages 9+:</strong> Influenza vaccination</td>
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<td></td>
<td>• <strong>Patients 11 through 17:</strong> With a prescription, CDC-recommended vaccines</td>
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<tr>
<td></td>
<td>• <strong>Adults:</strong> Any CDC-recommended vaccine for routine or travel use</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Prescription drugs</td>
</tr>
</tbody>
</table>
State Law Review

Immunization Practice includes:

Assessment: Screening, examining, diagnosing, treating
  • EXCLUDES: merely collecting or reporting data, interviewing or taking patient history

Prescription: Oral, written or electronic
  • EXCLUDES: simply transmitting a prescription issued by another provider

Administration: Injection, oral, nasal
  • EXCLUDES: Dispensing medication
<table>
<thead>
<tr>
<th>Professional</th>
<th>Assessment</th>
<th>Prescription</th>
<th>Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clinical Nurse Specialist Nurse Midwife Nurse Practitioner</td>
<td>OWN AUTHORITY</td>
<td>OWN AUTHORITY (MW, NP)</td>
<td>OWN AUTHORITY</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>DELEGATED</td>
<td>SILENT</td>
<td>DELEGATED</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>SILENT</td>
<td>SILENT</td>
<td>DELEGATED</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>OWN AUTHORITY</td>
<td>SILENT</td>
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</tr>
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<td>SILENT</td>
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<tr>
<td>Pharmacist</td>
<td>SILENT</td>
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<tr>
<td>Physician Assistant</td>
<td>DELEGATED</td>
<td>DELEGATED</td>
<td>DELEGATED</td>
</tr>
</tbody>
</table>
Supervision Requirements Include

Medical Assistant
Direct, within close proximity of supervisor, undefined supervision, at physician’s discretion

Midwife
Collaborative agreements with supervising physicians if midwife is an Advanced Practice Nurse

Nurses in Advanced Practice
Collaborative agreement with supervising physician/system governs entire practice
Supervision Requirements (cont.)

**Practical Nurse**
Direct, on-site supervision from physician, dentist, podiatrist, nurse in advanced practice, registered nurse, physician assistant

**Registered Nurse**
In collaboration with physician, dentist, podiatrist

**Vocational Nurse**
None listed

**Pharmacist**
Under own license or under delegated authority, protocol

**Physician Assistant**
With adequate physician supervision
<table>
<thead>
<tr>
<th>Professional</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clinical Nurse Specialist Nurse Midwife Nurse Practitioner</td>
<td>SILENT</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>Delegating physician must remain in the presence of the assistant and patient</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>Practices in a team relationship</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>Must follow guidelines contained in a written protocol</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Physician shall provide continuous supervision by any of the following methods: 1) On-site 2) Written instructions 3) Electronic methods • Alternate physician may supervise for no longer than the time period specified in the delegation agreement or 45 consecutive days.</td>
</tr>
</tbody>
</table>
Permissible Practice Settings

Medical Assistant
• Public, private ambulatory care setting, delegating physician’s office, licensed clinics

Midwife
• Public/private clinical settings, physician’s offices

Nurses in Advanced Practice (APN; CNS; NP)
• Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Practical Nurse
• Public/private clinical settings, patient’s home, schools, occupational health, community health settings
Registered Nurse
• Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Vocational Nurse
• Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Pharmacist
• Hospitals, pharmacies, other health care facilities, jails

Physician Assistant
• Clinical and community locations
## Practice Settings: MARYLAND

<table>
<thead>
<tr>
<th>Professional</th>
<th>Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nurse Midwife Nurse Practitioner</td>
<td>Nonprofit medical facility or clinic; University health center; Public health facility; Facility under contract with a State or local health department; Publically funded facility</td>
</tr>
<tr>
<td>Clinical Nurse Specialist excluded</td>
<td></td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>Worker’s compensation facility; Nonprofit clinic; University health center; Public health facility; Facility under contract with a State or local health department, Facility funded with public funds; Nonprofit hospital or outpatient facility</td>
</tr>
<tr>
<td>Practical and Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>Supervised group living; Sheltered work; Independent living; Schools; Correctional settings; Hospice care; Adult/Child medical care centers</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>SILENT</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Patient homes; Health care institutions; Hospital; Correctional/Detention facility; Public health facility</td>
</tr>
<tr>
<td>Professional</td>
<td>Summary</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Clinical Nurse Specialist</td>
<td>May assess patients, prescribe drugs and medications under their own authority</td>
</tr>
<tr>
<td>Nurse Midwife</td>
<td></td>
</tr>
<tr>
<td>Nurse Practitioner</td>
<td></td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>May assess patients and administer injections when under direct supervision of physician in several settings</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>May administer medications as prescribed by an authorized individual</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>May assess patients and administer medications under their own authority in several settings</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>May administer vaccines to patients ages 9+ under written protocols in several settings</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>May assess, prescribe and administer drugs as delegated by supervising physician in several settings</td>
</tr>
</tbody>
</table>
Citations

3. Cmty. Clinic, Inc. v. Dep’t of Health & Mental Hygiene, 922 A.2d 607, 613 (Md. 2007)
6. Code of Md. Regs. 10.27.05.13 (2016) Prescribing of Substances by a Certified Nurse Midwife
8. Code of Md. § 8-508 (2016) Preparation and dispensing of drugs by nurse practitioners
Citations

9. Code of Md. Regs. 10.27.07.02 (2016) Nurse Practitioner—Scope and Standards of Practice

10. Code of Md. § 8-311 (2016) Scope of licensed practical nurse license

11. Code of Md. Regs. 10.27.11.05 (2016) Nursing Functions


13. Code of Md. Regs. 10.34.32.02 (2016) Definitions

14. Code of Md. Regs. 10.34.32.03 (2016) Requirements to Administer Vaccinations

15. Code of Md. Regs. 10.34.32.07 (2016) Approved Protocols


17. Code of Md. § 15-301 (2016) Scope of practice; required certification; practice without certificate
18. Code of Md. Regs. 10.32.03.02 (2016) Definitions
19. Code of Md. Regs. 10.32.03.07 (2016) Supervising Physicians
20. Code of Md. Regs. 10.32.03.08 (2016) Prescriptive Authority and Dispensing Starter Dosage or Drug Samples
21. Code of Md. Regs. 10.34.31.01 (2016) Settings
Comments????