



Take a **STAND!**TM

Use Standing Orders to Vaccinate Adults

Session 3

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Session 3

State Law & Standing Orders: MASSACHUSETTS

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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 MASSACHUSETTS
- 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 MASSACHUSETTS Law

| Professional | Equivalent Terms |
|---|--|
| Certified Nurse Midwife Clinical Nurse Specialist Certified Nurse Practitioner | Certified Nurse Midwife: <ul style="list-style-type: none"> • Work in collaboration with other health care providers and agencies Advanced Practice Nurse: <ul style="list-style-type: none"> • Written guidelines mutually developed and agreed upon by the supervising physician |
| Medical Assistant | Physician may delegate performance of medical services to a nonprofessional assistant |
| Practical/Vocational Nurse | Standing Orders; Protocols |
| Registered Nurse | Standing Orders; Protocols |
| Pharmacist | Collaborative practice agreement |
| Physician Assistant | Written guidelines/protocols |

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.

SOURCE “Legend Drug Law and Legal Definition.” USLegal.com. Available at: <http://definitions.uslegal.com/l/legend-drug/>.

** **MEDICATION** includes drugs and pharmaceuticals and may be administered by injection or other methods.

Defining “Vaccination” in MASSACHUSETTS Law

| Professional | Terms |
|---|---|
| Certified Nurse Midwife Clinical Nurse Specialist Certified Nurse Practitioner | <ul style="list-style-type: none"> • Nurse Midwife/Nurse Practitioner: Influenza vaccine • Immunizing agent/vaccines to any member of the public |
| Medical Assistant | Physician may delegate performance of medical services consistent with accepted medical standards and appropriate to the skill of a nonprofessional assistant |
| Practical/Vocational Nurse | Immunizing agent/vaccines to any member of the public |
| Registered Nurse | <ul style="list-style-type: none"> • Drugs • Immunizing agent/vaccines to any member of the public |
| Pharmacist | Immunizations: Ages 18+ and pursuant to the order of a practitioner |
| Physician Assistant | <ul style="list-style-type: none"> • Flu vaccines • May perform any and all services approved by the supervising physician |

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

Immunization Practice: MASSACHUSETTS

| Professional | Assessment | Prescription | Administration |
|---|---------------|--------------|----------------------------|
| Certified Nurse Midwife Clinical Nurse Specialist Nurse Practitioner | OWN AUTHORITY | DELEGATED | DELEGATED MW, CNS, NP |
| | | | OWN AUTHORITY NP and MW |
| Medical Assistant | DELEGATED | DELEGATED | DELEGATED |
| Practical/Vocational Nurse | OWN AUTHORITY | SILENT | DELEGATED |
| Registered Nurse | OWN AUTHORITY | DELEGATED | DELEGATED |
| Pharmacist | SILENT | DELEGATED | DELEGATED |
| Physician Assistant | DELEGATED | DELEGATED | DELEGATED |

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

Supervision Requirements: MASSACHUSETTS

| Professional | Provision |
|---|---|
| Certified Nurse Midwife Clinical Nurse Specialist Certified Nurse Practitioner | Supervising physician will review and provide ongoing direction under written guidelines according to: <ul style="list-style-type: none">• Geographical proximity and practice setting• The APN's education, training, experience• Volume and complexity of patient population• Experience, training and availability of physician |
| Medical Assistant | The delegating physician is responsible for the medical services delegated to a nonprofessional assistant. |
| Practical/Vocational Nurse Registered Nurse | May administer vaccines only when authorized prescriber indicates and verifies orders |
| Pharmacist | As authorized by supervising physician and according to terms of collaborative practice agreement |
| Physician Assistant | Supervising physician must: <ul style="list-style-type: none">• Review and provide ongoing direction according to written guidelines developed and agreed upon with the PA and signed by both parties |

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

Permissible Practice Settings (cont.)

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: MASSACHUSETTS

| Professional | Setting |
|---|---|
| Certified Nurse Midwife Clinical Nurse Specialist Certified Nurse Practitioner | Patient home; Hospital; Nursing facilities; Ambulatory care settings; Birthing centers |
| Medical Assistant | SILENT |
| Practical/Vocational Nurse Registered Nurse | Any and all settings |
| Pharmacist | Hospitals; Long-term care settings; in or outpatient hospice; ambulatory care clinics; retail drug business; community pharmacies; physician practices |
| Physician Assistant | Patient's home; Physician's office, Hospital, Nursing home, Extended care facility, State health or Mental institution, Clinic, HMO, Industrial clinic, School or University health service, Rural satellite clinic |

Summary: MASSACHUSETTS

| Professional | Summary |
|---|---|
| Certified Nurse Midwife Clinical Nurse Specialist Certified Nurse Practitioner | Can Assess patients under own authority; Prescribe under delegated authority; Administer vaccines under both delegated/own authority in a wide range of settings. |
| Medical Assistant | Can perform all elements of immunization practice as delegated by supervising physician |
| Practical/Vocational Nurse | Can Assess patients under own authority; Administer vaccines under standing orders in any and all settings |
| Registered Nurse | Can Assess patients under own authority; Administer vaccines under standing orders in any and all settings |
| Pharmacist | Can Prescribe and Administer vaccines to patients 18+ with a practitioner order and under collaborative practice agreements in a wide range of settings |
| Physician Assistant | Can Assess patients; Prescribe medications; Administer flu vaccines under written guidelines in a wide range of settings |

Citations

1. 243 Code of Mass. Regs. 2.07 (2015) General Provisions Governing the Practice of Medicine
2. 244 Code of Mass. Regs. 4.03 (2015) Clinical Categories of Advanced Practice Registered Nurses
3. 244 Code of Mass. Regs. 4.26 Scope of Practice for Categories of Nurses Practicing in an Expanded Role
4. 243 Code of Mass. Regs. 2.10 (2015) Advanced Practice Nurse (APN) Eligible to Engage in Prescriptive Practice
5. 114.3 Code of Mass. Regs. 17.03 (2015) General Rate Provisions
6. 244 CMR 4.06 (2015) Responsibility, Accountability and Scope of Practice for Advanced Practice Registered Nurses

Citations

7. 244 Code of Mass. Regs. 3.04 (2015) Responsibilities and Functions – Practical Nurse
8. Administration of Immunizing Agents, Advisory Ruling Number 9804, Board of Registration in Nursing (Issued in 1998, most recently revised in 2015)
9. 244 Code of Mass. Regs. 3.02 (2015) Responsibilities and Functions – Registered Nurse
10. 244 Code of Mass. Regs. 9.03 (2015) Standards of Conduct for Nurses
11. Mass. Gen. Laws 112 § 24B 1/2 (2015) Collaborative Drug Therapy Management – Authorized
12. 105 Code of Mass. Regs. 700.004 (2015) Registration Requirements

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13. 247 Code of Mass. Regs. 16.03 (2015) Practice Setting Requirements
14. 243 Code of Mass. Regs. 2.12 (2015) Collaborative Drug Therapy Management (CDTM) with Authorized Pharmacists
15. 263 Code of Mass. Regs. 5.07 (2015) Prescription Practices of a Physician Assistant
16. 243 Code of Mass. Regs. 2.08 (2015) Physician Assistants
17. 263 Code of Mass. Regs. 5.04 (2015) Scope of Services Which May Be Performed
18. 263 Code of Mass. Regs. 5.03 (2015) Permissible Work Settings
19. 105 Code of Mass. Regs. 700.002 (2015) Schedules of Controlled Substances



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