Session 3

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Session 3
State Law & Standing Orders: MASSACHUSETTS

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Milken Institute School of Public Health
George Washington University
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
<table>
<thead>
<tr>
<th>Professional</th>
<th>Equivalent Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certified Nurse Midwife</td>
<td><strong>Certified Nurse Midwife:</strong></td>
</tr>
<tr>
<td>Clinical Nurse Specialist</td>
<td>• Work in collaboration with other health care providers and agencies</td>
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<tr>
<td>Certified Nurse Practitioner</td>
<td><strong>Advanced Practice Nurse:</strong></td>
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<tr>
<td></td>
<td>• Written guidelines mutually developed and agreed upon by the supervising physician</td>
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<tr>
<td>Medical Assistant</td>
<td>Physician may delegate performance of medical services to a nonprofessional assistant</td>
</tr>
<tr>
<td>Practical/Vocational Nurse</td>
<td>Standing Orders; Protocols</td>
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<tr>
<td>Registered Nurse</td>
<td>Standing Orders; Protocols</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>Collaborative practice agreement</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Written guidelines/protocols</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 licenses 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.

<table>
<thead>
<tr>
<th>Professional</th>
<th>Terms</th>
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</thead>
</table>
| Certified Nurse Midwife Clinical Nurse Specialist Certified Nurse Practitioner | • **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                         | • Drugs  
• Immunizing agent/vaccines to any member of the public |
| Pharmacist                               | Immunizations: Ages 18+ and pursuant to the order of a practitioner |
| Physician Assistant                      | • Flu vaccines  
• May perform any and all services approved by the supervising physician |
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>Certified Nurse Midwife</td>
<td>OWN AUTHORITY</td>
<td>DELEGATED</td>
<td>DELEGATED MW, CNS, NP OWN AUTHORITY</td>
</tr>
<tr>
<td>Clinical Nurse Specialist</td>
<td></td>
<td></td>
<td>NP and MW</td>
</tr>
<tr>
<td>Nurse Practitioner</td>
<td></td>
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<tr>
<td>Medical Assistant</td>
<td>DELEGATED</td>
<td>DELEGATED</td>
<td>DELEGATED</td>
</tr>
<tr>
<td>Practical/Vocational Nurse</td>
<td>OWN AUTHORITY</td>
<td>SILENT</td>
<td>DELEGATED</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>OWN AUTHORITY</td>
<td>DELEGATED</td>
<td>DELEGATED</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>SILENT</td>
<td>DELEGATED</td>
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<tr>
<td>Physician Assistant</td>
<td>DELEGATED</td>
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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>Certified Nurse Midwife</td>
<td>Supervising physician will review and provide ongoing direction under written guidelines according to:</td>
</tr>
<tr>
<td>Clinical Nurse Specialist</td>
<td>• Geographical proximity and practice setting</td>
</tr>
<tr>
<td>Certified Nurse Practitioner</td>
<td>• The APN’s education, training, experience</td>
</tr>
<tr>
<td></td>
<td>• Volume and complexity of patient population</td>
</tr>
<tr>
<td></td>
<td>• Experience, training and availability of physician</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>The delegating physician is responsible for the medical services delegated to a nonprofessional assistant.</td>
</tr>
<tr>
<td>Practical/Vocational Nurse</td>
<td>May administer vaccines only when authorized prescriber indicates and verifies orders</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td></td>
</tr>
<tr>
<td>Pharmacist</td>
<td>As authorized by supervising physician and according to terms of collaborative practice agreement</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Supervising physician must:</td>
</tr>
<tr>
<td></td>
<td>• Review and provide ongoing direction according to written guidelines developed and agreed upon with the PA and signed by both parties</td>
</tr>
</tbody>
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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

<table>
<thead>
<tr>
<th>Professional</th>
<th>Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Certified Nurse Midwife</strong></td>
<td>Patient home; Hospital; Nursing facilities; Ambulatory care settings</td>
</tr>
<tr>
<td><strong>Clinical Nurse Specialist</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Certified Nurse Practitioner</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Medical Assistant</strong></td>
<td>SILENT</td>
</tr>
<tr>
<td><strong>Practical/Vocational Nurse</strong></td>
<td>Any and all settings</td>
</tr>
<tr>
<td><strong>Registered Nurse</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Physician</strong></td>
<td>Hospitals; Long-term care settings; in or outpatient hospice; ambulatory care clinics; retail drug business; community pharmacies; physician practices</td>
</tr>
<tr>
<td><strong>Physician Assistant</strong></td>
<td>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</td>
</tr>
<tr>
<td>Professional</td>
<td>Summary</td>
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<td>------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Certified Nurse Midwife</td>
<td>Can Assess patients under own authority; Prescribe under delegated authority; Administer vaccines under both delegated/own authority in a wide range of settings.</td>
</tr>
<tr>
<td>Clinical Nurse Specialist</td>
<td></td>
</tr>
<tr>
<td>Certified Nurse Practitioner</td>
<td></td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>Can perform all elements of immunization practice as delegated by supervising physician</td>
</tr>
<tr>
<td>Practical/Vocational Nurse</td>
<td>Can Assess patients under own authority; Administer vaccines under standing orders in any and all settings</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>Can Assess patients under own authority; Administer vaccines under standing orders in any and all settings</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>Can Prescribe and Administer vaccines to patients 18+ with a practitioner order and under collaborative practice agreements in a wide range of settings</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Can Assess patients; Prescribe medications; Administer flu vaccines under written guidelines in a wide range of settings</td>
</tr>
</tbody>
</table>
Citations


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


6. 244 CMR 4.06 (2015) Responsibility, Accountability and Scope of Practice for Advanced Practice Registered Nurses

8. Administration of Immunizing Agents, Advisory Ruling Number 9804, Board of Registration in Nursing (Issued in 1998, most recently revised in 2015)


Citations


Comments????