Everything You Need to Know About State and Federal Practice Regulations:

PRESENTING THE FACTS AND DISPELLING THE MYTHS RELATED TO COMMON PRACTICE QUESTIONS

Leah McKinnon-Howe DNP, ANP-BC
Disclosures

No Financial Disclosures of Conflicts of Interest
Objectives and Session Overview

- National landscape regarding scope of practice
- Federal rules that impact NP Practice in MA
- MGL 244 CMR 4.00 and current MA regulatory requirements and environment for APN practice
- Statute vs. Regulation
- FAQs
22 states and D.C. have full practice authority to assess, diagnose, treat and prescribe.
National Landscape

- Full Practice
- Reduced Practice
- Restricted Practice
Comprehensive Addiction and Recovery Act (CARA) 2016

- Authorizes qualified (NPs) and (PAs) to become waivered to prescribe buprenorphine in office-based settings for patients with opioid use disorder (OUD)
- *CARA defers to state law regarding whether an NP or PA works with a physician through a supervisory or collaborative relationship and, where this applies, the physician must also be qualified to prescribe buprenorphine.
Federal Rules Impacting Practice in MA

- Medicare Policies
  - Diabetic Shoes
  - Home Health Care

- Medicare Shared Savings Program
  - NP Patient Inclusion in shared savings ACOs
What can you do to help?

Support Professional Organizations
AANP Federal Policy Goals

- Eliminate federal barriers that remain in Medicare
- Enable participation by NPs in Accountable Care Organizations (ACOs)
- Secure appropriations for federal funding of NP education
- Encourage use of NP inclusive language in CMS and federal law
AANP State Policy Goals

- Provide patients with full and direct access to NP services
- Modernize state practice laws
- Promote sustainable reimbursement policies
- Address NP signature recognition and promote NP-inclusive language in state law and regulations
Statute vs Regulation
MA Practice Environment and Regulatory Requirements

**Statute**

- Creation of Nursing Board: M.G.L. Chapter 13, sections 13 to 15D
- Nursing Licensing Provisions: M.G.L. Chapter 112, sections 74 to 81C
- Prescriptive Practice M.G.L c. 94C

**Regulation**

- 244 CMR: Board of Registration in Nursing
  - 244 CMR 4:00 Advanced Practice Registered Nursing
- 243 CMR Board of Registration in Medicine
  - 243 CMR 2.10 Advanced Practice Nurse (APN) Eligible to Engage in Prescriptive Practice
MA Practice Environment and Regulatory Requirements

Statute
- Acts of 2012, c.369 An Act for the Humanitarian Medical Use of Marijuana

Regulation
- 105 CMR: Department of Public Health
  - 105 CMR 725.000: IMPLEMENTATION OF AN ACT FOR THE HUMANITARIAN MEDICAL USE OF MARIJUANA
MGL 244 CMR 4.00
Advanced practice registered nursing

- 4.05 Eligibility requirements
- 4.06 Responsibility, Accountability and Scope of Practice
MGL 244 CMR 4.00
Advanced practice registered nursing

- 4.07 APRN Eligible to Engage in Prescriptive Practice
  - Prescriptive Guidelines
  - Prescription Format
A prescription issued by a nurse practitioner, psychiatric nurse, nurse anesthetist or pharmacist shall also contain the name of the supervising physician.
MGL 244 CMR 4.00
Advanced practice registered nursing

- 4.07 APRN Eligible to Engage in Prescriptive Practice
  - Prescribing Hydrocodone – only Extended Release Medication
  - Self Prescribing and Prescribing for Family Members
Controlled Substance Schedules

- Schedule 1 – Schedule V

- Rated relative to abuse potential and likelihood of causing dependence when abused
MGL 244 CMR 4.00
Advanced practice registered nursing

- 4.08 Authorization to Practice as an APRN in More than One Clinical Category
- 4.09 Malpractice Insurance
- 4.10 Authority of the Board of Registration in Medicine
Dispensing and Labeling Sample Medications

Allowable amounts

Labeling requirements
Prescription Drug Monitoring Program
Frequently Asked Questions
I am certified as an Adult/Geri NP and work in dermatology practice that sees kids. Am I allowed to practice outside of my area of specialty certification and see pediatric patients in this setting?
How many NPs can a physician supervise?
Question 3 & 4

I want to open my own practice – do I need to have practice guidelines and oversight in addition to prescription oversight?

How do I find a supervising physician?
Is the credentialing process the same for admitting privileges and third party payment?
I work in a primary care practice. I am allowed to sign paperwork for involuntary psychiatric admission (Section 12)?
I work with an orthopedic surgeon. Can I work in the RN First Assist role and be reimbursed for my services?
Can I bill the Medicare program under my supervising physician’s Medicare number if he co-signs my office note?
My practice is considering offering Medication Assisted Treatment (MAT) for the management of Opioid use disorder. What are the requirements for prescribing Suboxone?
Question 10

I work in a hospital–based primary care practice. I have been told that I am not allowed to see patients for their initial visit. Does the law state that NPs can not see patients for their initial visit?
I routinely provide sample medication to my patients, especially when they can not afford their medications. I heard that I am only legally able to provide one day of medication. Is this true?
What is the difference between Medicare and Medicaid?
My daughter called and asked me to call in a prescription for an antibiotic. Is it legal for me to prescribe it for her?
Question 14

How does the Pharma Gift Ban effect me and my practice?
Can I prescribe medical marijuana?
Discussion & Questions