HOUSE DOCKET, NO. 2488 FILED ON: 1/17/2013

HOUSE . . . . . No. 1980

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the independent practice of health care in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas A. Golden, Jr.	*16th Middlesex*

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HOUSE . . . . . No. 1980

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 1980) of Thomas A. Golden, Jr. relative to specific standards and scope of practice set by health boards of registration. Public Health.

The Commonwealth of Massachusetts

An Act relative to the independent practice of health care in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 23A of chapter 112, as appearing in the 2010 Official Edition, shall be amended by striking the definitions “athletic training”, “occupational therapy”, and “physical therapy” in their entirety and inserting the following new definitions in place thereof:

□

□““Athletic training”, shall be as determined by the board and in accordance with national standards of practice for athletic trainers.

□

□“Occupational Therapy”, shall be as determined by the board and in accordance with national standards of practice for occupational therapists.

□

□“Physical therapy”, shall be as determined by the board and in accordance with national standards of practice for physical therapists”

□

□SECTION 2. Section 23R of chapter 112, as appearing in the 2010 Official Edition, shall be amended by striking the definitions “respiratory care” in its entirety and inserting the following new definition in place thereof:

□

□““Respiratory care”, shall be determined by the board and in accordance with national standards of practice for respiratory care therapists.”

□

□SECTION 3. Section 66 of chapter 112, as appearing in the 2010 Official Edition, shall be amended by striking the section in its entirety and inserting the following new section in place thereof:

□

□“Section 66. The practice of optometry, as referred to in this section to section 73, inclusive,

shall be as determined by the board of registration of optometry and in accordance with national standards of practice for optometrists.”

SECTION 4. Sections 66A to 68B, inclusive, of chapter 112, as appearing in the 2010 Official Edition, are hereby stricken.

SECTION 5. Section 89 of chapter 112, as appearing in the 2010 Official Edition, is hereby amended by striking the term “chiropractic” and inserting the following new term in place thereof:-

“Chiropractic”, shall be determined by the board and in accordance with national standards of practice for chiropractors.”

SECTION 6. Section 163 of chapter 112, as appearing in the 2010 Official Edition, is hereby amended by striking the terms “marriage and family therapy”, “practice of rehabilitation counseling”, “practice of mental health counseling” , and “practice of educational psychology” and replacing them with the following definitions:-

““Practice of marriage and family therapy”, shall be determined by the board and in accordance with national standards of practice for licensed marriage and family therapists.

“Practice of rehabilitation counseling” shall be determined by the board and in accordance with national standards of practice for licensed rehabilitation counselors.

“Practice of mental health counseling”, shall be determined by the board and in accordance with national standards of practice for licensed mental health counselors.

“Practice of educational psychology”, shall be determined by the board and in accordance with national standards of practice for licensed educational psychologists.”

SECTION 7. Section 201 of chapter 112, as appearing in the 2010 Official Edition, is hereby amended by striking the term “field of dietetics and nutrition” and replacing it with the following new definition:-

“Field of dietetics and nutrition”, shall be determined by the board and in accordance with national standards of practice.

SECTION 8. Section 211 of chapter 112, as appearing in the 2010 Official Edition, is hereby amended by striking the term “perfusion” and replacing it with the following new definition:-

“Perfusion”, shall be determined by the board and in accordance with national standards of practice for licensed perfusionists.”

SECTION 9. Section 225 of chapter 112, as appearing in the 2010 Official Edition, is hereby amended by striking the term “massage” and replacing it with the following new definition:-

““Massage”, shall be as determined by the board and in accordance with national standards of practice for licensed massage therapists.”

SECTION 10. Section 252 of chapter 112, as appearing in the 2010 Official Edition, is hereby amended by striking the term “practice of genetic counseling” and replacing it with the following

66 new definition:-
67 “Practice of genetic counseling”, shall be as determined by the board and in accordance with
68 national standards of practice for licensed genetic counselors”
69
70
71 SECTION 11. Section 7, subsection (d), clause (10) of chapter 94C, as appearing in the 2010
72 Official Edition, is hereby amended by striking the clause and inserting the following clause
73 therein:-
74
75 (10) a duly licensed optometrist in accordance with section sixty-six of chapter one hundred
76 and twelve; provided, however, that a wholesale distributor or pharmacist may dispense
77 pharmaceutical agents to a licensed optometrist for subsequent administration to optometry
78 patients only if such optometrist provides the wholesale distributor or pharmacist with the
79 number of the optometrist's certification of qualification to administer such pharmaceutical
80 agents.
81
82 SECTION 12. Section 7, subsection (h), of chapter 94C, as appearing in the 2010 Official
83 Edition, is hereby amended by striking the subsection and inserting the following clause therein:-
84
85 (h) The commissioner shall promulgate regulations which provide for the automatic
86 registration of optometrists, upon the receipt of the fee as herein provided, to issue written
87 prescriptions in accordance with the provisions of sections 66 of chapter 112, unless the
88 registration of such optometrist has been suspended or revoked pursuant to the provisions of
89 section 13 or section 14 or unless such registration is denied for cause by the commissioner
90 pursuant to the provisions of chapter 30A. Prior to promulgating such regulations, the
91 commissioner shall consult with the board of registration in optometry.
92
93 SECTION 13. Notwithstanding any general or special law to the contrary, the Department of
94 Public Health and the Division of Professional Licensure shall submit a report to the Chairs of
95 the Joint Committee on Public Health, Joint Committee on Health Care Financing and the Joint
96 Committee on State Administration detailing any changes in regulations governing the practice
97 of each licensed profession before December 31st of the second year of each legislative session.
98 If necessary, the Department of Public Health and the Division of Professional Licensure shall
99 make recommendations to address necessary changes to statutory prescriptive authority for any
100 licensed professions whose national standard of practice advances to include prescriptive
101 authority.