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ORDER OF THE COMMISSIONER OF PUBLIC HEALTH AUTHORIZING EXPANDED PRACTICE BY ADVANCED PRACTICE REGISTERED NURSES AT DMH FACILITIES

On March 10, 2020, Governor Charles D. Baker declared a State of Emergency in the Commonwealth to respond to the spread of COVID-19. The Public Health Council has approved and authorized me to take such actions, incur such liabilities, and establish such rules, requirements, and procedures which are necessary to prepare for, respond to, and mitigate the spread of COVID-19 in order to protect the health and welfare of the people of the Commonwealth, consistent with the Governor's declaration.

As of April 2, 2020, 8,966 cases of COVID-19 were reported by the Department of Public Health. The escalating COVID-19 public health emergency will continue to produce extraordinary demand on the Commonwealth's healthcare system. Addressing this exceptional demand will require a degree of flexibility and responsiveness in the staffing of medical facilities that certain, regular limitations on scope of practice do not permit.

Accordingly, pursuant to the authority granted by G.L., c. 17, §2A and with the approval of the Governor and the Public Health Council, and in order to assure the maintenance of public health during the continuing public health emergency, I issue the following Order:

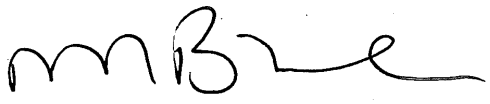
Notwithstanding any general or special law to the contrary, certain specific functions under G.L. c. 123, otherwise designated to physicians only, may be performed by advanced practice registered nurses authorized by the Board of Registration in Nursing (BORN) pursuant to M.G.L. c. 112, §. 80B, who hold certification in the field of psychiatric mental health from a BORN-recognized certifying organization or its equivalent approved and designated by BORN. Specifically, such advanced practice registered nurses shall have the same authority as qualified physicians to provide services pursuant to M.G.L. c. 123, §§. 4, 11, 12 and 21. Such advanced practice registered nurses must also meet relevant requirements of Department of Mental Health regulations, shall be credentialed to provide such services by the facility which employs them, and shall have the same immunity as qualified physicians and qualified psychiatric nurse mental health clinical specialists pursuant to M.G.L. c. 123, §. 22.

The Department of Mental Health may issue further guidance consistent with its authority pursuant to G.L. c. 19 §. 19 and its regulations at 104 CMR 27.00. BORN may issue guidance consistent with its authority pursuant to M.G.L. c. 112, §. 80B and 244 CMR 4.00

All applicable statutes, regulations, and guidance not inconsistent with this Order remain in effect.

This Order shall take effect immediately and remain in effect until the State of Emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.

IT IS SO ORDERED.



Monica Bharel, MD, MPH
Commissioner, Massachusetts Department of Public Health

April 3, 2020