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DEPARTMENT OF MENTAL HEALTH
DIVISION OF CLINICAL AND PROFESSIONAL SERVICES
LICENSING DIVISION – BULLETIN #20-02
APRIL 3, 2020

COVID-19 EMERGENCY GUIDANCE
AUTHORIZING INDEPENDENT PRACTICE OF
PSYCHIATRIC ADVANCED PRACTICE REGISTERED NURSES

In an effort to reduce regulatory burden for DMH Licensed Entities during the COVID-19 pandemic, but to assure continued adequacy and safety of Inpatient Facility milieu, we are issuing the following guidance based upon the ORDER OF THE COMMISSIONER OF PUBLIC HEALTH AUTHORIZING INDEPENDENT PRACTICE OF ADVANCED PRACTICE REGISTERED NURSES:

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.

§ 4 includes the thorough clinical examination, *evaluation of the legal competency of the person and the necessity or advisability of having a guardian or conservator appointed or removed*, and a consideration of all possible alternatives to continued hospitalization or residential care associated with the periodic review. The periodic review is to take place at least upon admission, once during the first three months after admission, once during the second three months after admission and annually thereafter.

§ 11 includes the assessment of the person's capacity to understand the conditions associated with a conditional voluntary admission, and the determination that if the person lacks the capacity to understand these facts and consequences of hospitalization, their application for conditional voluntary admission shall not be accepted.

§ 12 includes the psychiatric examination of a person referred under § 12(a) for hospitalization immediately after the person's reception at a facility. If the APRN as described above

DEPARTMENT OF MENTAL HEALTH

Licensing Bulletin #20-02

Page 2

determines that failure to hospitalize such person would create a likelihood of serious harm by reason of mental illness they may admit such person to the facility for care and treatment. The APRN must inform (or ensure that someone informs) the person that the facility shall, upon their request, notify the committee for public counsel services of the name and location of the person admitted.

§ 21 includes:

- Authorization of transportation of a mentally ill person to or from a facility for any purpose shall not use any restraint which is unnecessary for the safety of the person being transported or other persons likely to come in contact with him.
- Authorization or ordering of restraint or seclusion only in cases of emergency, such as the occurrence of, or serious threat of, extreme violence, personal injury, or attempted suicide. The completion of the required examination of patients within one hour of the initiation of restraint or seclusion (or within 15 minutes for minors). Authorization of restraint and seclusion must follow all requirements and restrictions on the length of restraint of persons of certain ages, the types of restraint or seclusion ordered, the use of the least restrictive alternatives, and the discontinuance of restraint or seclusion as soon as the emergency condition no longer exists. All requirements outlined in 104 CMR 27.12 must be followed.

Such Psychiatric APRNs:

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

Any questions regarding this bulletin should be directed to the DMH Licensing Division at 617-626-8117 or by email to Teresa.J.Reynolds@massmail.state.ma.us