

HOUSE BILL 363
EMERGENCY BILL

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2000 Regular Session
(01r1489)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by Delegates Mandel and Goldwater, Goldwater, Bobo, Boutin,
Bronrott, Cane, Eckardt, Elliott, Heller, Klausmeier, Kopp, Mohorovic,
Morhaim, Nathan-Pulliam, Petzold, Sher, Stern, and Walkup

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 258

1 AN ACT concerning

2 **Statewide Commission on the Crisis in Nursing**

3 FOR the purpose of creating the Statewide Commission on the Crisis in Nursing;
4 providing for the membership, leadership, charge, ~~compensation and~~
5 ~~reimbursement~~, and staffing of the Commission; ~~establishing certain~~
6 ~~subcommittees for certain purposes; requiring the Secretary of Health and~~
7 ~~Mental Hygiene to convene a certain summit on the crisis in nursing;~~ making this
8 Act an emergency measure; providing for the termination of this Act; and
9 generally relating to the Statewide Commission on the Crisis in Nursing.

10 BY adding to

11 Article - Health Occupations
12 Section 8-7B-01 to be under the new subtitle "Subtitle 7B. Statewide
13 Commission on the Crisis in Nursing"
14 Annotated Code of Maryland

1 (1994 Replacement Volume and 1999 Supplement)

2 Preamble

3 WHEREAS, In Maryland, and across the country, concerns about an increasing
4 nursing shortage continue to grow; and

5 WHEREAS, A number of factors contribute to the growing shortages in qualified
6 nursing personnel; and

7 WHEREAS, The way care is delivered has changed dramatically over the last
8 decade with more people being treated in outpatient settings, shorter and more
9 intense lengths of stay in acute and long-term care settings, and the development of
10 alternatives to nursing home care; and

11 WHEREAS, These changes have led to a number of employment options
12 becoming available to nurses that did not exist previously, making it difficult for
13 employers of nurses to recruit and retain qualified nursing personnel; and

14 WHEREAS, In Maryland, the average age of the practicing nurse in the
15 workforce is 46 years old; and

16 WHEREAS, Nursing school enrollments have dropped between 10 and 15%; and

17 WHEREAS, In 1998, approximately 2,085 nurses did not renew their licenses to
18 practice in Maryland; and

19 WHEREAS, The current shortage is expected to worsen because of the declines
20 in nursing school enrollments and the significant number of nurses expected to retire
21 over the next decade; and

22 WHEREAS, Severe cutbacks in the federal Medicare program under the 1997
23 Balanced Budget Act, state budgetary pressures related to the Medicaid program,
24 continued pressure from insurers to reduce their costs and to retrospectively deny
25 payment for services rendered, and recent cuts to hospital rates by the Health
26 Services Cost Review Commission have made it extremely difficult for many
27 providers to keep up with other employers in salaries and benefits and to recruit and
28 retain qualified nursing personnel; and

29 WHEREAS, The increasing reliance on temporary employment agencies to meet
30 nursing personnel needs further complicates the situation as continuity of care is
31 disrupted, quality of patient care is jeopardized, and costs pressures are further
32 increased; and

33 WHEREAS, Because of the multifaceted nature of these problems, it is critical
34 that all of the interested and affected parties cooperate and collaborate in the
35 development of solutions; now, therefore,

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
37 MARYLAND, That the Laws of Maryland read as follows:

Article - Health Occupations

SUBTITLE 7B. STATEWIDE COMMISSION ON THE CRISIS IN NURSING.

8-7B-01.

(A) THERE IS A STATEWIDE COMMISSION ON THE CRISIS IN NURSING.

(B) THE COMMISSION CONSISTS OF AT LEAST THE FOLLOWING MEMBERS:

(1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;

(2) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR
THE SECRETARY'S DESIGNEE;

~~(3) THE SECRETARY OF EDUCATION, OR THE SECRETARY'S DESIGNEE;~~

~~(4) THE SECRETARY OF THE MARYLAND HIGHER EDUCATION
COMMISSION, OR THE SECRETARY'S DESIGNEE;~~

~~(5) THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH CARE
COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~(6) ~~(5)~~ THE EXECUTIVE DIRECTOR OF THE HEALTH SERVICES-COST
REVIEW COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~(7) ~~(6)~~ THE EXECUTIVE DIRECTOR OF THE BOARD OF NURSING;~~

~~(8) ~~(7)~~ THE DIRECTOR OF THE MENTAL HYGIENE ADMINISTRATION,
OR THE DIRECTOR'S DESIGNEE A NURSE DESIGNATED BY THE DIRECTOR;~~

~~(9) ~~(8)~~ THE DEAN OF A UNIVERSITY-BASED SCHOOL OF NURSING
APPOINTED BY THE MARYLAND ASSOCIATION OF DEANS AND DIRECTORS OF
NURSING; COUNCIL OF BACCALAUREATE AND HIGHER DEGREE PROGRAMS;~~

~~(9) THE DEAN OF AN INDEPENDENT COLLEGE OR UNIVERSITY SCHOOL
OF NURSING, APPOINTED BY THE MARYLAND INDEPENDENT COLLEGE AND
UNIVERSITY ASSOCIATION;~~

~~(10) THE PRESIDENT CHAIR OF A COMMUNITY COLLEGE WITH A
NURSING PROGRAM, APPOINTED BY THE MARYLAND ASSOCIATION OF COMMUNITY
COLLEGES;~~

~~(11) A DIRECTOR OF A SCHOOL OF NURSING COMMUNITY COLLEGE
NURSING PROGRAM, APPOINTED BY THE MARYLAND ASSOCIATION OF DEANS AND
DIRECTORS OF NURSING ASSOCIATE DEGREE DIRECTORS OF NURSING;~~

~~(12) THREE PRACTICING NURSES APPOINTED BY THE MARYLAND
NURSES ASSOCIATION, ONE OF WHOM IS A SPECIALITY NURSE AND ONE OF WHOM IS
A STAFF NURSE IN AN ACUTE CARE HOSPITAL;~~

1 (13) A SCHOOL HEALTH NURSE, APPOINTED BY THE MARYLAND
2 ASSOCIATION OF SCHOOL HEALTH NURSES;

3 (14) A REPRESENTATIVE OF THE DISABILITY SERVICES COMMUNITY WHO
4 ~~IS A NURSE~~, APPOINTED BY THE MARYLAND ASSOCIATION OF COMMUNITY SUPPORT
5 SERVICES;

6 (15) A PUBLIC HEALTH NURSE, APPOINTED BY THE MARYLAND COUNCIL
7 OF PUBLIC HEALTH NURSING DIRECTORS;

8 (16) A NURSE EXECUTIVE, APPOINTED BY THE MARYLAND
9 ORGANIZATION OF NURSE EXECUTIVES;

10 (17) A HOSPITAL REPRESENTATIVE, WHO IS A NURSING DIRECTOR,
11 APPOINTED BY THE ASSOCIATION OF MARYLAND HOSPITALS AND HEALTH SYSTEMS;

12 (18) A NURSING HOME REPRESENTATIVE, WHO IS A NURSING DIRECTOR,
13 APPOINTED BY THE MARYLAND ASSOCIATION OF NONPROFIT HOMES FOR THE
14 AGING;

15 (19) A NURSING HOME REPRESENTATIVE, WHO IS A NURSING DIRECTOR,
16 APPOINTED BY THE HEALTH FACILITIES ASSOCIATION OF MARYLAND;

17 (20) THE PROJECT DIRECTOR OF THE COLLEAGUES IN CARING PROJECT;

18 (21) A UNION REPRESENTATIVE, WHO IS A NURSE, APPOINTED BY THE
19 SERVICE EMPLOYEES INTERNATIONAL UNION;

20 (22) A REPRESENTATIVE OF A TEMPORARY NURSE STAFF AGENCY,
21 APPOINTED BY THE MARYLAND ORGANIZATION OF NURSE EXECUTIVES;

22 (23) A HOME CARE NURSE, APPOINTED BY THE MARYLAND NATIONAL
23 CAPITAL HOME CARE ASSOCIATION;

24 (24) A STUDENT NURSE REPRESENTATIVE, APPOINTED BY THE
25 MARYLAND ASSOCIATION OF STUDENT NURSES;

26 (25) A LICENSED PRACTICAL NURSE, APPOINTED BY THE MARYLAND
27 LICENSED PRACTICAL NURSES ASSOCIATION;

28 (26) A PHYSICIAN, APPOINTED BY MEDCHI;

29 (27) A NURSE PRACTICING IN CRITICAL CARE, APPOINTED BY THE
30 CHESAPEAKE BAY CHAPTER OF THE AMERICAN ASSOCIATION OF CRITICAL CARE
31 NURSES;

32 (27) (28) A REPRESENTATIVE OF A MANAGED CARE ORGANIZATION
33 OPERATING IN THE STATE, APPOINTED BY THE MARYLAND ASSOCIATION OF HEALTH
34 PLANS;

- 1 ~~(28)~~ ~~(29)~~ A CONSUMER REPRESENTATIVE, APPOINTED BY THE UNITED
2 SENIORS OF MARYLAND;
- 3 ~~(29)~~ ~~(30)~~ TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY
4 THE SPEAKER OF THE HOUSE; AND
- 5 ~~(30)~~ ~~(31)~~ TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY
6 THE PRESIDENT OF THE SENATE.
- 7 (3) THE SUPERINTENDENT OF THE STATE BOARD OF EDUCATION OR
8 THE SUPERINTENDENT'S DESIGNEE;
- 9 (4) THE SECRETARY OF THE MARYLAND HIGHER EDUCATION
10 COMMISSION OR THE SECRETARY'S DESIGNEE;
- 11 (5) THE EXECUTIVE DIRECTOR OF THE HEALTH SERVICES COST REVIEW
12 COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
- 13 (6) THE DIRECTOR OF THE MENTAL HYGIENE ADMINISTRATION OR A
14 NURSE DESIGNATED BY THE DIRECTOR;
- 15 (7) THE DEAN OF A UNIVERSITY-BASED SCHOOL OF NURSING;
- 16 (8) ONE PRACTICING NURSE;
- 17 (9) A SCHOOL HEALTH NURSE;
- 18 (10) A REPRESENTATIVE OF THE DISABILITY SERVICES COMMUNITY
19 WHO IS A NURSE;
- 20 (11) A PUBLIC HEALTH NURSE;
- 21 (12) A HOSPITAL REPRESENTATIVE, WHO IS A NURSING DIRECTOR;
- 22 (13) A NURSING REPRESENTATIVE, WHO IS A NURSING DIRECTOR OF A
23 NONPROFIT NURSING HOME;
- 24 (14) A NURSING HOME REPRESENTATIVE, WHO IS A NURSING DIRECTOR
25 OF A FOR-PROFIT NURSING HOME;
- 26 (15) A UNION REPRESENTATIVE, WHO IS A NURSE;
- 27 (16) A REPRESENTATIVE OF A TEMPORARY NURSE STAFFING AGENCY;
- 28 (17) A HOME CARE NURSE;
- 29 (18) A STUDENT NURSE REPRESENTATIVE;
- 30 (19) A PHYSICIAN;
- 31 (20) A PRACTICING CRITICAL CARE NURSE;

- 1 (21) A PRACTICING REHABILITATION NURSE;
- 2 (22) A PRACTICING BEHAVIORAL HOME HEALTH NURSE;
- 3 (23) A PRACTICING PERIOPERATIVE NURSE;
- 4 (24) A PRACTICING OCCUPATIONAL HEALTH NURSE;
- 5 (25) A PRACTICING PERIANESTHESIA NURSE;
- 6 (26) A PRACTICING GASTROENTEROLOGY NURSE;
- 7 (27) A PRACTICING OPHTHALMIC NURSE;
- 8 (28) A PRACTICING EMERGENCY NURSE;
- 9 (29) A PRACTICING ONCOLOGY NURSE;
- 10 (30) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF
 11 COMMUNITY SUPPORT SERVICES;
- 12 (31) A REPRESENTATIVE OF A MANAGED CARE ORGANIZATION
 13 OPERATING IN THE STATE;
- 14 (32) A CONSUMER REPRESENTATIVE;
- 15 (33) A NURSE RECRUITER;
- 16 (34) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE
 17 SPEAKER OF THE HOUSE; AND
- 18 (35) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE
 19 PRESIDENT OF THE SENATE.
- 20 (C) (1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL:
- 21 (⊕) (I) CHAIR THE COMMISSION; ~~AND~~
- 22 (II) APPOINT THE MEMBERSHIP OF THE COMMISSION; AND
- 23 (III) APPOINT AS VICE CHAIRS:
- 24 1. TWO DEANS FROM UNIVERSITY BASED SCHOOLS OF
 25 NURSING;
- 26 2. A DEAN OF AN INDEPENDENT COLLEGE OR UNIVERSITY
 27 SCHOOL OF NURSING;
- 28 3. A DIRECTOR OF A COMMUNITY COLLEGE NURSING
 29 PROGRAM;
- 30 4. THE EXECUTIVE DIRECTOR OF THE BOARD OF NURSING;

1 (3) DEVELOP RECOMMENDATIONS ON, AND FACILITATE
 2 IMPLEMENTATION OF, STRATEGIES TO REVERSE THE GROWING SHORTAGE OF
 3 QUALIFIED NURSING PERSONNEL IN THE STATE, INCLUDING:

4 (I) DETERMINING WHAT CHANGES ARE NEEDED TO EXISTING
 5 PROGRAMS, CURRENT SCHOLARSHIP PROGRAMS, AND FUNDING MECHANISMS TO
 6 BETTER REFLECT AND ACCOMMODATE THE CHANGING HEALTH CARE DELIVERY
 7 ENVIRONMENT AND TO IMPROVE QUALITY OF CARE TO MEET THE NEEDS OF
 8 PATIENTS;

9 (II) FACILITATING CAREER ADVANCEMENT WITHIN NURSING;

10 (III) IDENTIFYING MORE ACCURATELY SPECIFIC SHORTAGE AREAS
 11 IN A MORE TIMELY MANNER;

12 (IV) ATTRACTING MIDDLE AND HIGH SCHOOL STUDENTS INTO
 13 NURSING AS A CAREER; AND

14 (V) PROJECTING A MORE POSITIVE AND PROFESSIONAL IMAGE OF
 15 NURSING; AND

16 (4) SERVE AS AN ADVISOR TO PUBLIC AND PRIVATE ENTITIES TO
 17 FACILITATE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE COMMISSION.

18 ~~(E) A MEMBER OF THE COMMISSION;~~

19 ~~(1) MAY NOT RECEIVE COMPENSATION; BUT~~

20 ~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE~~
 21 ~~STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

22 ~~(F) (F)~~ THE BOARD OF NURSING SHALL PROVIDE STAFF SUPPORT FOR THE
 23 COMMISSION.

24 ~~(F) (G)~~ (F) THE COMMISSION SHALL REPORT ITS FINDINGS AND
 25 RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
 26 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY IN AN INTERIM REPORT
 27 WITHIN 6 MONTHS OF BEING APPOINTED AND IN AN ANNUAL REPORT ON JANUARY 1
 28 OF EACH YEAR.

29 ~~(G) A MEMBER OF THE COMMISSION MAY NOT RECEIVE COMPENSATION BUT~~
 30 ~~IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD TRAVEL~~
 31 ~~REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
 33 measure, is necessary for the immediate preservation of the public health and safety,
 34 has been passed by a ye and nay vote supported by three-fifths of all the members
 35 elected to each of the two Houses of the General Assembly, and shall take effect from
 36 the date it is enacted. It shall remain effective until the end of December 1, 2005, at

- 1 which time, with no further action required by the General Assembly, this Act shall be
- 2 abrogated and of no further force and effect.