

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 315

(Delegate Goldwater, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

**State Board of Nursing - Licensing, Certification, and Reinstatement
Requirements**

This bill makes various changes to the Maryland Nurse Practice Act relating to the revocation, reinstatement, and renewal of licenses and certificates issued by the State Board of Nursing.

Fiscal Summary

State Effect: None. The bill would not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary:

Practicing Nursing Without a License

The bill repeals provisions allowing for an unlicensed individual to perform acts of registered nursing or licensed practical nursing while supervised by an individual authorized by the State to practice medicine or dentistry.

Criminal History Records Checks

The board must revoke a temporary license or temporary certificate if the criminal history record information it receives regarding the applicant, licensee, or certificate holder reveals that that the individual was convicted or pled guilty or *nolo contendere* to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside. The bill repeals the requirement for revocation of a temporary license or temporary certificate if the individual pleaded guilty or pleaded *nolo contendere* to an act that, if committed in Maryland, would be a violation listed as a statutory reason for which the board may take disciplinary action against such an individual.

A license or certificate that is suspended or revoked for more than one year may be reinstated if the licensee or certificate holder submits to a criminal history records check, in addition to meeting the reinstatement requirements.

Each former certified nursing assistant who files for reinstatement after failing to renew the certificate for one year or more must submit to a criminal history records check.

Certification Renewals

A certified medicine aide seeking certification renewal must provide satisfactory evidence of having practiced 100 hours as a certified medicine aide in the two years prior to renewal. The aide also must have successfully completed a board-approved medicine aide continuing education program.

The board must reinstate the certificate of a former certification holder who failed to renew the certificate for any reason if the former certificate holder meets applicable renewal requirements.

Student Nursing Assistants

A student performing nursing assistant tasks is not required to be board-certified if the student is enrolled in a board-approved nursing assistant training program *and* is practicing under the direct supervision of qualified faculty or preceptors. Currently, the student is required to meet one of those requirements.

Current Law: An unlicensed individual may perform acts of registered nursing or licensed practical nursing while supervised by an individual authorized to practice medicine, dentistry, registered nursing, or licensed practical nursing. In order to do so,

the unlicensed individual must perform nursing acts in the supervisor's area of responsibility and under the supervisor's instruction.

Chapter 390 of 2006 requires specified State Board of Nursing license and selected certification applicants (including temporary license applicants), beginning October 1, 2006, and selected existing licensees and certificate holders, beginning January 2008, to submit to a criminal history records check and provide the board written, verified evidence that they have done so. Instead, applicants who completed a criminal history records check through another state board of nursing within the five years preceding the application date may submit evidence of that check. Chapter 390 applies to registered nurses, licensed practical nurses, certified nursing assistants, and licensed electrologists.

The board may not issue a license or certificate if it has not received the applicant's criminal history record information. Additional criminal history records checks for licensees and certificate holders must be performed every 10 years. Chapter 390 adds failing to submit to a criminal history records check as a reason the board may take disciplinary action against a licensee or certificate holder.

On receiving the information and determining whether to issue or renew the license or certificate, the board must consider: the age at which the crime was committed; the circumstances surrounding the crime; the length of time that has passed since the crime; subsequent work history; employment and character references; and other evidence demonstrating that the applicant, licensee, or certificate holder does not pose a threat to the public health or safety.

Background: The State Board of Nursing advises that in Maryland there are approximately 62,000 licensed registered nurses, 10,000 licensed practical nurses, 55,000 certified nursing assistants, and 23,000 certified medication technicians.

Additional Information

Prior Introductions: None.

Cross File: SB 118 (Senator Conway) – Education, Health, and Environmental Affairs.

Information Source(s): Department of Health and Mental Hygiene, Office of Administrative Hearings, Department of Legislative Services

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