

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 179 (Delegates Elliott and Krebs)
Health and Government Operations Education, Health, and Environmental Affairs

State Board of Nursing - Temporary License - Issuance

This bill authorizes the State Board of Nursing to issue a temporary nursing license to an applicant who has taken and passed a board-approved examination required for licensure, but is waiting for the completion of the required criminal history records check.

Fiscal Summary

State Effect: None. The bill's requirements can be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The board may issue a temporary license for 90 days to any applicant who submits to a criminal history records check, is licensed by any other state, submits required application documentation to the board, and pays the fee required by the board. A temporary license may not be renewed but may be extended for 90 days if the applicant is awaiting the results of a criminal history records check. Further, the board must revoke a temporary license or certificate if the criminal history record information forwarded to the board reveals that the applicant, certificate holder, or licensee has been 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.

Background: The State Board of Nursing regulates the practice of registered nurses, licensed practical nurses, nurse anesthetists, nurse midwives, nurse practitioners, nursing assistants, medication technicians, and electrologists.

The board has approximately 2,400 endorsement applicants annually, and almost all applicants are issued a temporary license so they can work immediately. An endorsement applicant is an individual who is already licensed in another state and applies for a license in Maryland by endorsement. The board checks credentials, education qualifications, and prior disciplinary actions for all endorsement applicants during the period in which they are issued a temporary license. Most endorsement applicants are registered nurses.

Chapter 390 of 2006 required the board to begin conducting criminal history records checks of all new registered nurses, licensed practical nurses, and certified nursing assistant applicants as of October 2006. Criminal history records checks are done on approximately 12,000 applicants a year. This number is expected to increase to 24,000 in fiscal 2010 because Chapter 653 of 2008 required criminal history records checks on renewal applicants beginning in July 2009. In future years, this figure will remain near the 24,000 level.

As part of the criminal history records check an applicant's fingerprints are reviewed by State and federal authorities. The majority of applicants submit their fingerprints and pay the necessary fees prior to taking the examination needed for licensure. In some cases an applicant's prints can be rejected, causing a delay in the application process, and an applicant is then unable to begin work. In 2009, about six nurses were unable to begin work due to a delay in their criminal history records check.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 5, 2010
a/mcr

Analysis by: Erin McMullen

Direct Inquiries to:
(410) 946-5510
(301) 970-5510