

Chapter 123

(House Bill 378)

AN ACT concerning

State Board of Nursing – Medication Technician Graduates and Certified Medication Technicians

FOR the purpose of extending the time period during which a medication technician graduate may practice without certification from the State Board of Nursing; authorizing certain medication technicians to practice for a certain time period while the State Board of Nursing processes a certain application; requiring the State Board of Nursing to provide a certain report to certain committees of the General Assembly on or before a certain date; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the State Board of Nursing and medication technician graduates and certified medication technicians.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 8–6A–07 and 8–6A–08(f)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

Article – Health Occupations

8–6A–07.

(a) Subject to subsection (g) of this section, the Board shall certify any applicant who meets the requirements of this subtitle.

(b) (1) The Board shall:

(i) Issue each new certified nursing assistant or medication technician a certificate number and registration certificate that indicates the initial certificate was issued by the Board; and

(ii) Electronically record each certificate in the Board's database and on the Board's website.

(2) Each certificate shall include:

- (i) Any expiration date;
- (ii) The type of certificate; and
- (iii) Any specific category of nursing assistant.

(c) An individual who has met the requirements for a certified nursing assistant shall be certified with the title of “certified nursing assistant”.

(d) An individual who routinely performs nursing tasks delegated by a registered nurse or licensed practical nurse for compensation and has also completed a Board–approved course in medication administration shall be certified with the title of “certified medicine aide”.

(e) An individual who has met the requirements for a certified medication technician shall be certified with the title of “certified medication technician”.

(f) The Board may issue a registration certificate to replace a lost, destroyed, or mutilated certificate, if the certificate holder pays the certificate replacement fee set by the Board.

(g) (1) The Board may issue a temporary practice certificate to an applicant who:

(i) Has met the appropriate certification requirements of this subtitle to the satisfaction of the Board;

(ii) Does not have a criminal record and has not been the subject of a health professional disciplinary action in this State or another jurisdiction; and

(iii) Does not have a criminal charge or a health professional disciplinary action pending in this State or another jurisdiction.

(2) Unless the Board suspends or revokes a temporary practice certificate, the temporary practice certificate expires 90 days after issuance.

(3) A temporary practice certificate may be extended up to an additional 90 days if the applicant is awaiting the completion of criminal history record information.

(h) A medication technician graduate may practice for no more than **[90] 180** days from the date of completion of a medication technician training program without certification by the Board.

(i) (1) On receipt of the criminal history record information of an applicant for certification as a certified nursing assistant forwarded to the Board in accordance with § 8–303 of this title, in determining whether to grant a certificate, the Board shall consider:

- (i) The age at which the crime was committed;
- (ii) The circumstances surrounding the crime;
- (iii) The length of time that has passed since the crime;
- (iv) Subsequent work history;
- (v) Employment and character references; and
- (vi) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a certificate if the criminal history record information required under § 8–303 of this title has not been received.

8–6A–08.

(f) (1) The Board may grant a 30–day extension, beyond a certificate’s expiration date, to a certificate holder so that the certificate holder may renew the certificate before it expires.

(2) The Board may grant two 90–day extensions beyond a certificate’s expiration date pending receipt of criminal history record information.

(3) A MEDICATION TECHNICIAN WHO HAS APPLIED FOR RENEWAL AND TAKEN THE BOARD–APPROVED CLINICAL REFRESHER COURSE MAY PRACTICE FOR NO MORE THAN 180 DAYS FROM THE DATE OF COMPLETION OF THE BOARD–APPROVED CLINICAL REFRESHER COURSE WHILE THE BOARD PROCESSES THE RENEWAL APPLICATION.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2011, the State Board of Nursing shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on:

(1) the status of the online program for processing initial and renewal medication technician applications, including:

(i) the percentage of medication technicians using the online renewal process;

(ii) any known obstacles to a medication technician applicant's use of the online system; and

(iii) the number of days it takes to certify an initial or renewal application;

(2) the measures implemented to encourage the use of online applications; and

(3) an analysis of current staffing, including staff added since January 1, 2011, and projected staffing needs.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2011~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective for a period of 2 years from the date it is enacted and, at the end of the 2-year period, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 12, 2011.