

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 624

(Delegate Pena-Melnyk, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

State Board of Nursing - Licensure by Endorsement - Clinical Experience

This bill authorizes the State Board of Nursing to waive clinical experience requirements for applicants for licensure by endorsement if the applicant has graduated from an accredited program, submitted evidence of active nursing practice, and met other licensing requirements. The bill also clarifies that applicants for licensure by endorsement must have an *active unencumbered* license, submit an application form to the board, and submit to a criminal history records check (CHRC).

The bill takes effect October 1, 2013. The provisions that authorize the board to waive clinical experience requirements for applicants for licensure by endorsement terminate September 30, 2018.

Fiscal Summary

State Effect: Any fiscal or operational impact on the State Board of Nursing is anticipated to be minimal and can be absorbed within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The board may waive clinical experience requirements for applicants with an *active unencumbered* RN or licensed practical nurse (LPN) license if the individual did not, at the time of graduation from an approved nursing education program, meet the educational requirements then required under Maryland law.

For the board to waive clinical experience requirements, an applicant must (1) have graduated from a program accredited by a nursing accreditation agency recognized by the board; (2) submit to the board evidence of completing specified hours of active nursing practice within the preceding year; and (3) otherwise meet the requirements for licensure. If an applicant applying for licensure by endorsement has been disciplined in another state or country for an act that would be a disciplinary violation under the Maryland Nurse Practice Act, the board is authorized to deny a license to the applicant. The board must adopt regulations to implement waiver of clinical experience requirements.

By December 1, 2016, and December 1, 2018, the board must report to specified committees of the General Assembly on the number of registered nurses (RNs) who have applied for licensure by endorsement with waiver of clinical experience requirements between October 1, 2013, and October 1, 2016, and between October 1, 2016, and October 1, 2018, respectively.

Current Law: The board licenses two levels of nurses: RNs and LPNs. RNs obtain an associate or bachelor's degree or graduate from a diploma program, while LPNs receive their education in trade or vocational schools and community colleges. Applicants for initial licensure as an RN or LPN must graduate from an approved nursing education program and pass the National Council of the State Boards of Nursing's licensure examination (NCLEX).

Nurses may also be licensed by endorsement. If an applicant is licensed in another state or country and meets requirements similar to those in Maryland, the applicant is eligible for licensure without taking NCLEX or other examinations outlined in board regulations. Applicants for licensure by endorsement must provide evidence of 1,000 hours of active nursing practice within the last five years or complete a board-approved refresher course. An applicant for an RN license has to meet all requirements for a diploma or degree from a board-approved RN program or an RN program in another state or country that the board finds substantially equivalent to an approved program in Maryland. The applicant must also pass an exam approved by the board.

An applicant for an LPN license must have a high school diploma and complete a board-approved LPN education program or its equivalent, or a program in another state or country that the boards finds substantially equivalent to an approved program in Maryland. The applicant must also pass an exam approved by the board.

The board may only issue a license by endorsement if the applicant pays the application fee set by the board and provides adequate evidence that (1) at the time of graduation from an approved nursing education program, the applicant met the educational requirements then required under Maryland law; (2) at the time the applicant became

licensed or registered, the applicant passed an examination similar to the examination that was given in Maryland; and (3) the applicant meets any other requirements.

Regulations specify that an RN or LPN applicant licensed in another state, territory, or country is eligible for licensure by endorsement without examination if the applicant submits (1) the application and fee required and (2) verifications directly to the board from the appropriate authority regarding specified education, examination, English language oral competency, CHRC, and practice-hour requirements.

The board requires all RNs, LPNs, certified nursing assistants (CNAs), and electrologists to undergo a CHRC on initial licensure, as well as once every 12 years upon renewal.

Background: The State Board of Nursing oversees approximately two-thirds of all regulated health occupations professionals in the State. In fiscal 2012, the board regulated a total of 291,091 RNs, LPNs, advanced practice nurses, CNAs, certified medication technicians, and electrologists. In fiscal 2011, the board issued 2,696 licenses by endorsement.

In 2009, the board established a Distance Learning Committee to study how it could safely license graduates of distance learning programs. The committee recommended the following: (1) clinical learning experience be a prerequisite for licensure by examination; (2) a student of a nursing school whose program does not meet Maryland's clinical learning requirements for approved nursing education programs should complete a clinical learning experience approved by the board that complies with board regulations prior to admission for the licensure examination; and (3) arranging a clinical learning experience should be the responsibility of the student and the school. The committee also proposed that the board seek approval to allow licensure by endorsement for nurses who graduated from a distance learning program that did not include prelicensure clinical learning experiences required for licensure by examination. Specifically, the committee recommended, that if the educational requirements of Maryland at that time were not met, the applicant should be required to provide evidence of at least 1,000 hours of active nursing practice in the preceding 12-month period in a state or territory of the United States and in a job requiring the license for which the applicant is applying.

Additional Information

Prior Introductions: None.

Cross File: SB 501 (Senator Conway) - Education, Health, and Environmental Affairs.

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

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