

Article - Health Occupations

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§8-505.

(a) Except as provided in subsection (b) of this section, the following applies:

(1) If a nursing administrator, registered nurse, licensed practical nurse, or certified nursing assistant knows of an action or condition that might be grounds for action under § 8-316 or Subtitle 6A of this title, the nursing administrator, registered nurse, licensed practical nurse, or certified nursing assistant shall report the action or condition to the Board; and

(2) An individual shall have the immunity from liability described under § 5-709 of the Courts and Judicial Proceedings Article for making a report as required by this subsection.

(b) If a nurse administrator, registered nurse, licensed practical nurse, or certified nursing assistant has reason to know that a licensee or certificate holder has committed an action or has a condition that might be grounds for reprimand or probation of the licensee or certificate holder or suspension or revocation of the license under § 8-316 or § 8-6A-10 of this title because the licensee or certificate holder is alcohol impaired or drug impaired, the nurse administrator, registered nurse, licensed practical nurse, or certified nursing assistant is not required to report the licensee or certificate holder to the Board if:

(1) The nurse administrator, registered nurse, licensed practical nurse, or certified nursing assistant knows that the licensee or certificate holder is in an alcohol or drug treatment program that is accredited by the Joint Commission on Accreditation of Healthcare Organizations, is certified by the Department, or is under the care of a health care practitioner who is competent and capable of dealing with alcoholism and drug abuse;

(2) The nurse administrator, registered nurse, licensed practical nurse, or certified nursing assistant is able to verify that the licensee or certificate holder remains in the treatment program until discharge; and

(3) The action or condition of the licensee or certificate holder has not caused injury to any person while the licensee is practicing registered nursing or licensed practical nursing or the certificate holder is working as a nursing assistant.

(c) A person is not required under this section to make any report that would be in violation of any federal or State law, rule, or regulation concerning the confidentiality of alcohol and drug abuse patient records.

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