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§8–6A–10.

(a) Subject to the hearing provisions of § 8–317 of this title and § 8–6A–10.1 of this subtitle, the Board may deny a certificate or grant a certificate, including a certificate subject to a reprimand, probation, or suspension, to any applicant, reprimand any certificate holder, place any certificate holder on probation, or suspend or revoke the certificate of a certificate holder, if the applicant or certificate holder:

(1) Fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant or for another;

(2) Fraudulently or deceptively uses a certificate;

(3) Is disciplined by a licensing, military, or disciplinary authority in this State or in any other state or country or convicted or disciplined by a court in this State or in any other state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(4) Is convicted of or pleads 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;

(5) Files a false report or record of an individual under the certificate holder's care;

(6) Gives any false or misleading information about a material matter in an employment application;

(7) Fails to file or record any health record that is required by law;

(8) Induces another person to fail to file or record any health record that is required by law;

(9) Has violated any order, rule, or regulation of the Board relating to the practice or certification of a nursing assistant or medication technician;

(10) Provides services as a nursing assistant or medication technician while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(11) Is habitually intoxicated;

(12) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article;

(13) Has acted in a manner inconsistent with the health or safety of a person under the applicant or certificate holder's care;

(14) Has practiced as a nursing assistant or medication technician in a manner which fails to meet generally accepted standards for the practice of a nursing assistant or medication technician;

(15) Has physically, verbally, or psychologically abused, neglected, or otherwise harmed a person under the applicant or certificate holder's care;

(16) Has a physical or mental condition which renders the applicant or certificate holder unable to practice as a certified nursing assistant or certified medication technician with reasonable skill and safety to the patients and which may endanger the health or safety of persons under the care of the applicant or certificate holder;

(17) Has violated the confidentiality of information or knowledge as prescribed by law concerning any patient;

(18) Has misappropriated patient or facility property;

(19) Performs certified nursing assistant or certified medication technician functions incompetently;

(20) Has violated any provision of this title or has aided or knowingly permitted any person to violate any provision of this title;

(21) Submits a false statement to collect a fee;

(22) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the applicant or certificate holder is certified and qualified to render because the individual is HIV positive;

(23) Except in an emergency life–threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control and Prevention's guidelines on universal precautions;

(24) Fails to cooperate with a lawful investigation conducted by the Board;

(25) Fails to comply with instructions and directions of the supervising registered nurse or licensed practical nurse;

(26) When holding an expired certificate or a lapsed certificate, commits any act that would be grounds for disciplinary action under this section;

(27) Practices as a nursing assistant or medication technician before obtaining or renewing the certificate, including any time period when practicing as a nursing assistant or medication technician on an expired certificate or a lapsed certificate;

(28) Impersonates another individual:

(i) Licensed under the provisions of this title; or

(ii) Who holds a certificate issued under the provisions of this title;

(29) Engages in conduct that violates the code of ethics;

(30) Performs activities that exceed the education and training of the certified nursing assistant or certified medication technician;

(31) Is expelled from the rehabilitation program established pursuant to § 8–208 of this title for failure to comply with the conditions of the program;

(32) Fails to submit to a criminal history records check in accordance with § 8–303 of this title as required under § 8–6A–05(c)(2) of this subtitle;

(33) Abandons a patient; or

(34) Is a director of nursing, or acts in the capacity of a director of nursing and knowingly employs an individual who is not authorized to perform delegated nursing duties under this subtitle.

(b) If, after a hearing under § 8–317 of this title and § 8–6A–10.1 of this subtitle, the Board finds that there are grounds under subsection (a) of this section to suspend or revoke a certificate to practice as a certified nursing assistant or certified medication technician, to reprimand a certificate holder, or place a certificate holder on probation, the Board may impose a penalty not exceeding $500 instead of or in addition to suspending or revoking the certificate, reprimanding the certificate holder, or placing the certificate holder on probation.

(c) (1) If a certificate issued under this subtitle was suspended or revoked for a period of more than 1 year, or if a period of more than 1 year has passed since a certificate was surrendered, the Board may reinstate the certificate if the certificate holder:

(i) Applies to the Board for reinstatement;

(ii) Meets the requirements for renewal under § 8–6A–08 of this subtitle;

(iii) Meets any other requirements for reinstatement as established by the Board in regulations; and

(iv) Submits to a criminal history records check in accordance with § 8–303 of this title.

(2) If a certificate holder meets the requirements of paragraph (1) of this subsection, the Board may:

(i) Reinstate the certificate;

(ii) Reinstate the certificate subject to terms and conditions that the Board considers necessary, including a period of probation; or

(iii) Deny reinstatement of the certificate.

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