

HOUSE BILL 490

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6lr2857
CF SB 393

By: **Delegate Cullison**

Introduced and read first time: February 1, 2016

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2016

CHAPTER _____

1 AN ACT concerning

2 **Maryland Nurse Practice Act – Peer Review and Advisory Committees and**
3 **Penalties**

4 FOR the purpose of repealing the requirement that the State Board of Nursing appoint
5 certain peer review committees to oversee the use of certain insurance and certain
6 benefits; authorizing the Board to appoint peer advisory committees to provide the
7 Board with certain advice; providing that a member of a peer advisory committee is
8 entitled to receive certain compensation and reimbursement for certain expenses;
9 altering the maximum amount of a certain civil fine the Board may impose for
10 certain violations; altering the application of certain criminal penalties; altering the
11 maximum amount of a certain fine and the maximum term of imprisonment to which
12 a certain person is subject for certain violations; repealing the exemption from
13 certain penalties for certain persons who are licensed, certified, or otherwise
14 authorized to provide health care services under certain provisions of law; repealing
15 certain definitions; and generally relating to the Maryland Nurse Practice Act.

16 BY repealing
17 Article – Health Occupations
18 Section 8–503
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2015 Supplement)

21 BY adding to
22 Article – Health Occupations
23 Section 8–503

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2015 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Health Occupations
5 Section 8–707 and 8–710
6 Annotated Code of Maryland
7 (2014 Replacement Volume and 2015 Supplement)

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

10 **Article – Health Occupations**

11 **[8–503.**

12 (a) (1) In this section the following words have the meanings indicated.

13 (2) “Nurse anesthetist” means a registered nurse who is:

14 (i) Certified under this title to practice nurse anesthesia; and

15 (ii) Certified by the Council on Certification or the Council on
16 Recertification of Nurse Anesthetists.

17 (b) “Nurse midwife” means a registered nurse who is certified under this title to
18 practice nurse midwifery and who is also certified by the American College of Nurse
19 Midwives.

20 (c) The Board shall appoint separate peer review committees to oversee the use
21 of health insurance and medical assistance benefits by:

22 (1) Certified nurse anesthetists;

23 (2) Certified nurse midwives;

24 (3) Certified nurse practitioners; and

25 (4) Any other licensee with a nursing specialty that has been approved for
26 third party reimbursement conditioned on peer review.]

27 **8–503.**

28 **(A) THE BOARD MAY APPOINT PEER ADVISORY COMMITTEES TO PROVIDE**
29 **THE BOARD WITH EXPERT ADVICE RELATED TO THE PRACTICE OF NURSING BY**
30 **ADVANCE PRACTICE NURSES.**

1 **(B) A MEMBER OF A PEER ADVISORY COMMITTEE IS ENTITLED TO RECEIVE:**

2 **(1) COMPENSATION, AS DETERMINED BY THE BOARD; AND**

3 **(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE**
 4 **TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

5 8-707.

6 (a) Subject to the hearing provisions of § 8-317 of this title and in addition to any
 7 other sanction authorized for a violation of §§ 8-701 through 8-706 of this subtitle, the
 8 Board may issue a public cease and desist order, impose a civil fine of not more than
 9 ~~[\$5,000]~~ **\$20,000** per offense, or both.

10 (b) For the purposes of this section, each violation is a separate offense if the
 11 violation occurs:

12 (1) At a different time, date, or location; or

13 (2) On the same date and location at a different time.

14 8-710.

15 (a) ~~(1) Except [for a violation of § 8-701(a) through (e) of this subtitle] AS~~
 16 ~~PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, a~~ **A** person who violates any
 17 provision **OF § 8-701(A) THROUGH (E), § 8-703, § 8-704, OR § 8-705** of this
 18 subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
 19 ~~[\$5,000]~~ **\$10,000** or imprisonment not exceeding [1 year] **5 YEARS** or both.

20 ~~(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A~~
 21 ~~LICENSEE OR CERTIFICATE HOLDER WHO HAS FAILED TO RENEW THE LICENSE OR~~
 22 ~~CERTIFICATE WHO VIOLATES ANY PROVISION OF § 8-701(A) THROUGH (E) OR §~~
 23 ~~8-703 OF THIS SUBTITLE.~~

24 (b) [(1) Except as otherwise provided in this section, subject] **SUBJECT** to the
 25 appropriate hearing and appeals provisions, the Board, on the affirmative vote of the
 26 majority of its members, may reprimand a licensee or certificate holder, place a licensee or
 27 certificate holder on probation, or suspend or revoke a license or certificate of a person who
 28 violates any provision of this subtitle.

29 [(2) A person who is licensed, certified, or otherwise authorized to provide
 30 health care services under this article is not subject to the penalty provided in subsections
 31 (a) and (b) of this section for a violation of § 8-701(f) and (g) of this subtitle.]

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.