

SENATE BILL 393

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6lr2065
CF HB 490

By: **Senators Nathan–Pulliam, Benson, Eckardt, Klausmeier, Manno, and Middleton**

Introduced and read first time: January 29, 2016

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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; altering the maximum amount of a certain civil fine the
8 Board may impose for certain violations; altering the application of certain criminal
9 penalties; altering the maximum amount of a certain fine and the maximum term of
10 imprisonment to which a certain person is subject for certain violations; repealing
11 the exemption from certain penalties for certain persons who are licensed, certified,
12 or otherwise authorized to provide health care services under certain provisions of
13 law; repealing certain definitions; and generally relating to the Maryland Nurse
14 Practice Act.

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

20 BY adding to
21 Article – Health Occupations
22 Section 8–503
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2015 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Health Occupations
27 Section 8–707 and 8–710

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 **Article – Health Occupations**

6 **[8–503.**

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

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

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

10 (ii) Certified by the Council on Certification or the Council on
11 Recertification of Nurse Anesthetists.

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

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

17 (1) Certified nurse anesthetists;

18 (2) Certified nurse midwives;

19 (3) Certified nurse practitioners; and

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

22 **8–503.**

23 **THE BOARD MAY APPOINT PEER ADVISORY COMMITTEES TO PROVIDE THE**
24 **BOARD WITH EXPERT ADVICE RELATED TO THE PRACTICE OF NURSING BY ADVANCE**
25 **PRACTICE NURSES.**

26 **8–707.**

27 (a) Subject to the hearing provisions of § 8–317 of this title and in addition to any
28 other sanction authorized for a violation of §§ 8–701 through 8–706 of this subtitle, the

1 Board may issue a public cease and desist order, impose a civil fine of not more than
2 ~~[\$5,000]~~ **\$20,000** per offense, or both.

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

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

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

7 8-710.

8 (a) **(1)** Except [for a violation of § 8-701(a) through (e) of this subtitle] **AS**
9 **PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, a person who violates any
10 provision **OF § 8-701(A) THROUGH (E), § 8-703, § 8-704, OR § 8-705** of this subtitle is
11 guilty of a misdemeanor and on conviction is subject to a fine not exceeding ~~[\$5,000]~~
12 **\$10,000** or imprisonment not exceeding ~~[1 year]~~ **5 YEARS** or both.

13 **(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A**
14 **LICENSEE OR CERTIFICATE HOLDER WHO HAS FAILED TO RENEW THE LICENSE OR**
15 **CERTIFICATE WHO VIOLATES ANY PROVISION OF § 8-701(A) THROUGH (E) OR §**
16 **8-703 OF THIS SUBTITLE.**

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

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

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