J2 8lr0056 (PRE–FILED)

By: Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Health)

Requested: September 27, 2017

Introduced and read first time: January 10, 2018

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 29, 2018

CHAPTER

1 AN ACT concerning

2

State Board of Nursing - Maryland Nurse Practice Act - Revisions

- 3 FOR the purpose of repealing certain provisions of law that authorize the State Board of 4 Nursing to grant a certain number of certain extensions for the renewal of a certain 5 license or certain certificate pending receipt of criminal history record information; 6 repealing a provision of law that authorizes the Board to immediately suspend the 7 license of a certain nurse or the certificate of a certain nursing assistant or certain 8 medication technician who is expelled from the Safe Practice Program under certain 9 circumstances; altering when certain employers are required to submit a certain 10 report to the Board; repealing the requirement that a nurse in independent practice or a direct-entry midwife engaged in independent practice display a certain notice 11 12 in certain offices; providing that certain members of the nursing assistant advisory 13 committee may serve one additional full term; authorizing the Board to remove committee members from the certified nursing assistant advisory committee for 14 15 certain reasons; authorizing certain licensing boards to issue cease and desist orders 16 or impose an encumbrance on a nurse's authority to practice in a certain state; 17 making certain stylistic and conforming changes; and generally relating to the Nurse 18 Practice Act.
- 19 BY repealing and reenacting, without amendments,

20 Article – Health Occupations

- 21 Section 8–312(c) and 8–6A–08(c)
- 22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

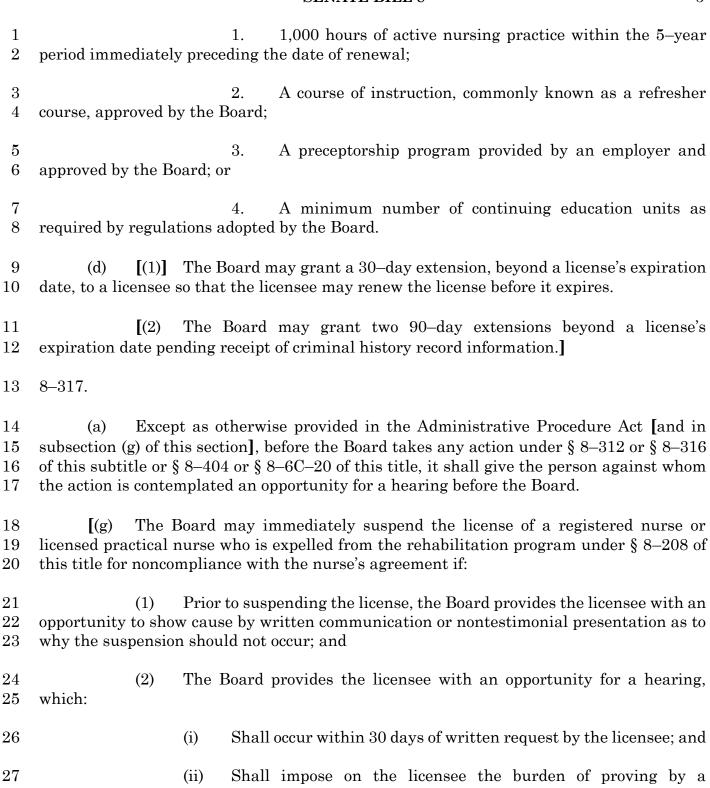
[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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



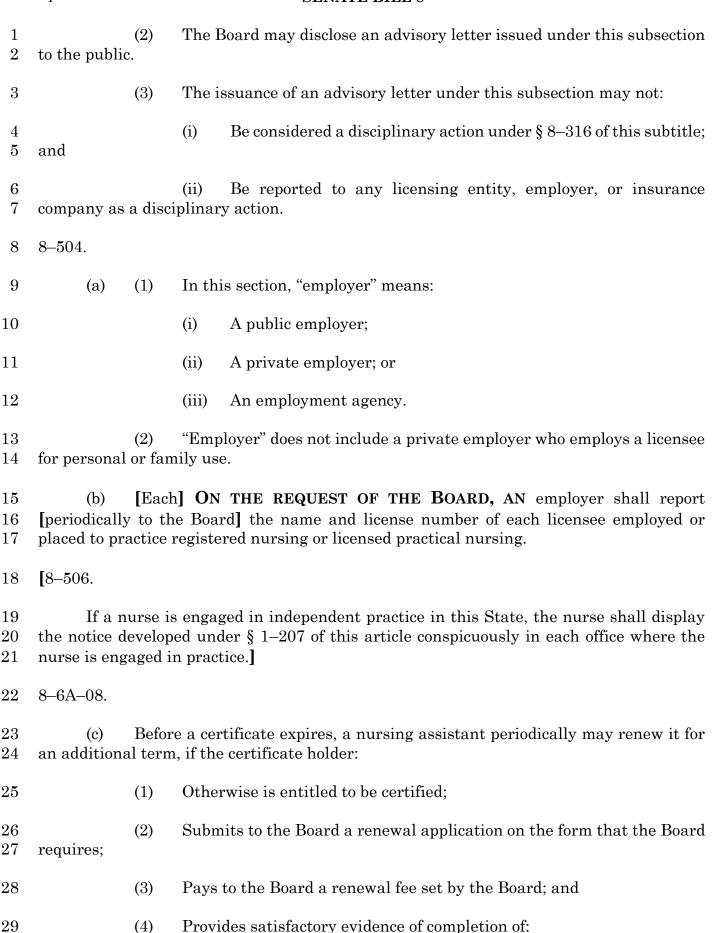
1	(2014 Replacement Volume and 2017 Supplement)
2 3 4 5 6 7	BY repealing and reenacting, with amendments, Article – Health Occupations Section 8–312(d), 8–317(a) and (h), 8–504, 8–6A–08(f), 8–6A–10.1(a) and (h), and 8–6A–13(a), and 8–7A–01 Article V Section 11(a) Annotated Code of Maryland (2014 Replacement Volume and 2017 Supplement)
8 9 10 11 12	BY repealing Article – Health Occupations Section 8–317(g), 8–506, 8–6A–10.1(g), and 8–6C–23 Annotated Code of Maryland (2014 Replacement Volume and 2017 Supplement)
13 14 15 16 17	BY adding to Article – Health Occupations Section 8–6A–13(h) and (i) Annotated Code of Maryland (2014 Replacement Volume and 2017 Supplement)
18 19	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
20	Article - Health Occupations
21	8–312.
22 23	(c) Before a license expires, the licensee periodically may renew it for an additional term, if the licensee:
24	(1) Otherwise is entitled to be licensed;
25	(2) Pays to the Board:
26	(i) A renewal fee set by the Board; or
27 28	(ii) A renewal fee that is set by the Board if the licensee certifies to the Board that the licensee provides professional services only as a volunteer; and
29	(3) Submits to the Board by paper application or electronic means:
30	(i) A renewal application on the form that the Board requires; and
31	(ii) Satisfactory evidence of completion of:

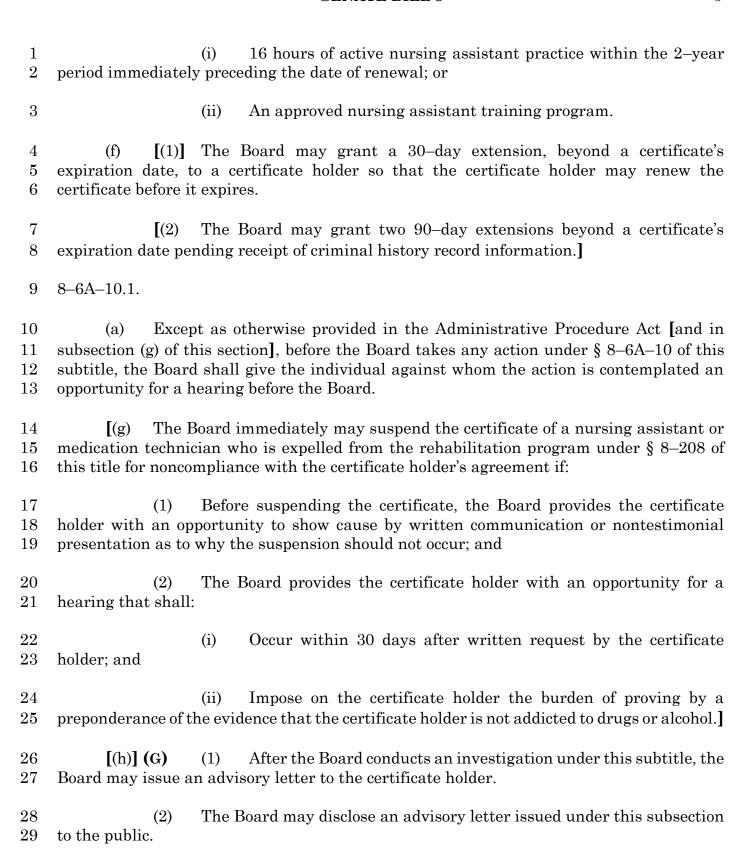


[(h)] (G) (1) After the Board conducts an investigation under this title, the Board may issue an advisory letter to the licensee or holder of a multistate licensing privilege.

preponderance of the evidence that the licensee is not addicted to drugs or alcohol.

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The issuance of an advisory letter under this subsection:

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(3)

- 6 1 May not be considered a disciplinary action under § 8–6A–10 of (i) 2 this subtitle; and 3 (ii) May not be reported to any certifying entity, employer, or insurance company as a disciplinary action. 4 5 8-6A-13. 6 The Board shall appoint an advisory committee consisting of at least 15 (a) 7 members [appointed by the Board]. A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN MAY SERVE 8 (H) 9 ONE ADDITIONAL FULL TERM. 10 **(I)** THE BOARD MAY REMOVE A MEMBER: **(1)** 11 FOR INCOMPETENCE OR MISCONDUCT; OR 12 **(2)** WHO IS ABSENT FROM TWO SUCCESSIVE COMMITTEE MEETINGS 13 WITHOUT ADEQUATE REASON. [8-6C-23. 14 15 If a licensed direct—entry midwife is engaged in the private practice of direct—entry midwifery in the State, the licensed direct—entry midwife shall display the notice developed 16 under § 1–207 of this article conspicuously in each office where the licensed direct–entry 17 midwife is engaged in practice. 18 8-7A-01. 19 20Article V. Additional Authorities Invested in Party State Licensing Boards. 21<u>11.</u> 22 <u>In addition to the other powers conferred by state</u> law, a licensing board shall (a) have the authority to: 2324Take adverse action against a nurse's multistate licensure privilege to (1) practice within that party state; 2526 (2)Complete any pending investigations of a nurse who changes the nurse's home state during the course of the investigations; 27
- 28 ISSUE CEASE AND DESIST ORDERS OR IMPOSE AN ENCUMBRANCE **(3)** 29ON A NURSE'S AUTHORITY TO PRACTICE WITHIN THAT PARTY STATE;

1 2 3 4	[(3)] (4) Take appropriate action based on investigations and shall promptly report the conclusions of the investigations to the administrator of the coordinated licensure information system who shall promptly notify the new home state of any actions;
5 6	[(4)] (5) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence;
7 8 9 10 11	[(5)] (6) Obtain and submit, for each nurse licensure applicant fingerprint or other biometric—based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks, and use the results in making licensure decisions;
12 13 14	[(6)] (7) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse; and
15 16 17	[(7)] (8) Take adverse action based on the factual findings of a remote state, provided that the licensing board follows its own procedures for taking such adverse action.
18 19	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.
	Approved:
	$\qquad \qquad \text{Governor.}$
	President of the Senate.
	Speaker of the House of Delegates.