

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

Senate Bill 8

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

Education, Health, and Environmental Affairs

Health and Government Operations

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State Board of Nursing - Maryland Nurse Practice Act - Revisions

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This departmental bill alters statute governing the State Board of Nursing (BON), including authorizing BON to remove members of the Certified Nursing Assistant and Medication Technician Advisory Committee under specified circumstances, repealing obsolete provisions, and codifying current practice.

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Fiscal Summary

**State Effect:** The bill is not anticipated to impact State finances or operations.

**Local Effect:** The bill is not anticipated to impact local government finances or operations.

**Small Business Effect:** The Maryland Department of Health (MDH) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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Analysis

**Bill Summary/Current Law:**

*Certified Nursing Assistant and Medication Technician Advisory Committee*

The bill authorizes BON to remove a member of the advisory committee for incompetence or misconduct or if the member is absent from two successive committee meetings without adequate reason. The bill also specifies that a member who is appointed after a term has

begun may serve one additional full term. Under current law, a member serves a term of four years. The advisory committee must meet at least once a month. According to BON, authorizing the removal of members of the advisory committee will enable BON to encourage new members to regularly attend meetings.

#### *Extension of License or Certificate*

The bill repeals provisions authorizing BON to grant two 90-day extensions beyond the expiration date of a license or certificate pending receipt of criminal history record information (CHRI). Chapters 515 and 516 of 2017 authorized BON to renew a license or certificate with written documentation that the renewal applicant has submitted to a criminal history record check, rendering the need to extend a license pending receipt of CHRI superfluous. BON has the authority to take action against a licensee or certificate holder if a background check is subsequently returned with problematic information.

#### *Safe Practice Program*

The bill repeals BON's authority to immediately suspend, subject to a board hearing, the license of a registered nurse or licensed practical nurse or the certificate of a nursing assistant or medication technician who is expelled from the rehabilitation program for noncompliance. Chapters 515 and 516 renamed the Rehabilitation Program to be the Safe Practice Program and clarified that an individual who is expelled from the program is entitled to a hearing in accordance with the Administrative Procedure Act (APA). Under the APA, BON may suspend a licensee or certificate holder who is a danger to the public. BON advises that the APA offers a more streamlined and effective way to ensure safe practice than the internal BON hearing under current law.

#### *Employer Reporting Requirement*

The bill repeals a requirement that an employer *periodically* report to BON the name and license number of each licensee employed or placed to practice registered nursing or licensed practical nursing. Instead, the bill requires an employer to provide such information only *on the request of the board*. BON advises that the periodic reporting requirement has not been enforced for several years and has caused confusion with employers attempting to determine when the reports were due.

#### *Universal Precautions Notice*

The bill repeals the requirement that a nurse or a licensed direct-entry midwife conspicuously display a notice produced by MDH explaining Centers for Disease Control and Prevention guidelines on universal precautions in each office where the licensee is

engaged in practice. BON advises that such precautions are now the standard of care and the notice is no longer produced or provided by MDH.

*Cease and Desist Orders and Encumbrances*

The bill authorizes the board to issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within the State under the Nurse Licensure Compact (NLC). Currently, the NLC, among other things, authorizes the board to take adverse action against a nurse's multistate licensure privilege to practice within the State, as well as take appropriate action based on investigations. Chapter 669 of 2017 made multiple changes to the NLC, conforming State law to the revised compact recently adopted by the National Council of State Boards of Nursing.

**Background:** As of January 2018, BON issued 192,198 licenses or certifications, including 80,767 registered nurses, 12,185 licensed practical nurses, 64,482 nursing assistants, and 34,698 medication technicians.

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - January 16, 2018  
nb/jc Third Reader - March 15, 2018  
Revised - Amendment(s) - March 15, 2018

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**ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES**

**Department of Health  
Session 2018**

**TITLE:** State Board of Nursing – Maryland Nurse Practice Act  
– Revisions

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**PREPARED BY:** Shirley A. Devaris, RN, JD

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**(Program\Unit):** Board of Nursing

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**PART A. ECONOMIC IMPACT RATING**

This agency estimates that the proposed bill:

  X   WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESS

OR

       WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES

**PART B. ECONOMIC IMPACT ANALYSIS**

Not applicable.