

HOUSE BILL 936

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0lr1889

By: Delegates Krebs and Reilly, Reilly, Bagnall, Bhandari, Carr, Charles, Chisholm, Cullison, Hill, Johnson, Kerr, Kipke, R. Lewis, Morgan, Pena-Melnyk, Pendergrass, Rosenberg, Saab, Sample-Hughes, Szeliga, and K. Young

Introduced and read first time: February 5, 2020

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2020

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Advanced Practice Registered Nurses – Delegation of**
3 **Nursing Tasks**

4 FOR the purpose of providing that ~~an advanced practice registered nurse is not precluded~~
5 ~~from delegating a nursing task to an unlicensed individual under certain~~
6 ~~circumstances; providing that a registered nurse, a licensed practical nurse, or an~~
7 advanced practice registered nurse is not precluded from delegating a nursing or
8 other technical task to an assistant ~~with medical training~~ under certain
9 circumstances; requiring the State Board of Nursing to adopt certain regulations;
10 and generally relating to advanced practice registered nurses delegating nursing
11 tasks.

12 BY repealing and reenacting, with amendments,
13 Article – Health Occupations
14 Section 8–6A–02
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2019 Supplement)

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

19 **Article – Health Occupations**

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 8-6A-02.

2 (a) Except as otherwise provided in this subtitle, an individual shall be certified
3 by the Board to practice as a nursing assistant or medication technician before the
4 individual may practice as a nursing assistant or medication technician in the State.

5 (b) This subtitle does not apply to an individual who:

6 (1) Practices a health occupation that the individual is authorized to
7 practice under this article;

8 (2) Provides for the gratuitous care of friends, domestic partners, or family
9 members;

10 (3) Performs nursing assistant tasks while a nursing student enrolled in
11 an accredited nursing program and practicing under the direct supervision of qualified
12 faculty or preceptors;

13 (4) Performs nursing assistant tasks as a student while:

14 (i) Enrolled in a Board-approved nursing assistant training
15 program; and

16 (ii) Practicing under the direct supervision of qualified faculty or
17 preceptors;

18 (5) Performs medication technician tasks as a student while practicing
19 under the direct supervision of qualified faculty; or

20 (6) Works as a principal or school secretary, does not administer
21 medication as a routine part of the position, and has completed training by the delegating
22 nurse for the occasion where the individual may need to administer medication in the
23 absence of the nurse or medication technician.

24 (c) Nothing in this section shall preclude a registered nurse ~~for~~, ~~A~~ licensed
25 practical nurse, ~~OR AN ADVANCED PRACTICE REGISTERED NURSE~~ from delegating a
26 nursing task to ~~an~~.

27 ~~(1) SUBJECT TO ITEM (2) OF THIS SUBSECTION, AN~~ unlicensed
28 individual provided that acceptance of delegated nursing tasks does not become a routine
29 part of the unlicensed individual's job duties; ~~OR,~~

30 ~~(2) (D) (1) AN ASSISTANT WITH MEDICAL TRAINING SUBJECT TO~~
31 REGULATIONS ADOPTED BY THE BOARD UNDER PARAGRAPH (2) OF THIS
32 SUBSECTION, THIS SECTION DOES NOT PRECLUDE AN ADVANCED PRACTICE

1 REGISTERED NURSE FROM DELEGATING A NURSING OR OTHER TECHNICAL TASK TO
2 AN ASSISTANT IF:

3 (I) THE ASSISTANT PERFORMS ONLY TASKS THAT THE
4 ASSISTANT IS TRAINED ~~AND ABLE~~ TO PERFORM; AND

5 (II) THE DELEGATING ADVANCED PRACTICE REGISTERED
6 NURSE PROVIDES:

7 1. INSTRUCTION TO THE ASSISTANT ON THE DELEGATED
8 TASK; AND

9 2. ON-SITE SUPERVISION OF THE ASSISTANT
10 PERFORMING THE DELEGATED TASK.

11 (2) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS
12 SUBSECTION, INCLUDING REGULATIONS THAT:

13 (I) PROVIDE FOR THE MANNER IN WHICH AN ADVANCED
14 PRACTICE REGISTERED NURSE DELEGATES A NURSING OR OTHER TECHNICAL TASK
15 TO AN ASSISTANT;

16 (II) ESTABLISH LIMITATIONS ON THE AUTHORITY OF AN
17 ADVANCED PRACTICE REGISTERED NURSE TO DELEGATE NURSING OR OTHER
18 TECHNICAL TASKS TO AN ASSISTANT; AND

19 (III) OTHERWISE CLARIFY THE SCOPE OF THIS SUBSECTION.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
21 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.