

Chapter 681

(House Bill 218)

AN ACT concerning

Health Occupations – Nursing – Dialysis Technicians

FOR the purpose of establishing the separate category of certified dialysis technicians to be certified by the State Board of Nursing; repealing the requirement that a dialysis technician be a certified nursing assistant except under certain circumstances; altering the composition of the Board advisory committee; authorizing the Board to conduct site visits of certified dialysis technician training programs; and generally relating to dialysis technicians.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section ~~8–205(a)(2)~~, 8–208(a), (j), and (m), ~~8–510(a)~~; 8–6A–01, 8–6A–02(a) and (b), 8–6A–03(c), 8–6A–04 through 8–6A–10, 8–6A–12, 8–6A–13(a) and (b), 8–6A–14.1, ~~8–6A–15~~, and 8–6A–15 to be under the amended subtitle “Subtitle 6A. Certification of Nursing Assistants, Dialysis Technicians, and Medication Technicians”; and 8–701(h) and (i), and 8–703(a)(4)

Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 8–208(b)(1) ~~and 8–6A–02(b)~~

Annotated Code of Maryland
(2021 Replacement Volume)

BY adding to

Article – Health Occupations

Section ~~8–6A–02(e)~~, 8–6A–03(c), 8–701(h), 8–703(j), 8–705(f), and 8–706(h)

Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – Health Occupations8–205.

(a) In addition to the powers and duties set forth elsewhere in this title, the Board has the following powers and duties:

(2) To set standards for the practice of registered nursing, advanced practice registered nursing, licensed practical nursing, certified nursing assistants, **CERTIFIED DIALYSIS TECHNICIANS**, certified medication technicians, electrology, direct–entry midwifery, and certified midwifery;

8–208.

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

(2) “Applicant” means an individual who has submitted an application to the Board to be licensed as a registered nurse, licensed practical nurse, electrologist, licensed direct–entry midwife, or licensed certified midwife or to be certified as an advanced practice registered nurse, a nursing assistant, **A DIALYSIS TECHNICIAN**, or **A** medication technician in this State.

(3) “Participant” means a registered nurse, an advanced practice registered nurse, a licensed practical nurse, a nursing assistant, a medication technician, an electrologist, a licensed direct–entry midwife, a licensed certified midwife, **A CERTIFIED DIALYSIS TECHNICIAN**, or an applicant enrolled in the safe practice program.

(4) “Program” means the safe practice program.

(5) “Substance use disorder” means a disorder that occurs when an individual exhibits a pattern of behaviors ranging from the misuse of, dependence on, or addiction to drugs, alcohol, or other chemicals.

(b) (1) There is a Safe Practice Committee in the Board.

(j) In addition to the powers set forth elsewhere in this subtitle, the Committee may:

(1) Evaluate those registered nurses, advanced practice registered nurses, licensed practical nurses, nursing assistants, medication technicians, electrologists, licensed direct–entry midwives, licensed certified midwives, **CERTIFIED DIALYSIS TECHNICIANS**, or applicants who request participation in the program according to the guidelines prescribed by the Board and consider the recommendations for admission into the program;

(2) Receive and review information concerning a participant in the program;

(3) Consider in the case of each participant whether the participant may safely continue or resume to practice or qualify for licensure or certification to practice; and

(4) Have meetings as necessary to consider the requests of registered nurses, advanced practice registered nurses, licensed practical nurses, nursing assistants,

medication technicians, electrologists, licensed direct–entry midwives, licensed certified midwives, **CERTIFIED DIALYSIS TECHNICIANS**, or applicants to participate in the program, and consider reports regarding participants.

(m) (1) Each licensee, certificate holder, or applicant who requests to participate in the program shall agree to cooperate with the individual plan or agreement designed by the Committee.

(2) Any failure to comply with the conditions of a plan or agreement may result in the participant being expelled from the program.

(3) (i) The Committee shall report to the Board the name and license number of a registered nurse, licensed practical nurse, electrologist, licensed direct–entry midwife, or licensed certified midwife, the name and certificate number of an advanced practice registered nurse, a nursing assistant, [or] **A medication technician, OR A CERTIFIED DIALYSIS TECHNICIAN**, or the name of an applicant who is expelled from the program for failure to comply with the conditions of a plan or agreement.

(ii) The program shall transfer to the Board all records of any participant expelled from the program.

(4) If a participant is expelled from the program, the Board may:

(i) Initiate disciplinary action in accordance with the provisions of §§ 8–316 and 8–317, §§ 8–6A–10 and 8–6A–10.1, §§ 8–6B–18 and 8–6B–19, § 8–6C–20, or § 8–6D–10 of this title; and

(ii) Summarily suspend the license or certificate of any licensee or certificate holder in accordance with Title 10, Subtitle 2 of the State Government Article.

8–510.

(a) The Board may conduct a demonstration study to evaluate a proposed change to regulations regarding nursing practices or the activities of nursing assistants, DIALYSIS TECHNICIANS, or medication technicians in a practice setting.

Subtitle 6A. Certification of Nursing Assistants, DIALYSIS TECHNICIANS, and Medication Technicians.

8–6A–01.

(a) In this subtitle the following words have the meanings indicated.

(b) “Applicant” means, unless the context requires otherwise:

- (1) An individual applying for an initial certificate by examination or endorsement;
- (2) A certificate holder applying for renewal of a certificate; or
- (3) An individual applying for reinstatement of a certificate in accordance with § 8-6A-10 of this subtitle.

(C) (1) “APPROVED DIALYSIS TECHNICIAN TRAINING PROGRAM” MEANS A COURSE OF TRAINING APPROVED BY THE BOARD THAT ~~PREPARES:~~

(I) PREPARES THE APPLICANT FOR NATIONAL CERTIFICATION AND THAT MEETS;

(II) MEETS THE REQUIREMENTS OF 42 C.F.R. § 494.140(E)(3);
AND

(III) MEETS THE REQUIREMENTS SET BY THE BOARD IN REGULATION.

(2) “APPROVED DIALYSIS TECHNICIAN TRAINING PROGRAM” INCLUDES THE COURSES REQUIRED FOR NATIONAL CERTIFICATION AS:

(I) A CERTIFIED CLINICAL HEMODIALYSIS TECHNICIAN BY THE NEPHROLOGY NURSING CERTIFICATION COMMISSION;

(II) A CLINICAL NEPHROLOGY TECHNICIAN BY THE NATIONAL NEPHROLOGY CERTIFICATION ORGANIZATION; OR

(III) A CERTIFIED HEMODIALYSIS TECHNICIAN BY THE BOARD OF NEPHROLOGY EXAMINERS NURSING TECHNOLOGY.

[(c)] (D) “Approved medication technician training program” means a course of training approved by the Board that meets the basic medication technician core curriculum and the medication technician content training specific to the setting in which the medication technician will work.

[(d)] (E) “Approved nursing assistant training program” means a course of training that meets the basic nursing assistant curriculum prescribed and approved by the Board.

[(e)] (F) “Board” means the State Board of Nursing.

[(f)] (G) “Certificate” means a certificate issued by the Board to practice as a certified nursing assistant, **A CERTIFIED DIALYSIS TECHNICIAN**, or a certified medication technician in the State.

[(g)] (H) “Certificate holder” means a certified nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician who has:

- (1) An active certificate;
- (2) An inactive certificate;
- (3) A temporary certificate;
- (4) An expired temporary certificate;
- (5) An expired certificate;
- (6) A lapsed certificate;
- (7) A suspended certificate; or
- (8) A certificate subject to a reprimand, probation, or suspension.

(I) “CERTIFIED DIALYSIS TECHNICIAN” MEANS AN INDIVIDUAL WHO:

- (1) HAS COMPLETED A BOARD–APPROVED DIALYSIS TECHNICIAN PROGRAM; AND**
- (2) IS CERTIFIED BY THE BOARD AS A DIALYSIS TECHNICIAN.**

[(h)] (J) “Certified medication technician” means an individual who:

- (1) Has completed a Board–approved medication technician training program; and
- (2) Is certified by the Board as a medication technician.

[(i)] (K) “Certified medicine aide” means a certified nursing assistant who has completed a Board–approved course in medication administration.

[(j)] (L) “Certified nursing assistant”:

- (1) Means an individual regardless of title who routinely performs nursing tasks delegated by a registered nurse or licensed practical nurse for compensation; and

(2) Does not include a **CERTIFIED DIALYSIS TECHNICIAN OR A** certified medication technician.

[(k)] (M) “Department” means the Maryland Department of Health.

[(l)] (N) “Expired certificate” means a certificate that was not renewed before the expiration date of the certificate as established under § 8–6A–08(a) of this title.

[(m)] (O) “Geriatric nursing assistant” means a certified nursing assistant who has successfully completed the requirements for geriatric nursing assistant mandated under federal law and the regulations of the Board.

[(n)] (P) “Lapsed certificate” means a certificate that was not renewed because a certificate holder failed to renew the certificate or otherwise did not meet the renewal requirements of this subtitle.

8–6A–02.

(a) ~~Except~~ **SUBJECT TO SUBSECTION (E) OF THIS SECTION AND EXCEPT** as otherwise provided in this subtitle, an individual shall be certified by the Board to practice as a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician before the individual may practice as a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician in the State.

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

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

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

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

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

(i) Enrolled in a Board–approved nursing assistant training program; and

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

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

(6) PERFORMS DIALYSIS TECHNICIAN TASKS AS A STUDENT WHILE UNDER THE DIRECT SUPERVISION OF QUALIFIED FACULTY; OR

~~(6)~~ (7) Works as a principal or school secretary, does not administer medication as a routine part of the position, and has completed training by the delegating nurse for the occasion where the individual may need to administer medication in the absence of the nurse or medication technician.

(E) AN INDIVIDUAL SHALL BE CERTIFIED BY THE BOARD TO PRACTICE AS A NURSING ASSISTANT AND AS A DIALYSIS TECHNICIAN BEFORE THE INDIVIDUAL MAY PRACTICE AS A DIALYSIS TECHNICIAN IN A STATE-OWNED HOSPITAL OR STATE-OWNED FACILITY.

8-6A-03.

(C) AN INDIVIDUAL SHALL BE CERTIFIED AS A DIALYSIS TECHNICIAN BY THE BOARD BEFORE THE INDIVIDUAL MAY:

(1) USE THE TITLE “CERTIFIED DIALYSIS TECHNICIAN”;

(2) USE THE INITIALS “C.D.T.” AFTER THE NAME OF THE INDIVIDUAL; OR

(3) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS A CERTIFIED DIALYSIS TECHNICIAN.

[(c)] (D) An individual may not practice, attempt to practice, or offer to practice as a **CERTIFIED DIALYSIS TECHNICIAN OR A** certified medication technician without certification from the Board.

8-6A-04.

(a) (1) The Board shall set reasonable fees for the issuance and renewal of certificates and other services it provides to certified nursing assistants, **CERTIFIED DIALYSIS TECHNICIANS**, and certified medication technicians.

(2) The fees charged shall be set to produce funds to approximate the cost of maintaining the certification program and the other services provided to certified nursing assistants, **CERTIFIED DIALYSIS TECHNICIANS**, and certified medication technicians.

(b) (1) The Board shall pay all fees collected under the provisions of this subtitle to the Comptroller of the State.

(2) The Comptroller shall distribute all the fees to the State Board of Nursing Fund established under § 8–206 of this title.

8–6A–05.

(a) The Board shall adopt regulations establishing:

(1) Categories of certified nursing assistants, including geriatric nursing assistants, home health aides, school health aides, [dialysis technicians,] individuals working in developmental disabilities administration facilities, and medicine aides;

(2) Qualifications for each category of certified nursing assistant;

(3) QUALIFICATIONS FOR CERTIFIED DIALYSIS TECHNICIANS;

[(3)] (4) Qualifications for certified medication technicians; and

[(4)] (5) Standards for qualification of applicants for certification, including the applicant’s criminal history, work record, and prohibitions against behavior which may be potentially harmful to patients.

(b) To qualify for certification as a nursing assistant, a nursing assistant in a specific category, **A DIALYSIS TECHNICIAN**, or a medication technician, an applicant shall meet the requirements set by the Board.

(c) (1) An applicant for a certificate shall:

(i) Submit an application to the Board on the form that the Board requires;

(ii) Provide evidence, as required by the Board, of successful completion of:

1. An approved nursing assistant training program;

2. AN APPROVED DIALYSIS TECHNICIAN TRAINING PROGRAM;

[2.] 3. An approved course in medication administration; or

[3.] 4. A portion of an approved nursing education program that the Board determines meets the requirements of a nursing assistant training program, ~~DIALYSIS TRAINING COURSE~~, or medication administration course;

- (iii) Pay to the Board an application fee set by the Board;
- (iv) Be of good moral character;
- (v) Be at least 16 years old to apply for certification as a nursing assistant; [and]

(VI) BE AT LEAST 18 YEARS OLD TO APPLY FOR CERTIFICATION AS A DIALYSIS TECHNICIAN; AND

[(vi)] **(VII)** Be at least 18 years old to apply for certification as a medication technician.

(2) Subject to paragraph (1) of this subsection, an applicant for certification as a certified nursing assistant OR DIALYSIS TECHNICIAN shall submit to the Board:

- (i) A criminal history records check in accordance with § 8–303 of this title and § 8–6A–08(k) of this subtitle; and
- (ii) On the form required by the Board, written, verified evidence that the requirement of item (i) of this paragraph is being met or has been met.

(3) An applicant for certification as a certified medicine aide, in addition to the requirements under paragraph (1) of this subsection, shall submit an additional application to that effect to the Board on the form that the Board requires.

(4) An applicant for a certificate may not:

- (i) Have committed any act or omission that would be grounds for discipline or denial of certification under this subtitle; and
- (ii) Have a record of abuse, negligence, misappropriation of a resident's property, or any disciplinary action taken or pending in any other state or territory of the United States against the certification of the nursing assistant or medication technician in the state or territory.

8–6A–06.

Every applicant for certification by endorsement shall:

- (1) Pay the required application fee;

(2) Submit the information required by the Board in the manner and form specified by the Board; and

(3) Submit written evidence that the applicant:

(i) Is certified to practice as a nursing assistant **OR DIALYSIS TECHNICIAN** by another state or territory of the United States with requirements that are essentially similar to the requirements for certification established in this subtitle and that the certification is in good standing;

(ii) Has not committed any act or omission that would be grounds for discipline or denial of certification under this subtitle;

(iii) Has successfully completed nursing assistant training **OR DIALYSIS TECHNICIAN TRAINING** that meets the standards for an approved nursing assistant training program **OR DIALYSIS TECHNICIAN TRAINING PROGRAM** established under this subtitle and the standards adopted by the Board; and

(iv) Has no record of abuse, negligence, or misappropriation of a resident's property or any disciplinary action taken or pending in any other state or territory of the United States against the certification of the nursing assistant **OR DIALYSIS TECHNICIAN** in the state or territory.

8-6A-07.

(a) Subject to subsection (f) of this section, the Board shall certify any applicant who meets the requirements of this subtitle.

(b) (1) The Board shall:

(i) Issue each new certified nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician a certificate number and registration certificate that indicates the initial certificate was issued by the Board; and

(ii) Electronically record each certificate in the Board's database and on the Board's website.

(2) Each certificate shall include:

(i) Any expiration date;

(ii) The type of certificate; and

(iii) Any specific category of nursing assistant.

(c) An individual who has met the requirements for a certified nursing assistant shall be certified with the title of “certified nursing assistant”.

(d) An individual who routinely performs nursing tasks delegated by a registered nurse or licensed practical nurse for compensation and has also completed a Board–approved course in medication administration shall be certified with the title of “certified medicine aide”.

(E) AN INDIVIDUAL WHO HAS MET THE REQUIREMENTS FOR A CERTIFIED DIALYSIS TECHNICIAN SHALL BE CERTIFIED WITH THE TITLE OF “CERTIFIED DIALYSIS TECHNICIAN”.

[(e)] **(F)** An individual who has met the requirements for a certified medication technician shall be certified with the title of “certified medication technician”.

[(f)] **(G)** (1) The Board may issue a temporary practice certificate to an applicant who:

(i) Has met the appropriate certification requirements of this subtitle to the satisfaction of the Board; and

(ii) Does not have a criminal record and has not been the subject of a health professional disciplinary action in this State or another jurisdiction.

(2) Unless the Board suspends or revokes a temporary practice certificate, the temporary practice certificate expires 90 days after issuance.

(3) A temporary practice certificate may be extended up to an additional 90 days if the applicant is awaiting the completion of criminal history record information.

[(g)] **(H)** A medication technician graduate may practice for no more than 90 days from the date of completion of a medication technician training program without certification by the Board.

[(h)] **(I)** (1) On receipt of the criminal history record information of an applicant for certification as a certified nursing assistant **OR DIALYSIS TECHNICIAN** forwarded to the Board in accordance with § 8–303 of this title, in determining whether to grant a certificate, the Board shall consider:

(i) The age at which the crime was committed;

(ii) The circumstances surrounding the crime;

(iii) The length of time that has passed since the crime;

(iv) Subsequent work history;

(v) Employment and character references; and

(vi) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a certificate if the criminal history record information required under § 8–303 of this title has not been received.

8–6A–08.

(a) A certificate expires on the 28th day of the birth month of the nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician, unless the certificate is renewed for a 2–year term as provided in this section.

(b) (1) At least 3 months before a certificate expires, the Board shall send a renewal notice to the ~~nursing assistant, DIALYSIS TECHNICIAN, or medication technician~~ **CERTIFICATE HOLDER** by:

(i) First–class mail to the last known mailing address of the ~~nursing assistant or medication technician~~ **CERTIFICATE HOLDER**; or

(ii) Electronic means to the last known electronic address of the certificate holder.

(2) A renewal notice shall state:

(i) The date on which the current certificate expires;

(ii) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the certificate expires; and

(iii) The amount of the renewal fee.

(3) If a nursing assistant, ~~DIALYSIS TECHNICIAN, or medication~~ **OR DIALYSIS** technician is required to have a criminal history records check before a certificate may be renewed, the Board shall send the nursing assistant, ~~DIALYSIS TECHNICIAN, or medication~~ **OR DIALYSIS** technician the documents necessary for initiating the criminal history records check in conjunction with the renewal notice required under paragraph (1) of this subsection.

(c) Before a certificate expires, a nursing assistant periodically may renew it for an additional term, if the certificate holder:

(1) Otherwise is entitled to be certified;

(2) Submits to the Board a renewal application on the form that the Board requires;

(3) Pays to the Board a renewal fee set by the Board; and

(4) Provides satisfactory evidence of completion of:

(i) 16 hours of active nursing assistant practice within the 2-year period immediately preceding the date of ~~renewal~~ EXPIRATION; or

(ii) If the nursing assistant did not complete 16 hours of active practice as required under item (i) of this item, an approved nursing assistant training program or an approved nursing assistant refresher training program as required in regulations adopted by the Board in accordance with subsection (m) of this section.

(d) In addition to the requirements in subsection (c)(1), (2), and (3) of this section, a certified medicine aide shall:

(1) Provide satisfactory evidence of completion of 100 hours of practice as a certified medicine aide in the 2-year period preceding the date of ~~renewal~~ EXPIRATION; and

(2) Successfully complete a Board-approved medicine aide continuing education program.

(E) BEFORE A CERTIFICATE EXPIRES, A DIALYSIS TECHNICIAN PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL TERM, IF THE CERTIFICATE HOLDER:

(1) OTHERWISE IS ENTITLED TO BE CERTIFIED;

(2) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM THAT THE BOARD REQUIRES;

(3) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;

~~**(4) HAS COMPLETED 16 HOURS OF PRACTICE AS A DIALYSIS TECHNICIAN IN THE 2-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF RENEWAL;**~~

~~**(5) HAS COMPLETED A 3-HOUR CONTINUING EDUCATION COURSE APPROVED BY THE BOARD; AND**~~

(4) HAS COMPLETED:

(I) 1. 16 HOURS OF PRACTICE AS A DIALYSIS TECHNICIAN IN THE 2-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF EXPIRATION; AND

2. A 3-HOUR CONTINUING EDUCATION COURSE APPROVED BY THE BOARD; OR

(II) A DIALYSIS TECHNICIAN TRAINING PROGRAM APPROVED BY THE BOARD; AND

~~(6)~~ (5) HAS AN ACTIVE NATIONAL CERTIFICATION LISTED IN § 8-6A-01(C)(2) OF THIS SUBTITLE.

[(e)] (F) Before a certificate expires, a medication technician periodically may renew it for an additional term, if the certificate holder:

- (1) Otherwise is entitled to be certified;
- (2) Submits to the Board a renewal application on the form that the Board requires;
- (3) Pays to the Board a renewal fee set by the Board;
- (4) Every 2 years, provides satisfactory evidence of completion of a Board-approved clinical refresher course; and
- (5) Provides satisfactory evidence of completion of 100 hours of practice as a certified medication technician within the 2-year period preceding the date of renewal.

[(f)] (G) The Board may grant a 30-day extension, beyond a certificate's expiration date, to a certificate holder so that the certificate holder may renew the certificate before it expires.

[(g)] (H) The Board shall reinstate the certificate of a certificate holder who has failed to renew the certificate for any reason if the certificate holder meets the applicable renewal requirements of subsections (c) through **[(e)] (F)** and **[(k)(1)(i)2] (L)(1)(I)2** of this section.

[(h)] (I) Subject to subsection **[(i)] (J)** of this section, the Board shall renew the certificate of each nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician who meets the requirements of this section.

[(i)] (J) (1) Within 60 days after a change has occurred, each certificate holder shall notify the Board in writing of any change in a name or address.

(2) If the certificate holder fails to notify the Board within the time required under this subsection, the Board may impose an administrative penalty of \$25 on the certificate holder.

~~[(j)]~~ **(K)** The Board shall pay any penalty collected under this subsection to the General Fund of the State.

~~[(k)]~~ **(L)** (1) (i) The Board shall require criminal history records checks in accordance with § 8–303 of this title on:

1. Selected applicants for certification as a certified nursing assistant **OR DIALYSIS TECHNICIAN** who renew their certificates every 2 years as determined by regulations adopted by the Board; and

2. Each former certified nursing assistant **OR DIALYSIS TECHNICIAN** who files for reinstatement under subsection ~~[(g)]~~ **(H)** of this section after failing to renew the certificate for a period of 1 year or more.

(ii) An additional criminal history records check shall be performed every 12 years thereafter.

(2) On receipt of the criminal history record information of a certificate holder forwarded to the Board in accordance with § 8–303 of this title, in determining whether to initiate disciplinary action against the certificate holder based on the information received, the Board shall consider:

(i) The age at which the crime was committed;

(ii) The circumstances surrounding the crime;

(iii) The length of time that has passed since the crime;

(iv) Subsequent work history;

(v) Employment and character references; and

(vi) Other evidence that demonstrates whether the certificate holder poses a threat to the public health or safety.

(3) The Board may not renew a certificate without written documentation that the applicant has submitted to a criminal history records check as required under § 8–303 of this title.

~~[(l)]~~ **(M)** (1) If an individual has been certified by the Board to practice as a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician in the State in accordance with the requirements of this subtitle, the individual subsequently may be

certified as a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician on inactive status.

(2) The Board shall place a certificate holder on inactive status and record the inactive status in the Board's database and on the Board's website if the certificate holder:

(i) Submits documentation of a medical condition that the Board determines will prevent the certificate holder from practicing as a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician; and

(ii) Completes the biennial application for inactive status and submits documentation of a continuing medical condition.

(3) A certificate holder on inactive status may apply for reactivation of the certificate if the certificate holder:

(i) Submits documentation satisfactory to the Board that the medical condition for which the inactive status was granted no longer exists; and

(ii) Meets the renewal requirements of this section.

(4) If a certificate holder meets the requirements of paragraph (3) of this subsection, the Board shall:

(i) Record the status of the certificate holder as active in the Board's database and on the Board's website; and

(ii) Reactivate the certificate holder's certificate to practice as a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician in the State.

(5) The Board may not charge a fee to place the certificate holder on or remove the certificate holder from inactive status under this subsection.

(6) Inactive status:

(i) May not be considered a disciplinary action under § 8-6A-10 of this subtitle; and

(ii) May not be reported to any certifying entity, employer, or insurance company as a disciplinary action.

[(m)] (N) (1) The Board shall adopt regulations to specify:

(i) The circumstances under which a nursing assistant, as a condition of renewal, is required to complete either an approved nursing assistant training program or an approved nursing assistant refresher training program; and

(ii) The number of didactic instruction hours and clinical training hours the nursing assistant training program or nursing assistant refresher training program must have to be approved.

(2) Regulations adopted under paragraph (1) of this subsection must be consistent with federal law.

8-6A-09.

(a) The Board may impose a civil fine not exceeding \$50 on a certified nursing assistant, **A CERTIFIED DIALYSIS TECHNICIAN**, or a certified medication technician who fails to renew a certificate within 30 days after its expiration date and practices as a certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician during the period of expiration.

(b) The Board shall pay any penalty collected under this section to the General Fund of the State.

8-6A-10.

(a) Subject to the hearing provisions of § 8-317 of this title and § 8-6A-10.1 of this subtitle, the Board may deny a certificate or grant a certificate, including a certificate subject to a reprimand, probation, or suspension, to any applicant, reprimand any certificate holder, place any certificate holder on probation, or suspend or revoke the certificate of a certificate holder, if the applicant or certificate holder:

(1) Fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant or for another;

(2) Fraudulently or deceptively uses a certificate;

(3) Is disciplined by a licensing, military, or disciplinary authority in this State or in any other state or country or convicted or disciplined by a court in this State or in any other state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(5) Files a false report or record of an individual under the certificate holder's care;

- (6) Gives any false or misleading information about a material matter in an employment application;
- (7) Fails to file or record any health record that is required by law;
- (8) Induces another individual to fail to file or record any health record that is required by law;
- (9) Has violated any order, rule, or regulation of the Board relating to the practice or certification of a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician;
- (10) Provides services as a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician while:
 - (i) Under the influence of alcohol; or
 - (ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (11) Has a substance use disorder;
- (12) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article;
- (13) Has acted in a manner inconsistent with the health or safety of an individual under the applicant or certificate holder’s care;
- (14) Has practiced as a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician in a manner which fails to meet generally accepted standards for the practice of a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician;
- (15) Has physically, verbally, or psychologically abused, neglected, or otherwise harmed an individual under the applicant or certificate holder’s care;
- (16) Has a physical or mental condition which renders the applicant or certificate holder unable to practice as a certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician with reasonable skill and safety to the patients and which may endanger the health or safety of individuals under the care of the applicant or certificate holder;
- (17) Has violated the confidentiality of information or knowledge as prescribed by law concerning any patient;

- (18) Has misappropriated patient or facility property;
- (19) Performs certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician functions incompetently;
- (20) Has violated any provision of this title or has aided or knowingly permitted any individual to violate any provision of this title;
- (21) Submits a false statement to collect a fee;
- (22) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the applicant or certificate holder is certified and qualified to render because the individual is HIV positive;
- (23) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control and Prevention's guidelines on universal precautions;
- (24) Fails to cooperate with a lawful investigation conducted by the Board;
- (25) Fails to comply with instructions and directions of the supervising registered nurse or licensed practical nurse;
- (26) When holding an expired certificate or a lapsed certificate, commits any act that would be grounds for disciplinary action under this section;
- (27) Practices as a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician before obtaining or renewing the certificate, including any time period when practicing as a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician on an expired certificate or a lapsed certificate;
- (28) Impersonates another individual:
 - (i) Licensed under the provisions of this title; or
 - (ii) Who holds a certificate issued under the provisions of this title;
- (29) Engages in conduct that violates the code of ethics;
- (30) Performs activities that exceed the education and training of the certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician;
- (31) Is expelled from the safe practice program established pursuant to § 8-208 of this title for failure to comply with the conditions of the program;

(32) Fails to submit to a criminal history records check in accordance with § 8–303 of this title as required under § 8–6A–05(c)(2) of this subtitle;

(33) Abandons a patient; or

(34) Is a director of nursing, or acts in the capacity of a director of nursing and knowingly employs an individual who is not authorized to perform delegated nursing duties under this subtitle.

(b) If, after a hearing under § 8–317 of this title and § 8–6A–10.1 of this subtitle, the Board finds that there are grounds under subsection (a) of this section to suspend or revoke a certificate to practice as a certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician, to reprimand a certificate holder, or place a certificate holder on probation, the Board may impose a penalty not exceeding \$500 instead of or in addition to suspending or revoking the certificate, reprimanding the certificate holder, or placing the certificate holder on probation.

(c) (1) If a certificate issued under this subtitle was suspended or revoked for a period of more than 1 year, or if a period of more than 1 year has passed since a certificate was surrendered, the Board may reinstate the certificate if the certificate holder:

(i) Applies to the Board for reinstatement;

(ii) Meets the requirements for renewal under § 8–6A–08 of this subtitle;

(iii) Meets any other requirements for reinstatement as established by the Board in regulations; and

(iv) Submits to a criminal history records check in accordance with § 8–303 of this title.

(2) If a certificate holder meets the requirements of paragraph (1) of this subsection, the Board may:

(i) Reinstate the certificate;

(ii) Reinstate the certificate subject to terms and conditions that the Board considers necessary, including a period of probation; or

(iii) Deny reinstatement of the certificate.

8–6A–12.

(a) Unless the Board agrees to accept the surrender of a certificate, a certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician may not surrender the certificate.

(b) The Board may require terms and conditions on an agreement with the certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician to accept surrender of the certificate.

(c) An agreement to accept the surrender of a certificate is a final order of the Board and is a public record.

8-6A-13.

(a) The Board shall appoint an advisory committee consisting of at least **[15] 17** members.

(b) Of the **[15] 17** committee members:

(1) Six shall be nursing assistants:

(i) One shall be an acute care nursing assistant;

(ii) One shall be a home care nursing assistant;

(iii) One shall be a long-term care nursing assistant;

(iv) One shall be an adult medical day care nursing assistant;

(v) At least one of the nursing assistant members shall be a member of a union; and

(vi) One shall be an independent contractor;

(2) Three shall be registered nurses:

(i) One shall be an acute care registered nurse;

(ii) One shall be a home care registered nurse; and

(iii) One shall be a long-term care registered nurse;

(3) **[One] TWO** shall be **[an administrator] ADMINISTRATORS** from **[a] licensed health care [facility] FACILITIES**;

(4) One shall be a licensed practical nurse;

- (5) One shall be an individual who teaches a nursing assistant course;
- (6) One shall be a consumer member who has received care, or has a family member who has received care from a nursing assistant;
- (7) One shall be a representative of the Department; [and]
- (8) One shall be a certified medication technician; **AND**
- (9) ONE SHALL BE A CERTIFIED DIALYSIS TECHNICIAN.**

8-6A-14.1.

The Board may make survey visits from time to time, without prior notice, to all Board-approved medication technician training **AND DIALYSIS TECHNICIAN TRAINING** programs.

8-6A-15.

(a) If, during the review of an application for certification or investigation of an allegation brought against a certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician under this subtitle, the Board has reason to believe and objective evidence that the applicant, certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician may cause harm to a person affected by the practice of the applicant, certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician, the Board, on its own initiative, shall direct the applicant, certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician to submit to an appropriate examination by a health care provider designated by the Board.

(b) In return for the privilege to practice as a certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician in the State, an applicant, certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician is deemed to have:

- (1) Consented to submit to an examination under this section if requested by the Board in writing; and
- (2) Waived any legal claim of privilege as to the testimony or examination reports of the examining health care provider.

(c) The failure or refusal of an applicant, certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician to submit to an examination required under subsection (b) of this section is prima facie evidence of the inability of the applicant, certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified

medication technician to competently practice as a certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician, unless the Board finds that the failure or refusal was beyond the control of the applicant, certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician.

(d) The Board shall pay the cost of any examination made in accordance with the provisions of this section.

8-701.

(H) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A CERTIFIED DIALYSIS TECHNICIAN UNLESS ~~LICENSED~~ CERTIFIED BY THE BOARD TO PRACTICE AS A CERTIFIED DIALYSIS TECHNICIAN.

[(h)] **(I)** An individual may not require a licensee to perform an act that is beyond the licensee's knowledge and skills.

[(i)] **(J)** An individual may not direct a licensee to delegate a nursing task to a nurse when the individual reasonably believes:

- (1) The nurse lacks the knowledge and skills to perform the nursing task;
- or
- (2) The patient's condition does not allow delegation of the nursing task.

8-703.

(a) (4) Unless authorized to provide patient care as a certified nursing assistant, **DIALYSIS TECHNICIAN**, or medication assistant under this title, an individual may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the individual is authorized to provide care as a certified nursing assistant, **DIALYSIS TECHNICIAN**, or medication assistant in this State.

(J) UNLESS AUTHORIZED TO PRACTICE AS A CERTIFIED DIALYSIS TECHNICIAN UNDER THIS TITLE, AN INDIVIDUAL MAY NOT USE THE WORDS OR TERMS "DIALYSIS TECHNICIAN" OR "CERTIFIED DIALYSIS TECHNICIAN", THE ABBREVIATION "C.D.T.", OR ANY OTHER TITLE, SYMBOL, ABBREVIATION, SIGN, CARD, DEVICE, OR OTHER REPRESENTATION WITH THE INTENT TO REPRESENT THAT THE INDIVIDUAL PRACTICES AS A CERTIFIED DIALYSIS TECHNICIAN.

8-705.

(F) AN INDIVIDUAL MAY NOT PRACTICE AS A CERTIFIED DIALYSIS TECHNICIAN UNDER COLOR OF ANY DIPLOMA, LICENSE, RECORD, OR CERTIFICATE THAT IS:

(1) ILLEGALLY OR FRAUDULENTLY OBTAINED; OR

(2) SIGNED OR ISSUED UNLAWFULLY OR BY FRAUDULENT REPRESENTATION.

8-706.

(H) AN INDIVIDUAL MAY NOT KNOWINGLY EMPLOY TO PRACTICE AS A CERTIFIED DIALYSIS TECHNICIAN ANY INDIVIDUAL WHO IS NOT AUTHORIZED TO PRACTICE AS A CERTIFIED DIALYSIS TECHNICIAN UNDER THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.