

HOUSE BILL 278

J2
SB 513/22 – EHE

3lr1706
CF SB 213

By: ~~Delegate Cullison~~ Delegates Cullison, Alston, Bagnall, Bhandari, Chisholm, Guzzone, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, Martinez, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, Szeliga, Taveras, White, and Woods

Introduced and read first time: January 25, 2023
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 1, 2023

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Clinical Nurse Specialists – Prescribing**

3 FOR the purpose of defining “clinical nurse specialist” and “practice as a clinical nurse
4 specialist” for the purpose of authorizing clinical nurse specialists to prescribe drugs
5 and durable medical equipment under regulations adopted by the State Board of
6 Nursing; altering the definition of “authorized prescriber” for purposes of the
7 Maryland Pharmacy Act to include clinical nurse specialists; authorizing a licensed
8 physician to personally prepare and dispense a prescription written by a clinical
9 nurse specialist; and generally relating to the prescription authority of clinical nurse
10 specialists.

11 BY repealing and reenacting, without amendments,
12 Article – Health Occupations
13 Section 8–101(a) and (b)
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2022 Supplement)

16 BY adding to
17 Article – Health Occupations
18 Section 8–514
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2022 Supplement)

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 BY repealing and reenacting, with amendments,
 2 Article – Health Occupations
 3 Section 12–101(b) and 12–102(c)(2)(iv)2.
 4 Annotated Code of Maryland
 5 (2021 Replacement Volume and 2022 Supplement)

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

8 **Article – Health Occupations**

9 8–101.

- 10 (a) In this title the following words have the meanings indicated.
- 11 (b) “Advanced practice registered nurse” means an individual who:
- 12 (1) (i) Is licensed by the Board to practice registered nursing; or
- 13 (ii) Has a multistate licensure privilege to practice registered
 14 nursing under the Nurse Licensure Compact; and
- 15 (2) Is certified by the Board to practice as:
- 16 (i) A nurse practitioner;
- 17 (ii) A nurse anesthetist;
- 18 (iii) A nurse midwife; or
- 19 (iv) A clinical nurse specialist.

20 **8–514.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
 22 **INDICATED.**

23 **(2) “CLINICAL NURSE SPECIALIST” MEANS AN INDIVIDUAL WHO IS:**

24 **(1) 1. LICENSED IS LICENSED BY THE BOARD TO PRACTICE**
 25 **REGISTERED NURSING; OR**

26 **2. HAS A MULTISTATE LICENSURE PRIVILEGE TO**
 27 **PRACTICE REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT; AND**

1 **(II) ~~CERTIFIED~~ IS CERTIFIED BY THE BOARD TO PRACTICE AS A**
 2 **CLINICAL NURSE SPECIALIST; AND**

3 **~~(III) AUTHORIZED TO PRESCRIBE DRUGS AND DURABLE~~**
 4 **~~MEDICAL EQUIPMENT UNDER REGULATIONS ADOPTED BY THE BOARD.~~**

5 **(3) (I) “PRACTICE AS A CLINICAL NURSE SPECIALIST” MEANS TO:**

- 6 1. **PROVIDE DIRECT CARE TO PATIENTS WITH COMPLEX**
 7 **NEEDS;**
- 8 2. **ACT AS A CONSULTANT TO ANOTHER HEALTH CARE**
 9 **PROVIDER AS NEEDED;**
- 10 3. **CONDUCT HEALTH-RELATED RESEARCH; AND**
- 11 4. **PROVIDE EDUCATION AND GUIDANCE FOR STAFF**
 12 **NURSES.**

13 **(II) “PRACTICE AS A CLINICAL NURSE SPECIALIST” INCLUDES:**

- 14 1. **ORDERING, PERFORMING, AND INTERPRETING**
 15 **LABORATORY TESTS;**
- 16 2. **ORDERING DIAGNOSTIC TESTS AND USING THE**
 17 **FINDINGS OR RESULTS IN THE CARE OF PATIENTS;**
- 18 3. **PRESCRIBING DRUGS AND DURABLE MEDICAL**
 19 **EQUIPMENT ~~AS PROVIDED UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION~~ UNDER**
 20 **REGULATIONS ADOPTED BY THE BOARD;**
- 21 4. **ORDERING HOME HEALTH AND HOSPICE CARE; AND**
- 22 5. **INITIATING, MONITORING, AND ALTERING**
 23 **APPROPRIATE THERAPIES OR TREATMENTS.**

24 **(B) PRACTICE AS A CLINICAL NURSE SPECIALIST IS GOVERNED BY RULES**
 25 **AND REGULATIONS THAT ARE ADOPTED UNDER § 8-205 OF THIS TITLE AND THAT**
 26 **CONCERN ADDITIONAL ACTS IN THE PRACTICE OF REGISTERED NURSING.**

27 12-101.

28 (b) “Authorized prescriber” means any licensed dentist, licensed dental hygienist
 29 with prescriptive authority under § 4-206.4 of this article, licensed physician, licensed
 30 podiatrist, licensed veterinarian, advanced practice **REGISTERED** nurse with prescriptive

1 authority under ~~§ 8-508 OR § 8-514~~ **TITLE 8** of this article, licensed nurse anesthetist, or
2 other individual authorized by law to prescribe prescription or nonprescription drugs or
3 devices.

4 12-102.

5 (c) (2) This title does not prohibit:

6 (iv) A licensed physician who complies with the requirements of item
7 (ii) of this paragraph from personally preparing and dispensing a prescription written by:

8 2. [A nurse practitioner who is authorized to practice under
9 Title 8, Subtitle 3] **AN ADVANCED PRACTICE REGISTERED NURSE WITH**
10 **PRESCRIPTIVE AUTHORITY UNDER ~~§ 8-508 OR § 8-514~~ TITLE 8** of this article and is
11 working with the physician in the same office setting; or

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.