

HOUSE BILL 278

J2
SB 513/22 – EHE

3lr1706
CF SB 213

By: **Delegate Cullison**

Introduced and read first time: January 25, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

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)

21 BY repealing and reenacting, with amendments,
22 Article – Health Occupations
23 Section 12–101(b) and 12–102(c)(2)(iv)2.
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2022 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health Occupations

1

2 8–101.

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

4 (b) “Advanced practice registered nurse” means an individual who:

5 (1) (i) Is licensed by the Board to practice registered nursing; or

6 (ii) Has a multistate licensure privilege to practice registered
7 nursing under the Nurse Licensure Compact; and

8 (2) Is certified by the Board to practice as:

9 (i) A nurse practitioner;

10 (ii) A nurse anesthetist;

11 (iii) A nurse midwife; or

12 (iv) A clinical nurse specialist.

13 **8–514.**14 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
15 **INDICATED.**16 **(2) “CLINICAL NURSE SPECIALIST” MEANS AN INDIVIDUAL WHO IS:**17 **(I) LICENSED BY THE BOARD TO PRACTICE REGISTERED**
18 **NURSING;**19 **(II) CERTIFIED BY THE BOARD TO PRACTICE AS A CLINICAL**
20 **NURSE SPECIALIST; AND**21 **(III) AUTHORIZED TO PRESCRIBE DRUGS AND DURABLE**
22 **MEDICAL EQUIPMENT UNDER REGULATIONS ADOPTED BY THE BOARD.**23 **(3) (I) “PRACTICE AS A CLINICAL NURSE SPECIALIST” MEANS TO:**24 **1. PROVIDE DIRECT CARE TO PATIENTS WITH COMPLEX**
25 **NEEDS;**

- 1 **2. ACT AS A CONSULTANT TO ANOTHER HEALTH CARE**
- 2 **PROVIDER AS NEEDED;**
- 3 **3. CONDUCT HEALTH-RELATED RESEARCH; AND**
- 4 **4. PROVIDE EDUCATION AND GUIDANCE FOR STAFF**
- 5 **NURSES.**

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

- 7 **1. ORDERING, PERFORMING, AND INTERPRETING**
- 8 **LABORATORY TESTS;**
- 9 **2. ORDERING DIAGNOSTIC TESTS AND USING THE**
- 10 **FINDINGS OR RESULTS IN THE CARE OF PATIENTS;**
- 11 **3. PRESCRIBING DRUGS AND DURABLE MEDICAL**
- 12 **EQUIPMENT AS PROVIDED UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION;**
- 13 **4. ORDERING HOME HEALTH AND HOSPICE CARE; AND**
- 14 **5. INITIATING, MONITORING, AND ALTERING**
- 15 **APPROPRIATE THERAPIES OR TREATMENTS.**

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

19 12-101.

20 (b) “Authorized prescriber” means any licensed dentist, licensed dental hygienist
 21 with prescriptive authority under § 4-206.4 of this article, licensed physician, licensed
 22 podiatrist, licensed veterinarian, advanced practice **REGISTERED** nurse with prescriptive
 23 authority under § 8-508 **OR § 8-514** of this article, licensed nurse anesthetist, or other
 24 individual authorized by law to prescribe prescription or nonprescription drugs or devices.

25 12-102.

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

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

29 2. [A nurse practitioner who is authorized to practice under
 30 Title 8, Subtitle 3] **AN ADVANCED PRACTICE REGISTERED NURSE WITH**

1 **PRESCRIPTIVE AUTHORITY UNDER § 8-508 OR § 8-514** of this article and is working
2 with the physician in the same office setting; or

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