



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall,
Secretary

02/18/2020

The Honorable Paul G. Pinsky
Chair, Education, Health and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB0604 - Public and Nonpublic Schools - Medical Cannabis - Policy for Administration During School Hours and Events – Letter of Concern

Dear Chair Pinsky:

The Maryland Board of Nursing (“the Board”) is submitting this letter of concern for **SB0604 - Public and Nonpublic Schools - Medical Cannabis - Policy for Administration During School Hours and Events**. This bill authorizes a parent or legal guardian of a medical cannabis patient under the age of 18 years to designate an adult to be a caregiver, in addition to the parent or legal guardian. It increases the number of caregivers a patient may be assigned, and it repeals a limitation on the number of qualifying patients that a caregiver may serve. This bill also requires the State Department of Education and the Natalie M. LaPrade Medical Cannabis Commission to jointly develop guidelines for public schools regarding the administration of medical cannabis to certain students during school hours and school-sponsored after-school activities and on school buses. The bill provides for the contents of the guidelines. It requires, on or before a certain date, the Department and the Commission jointly to provide certain technical assistance to schools for certain purposes, to develop a process to monitor implementation of certain guidelines, and to share certain guidelines with certain nonpublic schools. This bill authorizes nonpublic schools to adopt a certain policy regarding the administration of medical cannabis to certain students during school hours and school-sponsored after-school activities. It requires the Commission to provide certain assistance to certain nonpublic schools. This bill generally relates to medical cannabis and public and nonpublic schools.

Nursing practice is measured according to the relevant standards of care. This is the minimum level of competent nursing practice demonstrated through assessment, analysis, formulation of nursing diagnosis, outcome identification, planning, implementation, and evaluation Code of Maryland Regulations, §10.27.09.01B (25). The Board is concerned that cannabis legislation has outpaced research, thereby creating a practice in nursing that cannot be adequately regulated. This leaves nurses with few resources when caring for patients with medical cannabis. Nurses are instructed to utilize nursing drug handbooks and other technical resources to ensure safe medication administration. These resources provide critical medication administration guidelines including recommended dosages, side effects and contraindications. Additionally, these

guidelines are developed according to scientific evidenced-based practice. Without a relevant standard of care for nursing administration of medical cannabis to pediatric patients, the Board would not have a standard of practice to apply to nurses' performance in the administration of medical cannabis.

The Drug Enforcement Agency (DEA) classifies cannabis as a schedule I Controlled Substance.¹ Nurses currently administer schedules II – V in strict compliance with DEA regulation. The school nurse is often the only licensed health care professional in this practice setting. She or he will be responsible for the safe administration and assessment of the pediatric patient receiving this controlled dangerous substance. Depending on the route of administration the risks to the patient may increase.

SB 604 mandates the Maryland Medical Cannabis Commission and the Maryland Department of Education to participate in the instruction of school nurses on issues related to medical cannabis. However, the bill does not provide for the Board of Nursing involvement in the training for administration of a controlled dangerous substance by the licensees it regulates. The mission of the Maryland Board of Nursing is to advance safe quality care in Maryland through licensure, certification, education, and accountability for public protection. If school nurses are to be accountable for administration of medical cannabis to students, it is critical to the Board that it be involved in the discussion involving the guidelines and training for administration of medical cannabis by school nurses.

For the reasons discussed above, the Board of Nursing submits this letter of concern for SB0604.

For more information, please contact Rhonda Scott, Deputy Director, at (410) – 585 – 1953 (rhonda.scott2@maryland.gov) or Karen E. B. Eyans, Executive Director, at (410) – 585 – 1914 (karene.evans@maryland.gov).

Sincerely,

A handwritten signature in blue ink that reads "Gary N. Hicks" followed by a stylized flourish.

Gary N. Hicks
Board President

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.

¹ Nursing Care of the Patient Using Medical Marijuana, Journal of Nursing Regulation, Vol 9/Issue 2, July 2018