

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of Health and Mental Hygiene  
(DLS Control No. 15-176)**

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## **Overview and Legal and Fiscal Impact**

The regulations relate to the authority of a certified nurse practitioner to practice. The regulations repeal a specified prohibition against a certified nurse practitioner practicing in the State unless the nurse practitioner has an approved attestation for collaboration and consulting with a physician and in accordance with specified standards. This requirement is being replaced with a requirement that for an initial certification, a nurse practitioner is required to identify on the application a nurse practitioner or physician who will act as a mentor to the nurse practitioner for a specified period time. The regulations also make conforming and stylistic changes.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

## **Regulations of COMAR Affected**

### **Department of Health and Mental Hygiene:**

Board of Nursing: Practice of the Nurse Practitioner: COMAR 10.27.07.01-.09

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## **Legal Analysis**

### **Background**

The Department of Health and Mental Hygiene proposes adopting these regulations to comply with the provisions of Chapter 468 of 2015, Certified Nurse Practitioners – Authority to Practice.

### **Summary of Regulations**

The regulations relate to the authority of a certified nurse practitioner to practice. The regulations make various technical and conforming changes and renumber several regulations within Chapter .07 including .05 to .04, .06 and .07 to be .05 and .06, and .10 and .11 to be .07 and .08.

Substantively, the regulations:

- .01 – repeal the definition of “attestation”, define the term “mentor”, and revise the definition of “nurse practitioner”;
- .02 – add to the scope of practice of a psychiatric nurse practitioner by authorizing the psychiatric nurse practitioner, together with a physician, to sign specified applications for patient admission to a facility for treatment of a mental disorder;
- .03 – revise the requirements for an application for an initial certification as a nurse practitioner to require the identification of a nurse practitioner or licensed physician mentor on the initial application for a period of 18 months beginning the day the application is submitted to the State Board of Nursing and repeal language requiring an applicant to pass a board-approved examination;
- .04 – require a nurse practitioner to maintain an active certification while practicing and require the board to deem a certification as lapsed if the board has no record of a current active certification at the time of certificate renewal;
- .05 – revise the regulation regarding practice before certification to require presentation of evidence to the board of submission of an application to take a board-approved national certification examination and provision of the name of a specified certified nurse practitioner who will directly supervise the nurse practitioner graduate or authorization for a physician to provide direct supervision, if the graduate can provide the name of a specified certificate nurse practitioner with whom the graduate has regular consultation;
- .06 – make various technical and conforming changes and require an applicant seeking certification as a nurse practitioner in the State to have graduated from a board-approved nationally accredited education program for nurse practitioners in a school of nursing accredited by specified accrediting bodies or any other national accrediting body recognized by the board; and
- .09 – repeal certain provisions that prohibit the unauthorized use of specified abbreviations if the individual is not authorized to practice as a nurse practitioner by the board.

## **Legal Issues**

The regulations present no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The department cites § 2-301 of the Family Law Article; §§ 4-208(a), 4-212, 5-601(c) through (e), 5-608(c), 10-616, 10-628, 13-701, and 13-704 of the Health – General Article;

§§ 8-205(a)(1), (2), (4), and (5) and 8-302 of the Health Occupations Article; and §§ 13-616(a) and (b) and 13-704 of the Transportation Article as statutory authority for the regulations. More specifically, §§ 8-205(a)(1) and (5) and 8-302 of the Health Occupations Article are authority for these regulations.

Section 8-205(a)(1) and (5) of the Health Occupations Article authorizes the board to adopt rules and regulations to carry out the provisions of the title regarding the practice of nurses in the State and to adopt rules and regulations for registered nurses to perform specified independent nursing functions. Section 8-302 sets forth the qualifications for a license or certification as an advanced practice nurse including the requirements for an initial certification as a nurse practitioner who has not been certified by the board or any other board of nursing.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The regulations (1) repeal the definition of, and requirement to provide, a written attestation; (2) define the term “mentor” and add the identification of a mentor to the application requirements; (3) add additional independent functions that a nurse practitioner may perform; (4) repeal the requirement for a list of nurse practitioner competencies; (5) add a requirement for continuous national certification; (6) require current national certification for renewal; and (7) make clarifying, stylistic, and technical changes. The State Board of Nursing advises that the changes to the regulations will have no fiscal impact. The Department of Legislative Services concurs and further notes that items (1) and (2) implement provisions of Chapter 468 of 2015 (House Bill 990). Moreover, item (3) implements provisions of Chapter 330 of 2015 (Senate Bill 195). Any fiscal impact due to these changes has already been assumed under the fiscal and policy notes for House Bill 990 and Senate Bill 195.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The board advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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