

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	08/10/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 9/18/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 27 07 01-.09

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

Michele Phinney

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410-767-5623

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5. Name of Person to Call About this Document

Shirley Devaris

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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: June 5, 2015.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Sarah E. Pendley, Assistant Attorney General, (telephone #410-585-2049) on August 3, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Van T. Mitchell

Title

Secretary

Telephone No.

410-767-6500

Date

August 10, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 27 BOARD OF NURSING

10.27.07 Practice of the Nurse Practitioner

Authority: Health Occupations Article, §§ 8-205(a)(1), (2), (4), and (5) and 8-302; Health General Article §§4-208(a), 4-212, 5-601(c)-(e), 5-608(c), 10-616, 10-628, 13-701, 13-704; Family Law Article, §2-301; Transportation Article §§ 13-616(a)and (b)and 13- 704, Annotated Code of Maryland; and Chapter 468, 2015 Legislative Session

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01—.03, and .09, repeal Regulations .04 and .08, amend and recodify Regulations .05—.07 to be Regulations .04—.06, and recodify Regulations .10 and .11 to be Regulations .07 and .08 under COMAR 10.27.07 Practice of the Nurse Practitioner.

This action was considered and approved by the Board at its regular meeting on July 28, 2015, notice of which was placed on the Board’s web site on June 1 and July 1, 2015, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to :

- (1) Repeal the definition for “Attestation”;
- (2) Define “Mentor in accordance with Chapter 468, 2015 Legislative Session;
- (3) Add additional independent functions that nurse practitioners may perform;
- (4) Repeal Regulation .04 and the requirement for an attestation;
- (5) Repeal Regulation .08 that required a list of nurse practitioner competencies;
- (6) Add the identification of a mentor to application requirements
- (7) Add a requirement for continuous national certification;
- (8) Require current national certification for renewal; and
- (9) Make clarifying, stylistic, and technical changes.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 TTY: 800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through October 19, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The regulations establish independent practice for nurse practitioners. They do not create any additional financial burden for nurse practitioners, their employers, or any other entity.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Small businesses do not regulate nurse practitioners.

G. Small Business Worksheet:

Attached Document:

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10.27.07.01 (June 5, 2015)

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

[(1) "Attestation" means a statement of intent.]

[(2)] (1)—[(4)] (3) (text unchanged)

(4) "Mentor" means a certified nurse practitioner or physician, licensed in Maryland, who:

(a) Has 3 or more years of clinical practice experience;

(b) Will be available for advice, consultation, and collaboration, as needed, for 18 months beginning on the date an application is received by the Board from an applicant who has never been certified in this or any other State.

(5) "Nurse practitioner" means a registered nurse who [by reason of certification under these regulations may engage in the activities authorized by these regulations] is certified by the Board to practice as a nurse practitioner in accordance with this chapter.

(6)—(9) (text unchanged)

.02 Nurse Practitioner - Scope and Standards of Practice.

A. A nurse practitioner may [perform] independently *perform* the following functions:

(1)—(13) (text unchanged)

(14) Refer patients to appropriate licensed physicians or other health care providers as needed; [and]

(15) *In accordance with COMAR 20.31.03.01, certify that the utility client has a serious illness or the need for life-support equipment; and*

[(15)] (16) (text unchanged)

B. A psychiatric nurse practitioner together with a physician is authorized to sign applications:

(1) *In accordance with Health General Article, §10-615, Annotated Code of Maryland, to admit a minor to a facility for treatment of a mental disorder; and*

(2) *In accordance with Health General Article, §10-616, Annotated Code of Maryland, to involuntarily admit an individual to a facility for treatment of a mental disorder.*

[B.] C.—[E.] F. (text unchanged)

.03 Certification.

A. (text unchanged)

B. An applicant for certification as a nurse practitioner shall:

(1)—(2) (text unchanged)

(3) As part of the application, submit to the Board:

(a) Documentation that the applicant has graduated from a Board-approved educational program for nurse practitioners; [and]

(b) Documentation of certification as a nurse practitioner by a [nationally recognized] *national* certifying body recognized by the Board;

(c) *Identification of a designated mentor for 18 months as defined in Regulation .01 of this chapter; and*

(4) Pay all fees established by the Board; [and]

[(5) Pass a Board-approved examination].

C. The Board shall:

(1) (text unchanged)

(2) Include on the nurse practitioner's registered nursing license an indication that the licensee is certified as a nurse practitioner and [a designation of] *designate* the nurse practitioner's area of specialization.

D. (text unchanged)

[.05].04 Renewal of Certification.

A.—B. (text unchanged)

C. *A nurse practitioner shall maintain an active certification while practicing.*

D. Certification shall be deemed to have lapsed if the Board does not have a record of a current active certification at renewal.

[.06].05 Practice Before Maryland Certification.

A. A registered nurse who has completed a Board-approved educational program for nurse practitioners and who has applied to take a Board-approved national certifying examination, may practice as a nurse practitioner graduate before certification in this State upon approval of the Board if the nurse has:

(1)—(4) (text unchanged)

(5) Presented evidence of submission of an application to take a Board-approved *national certification* examination; and

(6) Provided the name of a certified nurse practitioner, *who has an active unencumbered Maryland or compact RN State license*, who will directly supervise the nurse practitioner graduate.

B. If a certified nurse practitioner is not available in the graduate's practice setting, as required in §A(6) of this regulation, a physician may provide this direct supervision if the nurse practitioner graduate provides the Board with the name of a certified nurse practitioner, *who has an active unencumbered Maryland or compact RN State license*, with whom the nurse practitioner graduate has regular consultation.

C.—D. (text unchanged)

[.07].06 Education.

A. (text unchanged)

B. An applicant for certification shall be a graduate from a Board-approved nationally accredited education program for nurse practitioners in a school of nursing that:

[(1) Has been approved by the Board;]

[(2)] (1) (text unchanged)

[(3)] (2) Is accredited by a nursing accrediting body recognized by the United States Department of Education, [or] the Council for Higher Education Accreditation, *or any other national accrediting body recognized by the Board*;

[(4)] (3)—[(5)] (4) (text unchanged)

[(6)] (5) Has a didactic and clinical curriculum that, at a minimum, includes advanced courses in:

(a) (text unchanged)

(b) Physical and health assessment; [and]

(c)—(d) (text unchanged)

[(7)] (6)—[(8)] (7) (text unchanged)

C. [Continuing Competence.] To be a Board-approved education program the program shall:

(1)—(2) (text unchanged)

[.10].07—[.11].08 (text unchanged)

.09 Unlawful Practices.

Unless authorized to practice as a nurse practitioner under Health Occupations Article, Title 8, Annotated Code of Maryland, an individual may not:

A.—B. (text unchanged)

C. Use the abbreviation [“N.P.”, “C.R.N. P.”] “NP”, “CRNP”, “CNP”, or any other words, letters, or symbols with the intent to represent that the individual practices as a nurse practitioner.

VAN T. MITCHELL

Secretary of Health and Mental Hygiene