

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 15-286)**

Overview and Legal and Fiscal Impact

The regulation conforms provisions regarding hours of practice, completion of evidentiary examinations and observations, completion of other clinical examinations and observations, and number of continuing education credits to the State Board of Nursing's two-year renewal period for certification of a Registered Nurse Forensic Nurse Examiner (RN-FNE).

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Health and Mental Hygiene:

Board of Nursing: Registered Nurse - Forensic Nurse Examiner: COMAR 10.27.21.07

Legal Analysis

Background

The regulation conforms the qualifications for renewal of an RN-FNE certification to the board's two-year renewal period that the board began phasing in in January 2013. After the regulation is adopted, all licenses and certifications issued by the board will be on the two-year renewal cycle.

Summary of Regulation

The regulation conforms the qualifications for renewal of an RN-FNE certification to the board's two-year renewal period and updates cross references. A RN-FNE with an even numbered birth year is scheduled to begin the two-year renewal cycle beginning January 1, 2016, and a RN-FNE with an odd numbered birth year is scheduled to begin the two-year renewal cycle beginning January 1, 2017. Generally, the board doubles: (1) the minimum number of practice hours for the period of practice; (2) the number of evidentiary examinations required to be performed or observed; (3) the number of other clinical examinations required to be performed or observed; and (4) the number of continuing education clock hours.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites §§ 8-205(a)(2) and (5) and 8-312 of the Health Occupations Article as statutory authority for the regulation. Section 8-205(a)(2) and (5) authorize the board to set standards for the practice of registered nursing, licensed nursing, certified nursing assistants, and certified medication technicians and to adopt rules and regulations for registered nurses to perform independent nursing functions that require formal education and clinical experience and may be performed under any condition authorized by the board, including emergencies. Section 8-312 sets forth the provisions regarding the terms and renewal of licenses issued by the board, including prohibiting the board from renewing a license for a term greater than two years.

This authority is correct and complete. The regulation complies 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 regulation codifies the current two-year renewal period for a registered nurse forensic nurse examiner (RN-FNE) and updates cross references. The regulation also doubles (1) the minimum number of practice hours for the renewal period; (2) the number of evidentiary examinations required to be performed or observed; (3) the number of other clinical examinations required to be performed or observed; and (4) the number of continuing education clock hours. When RN-FNEs began biennial renewals, renewal applicants did not get notice that they would need to double the number of examinations required. Thus, these provisions are added on a staggered basis. The board advises that the regulation has no fiscal impact as it largely conforms to current practice. The Department of Legislative Services concurs.

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 regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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