

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	10/09/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 11/13/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 27 06 01-.04 and .06-08

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: August 10, 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 #410-767-3201) on September 30, 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

October 8, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 27 BOARD OF NURSING

10.27.06 Practice of Nurse Anesthetist

Authority: Health Occupations Article, §§8-205(a)(1)(2)(4) and (5), and 8-302(b)(2)(ii),
Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01—.04 and .06, and recodify Regulations .07 and .08 to be Regulations .08 and .07 under COMAR 10.27.06 Practice of Nurse Anesthetist.

This action was considered by the Board at its regular monthly meeting on September 22, 2015, notice of which was placed on the Board's web site on August 1 and September 1, 2015, Pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the regulations to reflect current practice. The amendments:

- 1) Add Podiatrists to the list of practitioners a CRNA can collaborate with;
- 2) Eliminate the requirement that a CRNA name a collaborating physician or dentist;
- 3) Clarify that a student CRNA who has failed the national exam can still practice as a RN;
- 4) Require a CRNA to ensure that the board has a current national certification at the time of renewal;
- 5) Recodify two regulations; and
- 6) Make stylistic and corrective 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 December 14, 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 amendments do not create any additional burden for the board, the Nurse Anesthetists, 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.
They do not regulate the practice of nurse anesthetists.
- G. Small Business Worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 27 BOARD OF NURSING

10.27.06 Practice of Nurse Anesthetist

10.27.06 (August 10, 2015)

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) ["BPQA"] "*BOP*" means the Board of [Physician Quality Assurance] *Physicians*.

(5) (text unchanged)

(6) "Collaboration" means the [development and implementation of an agreement between a nurse anesthetist and an anesthesiologist, licensed physician, or dentist concerning the practice of nurse anesthesia] *delivery of anesthesia care in coordination with an anesthesiologist, physician, podiatrist, or dentist in a manner that allows each licensed healthcare professional to fully utilize their expertise and perform any act authorized under Health General and Health Occupations Articles, Annotated Code of Maryland.*

(7) "Licensed physician, podiatrist, or dentist" means a Maryland-licensed physician, *podiatrist*, or dentist who has knowledge and experience in resuscitation, anesthetic drugs, and their reactions.

(8) (text unchanged)

(9) "Practice of nurse anesthesia" means the performance of acts in collaboration with an anesthesiologist, licensed physician, *podiatrist*, or dentist, which require substantial specialized knowledge, judgment, and skill related to the administration of anesthesia, including:

(a)—(d) (text unchanged)

(10) (text unchanged)

.02 Certification.

A.—B. (text unchanged)

C. A CRNA may not practice in this State until [the CRNA has notified the Board of the name and license number of the collaborating physician or dentist] *the Board has certified that the CRNA has met all requirements in accordance with this regulation.*

[D. The Board shall forward the name and license number of the collaborating physician or dentist to the appropriate regulatory board.]

.03 Practice before Certification.

A. (text unchanged)

(1)—(4) (text unchanged)

(5) Practices under the supervision of an anesthesiologist or CRNA, [if the supervising CRNA has a collaborative agreement with an anesthesiologist,] if the supervisor is on site and immediately available to the nurse anesthetist graduate;

(6) Provides the Board a copy of the admission document to the certification examination which [must] *shall* be taken not later than 6 months after program completion; and

(7) (text unchanged)

B. A nurse anesthetist graduate who fails the certification examination shall immediately cease practice as a nurse anesthetist [graduate].

.04 Renewal of Certification.

A. (text unchanged)

B. Before a nurse anesthetist's certification expires, the nurse anesthetist may renew the certification for an additional [1-year] *2-year* term, if the nurse anesthetist:

(1)—(3) (text unchanged)

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

.06 Standards of Practice.

A. A nurse anesthetist certified under this chapter shall collaborate with an anesthesiologist, licensed physician, *podiatrist*, or dentist [in the following manner:] *who*

[(1) An anesthesiologist, licensed physician, or dentist] shall be [physically] *immediately* available to the nurse anesthetist for consultation at all times during the administration of, and recovery from, anesthesia[;].

[(2) An anesthesiologist shall be available for consultation to the nurse anesthetist for other aspects of the practice of nurse anesthesia; and

(3) If an anesthesiologist is not available, a licensed physician or dentist shall be available to provide this type of consultation.]

B.—C. (text unchanged)

[.08] .07—[.07] .08 (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene