
By: Senator Hollinger and Young

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 20, 1996

CHAPTER _____

1 AN ACT concerning

2 **State Board of Nursing - ~~Nurse Aides~~ Nursing Assistants - Certification**

3 [TAG ftpo]FOR the purpose of requiring an individual to be certified as a ~~nurse aide~~ nursing
4 assistant by the State Board of Nursing by a certain date before practicing as a ~~nurse~~
5 aide nursing assistant, using certain titles, and making certain representations;
6 requiring the State Comptroller to distribute all fees received from the State Board
7 of Nursing to the Board; requiring the State Board of Nursing to adopt certain
8 regulations; establishing procedures for the certification of ~~nurse aides~~ nursing
9 assistants and the issuance and renewal of ~~nurse aide~~ nursing assistant certificates;
10 authorizing the State Board of Nursing to waive certain qualifications for
11 certification as a ~~nurse aide~~ nursing assistant under certain circumstances;
12 establishing grounds for the denial of certificates and the discipline of certificate
13 holders; defining certain terms; providing for the effective dates of this Act; and
14 generally relating to the certification of ~~nurse aides~~ nursing assistants by the State
15 Board of Nursing.

16 BY repealing and reenacting, with amendments,

- 17 Article - Health Occupations
- 18 Section 8-206(d) and 8-317(a)
- 19 Annotated Code of Maryland
- 20 (1994 Replacement Volume and 1995 Supplement)

21 BY adding to

- 22 Article - Health Occupations
- 23 Section 8-6A-01 through ~~8-6A-12~~ 8-6A-11, inclusive, to be under the new subtitle
- 24 "Subtitle 6A. Certification of ~~Nurse Aides~~ Nursing Assistants"
- 25 Annotated Code of Maryland

2

1 (1994 Replacement Volume and 1995 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Health Occupations**

5 8-206.

6 (d) (1) The Board shall pay all fees collected under the provisions of this title to
7 the Comptroller of the State.

8 (2) The Comptroller shall distribute [:

9 (i) 20 percent of the fees received from the Board to the General
10 Fund of the State; and

11 (ii) The balance of] the fees to the Board of Nursing.

12 8-317.

13 (a) Except as otherwise provided in the Administrative Procedure Act, before the
14 Board takes any action under § 8-312, § 8-316, [or] § 8-404, OR § 8-6A-11 of this title, it
15 shall give the person against whom the action is contemplated an opportunity for a
16 hearing before the Board.

17 SUBTITLE 6A. CERTIFICATION OF ~~NURSE AIDES~~ NURSING ASSISTANTS.

18 8-6A-01.

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (B) "APPROVED EDUCATION PROGRAM" MEANS A COURSE OF TRAINING
22 CONDUCTED BY AN EDUCATIONAL OR A HEALTH CARE INSTITUTION THAT
23 IMPLEMENTS THE BASIC ~~NURSE AIDE~~ NURSING ASSISTANT CURRICULUM
24 PRESCRIBED AND APPROVED BY THE BOARD.

25 (C) "BOARD" MEANS THE STATE BOARD OF NURSING.

26 (D) "CERTIFICATE" MEANS A CERTIFICATE ISSUED BY THE BOARD TO
27 PRACTICE AS A ~~NURSE AIDE~~ NURSING ASSISTANT IN THE STATE.

28 (E) "CERTIFIED ~~NURSE AIDE~~ NURSING ASSISTANT" MEANS AN INDIVIDUAL
29 WHO IS CERTIFIED BY THE BOARD TO PRACTICE AS A ~~NURSE AIDE~~ NURSING
30 ASSISTANT IN THE STATE.

31 (F) "PRACTICE AS A ~~NURSE AIDE~~ NURSING ASSISTANT" MEANS THE
32 PERFORMANCE OF NURSE FUNCTIONS THAT:

33 (1) REQUIRE EDUCATION, TRAINING, AND SKILLS; AND

34 (2) ARE PERFORMED UNDER THE SUPERVISION OF A REGISTERED
35 NURSE OR LICENSED PRACTICAL NURSE.

3

1 8-6A-02.

2 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER
3 ~~OCTOBER 1, 1997~~ JULY 1, 1998, AN INDIVIDUAL SHALL BE CERTIFIED BY THE BOARD
4 BEFORE THE INDIVIDUAL MAY PRACTICE AS A ~~NURSE AIDE~~ NURSING ASSISTANT IN
5 THE STATE.

6 (B) THIS SUBTITLE DOES NOT APPLY TO AN INDIVIDUAL WHO:

7 (1) PRACTICES A HEALTH OCCUPATION THAT THE INDIVIDUAL IS
8 AUTHORIZED TO PRACTICE UNDER THIS ARTICLE;

9 (2) PROVIDES FOR THE GRATUITOUS CARE OF FRIENDS OR FAMILY
10 MEMBERS;

11 (3) PROVIDES NURSING ASSISTANCE IN THE EVENT OF AN EMERGENCY;
12 ~~OR~~

13 (4) PERFORMS NURSING TASKS WHILE A NURSING STUDENT ENROLLED
14 IN AN ACCREDITED NURSING PROGRAM WHILE PRACTICING UNDER THE DIRECT
15 SUPERVISION OF QUALIFIED FACULTY OR PRECEPTORS; OR

16 (5) IS SPECIFICALLY TRAINED TO PERFORM SELECTED NURSING
17 FUNCTIONS IN A FACILITY LICENSED BY THE DEVELOPMENTAL DISABILITIES
18 ADMINISTRATION UNDER TITLE 7 OF THE HEALTH - GENERAL ARTICLE OR A
19 COMMUNITY MENTAL HEALTH PROGRAM APPROVED BY THE DEPARTMENT UNDER
20 TITLE 10 OF THE HEALTH - GENERAL ARTICLE, WHILE UNDER THE SUPERVISION OF
21 A REGISTERED NURSE OR LICENSED PRACTICAL NURSE AND IN ACCORDANCE WITH
22 REGULATIONS ADOPTED BY THE BOARD.

23 8-6A-03.

24 AN INDIVIDUAL SHALL BE CERTIFIED AS A ~~NURSE AIDE~~ NURSING ASSISTANT
25 BY THE BOARD BEFORE THE INDIVIDUAL MAY:

26 (1) USE THE TITLE "CERTIFIED ~~NURSE AIDE~~ NURSING ASSISTANT";

27 (2) USE THE INITIALS "C.N.A." AFTER THE NAME OF THE INDIVIDUAL;
28 OR

29 (3) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS CERTIFIED AS
30 A ~~NURSE AIDE~~ NURSING ASSISTANT.

31 8-6A-04.

32 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND
33 RENEWAL OF CERTIFICATES AND OTHER SERVICES IT PROVIDES TO ~~NURSE AIDES~~
34 NURSING ASSISTANTS.

35 (2) THE FEES CHARGED SHALL BE SET TO PRODUCE FUNDS TO
36 APPROXIMATE THE COST OF MAINTAINING THE CERTIFICATION PROGRAM AND
37 THE OTHER SERVICES PROVIDED TO ~~NURSE AIDES~~ NURSING ASSISTANTS.

4

1 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE
2 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER OF THE STATE.

3 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL THE FEES TO THE
4 STATE BOARD OF NURSING FUND ESTABLISHED UNDER § 8-206 OF THIS TITLE.

5 8-6A-05.

6 (A) (1) THE BOARD SHALL ADOPT REGULATIONS ESTABLISHING THE
7 QUALIFICATIONS FOR CERTIFICATION AS A ~~NURSE-AIDE~~ NURSING ASSISTANT.

8 (B) TO QUALIFY FOR CERTIFICATION, AN APPLICANT SHALL MEET THE
9 REQUIREMENTS SET BY THE BOARD.

10 (C) AN APPLICANT FOR A CERTIFICATE SHALL:

11 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
12 BOARD REQUIRES;

13 (2) PROVIDE EVIDENCE, AS REQUIRED BY THE BOARD, OF SUCCESSFUL
14 COMPLETION OF AN APPROVED EDUCATION PROGRAM;

15 (3) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD; AND

16 (4) PASS AN EXAMINATION APPROVED BY THE BOARD.

17 (D) THE BOARD MAY WAIVE THE REQUIREMENT FOR SUCCESSFUL
18 COMPLETION OF AN APPROVED EDUCATION PROGRAM AND PASSAGE OF AN
19 EXAMINATION APPROVED BY THE BOARD UNDER SUBSECTION (C) OF THIS SECTION
20 FOR ANY APPLICANT WHO APPLIES FOR CERTIFICATION UNDER THIS SUBTITLE BY
21 JULY 1, 1998 AND SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT THE
22 APPLICANT:

23 (1) HOLDS CURRENT REGISTRATION IN GOOD STANDING AS A
24 GERIATRIC NURSING ASSISTANT IN ACCORDANCE WITH REGULATIONS ADOPTED
25 BY THE DEPARTMENT UNDER § 19-308.1 OF THE HEALTH - GENERAL ARTICLE; OR

26 (2) IN THE LAST TWO YEARS HAS BEEN:

27 (I) EMPLOYED FOR AT LEAST 1,000 HOURS AS A ~~NURSE-AIDE~~
28 NURSING ASSISTANT; AND

29 (II) EVALUATED BY A LICENSED NURSE WHO ATTESTS TO THE
30 COMPETENCY OF THE APPLICANT.

31 8-6A-06.

32 EVERY APPLICANT FOR CERTIFICATION BY ENDORSEMENT SHALL:

33 (1) PAY THE REQUIRED APPLICATION FEE;

34 (2) SUBMIT THE INFORMATION REQUIRED BY THE BOARD IN THE
35 MANNER AND FORM SPECIFIED BY THE BOARD; AND

36 (3) SUBMIT WRITTEN EVIDENCE THAT THE APPLICANT:

5

1 (I) IS CERTIFIED TO PRACTICE AS A ~~NURSE-AIDE~~ NURSING
2 ASSISTANT BY ANOTHER STATE OR TERRITORY OF THE UNITED STATES WITH
3 REQUIREMENTS THAT ARE ESSENTIALLY SIMILAR TO THE REQUIREMENTS FOR
4 CERTIFICATION ESTABLISHED IN THIS ARTICLE AND THAT THE CERTIFICATION IS IN
5 GOOD STANDING;

6 (II) HAS NOT COMMITTED ANY ACT OR OMISSION THAT WOULD BE
7 GROUNDS FOR DISCIPLINE OR DENIAL OF CERTIFICATION UNDER THIS ARTICLE;
8 AND

9 (III) ~~HAS SUCCESSFULLY COMPLETED AN EDUCATION PROGRAM~~
10 ~~APPROVED BY THE BOARD OR A NURSE-AIDE TRAINING PROGRAM THAT MEETS~~
11 ~~THE STANDARDS FOR EDUCATION PROGRAMS SPECIFIED IN THIS ARTICLE AND THE~~
12 ~~STANDARDS ADOPTED BY THE BOARD; AND~~

13 (IV) ~~HAS~~ NO RECORD OF ABUSE, NEGLIGENCE, OR
14 MISAPPROPRIATION OF A RESIDENT'S PROPERTY OR ANY DISCIPLINARY ACTION
15 TAKEN OR PENDING IN ANY OTHER STATE OR TERRITORY AGAINST THE
16 CERTIFICATION OF THE ~~NURSE-AIDE~~ NURSING ASSISTANT.

17 8-6A-07.

18 (A) THE BOARD SHALL ISSUE A CERTIFICATE TO ANY APPLICANT WHO MEETS
19 THE REQUIREMENTS OF THIS SUBTITLE.

20 (B) THE BOARD MAY ISSUE A CERTIFICATE TO REPLACE A LOST,
21 DESTROYED, OR MUTILATED CERTIFICATE, IF THE CERTIFICATE HOLDER PAYS THE
22 CERTIFICATE REPLACEMENT FEE SET BY THE BOARD.

23 8-6A-08.

24 (A) A CERTIFICATE EXPIRES ON THE 28TH DAY OF THE BIRTH MONTH OF THE
25 ~~NURSE-AIDE~~ NURSING ASSISTANT, UNLESS THE CERTIFICATE IS RENEWED FOR A
26 1-YEAR TERM AS PROVIDED IN THIS SECTION.

27 (B) AT LEAST 1 MONTH BEFORE THE CERTIFICATE EXPIRES, THE BOARD
28 SHALL SEND TO THE ~~NURSE-AIDE~~ NURSING ASSISTANT, BY FIRST-CLASS MAIL TO
29 THE LAST KNOWN ADDRESS OF THE ~~NURSE-AIDE~~ NURSING ASSISTANT, A RENEWAL
30 NOTICE THAT STATES:

31 (1) THE DATE ON WHICH THE CURRENT CERTIFICATE EXPIRES;

32 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
33 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
34 THE CERTIFICATE EXPIRES; AND

35 (3) THE AMOUNT OF THE RENEWAL FEE.

36 (C) BEFORE A CERTIFICATE EXPIRES, THE ~~NURSE-AIDE~~ NURSING ASSISTANT
37 PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL TERM, IF THE LICENSEE:

38 (1) OTHERWISE IS ENTITLED TO BE CERTIFIED;

6

1 (2) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM
2 THAT THE BOARD REQUIRES;

3 (3) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

4 (4) PROVIDES SATISFACTORY EVIDENCE OF COMPLETION OF:

5 (I) ~~4,000~~ 8 HOURS OF ACTIVE ~~NURSE-AIDE~~ NURSING ASSISTANT
6 PRACTICE WITHIN THE ~~5-YEAR~~ 1-YEAR PERIOD IMMEDIATELY PRECEDING THE
7 DATE OF RENEWAL; OR

8 (II) ~~A COURSE OF INSTRUCTION, COMMONLY KNOWN AS A~~
9 ~~REFRESHER COURSE, APPROVED BY THE BOARD; OR~~

10 ~~(III) A PRECEPTORSHIP PROGRAM PROVIDED BY AN EMPLOYER~~
11 ~~AND APPROVED BY THE BOARD~~ AN APPROVED EDUCATION PROGRAM.

12 (D) (1) EACH ~~NURSE-AIDE~~ NURSING ASSISTANT SHALL NOTIFY THE BOARD
13 IN WRITING OF ANY CHANGE IN THE NAME OR ADDRESS OF THE ~~NURSE-AIDE~~
14 NURSING ASSISTANT WITHIN 60 DAYS AFTER THE CHANGE OCCURRED.

15 (2) IF A ~~NURSE-AIDE~~ NURSING ASSISTANT FAILS TO NOTIFY THE BOARD
16 WITHIN THE TIME REQUIRED UNDER THIS SUBSECTION, SUBJECT TO THE HEARING
17 PROVISIONS OF § 8-317 OF THIS SUBTITLE, THE BOARD MAY IMPOSE AN
18 ADMINISTRATIVE PENALTY OF \$1,000.

19 (E) THE BOARD SHALL RENEW THE CERTIFICATE OF EACH ~~NURSE-AIDE~~
20 NURSING ASSISTANT WHO MEETS THE REQUIREMENTS OF THIS SECTION.

21 8-6A-09.

22 (A) THE BOARD MAY IMPOSE A CIVIL FINE NOT EXCEEDING \$1,000 ON A
23 ~~NURSE-AIDE~~ NURSING ASSISTANT WHO FAILS TO RENEW A CERTIFICATE WITHIN 30
24 DAYS AFTER ITS EXPIRATION DATE AND PRACTICES AS A ~~NURSE-AIDE~~ NURSING
25 ASSISTANT DURING THE PERIOD OF EXPIRATION.

26 (B) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION
27 TO THE GENERAL FUND OF THE STATE.

28 8-6A-10.

29 ~~(A) THE BOARD SHALL PLACE A CERTIFICATE ON INACTIVE STATUS, IF THE~~
30 ~~CERTIFICATE HOLDER:~~

31 ~~(1) HAS NOT SATISFACTORILY COMPLETED 1,000 HOURS OF ACTIVE~~
32 ~~NURSE-AIDE PRACTICE WITHIN THE 5-YEAR PERIOD IMMEDIATELY PRECEDING THE~~
33 ~~DATE OF ANTICIPATED RENEWAL; OR~~

34 ~~(2) CHOOSES INACTIVE STATUS.~~

35 ~~(B) IF A NURSE-AIDE ON INACTIVE STATUS APPLIES FOR A CERTIFICATE TO~~
36 ~~PRACTICE AS A NURSE-AIDE AND MEETS THE RENEWAL REQUIREMENTS OF §~~
37 ~~8-6A-08 OF THIS SUBTITLE, THE BOARD SHALL:~~

38 ~~(1) REMOVE THE NURSE-AIDE FROM INACTIVE STATUS;~~

7

1 ~~(2) VOID THE NURSE AIDE'S INACTIVE STATUS REGISTRATION~~
2 ~~CERTIFICATE; AND~~

3 ~~(3) RENEW THE NURSE AIDE CERTIFICATE TO PRACTICE AS A NURSE~~
4 ~~AIDE IN THE STATE.~~

5 ~~(C) A NURSE AIDE ON INACTIVE STATUS MAY NOT USE THE TITLE~~
6 ~~"CERTIFIED NURSE AIDE", "NURSE AIDE", OR THE ABBREVIATION "C.N.A."~~

7 ~~8-6A-11.~~

8 (A) SUBJECT TO THE HEARING PROVISIONS OF § 8-317 OF THIS TITLE, THE
9 BOARD MAY DENY A CERTIFICATE TO ANY APPLICANT, REPRIMAND ANY
10 CERTIFICATE HOLDER, PLACE ANY CERTIFICATE HOLDER ON PROBATION, OR
11 SUSPEND OR REVOKE THE CERTIFICATE OF A CERTIFICATE HOLDER, IF THE
12 APPLICANT OR CERTIFICATE HOLDER:

13 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
14 OBTAIN A CERTIFICATE FOR THE APPLICANT OR FOR ANOTHER;

15 (2) FRAUDULENTLY OR DECEPTIVELY USES A CERTIFICATE;

16 (3) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY IN
17 THIS STATE OR IN ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED
18 BY A COURT IN THIS STATE OR IN ANY OTHER STATE OR COUNTRY FOR AN ACT
19 THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S
20 DISCIPLINARY STATUTES;

21 (4) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A
22 FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY
23 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA
24 SET ASIDE;

25 (5) FILES A FALSE REPORT OR RECORD OF AN INDIVIDUAL UNDER THE
26 CERTIFICATE HOLDER'S CARE;

27 (6) GIVES ANY FALSE OR MISLEADING INFORMATION ABOUT A
28 MATERIAL MATTER IN AN EMPLOYMENT APPLICATION;

29 (7) FAILS TO FILE OR RECORD ANY HEALTH RECORD THAT IS
30 REQUIRED BY LAW;

31 (8) INDUCES ANOTHER PERSON TO FILE OR RECORD ANY HEALTH
32 RECORD THAT IS REQUIRED BY LAW;

33 (9) HAS NEGLIGENTLY OR WILLFULLY VIOLATED ANY ORDER, RULE,
34 OR REGULATION OF THE BOARD PERTAINING TO PRACTICE OR CERTIFICATION AS
35 A ~~NURSE AIDE~~ NURSING ASSISTANT;

36 (10) PROVIDES SERVICES AS A ~~NURSE AIDE~~ NURSING ASSISTANT WHILE:

37 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

1 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
2 SUBSTANCE, AS DEFINED IN ARTICLE 27 OF THE CODE, OR OTHER DRUG THAT IS IN
3 EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;

4 (11) IS HABITUALLY INTOXICATED;

5 (12) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR
6 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN ARTICLE 27 OF THE CODE;

7 (13) HAS ACTED IN A MANNER INCONSISTENT WITH THE HEALTH OR
8 SAFETY OF A PERSON UNDER THE APPLICANT OR CERTIFICATE HOLDER'S CARE;

9 (14) HAS PRACTICED AS A ~~NURSE-AIDE~~ NURSING ASSISTANT IN A
10 MANNER WHICH FAILS TO MEET GENERALLY ACCEPTED STANDARDS FOR THE
11 PRACTICE OF A ~~NURSE-AIDE~~ NURSING ASSISTANT;

12 (15) HAS ABUSED, NEGLECTED, OR OTHERWISE HARMED A PERSON
13 UNDER THE APPLICANT OR CERTIFICATE HOLDER'S CARE;

14 (16) HAS A PHYSICAL OR MENTAL DISABILITY WHICH RENDERS THE
15 APPLICANT OR CERTIFICATE HOLDER UNABLE TO PRACTICE AS A CERTIFIED
16 ~~NURSE-AIDE~~ NURSING ASSISTANT WITH REASONABLE SKILL AND SAFETY TO THE
17 PATIENTS AND WHICH MAY ENDANGER THE HEALTH OR SAFETY OF PERSONS
18 UNDER THE CARE OF THE APPLICANT OR CERTIFICATE HOLDER;

19 (17) HAS VIOLATED THE CONFIDENTIALITY OF INFORMATION OR
20 KNOWLEDGE AS PRESCRIBED BY LAW CONCERNING ANY PATIENT;

21 (18) HAS MISAPPROPRIATED PATIENT OR FACILITY PROPERTY;

22 (19) PERFORMS ~~NURSE-AIDE~~ NURSING ASSISTANT FUNCTIONS
23 INCOMPETENTLY;

24 (20) HAS VIOLATED ANY PROVISION OF THIS ARTICLE OR HAS AIDED OR
25 KNOWINGLY PERMITTED ANY PERSON TO VIOLATE ANY PROVISION OF THIS
26 ARTICLE;

27 (21) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

28 (22) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST
29 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES
30 FOR WHICH THE APPLICANT OR CERTIFICATE HOLDER IS CERTIFIED AND
31 QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

32 (23) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION WHERE
33 IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS FOR
34 DISEASE CONTROL'S GUIDELINES ON UNIVERSAL PRECAUTIONS;

35 (24) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION
36 CONDUCTED BY THE BOARD;

37 (25) FAILS TO COMPLY WITH INSTRUCTIONS AND DIRECTIONS OF THE
38 SUPERVISING REGISTERED NURSE OR LICENSED PRACTICAL NURSE;

1 (26) AFTER FAILING TO RENEW A CERTIFICATE, COMMITS ANY ACT
2 THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION; OR

3 (27) PRACTICES AS A ~~NURSE-AIDE~~ NURSING ASSISTANT BEFORE
4 OBTAINING OR RENEWING THE CERTIFICATE, INCLUDING ANY TIME PERIOD WHEN
5 THE CERTIFICATE HAS LAPSED.

6 (B) IF, AFTER A HEARING UNDER § 8-317 OF THIS TITLE, THE BOARD FINDS
7 THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND
8 OR REVOKE A CERTIFICATE TO PRACTICE AS A ~~NURSE-AIDE~~ NURSING ASSISTANT,
9 TO REPRIMAND A CERTIFICATE HOLDER, OR PLACE A CERTIFICATE HOLDER ON
10 PROBATION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 INSTEAD
11 OF OR IN ADDITION TO SUSPENDING OR REVOKING THE CERTIFICATE,
12 REPRIMANDING THE CERTIFICATE HOLDER, OR PLACING THE CERTIFICATE
13 HOLDER ON PROBATION.

14 (C) (1) AN INDIVIDUAL WHOSE CERTIFICATE HAS BEEN SUSPENDED OR
15 REVOKED BY THE BOARD SHALL RETURN THE CERTIFICATE TO THE BOARD.

16 (2) IF THE SUSPENDED OR REVOKED CERTIFICATE HAS BEEN LOST, THE
17 INDIVIDUAL SHALL FILE WITH THE BOARD A VERIFIED STATEMENT TO THAT
18 EFFECT.

19 (D) THE BOARD SHALL FILE A NOTICE FOR PUBLICATION IN THE EARLIEST
20 PUBLICATION OF THE MARYLAND REGISTER OF EACH REVOCATION OR
21 SUSPENSION OF A CERTIFICATE UNDER THIS SECTION WITHIN 24 HOURS OF THE
22 REVOCATION OR SUSPENSION.

23 ~~8-6A-12.~~ 8-6A-11.

24 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A
25 CERTIFICATE, A ~~NURSE-AIDE~~ NURSING ASSISTANT MAY NOT SURRENDER THE
26 CERTIFICATE NOR MAY THE CERTIFICATE LAPSE BY OPERATION OF LAW WHILE
27 THE CERTIFICATE HOLDER IS UNDER INVESTIGATION OR WHILE CHARGES ARE
28 PENDING AGAINST THE ~~NURSE-AIDE~~ NURSING ASSISTANT.

29 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE ~~NURSE~~
30 ~~AIDE~~ NURSING ASSISTANT UNDER INVESTIGATION OR AGAINST WHOM CHARGES
31 ARE PENDING TO ACCEPT SURRENDER OF THE CERTIFICATE.

32 SECTION 2. AND BE IT FURTHER ENACTED, That the changes to Section
33 8-206(d) of the Health Occupations Article as enacted by this Act shall take effect July 1,
34 ~~1997~~ 1998.

35 SECTION 3. AND BE IT FURTHER ENACTED, That, except as provided in
36 Section 2 of this Act, this Act shall take effect October 1, 1996.

