
By: Senators Hollinger and Collins

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Nursing - Nursing Assistants - Certification**

3 FOR the purpose of requiring an individual to be certified by the State Board of Nursing
4 by a certain date before practicing as a nursing assistant, using certain titles, and
5 making certain representations; making certain exceptions; requiring the State
6 Board of Nursing to adopt certain regulations; establishing procedures for the
7 certification of nursing assistants and the issuance and renewal of nursing assistant
8 certificates; authorizing the State Board of Nursing to waive certain qualifications
9 for certification as a nursing assistant under specified circumstances; establishing
10 grounds for the denial of certificates and the discipline of certificate holders;
11 establishing certain penalties; requiring the State Board of Nursing to appoint a
12 certain advisory committee; requiring the State Board of Nursing to take certain
13 actions relating to the approval of nursing assistant training programs; establishing
14 certain requirements for nursing assistant training programs; requiring certain
15 individuals to submit to certain examinations under specified circumstances;
16 requiring the State Board of Nursing to disclose certain information to certain
17 officials; altering a certain provision of law authorizing the use of certain titles by
18 unlicensed individuals; defining certain terms; providing for a delayed effective date
19 for certain provisions of this Act; and generally relating to the certification of
20 nursing assistants by the State Board of Nursing.

21 BY adding to

22 Article - Health Occupations
23 Section 8-6A-01 through 8-6A-17, inclusive, to be under the new subtitle "Subtitle
24 6A. Certification of Nursing Assistants"
25 Annotated Code of Maryland
26 (1994 Replacement Volume and 1996 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article - Health Occupations
29 Section 8-703(f)
30 Annotated Code of Maryland
31 (1994 Replacement Volume and 1996 Supplement)

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

2

1 **Article - Health Occupations**

2 SUBTITLE 6A. CERTIFICATION OF NURSING ASSISTANTS.

3 8-6A-01.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "APPROVED NURSING ASSISTANT TRAINING PROGRAM" MEANS A
7 COURSE OF TRAINING THAT MEETS THE BASIC NURSING ASSISTANT CURRICULUM
8 PRESCRIBED AND APPROVED BY THE BOARD.

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

10 (D) "CERTIFICATE" MEANS A CERTIFICATE ISSUED BY THE BOARD TO
11 PRACTICE AS A CERTIFIED NURSING ASSISTANT IN THE STATE.

12 (E) "CERTIFIED NURSING ASSISTANT" MEANS AN INDIVIDUAL WHO IS
13 CERTIFIED BY THE BOARD TO PRACTICE AS A CERTIFIED NURSING ASSISTANT IN
14 THE STATE.

15 (F) "PRACTICE AS A NURSING ASSISTANT" MEANS THE PERFORMANCE OF
16 NURSING SERVICES THAT REQUIRE BOARD APPROVED EDUCATION, TRAINING, AND
17 SKILLS AS SPECIFIED IN THE REGULATIONS ADOPTED BY THE BOARD.

18 8-6A-02.

19 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL
20 SHALL BE CERTIFIED BY THE BOARD TO PRACTICE AS A NURSING ASSISTANT
21 BEFORE THE INDIVIDUAL MAY PRACTICE AS A NURSING ASSISTANT IN THE STATE.

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

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

25 (2) PROVIDES FOR THE GRATUITOUS CARE OF FRIENDS OR FAMILY
26 MEMBERS;

27 (3) PROVIDES NURSING ASSISTANCE IN THE EVENT OF AN EMERGENCY;

28 (4) PERFORMS NURSING ASSISTANT TASKS WHILE A NURSING STUDENT
29 ENROLLED IN AN ACCREDITED NURSING PROGRAM AND PRACTICING UNDER THE
30 DIRECT SUPERVISION OF QUALIFIED FACULTY OR PRECEPTORS; OR

31 (5) PERFORMS NURSING ASSISTANT TASKS AS A STUDENT WHILE:

32 (I) ENROLLED IN A BOARD APPROVED NURSING ASSISTANT
33 TRAINING PROGRAM; AND

34 (II) PRACTICING UNDER THE DIRECT SUPERVISION OF QUALIFIED
35 FACULTY OR PRECEPTORS.

3

1 8-6A-03.

2 AN INDIVIDUAL SHALL BE CERTIFIED AS A NURSING ASSISTANT BY THE
3 BOARD BEFORE THE INDIVIDUAL MAY:

4 (1) USE THE TITLE "CERTIFIED NURSING ASSISTANT";

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

6 OR

7 (3) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS CERTIFIED AS
8 A NURSING ASSISTANT.

9 8-6A-04.

10 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND
11 RENEWAL OF CERTIFICATES AND OTHER SERVICES IT PROVIDES TO CERTIFIED
12 NURSING ASSISTANTS.

13 (2) THE FEES CHARGED SHALL BE SET TO PRODUCE FUNDS TO
14 APPROXIMATE THE COST OF MAINTAINING THE CERTIFICATION PROGRAM AND
15 THE OTHER SERVICES PROVIDED TO CERTIFIED NURSING ASSISTANTS.

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

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

20 8-6A-05.

21 (A) THE BOARD SHALL ADOPT REGULATIONS ESTABLISHING THE
22 QUALIFICATIONS FOR CERTIFICATION AS A CERTIFIED NURSING ASSISTANT.

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

25 (C) (1) AN APPLICANT FOR A CERTIFICATE SHALL:

26 (I) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT
27 THE BOARD REQUIRES;

28 (II) PROVIDE EVIDENCE, AS REQUIRED BY THE BOARD, OF
29 SUCCESSFUL COMPLETION OF AN APPROVED NURSING ASSISTANT TRAINING
30 PROGRAM;

31 (III) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD;

32 AND

33 (IV) PASS AN EXAMINATION APPROVED BY THE BOARD.

34 (2) AN APPLICANT FOR A CERTIFICATE MAY NOT:

4

1 (I) HAVE COMMITTED ANY ACT OR OMISSION THAT WOULD BE
2 GROUNDS FOR DISCIPLINE OR DENIAL OF CERTIFICATION UNDER THIS SUBTITLE;
3 AND

4 (II) HAVE A RECORD OF ABUSE, NEGLIGENCE, MISAPPROPRIATION
5 OF A RESIDENT'S PROPERTY, OR ANY DISCIPLINARY ACTION TAKEN OR PENDING IN
6 ANY OTHER STATE OR TERRITORY OF THE UNITED STATES AGAINST THE
7 CERTIFICATION OF THE NURSING ASSISTANT IN THE STATE OR TERRITORY.

8 (D) THE BOARD MAY WAIVE THE REQUIREMENT FOR SUCCESSFUL
9 COMPLETION OF AN APPROVED NURSING ASSISTANT TRAINING PROGRAM AND
10 PASSAGE OF AN EXAMINATION APPROVED BY THE BOARD UNDER SUBSECTION (C)
11 OF THIS SECTION FOR ANY APPLICANT WHO APPLIES FOR CERTIFICATION UNDER
12 THIS SUBTITLE BY JULY 1, 1999 AND SUBMITS EVIDENCE SATISFACTORY TO THE
13 BOARD THAT THE APPLICANT:

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

17 (2) IN THE LAST 2 YEARS HAS PRACTICED FOR AT LEAST 1,000 HOURS AS
18 A NURSING ASSISTANT.

19 8-6A-06.

20 EVERY APPLICANT FOR CERTIFICATION BY ENDORSEMENT SHALL:

21 (1) PAY THE REQUIRED APPLICATION FEE;

22 (2) SUBMIT THE INFORMATION REQUIRED BY THE BOARD IN THE
23 MANNER AND FORM SPECIFIED BY THE BOARD; AND

24 (3) SUBMIT WRITTEN EVIDENCE THAT THE APPLICANT:

25 (I) IS CERTIFIED TO PRACTICE AS A NURSING ASSISTANT BY
26 ANOTHER STATE OR TERRITORY OF THE UNITED STATES WITH REQUIREMENTS
27 THAT ARE ESSENTIALLY SIMILAR TO THE REQUIREMENTS FOR CERTIFICATION
28 ESTABLISHED IN THIS SUBTITLE AND THAT THE CERTIFICATION IS IN GOOD
29 STANDING;

30 (II) HAS NOT COMMITTED ANY ACT OR OMISSION THAT WOULD BE
31 GROUNDS FOR DISCIPLINE OR DENIAL OF CERTIFICATION UNDER THIS SUBTITLE;

32 (III) HAS SUCCESSFULLY COMPLETED NURSING ASSISTANT
33 TRAINING THAT MEETS THE STANDARDS FOR AN APPROVED NURSING ASSISTANT
34 TRAINING PROGRAM ESTABLISHED UNDER THIS SUBTITLE AND THE STANDARDS
35 ADOPTED BY THE BOARD;

36 (IV) HAS NO RECORD OF ABUSE, NEGLIGENCE, OR
37 MISAPPROPRIATION OF A RESIDENT'S PROPERTY OR ANY DISCIPLINARY ACTION
38 TAKEN OR PENDING IN ANY OTHER STATE OR TERRITORY OF THE UNITED STATES
39 AGAINST THE CERTIFICATION OF THE NURSING ASSISTANT IN THE STATE OR
40 TERRITORY; AND

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1 (V) HAS SUCCESSFULLY PASSED AN EXAMINATION THAT WAS
2 SIMILAR TO THE EXAMINATION THAT WAS GIVEN IN THIS STATE AT THE TIME THE
3 APPLICANT WAS CERTIFIED IN ANY OTHER STATE OR TERRITORY OF THE UNITED
4 STATES.

5 8-6A-07.

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

8 (B) THE CERTIFICATE SHALL INCLUDE THE TITLE "CERTIFIED NURSING
9 ASSISTANT".

10 (C) AN INDIVIDUAL EMPLOYED IN A SETTING IN WHICH THE INDIVIDUAL
11 CARES FOR DEVELOPMENTALLY DISABLED INDIVIDUALS MAY REQUEST THE
12 INDIVIDUAL'S CERTIFICATE TO CONTAIN THE TITLE "HUMAN SERVICES SUPPORT
13 WORKER" OR "HOME CARE AIDE".

14 (D) THE BOARD MAY ISSUE A CERTIFICATE TO REPLACE A LOST,
15 DESTROYED, OR MUTILATED CERTIFICATE, IF THE CERTIFICATE HOLDER PAYS THE
16 CERTIFICATE REPLACEMENT FEE SET BY THE BOARD.

17 8-6A-08.

18 (A) A CERTIFICATE EXPIRES ON THE 28TH DAY OF THE BIRTH MONTH OF THE
19 NURSING ASSISTANT, UNLESS THE CERTIFICATE IS RENEWED FOR A 1-YEAR TERM
20 AS PROVIDED IN THIS SECTION.

21 (B) AT LEAST 1 MONTH BEFORE THE CERTIFICATE EXPIRES, THE BOARD
22 SHALL SEND TO THE NURSING ASSISTANT, BY FIRST-CLASS MAIL TO THE LAST
23 KNOWN ADDRESS OF THE NURSING ASSISTANT, A RENEWAL NOTICE THAT STATES:

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

25 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
26 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
27 THE CERTIFICATE EXPIRES; AND

28 (3) THE AMOUNT OF THE RENEWAL FEE.

29 (C) BEFORE A CERTIFICATE EXPIRES, THE NURSING ASSISTANT
30 PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL TERM, IF THE CERTIFICATE
31 HOLDER:

32 (1) OTHERWISE IS ENTITLED TO BE CERTIFIED;

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

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

36 (4) PROVIDES SATISFACTORY EVIDENCE OF COMPLETION OF:

37 (I) 8 HOURS OF ACTIVE NURSING ASSISTANT PRACTICE WITHIN
38 THE 1-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF RENEWAL; OR

6

1 (II) AN APPROVED NURSING ASSISTANT TRAINING PROGRAM.

2 (D) THE BOARD SHALL RENEW THE CERTIFICATE OF EACH NURSING
3 ASSISTANT WHO MEETS THE REQUIREMENTS OF THIS SECTION.

4 8-6A-09.

5 (A) THE BOARD MAY IMPOSE A CIVIL FINE NOT EXCEEDING \$50 ON A
6 CERTIFIED NURSING ASSISTANT WHO FAILS TO RENEW A CERTIFICATE WITHIN 30
7 DAYS AFTER ITS EXPIRATION DATE AND PRACTICES AS A CERTIFIED NURSING
8 ASSISTANT DURING THE PERIOD OF EXPIRATION.

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

11 8-6A-10.

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

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

19 (2) FRAUDULENTLY OR DECEPTIVELY USES A CERTIFICATE;

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

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

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

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

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

35 (8) INDUCES ANOTHER PERSON TO FAIL TO FILE OR RECORD ANY
36 HEALTH RECORD THAT IS REQUIRED BY LAW;

37 (9) HAS VIOLATED ANY ORDER, RULE, OR REGULATION OF THE BOARD
38 RELATING TO THE PRACTICE OR CERTIFICATION OF A NURSING ASSISTANT;

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1 (10) PROVIDES SERVICES AS A NURSING ASSISTANT WHILE:

2 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

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

6 (11) IS HABITUALLY INTOXICATED;

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

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

11 (14) HAS PRACTICED AS A NURSING ASSISTANT IN A MANNER WHICH
12 FAILS TO MEET GENERALLY ACCEPTED STANDARDS FOR THE PRACTICE OF A
13 NURSING ASSISTANT;

14 (15) HAS PHYSICALLY, VERBALLY, OR PSYCHOLOGICALLY ABUSED,
15 NEGLECTED, OR OTHERWISE HARMED A PERSON UNDER THE APPLICANT OR
16 CERTIFICATE HOLDER'S CARE;

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

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

24 (18) HAS MISAPPROPRIATED PATIENT OR FACILITY PROPERTY;

25 (19) PERFORMS CERTIFIED NURSING ASSISTANT FUNCTIONS
26 INCOMPETENTLY;

27 (20) HAS VIOLATED ANY PROVISION OF THIS TITLE OR HAS AIDED OR
28 KNOWINGLY PERMITTED ANY PERSON TO VIOLATE ANY PROVISION OF THIS TITLE;

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

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

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

37 (24) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION
38 CONDUCTED BY THE BOARD;

8

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

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

5 (27) PRACTICES AS A NURSING ASSISTANT BEFORE OBTAINING OR
6 RENEWING THE CERTIFICATE, INCLUDING ANY TIME PERIOD WHEN THE
7 CERTIFICATE HAS LAPSED;

8 (28) IMPERSONATES ANOTHER INDIVIDUAL:

9 (I) LICENSED UNDER THE PROVISIONS OF THIS TITLE; OR

10 (II) WHO HOLDS A CERTIFICATE ISSUED UNDER THE PROVISIONS
11 OF THIS TITLE;

12 (29) HAS ACTED IN A MANNER INCONSISTENT WITH THE HEALTH OR
13 SAFETY OF A PERSON UNDER THE CERTIFIED NURSING ASSISTANT'S CARE; OR

14 (30) PERFORMS ACTIVITIES THAT EXCEED THE EDUCATION AND
15 TRAINING OF THE CERTIFIED NURSING ASSISTANT.

16 (B) IF, AFTER A HEARING UNDER § 8-317 OF THIS TITLE, THE BOARD FINDS
17 THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND
18 OR REVOKE A CERTIFICATE TO PRACTICE AS A CERTIFIED NURSING ASSISTANT, TO
19 REPRIMAND A CERTIFICATE HOLDER, OR PLACE A CERTIFICATE HOLDER ON
20 PROBATION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$500 INSTEAD OF
21 OR IN ADDITION TO SUSPENDING OR REVOKING THE CERTIFICATE, REPRIMANDING
22 THE CERTIFICATE HOLDER, OR PLACING THE CERTIFICATE HOLDER ON
23 PROBATION.

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

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

29 (D) THE BOARD SHALL FILE A NOTICE FOR PUBLICATION IN THE EARLIEST
30 PUBLICATION OF THE MARYLAND REGISTER OF EACH REVOCATION OR
31 SUSPENSION OF A CERTIFICATE UNDER THIS SECTION WITHIN 24 HOURS OF THE
32 REVOCATION OR SUSPENSION.

33 8-6A-11.

34 ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER §
35 8-6A-12 OF THIS SUBTITLE MAY ONLY TAKE A DIRECT JUDICIAL APPEAL AS
36 ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

37 8-6A-12.

38 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A
39 CERTIFICATE, A CERTIFIED NURSING ASSISTANT MAY NOT SURRENDER THE

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1 CERTIFICATE NOR MAY THE CERTIFICATE LAPSE BY OPERATION OF LAW WHILE
2 THE CERTIFICATE HOLDER IS UNDER INVESTIGATION OR WHILE CHARGES ARE
3 PENDING AGAINST THE CERTIFIED NURSING ASSISTANT.

4 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
5 CERTIFIED NURSING ASSISTANT UNDER INVESTIGATION OR AGAINST WHOM
6 CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE CERTIFICATE.

7 8-6A-13.

8 A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
9 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000
10 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

11 8-6A-14.

12 (A) THE BOARD SHALL APPOINT AN ADVISORY COMMITTEE CONSISTING OF
13 AT LEAST TEN MEMBERS APPOINTED BY THE BOARD.

14 (B) THE MEMBERSHIP OF THE ADVISORY COMMITTEE SHALL INCLUDE TWO
15 NURSING ASSISTANTS.

16 (C) THE ADVISORY COMMITTEE SHALL ADVISE THE BOARD CONCERNING
17 MATTERS RELATED TO NURSING ASSISTANTS.

18 8-6A-15.

19 (A) THE BOARD SHALL APPROVE EACH NURSING ASSISTANT TRAINING
20 PROGRAM PRIOR TO ITS IMPLEMENTATION AND PROVIDE PERIODIC SURVEY OF
21 ALL PROGRAMS IN THE STATE.

22 (B) THE CURRICULUM CONTENT FOR AN APPROVED NURSING ASSISTANT
23 TRAINING PROGRAM SHALL COMPLY WITH THE REGULATIONS ADOPTED BY THE
24 BOARD.

25 (C) THE CURRICULUM SHALL INCLUDE MATERIAL THAT PROVIDES A BASIC
26 LEVEL OF KNOWLEDGE AND DEMONSTRABLE SKILLS FOR EACH INDIVIDUAL
27 COMPLETING THE PROGRAM AND BE PRESENTED IN A MANNER THAT PROVIDES
28 FOR CONSIDERATION OF INDIVIDUALS WITH LIMITED LITERACY SKILLS.

29 (D) THE CURRICULUM SHALL ALLOW FOR INDIVIDUAL CONTENT RELATED
30 TO THE NEEDS OF POPULATIONS IN SPECIFIC HEALTH CARE SETTINGS.

31 (E) THE BOARD MAY NOT REQUIRE THE CURRICULUM CONTENT OF AN
32 APPROVED NURSING ASSISTANT TRAINING PROGRAM TO SUBSTANTIALLY EXCEED
33 THE REQUIREMENTS ESTABLISHED IN THE FEDERAL OMNIBUS BUDGET
34 RECONCILIATION ACT OF 1987, AS AMENDED.

35 8-6A-16.

36 (A) IF, DURING THE INVESTIGATION OF AN ALLEGATION BROUGHT AGAINST
37 A CERTIFIED NURSING ASSISTANT UNDER THIS SUBTITLE, THE BOARD HAS REASON
38 TO BELIEVE THAT THE CERTIFIED NURSING ASSISTANT MAY CAUSE HARM TO A
39 PERSON AFFECTED BY THE PRACTICE OF THE CERTIFIED NURSING ASSISTANT, THE

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1 BOARD, ON ITS OWN INITIATIVE, SHALL DIRECT THE CERTIFIED NURSING
2 ASSISTANT TO SUBMIT TO AN APPROPRIATE EXAMINATION BY A HEALTH CARE
3 PROVIDER DESIGNATED BY THE BOARD.

4 (B) IN RETURN FOR THE PRIVILEGE GIVEN TO A CERTIFIED NURSING
5 ASSISTANT TO PRACTICE IN THE STATE, THE CERTIFIED NURSING ASSISTANT IS
6 DEEMED TO HAVE:

7 (1) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS SECTION
8 IF REQUESTED BY THE BOARD IN WRITING; AND

9 (2) WAIVED ANY LEGAL CLAIM OF PRIVILEGE AS TO THE TESTIMONY
10 OR EXAMINATION REPORTS OF THE EXAMINING HEALTH CARE PROVIDER.

11 (C) THE FAILURE OR REFUSAL OF A CERTIFIED NURSING ASSISTANT TO
12 SUBMIT TO AN EXAMINATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION
13 IS PRIMA FACIE EVIDENCE OF THE INABILITY OF THE CERTIFIED NURSING
14 ASSISTANT TO COMPETENTLY PRACTICE AS A CERTIFIED NURSING ASSISTANT,
15 UNLESS THE BOARD FINDS THAT THE FAILURE OR REFUSAL WAS BEYOND THE
16 CONTROL OF THE CERTIFIED NURSING ASSISTANT.

17 (D) THE BOARD SHALL PAY THE COST OF ANY EXAMINATION MADE IN
18 ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

19 8-6A-17.

20 IF THE BOARD DETERMINES THAT THE INFORMATION CONTAINED IN A
21 RECORD CONCERNS POSSIBLE CRIMINAL ACTIVITY OF A CERTIFIED NURSING
22 ASSISTANT, THE BOARD SHALL DISCLOSE THE INFORMATION TO A LAW
23 ENFORCEMENT OR PROSECUTORIAL OFFICIAL.

24 8-703.

25 (f) An unlicensed individual who acts under § 8-102(b)(3) of this title may use
26 the word "nursing" together with another word to describe the occupation of the
27 individual, as in [phrases] A PHRASE such as "nursing aide" [and "nursing assistant"].

28 SECTION 2. AND BE IT FURTHER ENACTED, That §§ 8-6A-02 and 8-6A-03
29 of the Health Occupations Article as enacted by Section 1 of this Act shall take effect
30 October 1, 1999.

31 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of
32 this Act, this Act shall take effect October 1, 1997.