
By: **Delegates Goldwater, Nathan-Pulliam, and Eckardt**
Introduced and read first time: February 4, 1998
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Nursing - Notification of Ownership, Name, or Address Change**

3 FOR the purpose of requiring that nursing staff agencies report ownership, name,
4 and address changes to the State Board of Nursing within a certain time period;
5 authorizing the Board to impose a certain administrative fee if the changes are
6 not reported in the time period; and generally relating to ownership, name, or
7 address changes of nursing staff agencies.

8 BY repealing and reenacting, with amendments,
9 Article - Health Occupations
10 Section 8-507
11 Annotated Code of Maryland
12 (1994 Replacement Volume and 1997 Supplement)

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

15 **Article - Health Occupations**

16 8-507.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) "Health care facility" means a hospital or related institution as
19 defined in § 19-301 of the Health - General Article.

20 (3) "Initially providing or referring" means the first time a nursing staff
21 agency provides or refers a particular licensed practical nurse, registered nurse, or
22 geriatric nursing assistant to a health care facility.

23 (4) "Nursing personnel" means:

24 (i) Any individual licensed by the State Board of Nursing as a:

25 1. Licensed practical nurse; or

1 (ii) The date by which the renewal application must be received by
2 the Board for the renewal to be issued and mailed before the registration expires; and

3 (iii) The amount of the renewal fee.

4 (3) Before a registration expires, the nursing staff agency periodically
5 may renew it for an additional term, if the nursing staff agency:

6 (i) Otherwise is entitled to be registered; and

7 (ii) Pays to the Board the renewal fee set by the Board.

8 (d) If a nursing staff agency fails to renew, the nursing staff agency must
9 immediately stop referring personnel to health care facilities.

10 (E) (1) A NURSING STAFF AGENCY SHALL NOTIFY THE BOARD OF ANY
11 CHANGE IN OWNERSHIP, AGENCY NAME, OR ADDRESS WITHIN 30 DAYS OF THE
12 CHANGE.

13 (2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (J)(1) OF THIS
14 SECTION, IF A NURSING STAFF AGENCY FAILS TO NOTIFY THE BOARD WITHIN THE
15 TIME REQUIRED UNDER THIS SUBSECTION, THE BOARD MAY IMPOSE AN
16 ADMINISTRATIVE FEE OF \$100.

17 [(e)] (F) (1) Before initially providing or referring a licensed practical nurse
18 or registered nurse to health care facilities to render temporary nursing services the
19 nursing staff agency shall:

20 (i) Submit the name and license number of the licensed practical
21 nurse or registered nurse to the Board; and

22 (ii) Verify the licensure status of the licensed practical nurse or
23 registered nurse.

24 (2) At the time a licensed practical nurse or registered nurse who is
25 being referred to health care facilities by a nursing staff agency must renew their
26 license to practice licensed practical nursing or registered nursing, the nursing staff
27 agency shall:

28 (i) Submit the name and license number of the licensed practical
29 nurse or registered nurse to the Board; and

30 (ii) Verify the licensure status of the licensed practical nurse or
31 registered nurse.

32 (3) (i) On the request of a nursing staff agency, the Board shall verify
33 by telephone or other electronic means the licensure status of any licensed practical
34 nurse or registered nurse that the nursing staff agency plans to refer to health care
35 facilities within 24 hours of the request.

1 (ii) The Board shall provide written confirmation of the information
2 provided in accordance with the provisions of item (i) of this paragraph to the nursing
3 staff agency within 10 working days of the request.

4 (4) (i) At least quarterly, the Board shall report by telephone or other
5 electronic means to a nursing staff agency any disciplinary action taken against a
6 licensed practical nurse or registered nurse who is being referred to health care
7 facilities by that nursing staff agency within the previous quarter.

8 (ii) The Board shall provide written confirmation of the information
9 provided in accordance with the provisions of item (i) of this paragraph to the nursing
10 staff agency within 10 working days of the disciplinary action being taken.

11 [(f)] (G) Before initially providing or referring a geriatric nursing assistant to
12 related institutions to render temporary services, the nursing staff agency shall verify
13 with the Office of Licensing and Certification Programs of the Department that the
14 geriatric nursing assistant complies with the applicable standards under the
15 regulations adopted under § 19-308.1 of the Health - General Article.

16 [(g)] (H)(1) A nursing staff agency may not knowingly provide or refer a
17 licensed practical nurse who is not authorized to practice licensed practical nursing
18 under this title to a health care facility to render temporary nursing services.

19 (2) A nursing staff agency may not knowingly provide or refer a
20 registered nurse who is not authorized to practice registered nursing under this title
21 to a health care facility to render temporary nursing services.

22 [(h)] (I) (1) Except as provided in paragraph (2) of this subsection:

23 (i) If a nursing staff agency knows of an action or condition
24 performed by a licensed practical nurse or registered nurse provided or referred by
25 that nursing staff agency that might be grounds for action under § 8-316 of this title,
26 the nursing staff agency shall report the action or condition to the Board; and

27 (ii) An individual shall have immunity from liability described
28 under § 5-709 of the Courts and Judicial Proceedings Article for making a report as
29 required under this paragraph.

30 (2) A nursing staff agency is not required under this subsection to make
31 any report that would be in violation of any federal or state law, rule, or regulation
32 concerning the confidentiality of alcohol and drug abuse patient records.

33 [(i)] (J) (1) Subject to the provisions of Title 10, Subtitle 2 of the State
34 Government Article, the Board may impose a penalty of up to \$2,000 for a violation of
35 any provision of this section.

36 (2) Each day a violation continues is a separate violation.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 1998.

