
By: **Delegates Goldwater, Nathan-Pulliam, and Eckardt**

Introduced and read first time: February 4, 1998

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 1998

CHAPTER _____

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~~ fine if the changes
6 are not reported in the time period; and generally relating to ownership, name,
7 or 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.

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

4 (4) "Nursing personnel" means:

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

6 1. Licensed practical nurse; or

7 2. Registered nurse; or

8 (ii) A geriatric nursing assistant who complies with the provisions
9 of § 19-308.1 of the Health - General Article for patient care personnel.

10 (5) (i) "Nursing staff agency" means any person, firm, corporation,
11 partnership, or other business entity engaged in the business of providing or referring
12 nursing personnel to render temporary nursing services at a health care facility in the
13 State.

14 (ii) "Nursing staff agency" does not include:

15 1. Any person, firm, corporation, partnership, or other
16 business entity engaged solely in the business of providing or referring nursing
17 personnel to render private duty nursing care at a health care facility;

18 2. A nursing staff agency operated by a health care facility
19 solely for the purpose of procuring, furnishing, or referring temporary or permanent
20 nursing personnel for employment at that health care facility;

21 3. A home health agency regulated under Subtitle 4 of the
22 Health - General Article; or

23 4. Any nursing personnel procuring, furnishing, or referring
24 their own services to a health care facility without the direct or indirect assistance of
25 a nursing staff agency.

26 (6) "Responsible party" means the individual at a nursing staff agency
27 who controls the day to day operation of the nursing staff agency.

28 (b) All nursing staff agencies shall submit to the Board the nursing staff
29 agency's:

30 (1) Business name;

31 (2) Business address;

32 (3) Business telephone number; and

33 (4) Responsible party.

1 (c) (1) A nursing staff agency registration expires on the 28th day of the
2 month in which the agency was originally registered unless the license is renewed for
3 a 1-year term as provided in this section.

4 (2) At least 1 month before the registration expires, the Board shall send
5 to the nursing staff agency, by first-class mail to the last known address of the
6 nursing staff agency, a renewal notice that states:

7 (i) The date on which the current registration expires;

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

10 (iii) The amount of the renewal fee.

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

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

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

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

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

20 (2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (J)(1) OF THIS
21 SECTION, IF A NURSING STAFF AGENCY FAILS TO NOTIFY THE BOARD WITHIN THE
22 TIME REQUIRED UNDER THIS SUBSECTION, THE BOARD MAY IMPOSE ~~AN~~
23 ~~ADMINISTRATIVE FEE~~ A FINE OF \$100.

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

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

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

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

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

1 (ii) Verify the licensure status of the licensed practical nurse or
2 registered nurse.

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

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

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

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

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

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

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

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

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

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

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

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

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

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