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

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 - Expulsion from Rehabilitation Program**

3 FOR the purpose of authorizing the State Board of Nursing to immediately suspend
4 the license of a registered nurse or licensed practical nurse who has been
5 expelled from a certain rehabilitation program under certain circumstances; and
6 generally relating to nursing license suspensions.

7 BY repealing and reenacting, with amendments,
8 Article - Health Occupations
9 Section 8-317
10 Annotated Code of Maryland
11 (1994 Replacement Volume and 1997 Supplement)

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

14 **Article - Health Occupations**

15 8-317.

16 (a) Except as otherwise provided in the Administrative Procedure Act AND IN
17 SUBSECTION (G) OF THIS SECTION, before the Board takes any action under § 8-312,
18 § 8-316, or § 8-404 of this title, it shall give the person against whom the action is
19 contemplated an opportunity for a hearing before the Board.

20 (b) The Board shall give notice and hold the hearing in accordance with the
21 Administrative Procedure Act.

1 (c) The hearing notice to be given to the person shall be sent by certified mail,
2 return receipt requested, bearing a postmark from the United States Postal Service,
3 to the last known address of the person at least 30 days before the hearing.

4 (d) The person may be represented at the hearing by counsel.

5 (e) If after due notice the individual against whom the action is contemplated
6 fails or refuses to appear, nevertheless the Board may hear and determine the matter.

7 (f) Over the signature of the president or the executive director of the Board,
8 the Board may issue subpoenas and administer oaths in connection with any
9 investigation under this title and any hearings or proceedings before it.

10 (G) THE BOARD MAY IMMEDIATELY SUSPEND THE LICENSE OF A REGISTERED
11 NURSE OR LICENSED PRACTICAL NURSE WHO IS EXPELLED FROM THE
12 REHABILITATION PROGRAM UNDER § 8-208 OF THIS TITLE FOR NONCOMPLIANCE
13 WITH THE NURSE'S AGREEMENT IF:

14 (1) PRIOR TO SUSPENDING THE LICENSE, THE BOARD PROVIDES THE
15 NURSE WITH AN OPPORTUNITY TO SHOW CAUSE BY WRITTEN COMMUNICATION OR
16 NONTTESTIMONIAL PRESENTATION AS TO WHY THE SUSPENSION SHOULD NOT
17 OCCUR; AND

18 (2) THE BOARD PROVIDES THE NURSE WITH AN OPPORTUNITY FOR A
19 HEARING, WHICH:

20 (I) SHALL OCCUR WITHIN 30 DAYS OF WRITTEN REQUEST BY THE
21 NURSE; AND

22 (II) SHALL IMPOSE ON THE LICENSEE THE BURDEN OF PROVING BY
23 A PREPONDERANCE OF THE EVIDENCE THAT THE LICENSEE IS NOT ADDICTED TO
24 DRUGS OR ALCOHOL.

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