
By: **Delegates Nathan-Pulliam, Goldwater, Eckardt, Frush, Watson,
Morhaim, Owings, Klausmeier, Hammen, Bonsack, Stup, and Walkup**

Introduced and read first time: February 6, 1998

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 1998

CHAPTER _____

1 AN ACT concerning

2 **Nurses - Safe Nursing Practices**

3 FOR the purpose of authorizing the State Board of Nursing to take certain actions
4 against certain licensed nurses who perform acts beyond their knowledge; and
5 skills; ~~and abilities~~; authorizing the Board to take certain actions against
6 certain licensed nurses who direct other nurses to perform acts beyond their
7 knowledge; and skills; ~~and abilities~~; authorizing the Board to take certain
8 actions against certain licensed nurses who direct other nurses to delegate to
9 individuals certain nursing tasks that are either nondelegable or beyond the
10 individuals' knowledge; and skills; ~~and abilities~~; prohibiting a person from
11 requiring certain licensed nurses to perform acts that are beyond the licensees'
12 knowledge; and skills; ~~and abilities~~ or to delegate such acts; specifying certain
13 penalties; and generally relating to the appropriate practices of certain licensed
14 nurses.

15 BY repealing and reenacting, with amendments,
16 Article - Health Occupations
17 Section 8-316(a)(27) and (28) and 8-710
18 Annotated Code of Maryland
19 (1994 Replacement Volume and 1997 Supplement)

20 BY adding to
21 Article - Health Occupations
22 Section 8-316(a)(29), (30), and (31) and 8-701(c) and (d)
23 Annotated Code of Maryland
24 (1994 Replacement Volume and 1997 Supplement)

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

3 **Article - Health Occupations**

4 8-316.

5 (a) Subject to the hearing provisions of § 8-317 of this subtitle, the Board may
6 deny a license to any applicant, reprimand any licensee, place any licensee on
7 probation, or suspend or revoke the license of a licensee if the applicant or licensee:

8 (27) Practices registered nursing or licensed practical nursing without a
9 license before obtaining or renewing a license, including any period when the license
10 or a temporary license of the applicant or licensee has lapsed; [or]

11 (28) After failing to renew a license or after a temporary license has
12 lapsed, commits any act that would be grounds for disciplinary action under this
13 section[.];

14 (29) PERFORMS AN ACT THAT IS BEYOND THE LICENSEE'S KNOWLEDGE,
15 ~~AND SKILLS, AND ABILITIES;~~

16 (30) WHEN ACTING IN A SUPERVISORY POSITION, DIRECTS ANOTHER
17 NURSE TO PERFORM AN ACT THAT IS BEYOND THE NURSE'S KNOWLEDGE, AND
18 ~~SKILLS, AND ABILITIES;~~ OR

19 (31) WHEN ACTING IN A SUPERVISORY POSITION, DIRECTS ANOTHER
20 NURSE TO DELEGATE A NURSING TASK TO AN INDIVIDUAL WHEN THAT NURSE
21 REASONABLY BELIEVES:

22 (I) THE INDIVIDUAL LACKS THE KNOWLEDGE, AND ~~SKILLS, AND~~
23 ~~ABILITIES~~ TO PERFORM THE TASK; OR

24 (II) THE PATIENT'S CONDITION DOES NOT ALLOW DELEGATION OF
25 THE NURSING TASK.

26 8-701.

27 (C) A PERSON MAY NOT REQUIRE A LICENSEE TO PERFORM AN ACT THAT IS
28 BEYOND THE LICENSEE'S KNOWLEDGE, AND ~~SKILLS, AND ABILITIES.~~

29 (D) A PERSON MAY NOT DIRECT A LICENSEE TO DELEGATE A NURSING TASK
30 TO A NURSE WHEN THE PERSON REASONABLY BELIEVES:

31 (1) THE NURSE LACKS THE KNOWLEDGE, AND ~~SKILLS, AND ABILITIES~~
32 TO PERFORM THE NURSING TASK; OR

33 (2) THE PATIENT'S CONDITION DOES NOT ALLOW DELEGATION OF THE
34 NURSING TASK.

1 8-710.

2 (a) Except for a violation of § 8-707 of this subtitle, a person who violates any
3 provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a
4 fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both.

5 (b) A person who violates any provision of § 8-707 of this subtitle is guilty of a
6 misdemeanor and on conviction is subject:

7 (1) For a first offense, to a fine not exceeding \$100; and

8 (2) For any subsequent violation of the same provision, to a fine not
9 exceeding \$500 or imprisonment not exceeding 6 months or both.

10 (C) (1) SUBJECT TO THE APPROPRIATE HEARING AND APPEALS
11 PROVISIONS, THE APPROPRIATE HEALTH OCCUPATIONS BOARD, ON THE
12 AFFIRMATIVE VOTE OF THE MAJORITY OF ITS MEMBERS, MAY REPRIMAND A
13 LICENSEE OR CERTIFICATE HOLDER, PLACE A LICENSEE OR CERTIFICATE HOLDER
14 ON PROBATION, OR SUSPEND OR REVOKE A LICENSE OR CERTIFICATE OF A PERSON
15 WHO VIOLATES ANY PROVISION OF § 8-701 OF THIS SUBTITLE.

16 (2) A PERSON WHO IS LICENSED, CERTIFIED, OR OTHERWISE
17 AUTHORIZED TO PROVIDE HEALTH CARE SERVICES UNDER THIS ARTICLE IS NOT
18 SUBJECT TO THE PENALTY PROVIDED IN SUBSECTIONS (A) AND (B) OF THIS SECTION
19 FOR A VIOLATION OF § 8-701(C) AND (D) OF THIS SUBTITLE.

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