

HOUSE BILL 363
EMERGENCY BILL

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2000 Regular Session
0lr1489
CF 0lr2238

By: **Delegates Mandel and Goldwater**
Introduced and read first time: February 2, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Statewide Commission on the Crisis in Nursing**

3 FOR the purpose of creating the Statewide Commission on the Crisis in Nursing;
4 providing for the membership, leadership, charge, and staffing of the
5 Commission; making this Act an emergency measure; providing for the
6 termination of this Act; and generally relating to the Statewide Commission on
7 the Crisis in Nursing.

8 BY adding to
9 Article - Health Occupations
10 Section 8-7B-01 to be under the new subtitle "Subtitle 7B. Statewide
11 Commission on the Crisis in Nursing"
12 Annotated Code of Maryland
13 (1994 Replacement Volume and 1999 Supplement)

14 **Preamble**

15 WHEREAS, In Maryland, and across the country, concerns about an increasing
16 nursing shortage continue to grow; and

17 WHEREAS, A number of factors contribute to the growing shortages in qualified
18 nursing personnel; and

19 WHEREAS, The way care is delivered has changed dramatically over the last
20 decade with more people being treated in outpatient settings, shorter and more
21 intense lengths of stay in acute and long-term care settings, and the development of
22 alternatives to nursing home care; and

23 WHEREAS, These changes have led to a number of employment options
24 becoming available to nurses that did not exist previously, making it difficult for
25 employers of nurses to recruit and retain qualified nursing personnel; and

26 WHEREAS, In Maryland, the average age of the practicing nurse in the
27 workforce is 46 years old; and

28 WHEREAS, Nursing school enrollments have dropped between 10 and 15%; and

1 WHEREAS, In 1998, approximately 2,085 nurses did not renew their licenses to
2 practice in Maryland; and

3 WHEREAS, The current shortage is expected to worsen because of the declines
4 in nursing school enrollments and the significant number of nurses expected to retire
5 over the next decade; and

6 WHEREAS, Severe cutbacks in the federal Medicare program under the 1997
7 Balanced Budget Act, state budgetary pressures related to the Medicaid program,
8 continued pressure from insurers to reduce their costs and to retrospectively deny
9 payment for services rendered, and recent cuts to hospital rates by the Health
10 Services Cost Review Commission have made it extremely difficult for many
11 providers to keep up with other employers in salaries and benefits and to recruit and
12 retain qualified nursing personnel; and

13 WHEREAS, The increasing reliance on temporary employment agencies to meet
14 nursing personnel needs further complicates the situation as continuity of care is
15 disrupted, quality of patient care is jeopardized, and costs pressures are further
16 increased; and

17 WHEREAS, Because of the multifaceted nature of these problems, it is critical
18 that all of the interested and affected parties cooperate and collaborate in the
19 development of solutions; now, therefore,

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

22 **Article - Health Occupations**

23 **SUBTITLE 7B. STATEWIDE COMMISSION ON THE CRISIS IN NURSING.**

24 8-7B-01.

25 (A) THERE IS A STATEWIDE COMMISSION ON THE CRISIS IN NURSING.

26 (B) THE COMMISSION CONSISTS OF AT LEAST THE FOLLOWING MEMBERS:

27 (1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;

28 (2) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR
29 THE SECRETARY'S DESIGNEE;

30 (3) THE SECRETARY OF EDUCATION, OR THE SECRETARY'S DESIGNEE;

31 (4) THE SECRETARY OF THE MARYLAND HIGHER EDUCATION
32 COMMISSION, OR THE SECRETARY'S DESIGNEE;

33 (5) THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH CARE
34 COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

1 (6) THE EXECUTIVE DIRECTOR OF THE HEALTH SERVICES COST REVIEW
2 COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

3 (7) THE EXECUTIVE DIRECTOR OF THE BOARD OF NURSING;

4 (8) THE DIRECTOR OF THE MENTAL HYGIENE ADMINISTRATION, OR THE
5 DIRECTOR'S DESIGNEE;

6 (9) THE DEAN OF A UNIVERSITY-BASED SCHOOL OF NURSING
7 APPOINTED BY THE MARYLAND ASSOCIATION OF DEANS AND DIRECTORS OF
8 NURSING;

9 (10) THE PRESIDENT OF A COMMUNITY COLLEGE WITH A NURSING
10 PROGRAM, APPOINTED BY THE MARYLAND ASSOCIATION OF COMMUNITY COLLEGES;

11 (11) A DIRECTOR OF A SCHOOL OF NURSING, APPOINTED BY THE
12 MARYLAND ASSOCIATION OF DEANS AND DIRECTORS OF NURSING;

13 (12) THREE PRACTICING NURSES APPOINTED BY THE MARYLAND
14 NURSES ASSOCIATION, ONE OF WHOM IS A SPECIALITY NURSE AND ONE OF WHOM IS
15 A STAFF NURSE IN AN ACUTE CARE HOSPITAL;

16 (13) A SCHOOL HEALTH NURSE, APPOINTED BY THE MARYLAND
17 ASSOCIATION OF SCHOOL HEALTH NURSES;

18 (14) A REPRESENTATIVE OF THE DISABILITY SERVICES COMMUNITY,
19 APPOINTED BY THE MARYLAND ASSOCIATION OF COMMUNITY SUPPORT SERVICES;

20 (15) A PUBLIC HEALTH NURSE, APPOINTED BY THE MARYLAND COUNCIL
21 OF PUBLIC HEALTH NURSING DIRECTORS;

22 (16) A NURSE EXECUTIVE, APPOINTED BY THE MARYLAND
23 ORGANIZATION OF NURSE EXECUTIVES;

24 (17) A HOSPITAL REPRESENTATIVE, APPOINTED BY THE ASSOCIATION OF
25 MARYLAND HOSPITALS AND HEALTH SYSTEMS;

26 (18) A NURSING HOME REPRESENTATIVE, APPOINTED BY THE
27 MARYLAND ASSOCIATION OF NONPROFIT HOMES FOR THE AGING;

28 (19) A NURSING HOME REPRESENTATIVE, APPOINTED BY THE HEALTH
29 FACILITIES ASSOCIATION OF MARYLAND;

30 (20) THE PROJECT DIRECTOR OF THE COLLEAGUES IN CARING PROJECT;

31 (21) A UNION REPRESENTATIVE, APPOINTED BY THE SERVICE
32 EMPLOYEES INTERNATIONAL UNION;

33 (22) A REPRESENTATIVE OF A TEMPORARY NURSE STAFF AGENCY,
34 APPOINTED BY THE MARYLAND ORGANIZATION OF NURSE EXECUTIVES;

1 (23) A HOME CARE NURSE, APPOINTED BY THE MARYLAND-NATIONAL
2 CAPITAL HOME CARE ASSOCIATION;

3 (24) A STUDENT NURSE REPRESENTATIVE, APPOINTED BY THE
4 MARYLAND ASSOCIATION OF STUDENT NURSES;

5 (25) A LICENSED PRACTICAL NURSE, APPOINTED BY THE MARYLAND
6 LICENSED PRACTICAL NURSES ASSOCIATION;

7 (26) A PHYSICIAN, APPOINTED BY MEDCHI;

8 (27) A REPRESENTATIVE OF A MANAGED CARE ORGANIZATION
9 OPERATING IN THE STATE, APPOINTED BY THE MARYLAND ASSOCIATION OF HEALTH
10 PLANS;

11 (28) A CONSUMER REPRESENTATIVE, APPOINTED BY THE UNITED
12 SENIORS OF MARYLAND;

13 (29) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE
14 SPEAKER OF THE HOUSE; AND

15 (30) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE
16 PRESIDENT OF THE SENATE.

17 (C) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL:

18 (1) CHAIR THE COMMISSION; AND

19 (2) APPOINT SUBCOMMITTEE CHAIRS FROM AMONG THE COMMISSION
20 MEMBERS.

21 (D) THE COMMISSION SHALL:

22 (1) CONVENE A "CRISIS IN NURSING" SUMMIT TO RESPOND TO THE
23 NURSING SHORTAGE IN THE STATE;

24 (2) IN ADDITION TO THE ISSUES IDENTIFIED AND PRIORITIZED AS A
25 RESULT OF THE SUMMIT CONVENED UNDER ITEM (1) OF THIS SUBSECTION,
26 DETERMINE THE CURRENT EXTENT AND LONG-TERM IMPLICATIONS OF THE
27 GROWING NURSING PERSONNEL SHORTAGE IN THE STATE, INCLUDING:

28 (I) AN EVALUATION OF MECHANISMS CURRENTLY AVAILABLE IN
29 THE STATE AND ELSEWHERE INTENDED TO ENHANCE EDUCATION, RECRUITMENT,
30 AND RETENTION OF NURSES IN THE WORKFORCE AND TO IMPROVE QUALITY OF
31 CARE;

32 (II) AN ASSESSMENT OF THE IMPACT OF SHORTAGES IN NURSING
33 PERSONNEL ON ACCESS TO, AND THE DELIVERY OF, QUALITY PATIENT CARE;

1 (3) DEVELOP RECOMMENDATIONS ON, AND FACILITATE
2 IMPLEMENTATION OF, STRATEGIES TO REVERSE THE GROWING SHORTAGE OF
3 QUALIFIED NURSING PERSONNEL IN THE STATE, INCLUDING:

4 (I) DETERMINING WHAT CHANGES ARE NEEDED TO EXISTING
5 PROGRAMS, CURRENT SCHOLARSHIP PROGRAMS, AND FUNDING MECHANISMS TO
6 BETTER REFLECT AND ACCOMMODATE THE CHANGING HEALTH CARE DELIVERY
7 ENVIRONMENT AND TO IMPROVE QUALITY OF CARE TO MEET THE NEEDS OF
8 PATIENTS;

9 (II) FACILITATING CAREER ADVANCEMENT WITHIN NURSING;

10 (III) IDENTIFYING MORE ACCURATELY SPECIFIC SHORTAGE AREAS
11 IN A MORE TIMELY MANNER;

12 (IV) ATTRACTING MIDDLE AND HIGH SCHOOL STUDENTS INTO
13 NURSING AS A CAREER; AND

14 (V) PROJECTING A MORE POSITIVE AND PROFESSIONAL IMAGE OF
15 NURSING; AND

16 (4) SERVE AS AN ADVISOR TO PUBLIC AND PRIVATE ENTITIES TO
17 FACILITATE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE COMMISSION.

18 (E) THE BOARD OF NURSING SHALL PROVIDE STAFF SUPPORT FOR THE
19 COMMISSION.

20 (F) THE COMMISSION SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS
21 TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE,
22 TO THE GENERAL ASSEMBLY IN AN INTERIM REPORT WITHIN 6 MONTHS OF BEING
23 APPOINTED AND IN AN ANNUAL REPORT ON JANUARY 1 OF EACH YEAR.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
25 measure, is necessary for the immediate preservation of the public health and safety,
26 has been passed by a ye and nay vote supported by three-fifths of all the members
27 elected to each of the two Houses of the General Assembly, and shall take effect from
28 the date it is enacted. It shall remain effective until the end of December 1, 2005, at
29 which time, with no further action required by the General Assembly, this Act shall be
30 abrogated and of no further force and effect.