

HOUSE BILL 363
EMERGENCY BILL

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2000 Regular Session
0lr1489
CF 0lr2238

By: ~~Delegates Mandel and Goldwater~~, Goldwater, Bobo, Boutin, Bronrott, Cane, Eckardt, Elliott, Heller, Klausmeier, Kopp, Mohorovic, Morhaim, Nathan-Pulliam, Petzold, Sher, Stern, and Walkup

Introduced and read first time: February 2, 2000
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 17, 2000

CHAPTER _____

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, compensation and
5 reimbursement, and staffing of the Commission; establishing certain
6 subcommittees for certain purposes; making this Act an emergency measure;
7 providing for the termination of this Act; and generally relating to the Statewide
8 Commission on the Crisis in Nursing.

9 BY adding to
10 Article - Health Occupations
11 Section 8-7B-01 to be under the new subtitle "Subtitle 7B. Statewide
12 Commission on the Crisis in Nursing"
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1999 Supplement)

15 Preamble

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

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

20 WHEREAS, The way care is delivered has changed dramatically over the last
21 decade with more people being treated in outpatient settings, shorter and more

1 intense lengths of stay in acute and long-term care settings, and the development of
2 alternatives to nursing home care; and

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

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

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

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

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

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

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

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

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

30 **Article - Health Occupations**

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

32 8-7B-01.

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

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

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

- 1 (2) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR
2 THE SECRETARY'S DESIGNEE;
- 3 (3) THE SECRETARY OF EDUCATION, OR THE SECRETARY'S DESIGNEE;
- 4 (4) THE SECRETARY OF THE MARYLAND HIGHER EDUCATION
5 COMMISSION, OR THE SECRETARY'S DESIGNEE;
- 6 ~~(5) THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH CARE
7 COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~
- 8 ~~(6)~~ (5) THE EXECUTIVE DIRECTOR OF THE HEALTH SERVICES COST
9 REVIEW COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
- 10 ~~(7)~~ (6) THE EXECUTIVE DIRECTOR OF THE BOARD OF NURSING;
- 11 ~~(8)~~ (7) THE DIRECTOR OF THE MENTAL HYGIENE ADMINISTRATION,
12 ~~OR THE DIRECTOR'S DESIGNEE~~ A NURSE DESIGNATED BY THE DIRECTOR;
- 13 ~~(9)~~ (8) THE DEAN OF A UNIVERSITY-BASED SCHOOL OF NURSING
14 APPOINTED BY THE MARYLAND ASSOCIATION OF DEANS AND DIRECTORS OF
15 ~~NURSING;~~ COUNCIL OF BACCALAUREATE AND HIGHER DEGREE PROGRAMS;
- 16 (9) THE DEAN OF AN INDEPENDENT COLLEGE OR UNIVERSITY SCHOOL
17 OF NURSING, APPOINTED BY THE MARYLAND INDEPENDENT COLLEGE AND
18 UNIVERSITY ASSOCIATION;
- 19 (10) THE ~~PRESIDENT CHAIR~~ OF A COMMUNITY COLLEGE ~~WITH A~~
20 NURSING PROGRAM, APPOINTED BY THE MARYLAND ASSOCIATION OF COMMUNITY
21 COLLEGES;
- 22 (11) A DIRECTOR OF A ~~SCHOOL OF NURSING~~ COMMUNITY COLLEGE
23 NURSING PROGRAM, APPOINTED BY THE MARYLAND ASSOCIATION OF ~~DEANS AND
24 DIRECTORS OF NURSING~~ ASSOCIATE DEGREE DIRECTORS OF NURSING;
- 25 (12) THREE PRACTICING NURSES APPOINTED BY THE MARYLAND
26 NURSES ASSOCIATION, ONE OF WHOM IS A SPECIALITY NURSE AND ONE OF WHOM IS
27 A STAFF NURSE IN AN ACUTE CARE HOSPITAL;
- 28 (13) A SCHOOL HEALTH NURSE, APPOINTED BY THE MARYLAND
29 ASSOCIATION OF SCHOOL HEALTH NURSES;
- 30 (14) A REPRESENTATIVE OF THE DISABILITY SERVICES COMMUNITY WHO
31 IS A NURSE, APPOINTED BY THE MARYLAND ASSOCIATION OF COMMUNITY SUPPORT
32 SERVICES;
- 33 (15) A PUBLIC HEALTH NURSE, APPOINTED BY THE MARYLAND COUNCIL
34 OF PUBLIC HEALTH NURSING DIRECTORS;
- 35 (16) A NURSE EXECUTIVE, APPOINTED BY THE MARYLAND
36 ORGANIZATION OF NURSE EXECUTIVES;

1 (17) A HOSPITAL REPRESENTATIVE, WHO IS A NURSING DIRECTOR,
 2 APPOINTED BY THE ASSOCIATION OF MARYLAND HOSPITALS AND HEALTH SYSTEMS;

3 (18) A NURSING HOME REPRESENTATIVE, WHO IS A NURSING DIRECTOR,
 4 APPOINTED BY THE MARYLAND ASSOCIATION OF NONPROFIT HOMES FOR THE
 5 AGING;

6 (19) A NURSING HOME REPRESENTATIVE, WHO IS A NURSING DIRECTOR,
 7 APPOINTED BY THE HEALTH FACILITIES ASSOCIATION OF MARYLAND;

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

9 (21) A UNION REPRESENTATIVE, WHO IS A NURSE, APPOINTED BY THE
 10 SERVICE EMPLOYEES INTERNATIONAL UNION;

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

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

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

17 (25) A LICENSED PRACTICAL NURSE, APPOINTED BY THE MARYLAND
 18 LICENSED PRACTICAL NURSES ASSOCIATION;

19 (26) A PHYSICIAN, APPOINTED BY MEDCHI;

20 (27) A NURSE PRACTICING IN CRITICAL CARE, APPOINTED BY THE
 21 CHESAPEAKE BAY CHAPTER OF THE AMERICAN ASSOCIATION OF CRITICAL CARE
 22 NURSES;

23 ~~(27)~~ (28) A REPRESENTATIVE OF A MANAGED CARE ORGANIZATION
 24 OPERATING IN THE STATE, APPOINTED BY THE MARYLAND ASSOCIATION OF HEALTH
 25 PLANS;

26 ~~(28)~~ (29) A CONSUMER REPRESENTATIVE, APPOINTED BY THE UNITED
 27 SENIORS OF MARYLAND;

28 ~~(29)~~ (30) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY
 29 THE SPEAKER OF THE HOUSE; AND

30 ~~(30)~~ (31) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY
 31 THE PRESIDENT OF THE SENATE.

32 (C) (1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL:

33 ~~(1)~~ (1) CHAIR THE COMMISSION; ~~AND~~

1 (II) ESTABLISH SUBCOMMITTEES TO FACILITATE THE WORK OF
2 THE COMMISSION AS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION; AND

3 (2) (III) APPOINT SUBCOMMITTEE CHAIRS FROM AMONG THE
4 COMMISSION MEMBERS.

5 (2) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO THE
6 COMMISSION SHALL BE GEOGRAPHICALLY AND RACIALLY DIVERSE.

7 (3) THERE SHALL BE:

8 (I) A SUBCOMMITTEE TO STUDY AND EVALUATE THE EDUCATION
9 OF NURSES;

10 (II) A SUBCOMMITTEE TO STUDY AND EVALUATE THE
11 RECRUITMENT OF NURSES;

12 (III) A SUBCOMMITTEE TO STUDY AND EVALUATE THE RETENTION
13 OF NURSING PERSONNEL; AND

14 (IV) ANY OTHER SUBCOMMITTEE THAT THE SECRETARY DEEMS
15 APPROPRIATE.

16 (D) THE COMMISSION SHALL:

17 (1) CONVENE A "~~CRISIS IN NURSING~~" ~~SUMMIT~~ TO RESPOND TO THE
18 NURSING SHORTAGE IN THE STATE;

19 (2) ~~IN ADDITION TO THE ISSUES IDENTIFIED AND PRIORITIZED AS A~~
20 ~~RESULT OF THE SUMMIT CONVENEED UNDER ITEM (1) OF THIS SUBSECTION,~~
21 DETERMINE THE CURRENT EXTENT AND LONG-TERM IMPLICATIONS OF THE
22 GROWING NURSING PERSONNEL SHORTAGE IN THE STATE, INCLUDING:

23 (I) AN EVALUATION OF MECHANISMS CURRENTLY AVAILABLE IN
24 THE STATE AND ELSEWHERE INTENDED TO ENHANCE EDUCATION, RECRUITMENT,
25 AND RETENTION OF NURSES IN THE WORKFORCE AND TO IMPROVE QUALITY OF
26 CARE;

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

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

32 (I) DETERMINING WHAT CHANGES ARE NEEDED TO EXISTING
33 PROGRAMS, CURRENT SCHOLARSHIP PROGRAMS, AND FUNDING MECHANISMS TO
34 BETTER REFLECT AND ACCOMMODATE THE CHANGING HEALTH CARE DELIVERY
35 ENVIRONMENT AND TO IMPROVE QUALITY OF CARE TO MEET THE NEEDS OF
36 PATIENTS;

- 1 (II) FACILITATING CAREER ADVANCEMENT WITHIN NURSING;
2 (III) IDENTIFYING MORE ACCURATELY SPECIFIC SHORTAGE AREAS
3 IN A MORE TIMELY MANNER;
4 (IV) ATTRACTING MIDDLE AND HIGH SCHOOL STUDENTS INTO
5 NURSING AS A CAREER; AND
6 (V) PROJECTING A MORE POSITIVE AND PROFESSIONAL IMAGE OF
7 NURSING; AND
8 (4) SERVE AS AN ADVISOR TO PUBLIC AND PRIVATE ENTITIES TO
9 FACILITATE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE COMMISSION.
10 (E) A MEMBER OF THE COMMISSION:
11 (1) MAY NOT RECEIVE COMPENSATION; BUT
12 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
13 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.
14 ~~(E)~~ (F) THE BOARD OF NURSING SHALL PROVIDE STAFF SUPPORT FOR THE
15 COMMISSION.
16 ~~(F)~~ (G) THE COMMISSION SHALL REPORT ITS FINDINGS AND
17 RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
18 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY IN AN INTERIM REPORT
19 WITHIN 6 MONTHS OF BEING APPOINTED AND IN AN ANNUAL REPORT ON JANUARY 1
20 OF EACH YEAR.

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