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By: **Delegates Hubbard, Nathan-Pulliam, and Goldwater**  
Introduced and read first time: February 11, 2000  
Assigned to: Environmental Matters

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 14, 2000

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Nursing - Nursing Assistants in the Rehabilitation Program**

3 FOR the purpose of adding nursing assistants to the health professionals who may  
4 participate in the rehabilitation program of the State Board of Nursing;  
5 authorizing the Rehabilitation Committee to review and designate treatment  
6 facilities and services for nursing assistants; authorizing the Rehabilitation  
7 Committee to determine if a nursing assistant may safely continue to practice;  
8 requiring the Rehabilitation Committee to prepare certain reports and  
9 rehabilitation programs for participants; requiring the Rehabilitation  
10 Committee to make certain reports to the Board; requiring the Board to keep all  
11 nursing assistant rehabilitation records confidential; authorizing the Board to  
12 take certain disciplinary actions; requiring the Board to provide legal counsel in  
13 case a member of the Committee or Board is sued for defamation by a nursing  
14 assistant; providing for certain penalties; and generally relating to nursing  
15 assistants who are in the rehabilitation program of the State Board of Nursing.

16 BY repealing and reenacting, with amendments,  
17 Article - Health Occupations  
18 Section 8-208(j) through (p) and 8-6A-10(a)(29) and (30)  
19 Annotated Code of Maryland  
20 (1994 Replacement Volume and 1999 Supplement)

21 BY adding to  
22 Article - Health Occupations  
23 Section 8-6A-10(a)(31)  
24 Annotated Code of Maryland  
25 (1994 Replacement Volume and 1999 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 8-208.

5 (j) In addition to the powers set forth elsewhere in this subtitle, the  
6 Committee may:

7 (1) Evaluate those nurses OR NURSING ASSISTANTS who request  
8 participation in the program according to the guidelines prescribed by the Board and  
9 consider the recommendations for admission into the program;

10 (2) Review and designate those treatment facilities and services to which  
11 nurses OR NURSING ASSISTANTS in the program may be referred;

12 (3) Receive and review information concerning a nurse OR NURSING  
13 ASSISTANT participating in the program;

14 (4) Consider in the case of each nurse OR NURSING ASSISTANT  
15 participating in a program whether the nurse OR NURSING ASSISTANT may with  
16 safety continue or resume the practice of nursing; and

17 (5) Have meetings as necessary to consider the requests of nurses OR  
18 NURSING ASSISTANTS to participate in the program, and consider reports regarding  
19 nurses OR NURSING ASSISTANTS participating in the program.

20 (k) In addition to the duties set forth elsewhere in this subtitle, the Committee  
21 shall:

22 (1) Prepare reports to be submitted to the Board; and

23 (2) Set forth in writing for each nurse OR NURSING ASSISTANT  
24 participating in the program a rehabilitation program established for that nurse OR  
25 NURSING ASSISTANT, including the requirements for supervision and surveillance.

26 (l) The Committee shall inform each nurse OR NURSING ASSISTANT who  
27 requests participation in the program of:

28 (1) The procedures followed in the program;

29 (2) The rights and responsibilities of the nurse OR NURSING ASSISTANT  
30 in the program; and

31 (3) The possible results of noncompliance with the program.

32 (m) (1) Each nurse OR NURSING ASSISTANT who requests to participate in  
33 the program shall agree to cooperate with the individual rehabilitation program  
34 designed by a Committee.

1           (2)     Any failure to comply with the provisions of a rehabilitation program  
2 may result in termination of the nurse's OR NURSING ASSISTANT'S participation in  
3 the program.

4           (3)     The Committee shall report the name and license number of a nurse  
5 OR THE NAME AND CERTIFICATE NUMBER OF A NURSING ASSISTANT who is expelled  
6 from the program for failure to comply with the conditions of the program.

7           (4)     (i)     The program shall transfer to the Board all the records of any  
8 nurse OR NURSING ASSISTANT expelled from the program.

9                   (ii)     The Board may initiate disciplinary action based on the failure  
10 of the nurse OR NURSING ASSISTANT to comply with the conditions of the program in  
11 accordance with the provisions of §§ 8-316 and 8-317 of this title.

12       (n)     After a Committee has determined that a nurse OR NURSING ASSISTANT  
13 has been rehabilitated, the Committee shall purge and destroy all records concerning  
14 a nurse's OR NURSING ASSISTANT'S participation in the program.

15       (o)     All Board and Committee records of a proceeding concerning the  
16 rehabilitation of a nurse OR NURSING ASSISTANT in the program are confidential and  
17 are not subject to discovery or subpoena in any civil or criminal action.

18       (p)     The Board shall provide for the representation of any person making  
19 reports to a Committee or the Board under this section in any action for defamation  
20 directly resulting from reports or information given to a Committee or the Board  
21 regarding a nurse's OR NURSING ASSISTANT'S participation in the program.

22 8-6A-10.

23       (a)     Subject to the hearing provisions of § 8-317 of this title, the Board may  
24 deny a certificate to any applicant, reprimand any certificate holder, place any  
25 certificate holder on probation, or suspend or revoke the certificate of a certificate  
26 holder, if the applicant or certificate holder:

27           (29)     Has acted in a manner inconsistent with the health or safety of a  
28 person under the certified nursing assistant's care; [or]

29           (30)     Performs activities that exceed the education and training of the  
30 certified nursing assistant; OR

31           (31)     IS EXPELLED FROM THE REHABILITATION PROGRAM ESTABLISHED  
32 PURSUANT TO § 8-208 OF THIS TITLE FOR FAILURE TO COMPLY WITH THE  
33 CONDITIONS OF THE PROGRAM.

34     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 2000.

