

SENATE BILL 311
EMERGENCY BILL

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2000 Regular Session
0lr2238
CF 0lr1489

By: **Senator Hollinger**

Introduced and read first time: February 1, 2000

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 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, and staffing of the
5 Commission; requiring the Secretary of Health and Mental Hygiene to convene
6 a certain summit on the crisis in nursing; making this Act an emergency
7 measure; providing for the termination of this Act; and generally relating to the
8 Statewide 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
22 intense lengths of stay in acute and long-term care settings, and the development of
23 alternatives to nursing home care; and

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

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

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

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

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

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

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

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

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

28 **Article - Health Occupations**

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

30 8-7B-01.

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

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

33 ~~(1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;~~

34 ~~(2) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR~~
35 ~~THE SECRETARY'S DESIGNEE;~~

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

- 1 (20) ~~THE PROJECT DIRECTOR OF THE COLLEAGUES IN CARING PROJECT;~~
- 2 (21) ~~A UNION REPRESENTATIVE, APPOINTED BY THE SERVICE~~
3 ~~EMPLOYEES INTERNATIONAL UNION;~~
- 4 (22) ~~A REPRESENTATIVE OF A TEMPORARY NURSE STAFF AGENCY,~~
5 ~~APPOINTED BY THE MARYLAND ORGANIZATION OF NURSE EXECUTIVES;~~
- 6 (23) ~~A HOME CARE NURSE, APPOINTED BY THE MARYLAND NATIONAL~~
7 ~~CAPITAL HOME CARE ASSOCIATION;~~
- 8 (24) ~~A STUDENT NURSE REPRESENTATIVE, APPOINTED BY THE~~
9 ~~MARYLAND ASSOCIATION OF STUDENT NURSES;~~
- 10 (25) ~~A LICENSED PRACTICAL NURSE, APPOINTED BY THE MARYLAND~~
11 ~~LICENSED PRACTICAL NURSES ASSOCIATION;~~
- 12 (26) ~~A PHYSICIAN, APPOINTED BY MEDCHI;~~
- 13 (27) ~~A REPRESENTATIVE OF A MANAGED CARE ORGANIZATION~~
14 ~~OPERATING IN THE STATE, APPOINTED BY THE MARYLAND ASSOCIATION OF HEALTH~~
15 ~~PLANS;~~
- 16 (28) ~~A CONSUMER REPRESENTATIVE, APPOINTED BY THE UNITED~~
17 ~~SENIORS OF MARYLAND;~~
- 18 (29) ~~TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE~~
19 ~~SPEAKER OF THE HOUSE; AND~~
- 20 (30) ~~TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE~~
21 ~~PRESIDENT OF THE SENATE.~~
- 22 (C) ~~THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL:~~
- 23 (1) ~~CHAIR THE COMMISSION; AND~~
- 24 (2) ~~APPOINT SUBCOMMITTEE CHAIRS FROM AMONG THE COMMISSION~~
25 ~~MEMBERS.~~
- 26 (D) ~~THE COMMISSION SHALL:~~
- 27 (1) ~~CONVENE A "CRISIS IN NURSING" SUMMIT TO RESPOND TO THE~~
28 ~~NURSING SHORTAGE IN THE STATE; SECRETARY OF HEALTH AND MENTAL HYGIENE~~
29 ~~SHALL:~~
- 30 (1) ~~CHAIR THE COMMISSION; AND~~
- 31 (2) ~~APPOINT AS VICE CHAIRS;~~
- 32 (I) ~~THE DEAN OF THE MARYLAND SCHOOL OF NURSING;~~

- 1 (II) THE PRESIDENT OF THE MARYLAND NURSES ASSOCIATION;
2 (III) THE EXECUTIVE DIRECTOR OF THE BOARD OF NURSING; AND
3 (IV) THE PRESIDENT OF THE MARYLAND ORGANIZATION OF NURSE
4 EXECUTIVES; AND

5 (3) CONVENE A CRISIS IN NURSING SUMMIT TO RESPOND TO THE
6 NURSING SHORTAGE IN THE STATE.

7 (C) THE PARTICIPANTS OF THE SUMMIT SHALL INCLUDE:

- 8 (1) THE CHAIR OF THE COMMISSION;
9 (2) THE FOUR VICE CHAIRS OF THE COMMISSION;
10 (3) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR
11 THE SECRETARY'S DESIGNEE;
12 (4) THE SECRETARY OF EDUCATION, OR THE SECRETARY'S DESIGNEE;
13 (5) THE SECRETARY OF THE MARYLAND HIGHER EDUCATION
14 COMMISSION, OR THE SECRETARY'S DESIGNEE;
15 (6) THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH CARE
16 COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
17 (7) THE EXECUTIVE DIRECTOR OF THE HEALTH SERVICES COST REVIEW
18 COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
19 (8) THE DIRECTOR OF THE MENTAL HYGIENE ADMINISTRATION, OR THE
20 DIRECTOR'S DESIGNEE;
21 (9) THE DEANS OF UNIVERSITY-BASED SCHOOLS OF NURSING OR THE
22 DEAN'S DESIGNEES;
23 (10) THE DIRECTORS OF THE ASSOCIATE DEGREE NURSING PROGRAMS
24 IN COMMUNITY COLLEGES OR THEIR DESIGNEES;

25 (11) REPRESENTATIVES FROM THE FOLLOWING NURSES ASSOCIATIONS:

- 26 (I) AMERICAN ASSOCIATION OF CRITICAL CARE NURSES;
27 (II) ASSOCIATION OF REHABILITATION NURSES, MARYLAND
28 CHAPTER;
29 (III) THE MARYLAND ASSOCIATION OF SCHOOL HEALTH NURSES;
30 (IV) BEHAVIORAL HOME HEALTH NURSES ASSOCIATION;
31 (V) MARYLAND ASSOCIATION OF STUDENT NURSES;

- 1 (VI) ASSOCIATION OF PERIOPERATIVE REGISTERED NURSES;
- 2 (VII) MARYLAND ASSOCIATION OF OCCUPATIONAL HEALTH NURSES;
- 3 (VIII) SOCIETY OF PERIANESTHESIA NURSES;
- 4 (IX) SOCIETY OF GASTROENTEROLOGY NURSES;
- 5 (X) SOCIETY OF OPHTHALMIC NURSES;
- 6 (XI) MARYLAND STATE COUNCIL OF THE EMERGENCY NURSES
7 ASSOCIATION;
- 8 (XII) ONCOLOGY NURSING SOCIETY;
- 9 (XIII) ADVANCED PRACTICE NURSES OF MARYLAND;
- 10 (XIV) LICENSED PRACTICAL NURSES ASSOCIATION;
- 11 (XV) MARYLAND NURSES ASSOCIATION; AND
- 12 (XVI) MARYLAND COUNCIL OF PUBLIC HEALTH NURSING;
- 13 (12) REPRESENTATIVES FROM TEMPORARY NURSE STAFF AGENCIES;
- 14 (13) REPRESENTATIVES FROM THE COLLEAGUES IN CARING PROJECT;
- 15 (14) REPRESENTATIVES FROM THE DISABILITY SERVICES COMMUNITY;
- 16 (15) REPRESENTATIVES FROM THE MARYLAND ASSOCIATION OF
17 COMMUNITY SUPPORT SERVICES;
- 18 (16) REPRESENTATIVES FROM THE ASSOCIATION OF MARYLAND
19 HOSPITALS AND HEALTH SYSTEMS;
- 20 (17) REPRESENTATIVES FROM THE MID-ATLANTIC NONPROFIT HEALTH
21 AND HOUSING ASSOCIATION;
- 22 (18) REPRESENTATIVES FROM THE HEALTH FACILITIES ASSOCIATION OF
23 MARYLAND;
- 24 (19) REPRESENTATIVES FROM ANY OR ALL UNIONS WHICH REPRESENT
25 THE INTERESTS OF NURSES;
- 26 (20) REPRESENTATIVES FROM THE NURSING ASSISTANTS COMMUNITY;
- 27 (21) REPRESENTATIVES FROM THE HOME CARE NURSING COMMUNITY;
- 28 (22) REPRESENTATIVES FROM MEDCHI;
- 29 (23) REPRESENTATIVES FROM THE MANAGED CARE ORGANIZATIONS
30 OPERATING IN THE STATE;

1 (24) CONSUMER REPRESENTATIVES FROM THE UNITED SENIORS OF
2 MARYLAND;

3 (25) CONSUMER REPRESENTATIVES FROM THE MARYLAND PATIENT
4 ADVOCACY GROUP;

5 (26) MEMBERS OF THE HOUSE OF DELEGATES; AND

6 (27) MEMBERS OF THE SENATE OF MARYLAND.

7 (D) THE SECRETARY SHALL DESIGNATE:

8 (1) SUBCOMMITTEES;

9 (2) SUBCOMMITTEE CHAIRS AND VICE CHAIRS; AND

10 (3) PARTICIPANTS OR THEIR REPRESENTATIVES TO SUBCOMMITTEES.

11 (E) THE COMMISSION SHALL BE COMPRISED OF:

12 (1) THE CHAIR;

13 (2) THE FOUR VICE CHAIRS; AND

14 (3) THE SUBCOMMITTEE CHAIRS AND VICE CHAIRS OF EACH
15 DESIGNATED COMMITTEE.

16 (F) THE COMMISSION SHALL:

17 ~~(2)~~ (1) IN ADDITION TO THE ISSUES IDENTIFIED AND PRIORITIZED AS
18 A RESULT OF THE SUMMIT CONVENED UNDER ~~ITEM (4)~~ SUBSECTION (B) OF THIS
19 ~~SUBSECTION SECTION~~, DETERMINE THE CURRENT EXTENT AND LONG-TERM
20 IMPLICATIONS OF THE GROWING NURSING PERSONNEL SHORTAGE IN THE STATE,
21 INCLUDING:

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

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

28 ~~(3)~~ (2) DEVELOP RECOMMENDATIONS ON, AND FACILITATE
29 IMPLEMENTATION OF, STRATEGIES TO REVERSE THE GROWING SHORTAGE OF
30 QUALIFIED NURSING PERSONNEL IN THE STATE, INCLUDING:

31 (I) DETERMINING WHAT CHANGES ARE NEEDED TO EXISTING
32 PROGRAMS, CURRENT SCHOLARSHIP PROGRAMS, AND FUNDING MECHANISMS TO
33 BETTER REFLECT AND ACCOMMODATE THE CHANGING HEALTH CARE DELIVERY

1 ENVIRONMENT AND TO IMPROVE QUALITY OF CARE TO MEET THE NEEDS OF
2 PATIENTS;

3 (II) FACILITATING CAREER ADVANCEMENT WITHIN NURSING;

4 (III) IDENTIFYING MORE ACCURATELY SPECIFIC SHORTAGE AREAS
5 IN A MORE TIMELY MANNER;

6 (IV) ATTRACTING MIDDLE AND HIGH SCHOOL STUDENTS INTO
7 NURSING AS A CAREER; AND

8 (V) PROJECTING A MORE POSITIVE AND PROFESSIONAL IMAGE OF
9 NURSING; AND

10 ~~(4)~~ (3) SERVE AS AN ADVISOR TO PUBLIC AND PRIVATE ENTITIES TO
11 FACILITATE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE COMMISSION.

12 ~~(E)~~ (G) THE BOARD OF NURSING SHALL PROVIDE STAFF SUPPORT FOR THE
13 COMMISSION.

14 ~~(F)~~ (H) THE COMMISSION SHALL REPORT ITS FINDINGS AND
15 RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
16 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY IN AN INTERIM REPORT
17 WITHIN 6 MONTHS OF BEING APPOINTED AND IN AN ANNUAL REPORT ON JANUARY 1
18 OF EACH YEAR.

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