

SENATE BILL 405

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2004 Regular Session
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By: **Senator Hollinger**

Introduced and read first time: February 5, 2004

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2004

CHAPTER _____

1 AN ACT concerning

2 **State Board of Nursing - Nursing Assistants and Medication Technicians -**
3 **Miscellaneous Provisions**

4 FOR the purpose of altering the number of members on the State Board of Nursing
5 Rehabilitation Committee; requiring that a registered nurse with expertise in
6 pain management be a member of the rehabilitation committee; authorizing the
7 Board to conduct a demonstration study to evaluate certain changes to certain
8 nursing practice regulations; providing for the purpose of demonstration
9 studies; requiring the Board to approve the demonstration study design and to
10 select the testing facilities; authorizing the Board to waive certain requirements
11 during a demonstration study; requiring an individual to be certified by the
12 Board before practicing as a medication technician, using certain titles, and
13 making certain representations; making ~~a certain exception~~ certain exceptions
14 to the requirement for certification as a medication technician; requiring the
15 Board to set certain fees relating to the certification of medication technicians;
16 requiring the Board to adopt certain regulations; establishing certain
17 qualifications that an individual must meet to qualify for certain certificates;
18 repealing a certain procedure for granting a nursing assistant certificate by
19 waiver; establishing procedures for the certification of medication technicians
20 and the issuance and renewal of medication technician certificates; altering
21 certain requirements for the renewal of a nursing assistant certificate; requiring
22 certain certificate holders to notify the Board in a certain manner and within a
23 certain time period after a certain change has occurred; authorizing the Board
24 to impose a certain administrative penalty on certain certificate holders under
25 certain circumstances; requiring the Board to pay certain penalties to the
26 General Fund of the State; authorizing the Board to impose a certain fine on a
27 certified medication technician; establishing grounds for the denial of a
28 medication technician certificate and the discipline of certified medication

1 technicians; authorizing the Board to deny, suspend, or revoke certain
 2 certificates under certain circumstances; authorizing the Board to reinstate
 3 certain certificates under certain circumstances; providing for the surrender of a
 4 medication technician certificate under certain circumstances; requiring the
 5 Board's advisory committee to review certain investigations of complaints and
 6 make certain recommendations for disciplinary action; requiring certain
 7 individuals to submit to certain examinations under certain circumstances;
 8 prohibiting a ~~director of nursing person~~ from employing certain individuals
 9 under certain circumstances; defining certain terms; requiring the Board to
 10 certify certain medication assistants on or before a certain date; requiring the
 11 Board to consult with certain groups in developing certain regulations; and
 12 generally relating to the State Board of Nursing and the certification of nursing
 13 assistants and medication technicians.

14 BY repealing and reenacting, with amendments,
 15 Article - Health Occupations
 16 Section 8-208(c), 8-6A-01, 8-6A-02(a) and (b), 8-6A-03, 8-6A-04(a), 8-6A-05,
 17 8-6A-07 through 8-6A-10, 8-6A-12, 8-6A-13(e), and 8-6A-15 to be
 18 under the amended subtitle "Subtitle 6A. Certification of Nursing
 19 Assistants and Medication Technicians"; and 8-706
 20 Annotated Code of Maryland
 21 (2000 Replacement Volume and 2003 Supplement)

22 BY repealing and reenacting, without amendments,
 23 Article - Health Occupations
 24 Section 8-208(a) and (b) and 8-6A-13(a)
 25 Annotated Code of Maryland
 26 (2000 Replacement Volume and 2003 Supplement)

27 BY adding to
 28 Article - Health Occupations
 29 Section 8-510
 30 Annotated Code of Maryland
 31 (2000 Replacement Volume and 2003 Supplement)

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

34 **Article - Health Occupations**

35 8-208.

- 36 (a) In this section, "program" means the rehabilitation program.
- 37 (b) (1) There is a Rehabilitation Committee in the Board.
- 38 (2) The Board may create 1 or more rehabilitation committees.

1 (c) (1) The Committee shall consist of [5] 6 members.

2 (2) Of the [5] 6 Committee members:

3 (i) 3 shall be licensed registered nurses, who have demonstrated
4 expertise in the field of chemical dependency or psychiatric nursing;

5 (II) 1 SHALL BE A REGISTERED NURSE, WHO HAS DEMONSTRATED
6 EXPERTISE IN THE AREA OF PAIN MANAGEMENT;

7 [(ii)] (III) 1 shall be a licensed practical nurse; and

8 [(iii)] (IV) 1 shall be a consumer member, who is knowledgeable in
9 the field of chemical dependency.

10 8-510.

11 (A) THE BOARD MAY CONDUCT A DEMONSTRATION STUDY TO EVALUATE A
12 PROPOSED CHANGE TO REGULATIONS REGARDING NURSING PRACTICES OR THE
13 ACTIVITIES OF NURSING ASSISTANTS OR MEDICATION TECHNICIANS IN A PRACTICE
14 SETTING.

15 (B) A DEMONSTRATION STUDY ENABLES THE BOARD, IN A CONTROLLED
16 PRACTICE SETTING, TO DETERMINE:

17 (1) THE SAFETY OF THE PROPOSED PRACTICE OR ACTIVITY; AND

18 (2) THE APPROPRIATE EDUCATION OR TRAINING REQUIREMENTS FOR A
19 PROPOSED PRACTICE OR ACTIVITY.

20 (C) (1) THE BOARD SHALL:

21 (I) APPROVE THE DEMONSTRATION STUDY DESIGN; AND

22 (II) SELECT THE TESTING FACILITIES.

23 (2) THE BOARD MAY WAIVE SELECTED NURSING PRACTICE
24 REQUIREMENTS DURING A DEMONSTRATION STUDY.

25 Subtitle 6A. Certification of Nursing Assistants AND MEDICATION TECHNICIANS.

26 8-6A-01.

27 (a) In this subtitle the following words have the meanings indicated.

28 (B) "APPROVED MEDICATION TECHNICIAN TRAINING PROGRAM" MEANS A
29 COURSE OF TRAINING APPROVED BY THE BOARD THAT MEETS THE BASIC
30 MEDICATION TECHNICIAN ~~CURRICULUM PRESCRIBED AND APPROVED BY THE~~
31 ~~BOARD~~ CORE CURRICULUM AND THE MEDICATION TECHNICIAN CONTENT TRAINING
32 SPECIFIC TO THE SETTING IN WHICH THE MEDICATION TECHNICIAN WILL WORK.

1 [(b)] (C) "Approved nursing assistant training program" means a course of
2 training that meets the basic nursing assistant curriculum prescribed and approved
3 by the Board.

4 [(c)] (D) "Board" means the State Board of Nursing.

5 [(d)] (E) "Certificate" means a certificate issued by the Board to practice as a
6 certified nursing assistant OR A CERTIFIED MEDICATION TECHNICIAN in the State.

7 (F) "CERTIFIED MEDICATION TECHNICIAN" MEANS AN INDIVIDUAL WHO:

8 (1) HAS COMPLETED A BOARD-APPROVED MEDICATION TECHNICIAN
9 TRAINING PROGRAM; AND

10 (2) IS CERTIFIED BY THE BOARD AS A MEDICATION TECHNICIAN.

11 [(e)] (G) "Certified medicine aide" means a geriatric nursing assistant who
12 has completed a [60-hour, State-approved] BOARD-APPROVED course in medication
13 administration.

14 [(f)] (H) "Certified nursing assistant":

15 (1) Means an individual regardless of title who routinely performs
16 nursing tasks delegated by a registered nurse or licensed practical nurse for
17 [compensation or satisfies the criteria contained in § 8-6A-05(d) of this subtitle]
18 COMPENSATION; and

19 (2) Does not include a [medication assistant] CERTIFIED MEDICATION
20 TECHNICIAN.

21 [(g)] (I) "Department" means the Department of Health and Mental Hygiene.

22 [(h)] (J) "Geriatric nursing assistant" means a certified nursing assistant who
23 has successfully completed the requirements for geriatric nursing assistant mandated
24 under federal law and the regulations of the Board.

25 [(i)] "Medication assistant" means an individual who has completed the
26 16-hour course in medication administration approved by the Board.]

27 8-6A-02.

28 (a) Except as otherwise provided in this subtitle, an individual shall be
29 certified by the Board to practice as a nursing assistant OR MEDICATION TECHNICIAN
30 before the individual may practice as a nursing assistant OR MEDICATION
31 TECHNICIAN in the State.

32 (b) This subtitle does not apply to an individual who:

33 (1) Practices a health occupation that the individual is authorized to
34 practice under this article;

- 1 (2) Provides for the gratuitous care of friends or family members;
- 2 (3) Performs nursing assistant tasks while a nursing student enrolled in
3 an accredited nursing program and practicing under the direct supervision of
4 qualified faculty or preceptors; [or]
- 5 (4) Performs nursing assistant tasks as a student while:
- 6 (i) Enrolled in a Board approved nursing assistant training
7 program;
- 8 (ii) Practicing under the direct supervision of qualified faculty or
9 preceptors; or
- 10 (iii) Practicing under the direct supervision of a licensed nurse while
11 working as a nursing assistant; ~~OR~~
- 12 (5) PERFORMS MEDICATION TECHNICIAN TASKS AS A STUDENT WHILE
13 PRACTICING UNDER THE DIRECT SUPERVISION OF QUALIFIED FACULTY; OR
- 14 (6) WORKS AS A PRINCIPAL OR SCHOOL SECRETARY, DOES NOT
15 ADMINISTER MEDICATION AS A ROUTINE PART OF THE POSITION, AND HAS
16 COMPLETED TRAINING BY THE DELEGATING NURSE FOR THE OCCASION WHERE THE
17 INDIVIDUAL MAY NEED TO ADMINISTER MEDICATION IN THE ABSENCE OF THE
18 NURSE OR MEDICATION TECHNICIAN.

19 8-6A-03.

- 20 (a) An individual shall be certified as a nursing assistant by the Board before
21 the individual may:
- 22 (1) Use the title "certified nursing assistant";
- 23 (2) Use the initials "C.N.A." after the name of the individual; or
- 24 (3) Represent to the public that the individual is certified as a nursing
25 assistant.
- 26 (b) [A medication assistant shall be required to register with the Board.] AN
27 INDIVIDUAL SHALL BE CERTIFIED AS A MEDICATION TECHNICIAN BY THE BOARD
28 BEFORE THE INDIVIDUAL MAY:
- 29 (1) USE THE TITLE "CERTIFIED MEDICATION TECHNICIAN";
- 30 (2) USE THE INITIALS "C.M.T." AFTER THE NAME OF THE INDIVIDUAL; OR
- 31 (3) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS CERTIFIED AS
32 A MEDICATION TECHNICIAN.

1 (C) AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER
2 TO PRACTICE AS A CERTIFIED MEDICATION TECHNICIAN WITHOUT CERTIFICATION
3 FROM THE BOARD.

4 8-6A-04.

5 (a) (1) The Board shall set reasonable fees for the issuance and renewal of
6 certificates and other services it provides to certified nursing assistants AND
7 CERTIFIED MEDICATION TECHNICIANS.

8 (2) The fees charged shall be set to produce funds to approximate the
9 cost of maintaining the certification program and the other services provided to
10 certified nursing assistants AND CERTIFIED MEDICATION TECHNICIANS.

11 8-6A-05.

12 (a) The Board shall adopt regulations establishing:

13 (1) Categories of certified nursing assistants, including geriatric nursing
14 assistants, home health aides, school health aides, dialysis technicians, individuals
15 working in developmental disabilities administration facilities, and medicine aides;

16 (2) Qualifications for each category of certified nursing assistant; [and]

17 (3) QUALIFICATIONS FOR CERTIFIED MEDICATION TECHNICIANS; AND

18 [(3)] (4) Standards for qualification of applicants for certification,
19 including the applicant's criminal history, work record, and prohibitions against
20 behavior which may be potentially harmful to patients.

21 (b) To qualify for certification as a nursing [assistant or] ASSISTANT, a
22 nursing assistant in a specific category, OR A MEDICATION TECHNICIAN, an applicant
23 shall meet the requirements set by the Board.

24 (c) (1) An applicant for a certificate shall:

25 (i) Submit an application to the Board on the form that the Board
26 requires;

27 (ii) Provide evidence, as required by the Board, of successful
28 completion of an approved nursing assistant training program OR AN APPROVED
29 COURSE IN MEDICATION ADMINISTRATION;

30 (iii) Pay to the Board an application fee set by the Board; [and]

31 (iv) Be of good moral character; ~~AND~~

32 (V) BE AT LEAST 16 YEARS OLD TO APPLY FOR CERTIFICATION
33 AS A NURSING ASSISTANT; AND

1 (VI) BE AT LEAST 18 YEARS OLD TO APPLY FOR CERTIFICATION AS A
2 MEDICATION TECHNICIAN.

3 (2) An applicant for certification as a certified medicine aide, in addition
4 to the requirements under subsection (c)(1) of this section, shall submit an additional
5 application to that effect to the Board on the form that the Board requires.

6 (3) An applicant for a certificate may not:

7 (i) Have committed any act or omission that would be grounds for
8 discipline or denial of certification under this subtitle; and

9 (ii) Have a record of abuse, negligence, misappropriation of a
10 resident's property, or any disciplinary action taken or pending in any other state or
11 territory of the United States against the certification of the nursing assistant OR
12 MEDICATION TECHNICIAN in the state or territory.

13 [(d) The Board shall waive the requirement for successful completion of an
14 approved nursing assistant training program under subsection (c) of this section for
15 any applicant who applies for certification under this subtitle by July 1, 2002 and
16 submits evidence satisfactory to the Board that the applicant:

17 (1) Holds current registration in good standing as a geriatric nursing
18 assistant in accordance with regulations adopted by the Department under §
19 19-308.1 of the Health - General Article; or

20 (2) In the last 2 years has practiced for at least 1,000 hours as a nursing
21 assistant.]

22 8-6A-07.

23 (a) The Board shall issue a certificate to any applicant who meets the
24 requirements of this subtitle.

25 (b) The certificate OF AN INDIVIDUAL WHO HAS MET THE REQUIREMENTS
26 FOR A CERTIFIED NURSING ASSISTANT shall include the title "certified nursing
27 assistant".

28 (c) The certificate of an individual who routinely performs nursing tasks
29 delegated by a registered nurse or licensed practical nurse for compensation and has
30 also completed [the 60-hour, State-approved] A BOARD-APPROVED course in
31 medication administration shall also include the title "certified medicine aide".

32 (D) THE CERTIFICATE OF AN INDIVIDUAL WHO HAS MET THE REQUIREMENTS
33 FOR A CERTIFIED MEDICATION TECHNICIAN SHALL INCLUDE THE TITLE "CERTIFIED
34 MEDICATION TECHNICIAN".

35 [(d)] (E) The Board may issue a certificate to replace a lost, destroyed, or
36 mutilated certificate, if the certificate holder pays the certificate replacement fee set
37 by the Board.

1 8-6A-08.

2 (a) A certificate expires on the 28th day of the birth month of the nursing
3 assistant OR MEDICATION TECHNICIAN, unless the certificate is renewed for a 2-year
4 term as provided in this section.

5 (b) At least 3 months before the certificate expires, the Board shall send to the
6 nursing assistant OR MEDICATION TECHNICIAN, by first-class mail to the last known
7 address of the nursing assistant OR MEDICATION TECHNICIAN, a renewal notice that
8 states:

9 (1) The date on which the current certificate expires;

10 (2) The date by which the renewal application must be received by the
11 Board for the renewal to be issued and mailed before the certificate expires; and

12 (3) The amount of the renewal fee.

13 (c) Before a certificate expires, [the] A nursing assistant periodically may
14 renew it for an additional term, if the certificate holder:

15 (1) Otherwise is entitled to be certified;

16 (2) Submits to the Board a renewal application on the form that the
17 Board requires;

18 (3) Pays to the Board a renewal fee set by the Board; and

19 (4) Provides satisfactory evidence of completion of:

20 (i) [8] 16 hours of active nursing assistant practice within the
21 [1-year] 2-YEAR period immediately preceding the date of renewal; or

22 (ii) An approved nursing assistant training program.

23 (D) BEFORE A CERTIFICATE EXPIRES, A MEDICATION TECHNICIAN
24 PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL TERM, IF THE CERTIFICATE
25 HOLDER:

26 (1) OTHERWISE IS ENTITLED TO BE CERTIFIED;

27 (2) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM
28 THAT THE BOARD REQUIRES;

29 (3) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

30 (4) EVERY 2 YEARS, PROVIDES SATISFACTORY EVIDENCE OF
31 COMPLETION OF A BOARD-APPROVED CLINICAL REFRESHER COURSE.

32 [(d)] (E) The Board shall renew the certificate of each nursing assistant OR
33 MEDICATION TECHNICIAN who meets the requirements of this section.

1 (F) (1) WITHIN 30 DAYS AFTER A CHANGE HAS OCCURRED, EACH
2 CERTIFICATE HOLDER SHALL NOTIFY THE BOARD IN WRITING OF ANY CHANGE IN A
3 NAME OR ADDRESS.

4 (2) IF THE CERTIFICATE HOLDER FAILS TO NOTIFY THE BOARD WITHIN
5 THE TIME REQUIRED UNDER THIS SUBSECTION, THE BOARD MAY IMPOSE AN
6 ADMINISTRATIVE PENALTY OF \$25 ON THE CERTIFICATE HOLDER.

7 (G) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
8 SUBSECTION TO THE GENERAL FUND OF THE STATE.

9 8-6A-09.

10 (a) The Board may impose a civil fine not exceeding \$50 on a certified nursing
11 assistant OR A CERTIFIED MEDICATION TECHNICIAN who fails to renew a certificate
12 within 30 days after its expiration date and practices as a certified nursing assistant
13 OR CERTIFIED MEDICATION TECHNICIAN during the period of expiration.

14 (b) The Board shall pay any penalty collected under this section to the General
15 Fund of the State.

16 8-6A-10.

17 (a) Subject to the hearing provisions of § 8-317 of this title, the Board may
18 deny a certificate or issue a probationary certificate to any applicant, reprimand any
19 certificate holder, place any certificate holder on probation, or suspend or revoke the
20 certificate of a certificate holder, if the applicant or certificate holder:

21 (1) Fraudulently or deceptively obtains or attempts to obtain a
22 certificate for the applicant or for another;

23 (2) Fraudulently or deceptively uses a certificate;

24 (3) Is disciplined by a licensing, military, or disciplinary authority in this
25 State or in any other state or country or convicted or disciplined by a court in this
26 State or in any other state or country for an act that would be grounds for disciplinary
27 action under the Board's disciplinary statutes;

28 (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a
29 crime involving moral turpitude, whether or not any appeal or other proceeding is
30 pending to have the conviction or plea set aside;

31 (5) Files a false report or record of an individual under the certificate
32 holder's care;

33 (6) Gives any false or misleading information about a material matter in
34 an employment application;

35 (7) Fails to file or record any health record that is required by law;

- 1 (8) Induces another person to fail to file or record any health record that
2 is required by law;
- 3 (9) Has violated any order, rule, or regulation of the Board relating to the
4 practice or certification of a nursing assistant OR MEDICATION TECHNICIAN;
- 5 (10) Provides services as a nursing assistant OR MEDICATION
6 TECHNICIAN while:
- 7 (i) Under the influence of alcohol; or
- 8 (ii) Using any narcotic or controlled dangerous substance, as
9 defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of
10 therapeutic amounts or without valid medical indication;
- 11 (11) Is habitually intoxicated;
- 12 (12) Is addicted to, or habitually abuses, any narcotic or controlled
13 dangerous substance as defined in § 5-101 of the Criminal Law Article;
- 14 (13) Has acted in a manner inconsistent with the health or safety of a
15 person under the applicant or certificate holder's care;
- 16 (14) Has practiced as a nursing assistant OR MEDICATION TECHNICIAN in
17 a manner which fails to meet generally accepted standards for the practice of a
18 nursing assistant OR MEDICATION TECHNICIAN;
- 19 (15) Has physically, verbally, or psychologically abused, neglected, or
20 otherwise harmed a person under the applicant or certificate holder's care;
- 21 (16) Has a physical or mental disability which renders the applicant or
22 certificate holder unable to practice as a certified nursing assistant OR CERTIFIED
23 MEDICATION TECHNICIAN with reasonable skill and safety to the patients and which
24 may endanger the health or safety of persons under the care of the applicant or
25 certificate holder;
- 26 (17) Has violated the confidentiality of information or knowledge as
27 prescribed by law concerning any patient;
- 28 (18) Has misappropriated patient or facility property;
- 29 (19) Performs certified nursing assistant OR CERTIFIED MEDICATION
30 TECHNICIAN functions incompetently;
- 31 (20) Has violated any provision of this title or has aided or knowingly
32 permitted any person to violate any provision of this title;
- 33 (21) Submits a false statement to collect a fee;
- 34 (22) Refuses, withholds from, denies, or discriminates against an
35 individual with regard to the provision of professional services for which the applicant

1 or certificate holder is certified and qualified to render because the individual is HIV
2 positive;

3 (23) Except in an emergency life-threatening situation where it is not
4 feasible or practicable, fails to comply with the Centers for Disease Control's
5 guidelines on universal precautions;

6 (24) Fails to cooperate with a lawful investigation conducted by the
7 Board;

8 (25) Fails to comply with instructions and directions of the supervising
9 registered nurse or licensed practical nurse;

10 (26) After failing to renew a certificate, commits any act that would be
11 grounds for disciplinary action under this section;

12 (27) Practices as a nursing assistant OR MEDICATION TECHNICIAN before
13 obtaining or renewing the certificate, including any time period when the certificate
14 has lapsed;

15 (28) Impersonates another individual:

16 (i) Licensed under the provisions of this title; or

17 (ii) Who holds a certificate issued under the provisions of this title;

18 (29) Has acted in a manner inconsistent with the health or safety of a
19 person under the certified nursing assistant's OR CERTIFIED MEDICATION
20 TECHNICIAN'S care;

21 (30) Performs activities that exceed the education and training of the
22 certified nursing assistant OR CERTIFIED MEDICATION technician;

23 (31) Is expelled from the rehabilitation program established pursuant to §
24 8-208 of this title for failure to comply with the conditions of the program; ~~or~~

25 (32) Abandons a patient; OR

26 (33) IS A DIRECTOR OF NURSING, OR ACTS IN THE CAPACITY OF A
27 DIRECTOR OF NURSING AND KNOWINGLY EMPLOYS AN INDIVIDUAL WHO IS NOT
28 AUTHORIZED TO PERFORM DELEGATED NURSING DUTIES UNDER THIS SUBTITLE.

29 (b) If, after a hearing under § 8-317 of this title, the Board finds that there
30 are grounds under subsection (a) of this section to suspend or revoke a certificate to
31 practice as a certified nursing assistant OR CERTIFIED MEDICATION TECHNICIAN, to
32 reprimand a certificate holder, or place a certificate holder on probation, the Board
33 may impose a penalty not exceeding \$500 instead of or in addition to suspending or
34 revoking the certificate, reprimanding the certificate holder, or placing the certificate
35 holder on probation.

1 (c) (1) An individual whose certificate has been suspended or revoked by the
2 Board shall return the certificate to the Board.

3 (2) If the suspended or revoked certificate has been lost, the individual
4 shall file with the Board a verified statement to that effect.

5 (d) The Board shall file a notice for publication in the earliest publication of
6 the Maryland Register of each revocation or suspension of a certificate under this
7 section within 24 hours of the revocation or suspension.

8 (E) IF A CERTIFICATE ISSUED UNDER THIS SUBTITLE IS SUSPENDED OR
9 REVOKED FOR A PERIOD OF MORE THAN 1 YEAR, THE BOARD MAY REINSTATE THE
10 CERTIFICATE AFTER 1 YEAR IF THE CERTIFICATE HOLDER MEETS THE
11 REQUIREMENTS FOR REINSTATEMENT AS ESTABLISHED BY THE BOARD IN
12 REGULATIONS.

13 8-6A-12.

14 (a) Unless the Board agrees to accept the surrender of a certificate, a certified
15 nursing assistant OR CERTIFIED MEDICATION TECHNICIAN may not surrender the
16 certificate nor may the certificate lapse by operation of law while the certificate
17 holder is under investigation or while charges are pending against the certified
18 nursing assistant OR CERTIFIED MEDICATION TECHNICIAN.

19 (b) The Board may set conditions on its agreement with the certified nursing
20 assistant OR CERTIFIED MEDICATION TECHNICIAN under investigation or against
21 whom charges are pending to accept surrender of the certificate.

22 8-6A-13.

23 (a) The Board shall appoint an advisory committee consisting of at least 13
24 members appointed by the Board.

25 (e) The advisory committee shall:

26 (1) Evaluate training programs and make recommendations for approval
27 by the Board;

28 (2) Develop and recommend regulations to enforce the provisions of this
29 subtitle;

30 (3) Evaluate candidates as required and recommend action to the Board;

31 (4) Review investigations of complaints against nursing assistants OR
32 MEDICATION TECHNICIANS and make recommendations to the Board for disciplinary
33 action;

34 (5) Keep a record of its proceedings; and

35 (6) Submit an annual report to the Board.

1 8-6A-15.

2 (a) If, during the investigation of an allegation brought against a certified
3 nursing assistant OR CERTIFIED MEDICATION TECHNICIAN under this subtitle, the
4 Board has reason to believe that the certified nursing assistant OR CERTIFIED
5 MEDICATION TECHNICIAN may cause harm to a person affected by the practice of the
6 certified nursing assistant OR CERTIFIED MEDICATION TECHNICIAN, the Board, on
7 its own initiative, shall direct the certified nursing assistant OR CERTIFIED
8 MEDICATION TECHNICIAN to submit to an appropriate examination by a health care
9 provider designated by the Board.

10 (b) In return for the privilege given to a certified nursing assistant OR
11 CERTIFIED MEDICATION TECHNICIAN to practice in the State, the certified nursing
12 assistant OR CERTIFIED MEDICATION TECHNICIAN is deemed to have:

13 (1) Consented to submit to an examination under this section if
14 requested by the Board in writing; and

15 (2) Waived any legal claim of privilege as to the testimony or
16 examination reports of the examining health care provider.

17 (c) The failure or refusal of a certified nursing assistant OR CERTIFIED
18 MEDICATION TECHNICIAN to submit to an examination required under subsection (b)
19 of this section is prima facie evidence of the inability of the certified nursing assistant
20 OR CERTIFIED MEDICATION TECHNICIAN to competently practice as a certified
21 nursing assistant OR CERTIFIED MEDICATION TECHNICIAN, unless the Board finds
22 that the failure or refusal was beyond the control of the certified nursing assistant OR
23 CERTIFIED MEDICATION TECHNICIAN.

24 (d) The Board shall pay the cost of any examination made in accordance with
25 the provisions of this section.

26 8-706.

27 (a) A person may not knowingly employ to practice registered nursing any
28 person who is not authorized to practice registered nursing under this title.

29 (b) A person may not knowingly employ to practice licensed practical nursing
30 any person who is not authorized to practice licensed practical nursing under this
31 subtitle.

32 (C) ~~A DIRECTOR OF NURSING PERSON MAY NOT KNOWINGLY EMPLOY ANY~~
33 ~~INDIVIDUAL WHO IS NOT AUTHORIZED TO PERFORM DELEGATED NURSING DUTIES~~
34 ~~UNDER THIS SUBTITLE.~~

35 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of
36 Nursing shall certify all medication assistants listed on the registry for medication
37 assistants on or before October 1, 2004, as medication technicians under this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of
2 Nursing shall consult with any group that expresses an interest in being included in
3 developing regulations to implement this Act.

4 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2004.