

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 310 (Delegate Nathan-Pulliam, *et al.*)
Health and Government Operations

**State Board of Nursing - Rehabilitation Committee Membership and
Demonstration Studies**

This bill allows the State Board of Nursing to conduct a demonstration study in a practice setting to evaluate a proposed regulatory change in nursing practices and nursing assistant activities. The study is intended to enable the board to determine the proposed practice or activity's safety and the appropriate education or training requirements within a controlled setting. The board must approve the demonstration study design and select the testing facilities. The board may waive selected nursing practice requirements during a demonstration study. The bill adds a registered nurse with demonstrated experience in pain management to the board's Rehabilitation Committee, expanding the committee to six members.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The board's Rehabilitation Committee consists of five members: three licensed registered nurses who have demonstrated expertise in the field of chemical dependency or psychiatric nursing; one licensed practice nurse; and one consumer who is knowledgeable in the field of chemical dependency.

The committee may: (1) evaluate nurses or nursing assistants who request participation in the rehabilitation program; (2) review and designate treatment facilities and services to which nurses or nursing assistants in the rehabilitation program may be referred; (3) receive and review information concerning a nurse or nursing assistant participating in the rehabilitation program; (4) consider whether a nurse or nursing assistant participating in a rehabilitation program may continue or resume practicing nursing with safety; and (5) have meetings as necessary to consider requests to participate in the program and reports on program participants.

Each nurse or nursing assistant who asks to participate in the rehabilitation program must agree to cooperate with the individual program the committee designs. Noncompliance may result in terminating the person's participation in the program. The committee must report the name and license number of a nurse or the name and certificate number of a nursing assistant expelled from the program for noncompliance. All records of individuals expelled from the program must be transferred to the board, which then may initiate disciplinary action against the licensee or certificate holder.

After the committee determines the individual is rehabilitated, the committee must purge and destroy all records concerning the individual's program participation. All board and committee records of a proceeding concerning the rehabilitation of an individual in the program are confidential and not subject to discovery or subpoena in any civil or criminal action.

Background:

Demonstration Study

The board advises that it is receiving more frequent and more complex requests to change its regulations and allow nurses or nursing assistants to perform additional tasks. The impact such changes would have on public safety is difficult for the board to assess on its own.

Rehabilitation Committee

The board's Rehabilitation Committee is responsible for disciplining nurses and nursing assistants who have drug and alcohol problems or mental health problems. This is a voluntary program and its actions are not public. The board advises that assessing nurses and nursing assistants with drug problems is complex. The board has seen a substantial increase in the number of nurses and nursing assistants coming before the committee who use a mixture of pain medication with drugs or have chronic pain requiring medication.

At this time, no one serving on the committee has sufficient expertise in pain management to help the committee distinguish between appropriate pain medication and abuse on a case-by-case basis as well as determine whether an individual can safely practice while receiving pain management therapy.

State Expenditures: The board advises that it would not incur any costs for demonstration programs. The board would use existing staff to monitor the progress of the facilities testing proposed regulatory changes. The Department of Legislative Services assumes costs associated with an additional Rehabilitation Committee member would be minimal and absorbable within existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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Analysis by: Lisa A. Daigle

Direct Inquiries to:
(410) 946-5510
(301) 970-5510