
By: **Delegates Nathan-Pulliam, Eckardt, Goldwater, Jones, Lee, Mandel,
and Montgomery**

Introduced and read first time: January 31, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Nursing - Miscellaneous Provisions**

3 FOR the purpose of altering the terms for certain Board officers; repealing a certain
4 provision that prohibits the limitation of certain delegated nursing functions by
5 certain geriatric nursing assistants and certain medicine aides; establishing
6 that the Board may take certain action if the applicant or licensee violates
7 certain orders from the Board; prohibiting certain persons from performing
8 certain practices without certain certificates; prohibiting certain persons from
9 making certain representations without certain authorizations; prohibiting
10 certain persons from using certain words, terms, abbreviations, titles, symbols,
11 signs, cards, devices, or other representations with certain intentions;
12 prohibiting certain individuals who unlawfully obtain certain documents from
13 performing certain practices; prohibiting certain persons from selling,
14 fraudulently obtaining, fraudulently providing, or fraudulently aiding or
15 abetting the sale, fraudulent obtainment, or fraudulent provision of certain
16 certificates or certificate renewals; prohibiting certain persons from employing
17 certain persons who do not have certain authorizations; and generally relating
18 to the State Board of Nursing.

19 BY repealing and reenacting, with amendments,
20 Article - Health Occupations
21 Section 8-203(a), 8-205(c), 8-316(a)(30), 8-701 , and 8-703 through 8-706
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2004 Supplement)

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

26 **Article - Health Occupations**

27 8-203.

28 (a) From among its members, the Board [annually in July] shall elect a
29 president and a secretary ONCE EVERY TWO YEARS IN JULY.

1 8-205.

2 (c) (1) The Board is the only unit of the Department that is responsible for
3 adopting rules and regulations to determine:

4 (i) Individuals to whom any act of the practice of registered
5 nursing and licensed practical nursing may be delegated; and

6 (ii) The acts that may be delegated safely.

7 (2) [This subsection may not be construed as limiting the ability of any
8 individual who has successfully completed either the geriatric nursing assistant
9 training program or the certified medicine aid training program under regulations in
10 effect on July 1, 1986 to perform acts consistent with those regulations.

11 (3)] The Department shall retain its authority to require training for
12 nonlicensed patient care personnel under § 19-308.1 of the Health - General Article.
13 8-316.

14 (a) Subject to the hearing provisions of § 8-317 of this subtitle, the Board may
15 deny a license or grant a probationary license to any applicant, reprimand any
16 licensee, place any licensee on probation, or suspend or revoke the license of a licensee
17 if the applicant or licensee:

18 (30) Violates regulations adopted by the Board OR AN ORDER FROM THE
19 BOARD;

20 8-701.

21 (a) Except as otherwise provided in this title, a person may not practice,
22 attempt to practice, or offer to practice registered nursing in this State unless licensed
23 by the Board to practice registered nursing.

24 (b) Except as otherwise provided in this title, a person may not practice,
25 attempt to practice, or offer to practice licensed practical nursing in this State unless
26 licensed by the Board to practice licensed practical nursing.

27 (C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY
28 NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A CERTIFIED
29 NURSING ASSISTANT UNLESS CERTIFIED BY THE BOARD AS A CERTIFIED NURSING
30 ASSISTANT.

31 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY
32 NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A CERTIFIED
33 NURSING ASSISTANT IN A SPECIFIC CATEGORY UNLESS CERTIFIED BY THE BOARD
34 AS A CERTIFIED NURSING ASSISTANT IN THAT CATEGORY.

35 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT
36 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A MEDICATION

1 TECHNICIAN IN THIS STATE UNLESS CERTIFIED BY THE BOARD TO PRACTICE AS A
2 CERTIFIED MEDICATION TECHNICIAN.

3 (E) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT
4 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A MEDICINE AIDE
5 UNLESS CERTIFIED BY THE BOARD TO PRACTICE AS A CERTIFIED MEDICINE AIDE.

6 [(c)] (F) A person may not require a licensee to perform an act that is beyond
7 the licensee's knowledge and skills.

8 [(d)] (G) A person may not direct a licensee to delegate a nursing task to a
9 nurse when the person reasonably believes:

10 (1) The nurse lacks the knowledge and skills to perform the nursing
11 task; or

12 (2) The patient's condition does not allow delegation of the nursing task.
13 8-703.

14 (a) (1) Unless authorized to practice registered nursing under this title, a
15 person may not represent to the public by title, by description of services, methods, or
16 procedures, or otherwise, that the person is authorized to practice registered nursing
17 in this State.

18 (2) Unless authorized to practice licensed practical nursing under this
19 title, a person may not represent to the public by title, by description of services,
20 methods, or procedures, or otherwise, that the person is authorized to practice
21 licensed practical nursing in this State.

22 (3) Unless authorized to provide patient care as a certified nursing
23 assistant or medication assistant under this title, a person may not represent to the
24 public by title, by description of services, methods, or procedures, or otherwise, that
25 the person is authorized to provide care as a certified nursing assistant or medication
26 assistant in this State.

27 (4) Unless authorized to provide patient care in a specific category of
28 certified nursing assistant, a person may not represent to the public by title, by
29 description of services, methods, or procedures, or otherwise, that the person is
30 authorized to provide care as a certified nursing assistant in a specific category in
31 this State.

32 (5) UNLESS AUTHORIZED TO ADMINISTER MEDICATION AS A
33 MEDICATION TECHNICIAN UNDER THIS TITLE, A PERSON MAY NOT REPRESENT TO
34 THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES,
35 OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO ADMINISTER MEDICATION AS
36 A CERTIFIED MEDICATION TECHNICIAN IN THIS STATE.

37 (6) UNLESS AUTHORIZED TO ADMINISTER MEDICATION AS A MEDICINE
38 AIDE UNDER THIS TITLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC BY TITLE,

1 BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT
2 THE PERSON IS AUTHORIZED TO ADMINISTER MEDICATION AS A CERTIFIED
3 MEDICINE AIDE IN THIS STATE.

4 (b) Unless authorized to practice registered nursing or licensed practical
5 nursing under this title, a person may not use the word "nurse" to describe the
6 profession of the person.

7 (c) Unless authorized to practice registered nursing under this title, a person
8 may not use the words or terms "registered nurse", the abbreviation "R.N.", or any
9 other title, symbol, abbreviation, sign, card, device, or other representation with the
10 intent to represent that the person practices registered nursing.

11 (d) Unless authorized to practice licensed practical nursing under this title, a
12 person may not use the words or terms "licensed practical nurse", the abbreviation
13 "L.P.N.", or any other title, symbol, abbreviation, sign, card, device, or other
14 representation with the intent to represent that the person practices licensed
15 practical nursing.

16 (e) Unless authorized to practice as a nursing graduate under this title, a
17 person may not use the words "nursing graduate", the abbreviation "NG", or any
18 other title, symbol, abbreviation, sign, card, device, or other representation with the
19 intent to represent that the person practices as a nursing graduate.

20 (f) [An unlicensed individual who acts under § 8-102(b)(3) of this title may
21 use the word "nursing" together with another word to describe the occupation of the
22 individual, as in phrases such as "nursing aide" and "nursing assistant".] UNLESS
23 AUTHORIZED TO PRACTICE AS A CERTIFIED NURSING ASSISTANT UNDER THIS TITLE,
24 A PERSON MAY NOT USE THE WORDS OR TERMS "NURSING ASSISTANT" OR
25 "CERTIFIED NURSING ASSISTANT", THE ABBREVIATION "CNA", OR ANY OTHER TITLE,
26 SYMBOL, ABBREVIATION, SIGN, CARD, DEVICE, OR OTHER REPRESENTATION WITH
27 THE INTENT TO REPRESENT THAT THE PERSON PRACTICES AS A CERTIFIED
28 NURSING ASSISTANT.

29 (G) UNLESS AUTHORIZED TO PRACTICE AS A CERTIFIED MEDICATION
30 TECHNICIAN UNDER THIS TITLE, A PERSON MAY NOT USE THE WORDS OR TERMS
31 "MEDICATION TECHNICIAN" OR "CERTIFIED MEDICATION TECHNICIAN", THE
32 ABBREVIATION "MT", OR ANY OTHER TITLE, SYMBOL, ABBREVIATION, SIGN, CARD,
33 DEVICE, OR OTHER REPRESENTATION WITH THE INTENT TO REPRESENT THAT THE
34 PERSON PRACTICES AS A CERTIFIED MEDICATION TECHNICIAN.

35 (H) UNLESS AUTHORIZED TO PRACTICE AS A CERTIFIED MEDICINE AIDE
36 UNDER THIS TITLE, A PERSON MAY NOT USE THE WORDS OR TERMS "MEDICINE AIDE"
37 OR "CERTIFIED MEDICINE AIDE" OR ANY OTHER TITLE, SYMBOL, ABBREVIATION,
38 SIGN, CARD, DEVICE, OR OTHER REPRESENTATION WITH THE INTENT TO REPRESENT
39 THAT THE PERSON PRACTICES AS A CERTIFIED MEDICINE AIDE.

1 8-704.

2 A person may not sell, fraudulently obtain, fraudulently provide, or
3 fraudulently aid or abet the sale, fraudulent obtainment, or fraudulent provision of
4 any record, nursing diploma, license, [or] license renewal, CERTIFICATE, OR
5 CERTIFICATE RENEWAL.

6 8-705.

7 (a) A person may not practice registered nursing under color of any diploma,
8 license, or record that is:

9 (1) Illegally or fraudulently obtained; or

10 (2) Signed or issued unlawfully or by fraudulent representation.

11 (b) A person may not practice licensed practical nursing under color of any
12 diploma, license, or record that is:

13 (1) Illegally or fraudulently obtained; or

14 (2) Signed or issued unlawfully or by fraudulent representation.

15 (C) AN INDIVIDUAL MAY NOT PRACTICE AS A NURSING ASSISTANT UNDER
16 COLOR OF ANY DIPLOMA, LICENSE, RECORD, OR CERTIFICATE THAT IS:

17 (1) ILLEGALLY OR FRAUDULENTLY OBTAINED; OR

18 (2) SIGNED OR ISSUED UNLAWFULLY OR BY FRAUDULENT
19 REPRESENTATION.

20 (D) AN INDIVIDUAL MAY NOT PRACTICE AS A MEDICATION TECHNICIAN
21 UNDER COLOR OF ANY DIPLOMA, LICENSE, RECORD, OR CERTIFICATE THAT IS:

22 (1) ILLEGALLY OR FRAUDULENTLY OBTAINED; OR

23 (2) SIGNED OR ISSUED UNLAWFULLY OR BY FRAUDULENT
24 REPRESENTATION.

25 (E) AN INDIVIDUAL MAY NOT PRACTICE AS A MEDICINE AIDE UNDER COLOR
26 OF ANY DIPLOMA, LICENSE, RECORD, OR CERTIFICATE THAT IS:

27 (1) ILLEGALLY OR FRAUDULENTLY OBTAINED; OR

28 (2) SIGNED OR ISSUED UNLAWFULLY OR BY FRAUDULENT
29 REPRESENTATION.

30 8-706.

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

1 (b) A person may not knowingly employ to practice licensed practical nursing
2 any person who is not authorized to practice licensed practical nursing under this
3 subtitle.

4 (c) A person may not knowingly employ any individual who is not authorized
5 to perform delegated nursing duties under this subtitle.

6 (D) A PERSON MAY NOT KNOWINGLY EMPLOY TO PRACTICE AS A CERTIFIED
7 NURSING ASSISTANT ANY PERSON WHO IS NOT AUTHORIZED TO PRACTICE AS A
8 CERTIFIED NURSING ASSISTANT UNDER THIS TITLE.

9 (E) A PERSON MAY NOT KNOWINGLY EMPLOY TO PRACTICE AS A CERTIFIED
10 MEDICATION TECHNICIAN ANY PERSON WHO IS NOT AUTHORIZED TO PRACTICE AS A
11 CERTIFIED MEDICATION TECHNICIAN UNDER THIS TITLE.

12 (F) A PERSON MAY NOT KNOWINGLY EMPLOY TO PRACTICE AS A CERTIFIED
13 MEDICINE AIDE ANY PERSON WHO IS NOT AUTHORIZED TO PRACTICE AS A
14 CERTIFIED MEDICINE AIDE UNDER THIS TITLE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2005.