
By: **Delegates Nathan-Pulliam, Eckardt, Goldwater, Jones, Lee, Mandel,
and ~~Montgomery~~ Montgomery, Hurson, Hammen, Benson, Boteler,
Boutin, Bromwell, Costa, Donoghue, Elliott, Frank, Hubbard, Kach,
Kullen, Morhaim, Murray, Oaks, Pendergrass, V. Turner, and Weldon**

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CHAPTER _____

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; authorizing the
6 Board to issue temporary practice letters to certain nurse practitioners and
7 nurse-midwives; prohibiting the Board from issuing a temporary practice letter
8 unless certain conditions are met; providing that a temporary practice letter
9 does not create certain rights, abrogate certain procedures, or establish certain
10 facts or presumptions concerning collaboration agreements; providing that
11 certain temporary practice letters may not be renewed; providing that certain
12 temporary practice letters will expire after a certain period of time unless the
13 Board takes certain action; establishing that the Board may take certain action
14 if the applicant or licensee violates certain orders from the Board; authorizing
15 the Board to issue temporary practice certificates to certain applicants;
16 providing that certain temporary practice certificates will expire after a certain
17 amount of time; prohibiting certain persons from performing certain practices
18 without certain certificates; prohibiting certain persons from making certain
19 representations without certain authorizations; prohibiting certain persons
20 from using certain words, terms, abbreviations, titles, symbols, signs, cards,
21 devices, or other representations with certain intentions; prohibiting certain
22 individuals who unlawfully obtain certain documents from performing certain

1 practices; prohibiting certain persons from selling, fraudulently obtaining,
2 fraudulently providing, or fraudulently aiding or abetting the sale, fraudulent
3 obtainment, or fraudulent provision of certain certificates or certificate
4 renewals; prohibiting certain persons from employing certain persons who do
5 not have certain authorizations; making this Act an emergency measure; and
6 generally relating to the State Board of Nursing.

7 BY repealing and reenacting, with amendments,
8 Article - Health Occupations
9 Section 8-203(a), 8-205(c), 8-315, 8-316(a)(30), 8-6A-07, 8-701, and 8-703
10 through 8-706
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2004 Supplement)

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

15 **Article - Health Occupations**

16 8-203.

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

19 8-205.

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

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

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

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

29 (3)] The Department shall retain its authority to require training for
30 nonlicensed patient care personnel under § 19-308.1 of the Health - General Article.
31 8-315.

32 (a) The Board may issue a temporary license to any applicant who:

33 (1) Is licensed by any other state; and

34 (2) Submits to the Board:

1 (i) An application on the form required by the Board; and

2 (ii) Any other document required by the Board; and

3 (3) Pays the fee required by the Board.

4 (b) (1) A temporary license issued to an individual who is authorized to
 5 practice registered nursing in another state authorizes the holder to practice
 6 registered nursing in this State while the temporary license is effective.

7 (2) A temporary license issued to an individual who is authorized to
 8 practice licensed practical nursing in another state authorizes the holder to practice
 9 licensed practical nursing in this State while the temporary license is effective.

10 (C) (1) THE BOARD MAY ISSUE A TEMPORARY PRACTICE LETTER TO A
 11 CERTIFIED NURSE PRACTITIONER OR CERTIFIED NURSE-MIDWIFE WHO:

12 ~~(1)~~ (I) HAS BEEN ISSUED A TEMPORARY LICENSE UNDER THIS
 13 SUBSECTION AND HAS SUBMITTED A WRITTEN AGREEMENT TO THE BOARD FOR
 14 FORMAL APPROVAL;

15 ~~(2)~~ (II) IS AUTHORIZED TO PRACTICE AS A REGISTERED NURSE AND
 16 HAS SUBMITTED AN INITIAL WRITTEN AGREEMENT TO THE BOARD FOR FORMAL
 17 APPROVAL; OR

18 ~~(3)~~ ~~(1)~~ (III) 1. HAS HAD A WRITTEN AGREEMENT APPROVED BY THE
 19 BOARD;

20 ~~(2)~~ 2. IS CHANGING PRACTICES OR LOCATIONS; AND

21 ~~(3)~~ 3. HAS SUBMITTED TO THE BOARD FOR FORMAL APPROVAL
 22 A NEW WRITTEN AGREEMENT FOR THE NEW PRACTICE OR LOCATION.

23 (2) THE BOARD MAY NOT ISSUE A TEMPORARY PRACTICE LETTER TO A
 24 CERTIFIED NURSE PRACTITIONER OR CERTIFIED NURSE-MIDWIFE UNDER
 25 PARAGRAPH (1) OF THIS SUBSECTION UNLESS:

26 (I) THE STATE BOARD OF PHYSICIANS HAS RECEIVED A WRITTEN
 27 AGREEMENT SUBMITTED TO THE BOARD FOR FORMAL APPROVAL OF THE SCOPE OF
 28 PRACTICE FOR WHICH THE TEMPORARY PRACTICE LETTER IS REQUESTED; AND

29 (II) THE STATE BOARD OF PHYSICIANS HAS APPROVED THE
 30 ISSUANCE OF THE TEMPORARY PRACTICE LETTER.

31 (3) A TEMPORARY PRACTICE LETTER DOES NOT:

32 (I) CREATE ANY INTEREST, RIGHT, OR ENTITLEMENT FOR THE
 33 CERTIFIED NURSE PRACTITIONER, CERTIFIED NURSE-MIDWIFE, OR
 34 COLLABORATING PHYSICIAN THAT EXTENDS BEYOND THE ENDING DATE OF THE
 35 PRACTICE LETTER;

1 (II) ABROGATE ANY PROCEDURES REQUIRED BY STATUTE OR
2 REGULATION FOR APPROVAL OF COLLABORATION AGREEMENTS; OR

3 (III) ESTABLISH ANY FACT OR ANY PRESUMPTION CONCERNING
4 THE FINAL APPROVAL OF A COLLABORATION AGREEMENT.

5 [(c)] (D) (1) A temporary license AND TEMPORARY PRACTICE LETTER may
6 not be renewed.

7 (2) Unless the Board revokes a temporary license OR TEMPORARY
8 PRACTICE LETTER, each temporary license OR TEMPORARY PRACTICE LETTER
9 expires 90 days after the date of issue.

10 8-316.

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

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

17 8-6A-07.

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

20 (b) The certificate of an individual who has met the requirements for a
21 certified nursing assistant shall include the title "certified nursing assistant".

22 (c) The certificate of an individual who routinely performs nursing tasks
23 delegated by a registered nurse or licensed practical nurse for compensation and has
24 also completed a Board-approved course in medication administration shall also
25 include the title "certified medicine aide".

26 (d) The certificate of an individual who has met the requirements for a
27 certified medication technician shall include the title "certified medication
28 technician".

29 (e) The Board may issue a certificate to replace a lost, destroyed, or mutilated
30 certificate, if the certificate holder pays the certificate replacement fee set by the
31 Board.

32 (F) (1) THE BOARD MAY ISSUE A TEMPORARY PRACTICE CERTIFICATE TO
33 AN APPLICANT WHO:

34 (I) HAS MET THE APPROPRIATE CERTIFICATION REQUIREMENTS
35 OF THIS SUBTITLE TO THE SATISFACTION OF THE BOARD;

1 (II) DOES NOT HAVE A CRIMINAL RECORD AND HAS NOT BEEN THE
2 SUBJECT OF A HEALTH PROFESSIONAL DISCIPLINARY ACTION IN THIS STATE OR
3 ANOTHER JURISDICTION; AND

4 (III) DOES NOT HAVE A CRIMINAL CHARGE OR A HEALTH
5 PROFESSIONAL DISCIPLINARY ACTION PENDING IN THIS STATE OR ANOTHER
6 JURISDICTION.

7 (2) UNLESS THE BOARD REVOKES A TEMPORARY PRACTICE
8 CERTIFICATE, THE TEMPORARY PRACTICE CERTIFICATE EXPIRES 60 DAYS AFTER
9 ISSUANCE.

10 8-701.

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

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

17 (C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY
18 NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A CERTIFIED
19 NURSING ASSISTANT UNLESS CERTIFIED BY THE BOARD AS A CERTIFIED NURSING
20 ASSISTANT.

21 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY
22 NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A CERTIFIED
23 NURSING ASSISTANT IN A SPECIFIC CATEGORY UNLESS CERTIFIED BY THE BOARD
24 AS A CERTIFIED NURSING ASSISTANT IN THAT CATEGORY.

25 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT
26 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A MEDICATION
27 TECHNICIAN IN THIS STATE UNLESS CERTIFIED BY THE BOARD TO PRACTICE AS A
28 CERTIFIED MEDICATION TECHNICIAN.

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

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

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

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

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

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

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

11 (3) Unless authorized to provide patient care as a certified nursing
12 assistant or medication assistant under this title, a person may not represent to the
13 public by title, by description of services, methods, or procedures, or otherwise, that
14 the person is authorized to provide care as a certified nursing assistant or medication
15 assistant in this State.

16 (4) Unless authorized to provide patient care in a specific category of
17 certified nursing assistant, a person may not represent to the public by title, by
18 description of services, methods, or procedures, or otherwise, that the person is
19 authorized to provide care as a certified nursing assistant in a specific category in
20 this State.

21 (5) UNLESS AUTHORIZED TO ADMINISTER MEDICATION AS A
22 MEDICATION TECHNICIAN UNDER THIS TITLE, A PERSON MAY NOT REPRESENT TO
23 THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES,
24 OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO ADMINISTER MEDICATION AS
25 A CERTIFIED MEDICATION TECHNICIAN IN THIS STATE.

26 (6) UNLESS AUTHORIZED TO ADMINISTER MEDICATION AS A MEDICINE
27 AIDE UNDER THIS TITLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC BY TITLE,
28 BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT
29 THE PERSON IS AUTHORIZED TO ADMINISTER MEDICATION AS A CERTIFIED
30 MEDICINE AIDE IN THIS STATE.

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

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

38 (d) Unless authorized to practice licensed practical nursing under this title, a
39 person may not use the words or terms "licensed practical nurse", the abbreviation
40 "L.P.N.", or any other title, symbol, abbreviation, sign, card, device, or other

1 representation with the intent to represent that the person practices licensed
2 practical nursing.

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

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

16 (G) UNLESS AUTHORIZED TO PRACTICE AS A CERTIFIED MEDICATION
17 TECHNICIAN UNDER THIS TITLE, A PERSON MAY NOT USE THE WORDS OR TERMS
18 "MEDICATION TECHNICIAN" OR "CERTIFIED MEDICATION TECHNICIAN", THE
19 ABBREVIATION "MT", OR ANY OTHER TITLE, SYMBOL, ABBREVIATION, SIGN, CARD,
20 DEVICE, OR OTHER REPRESENTATION WITH THE INTENT TO REPRESENT THAT THE
21 PERSON PRACTICES AS A CERTIFIED MEDICATION TECHNICIAN.

22 (H) UNLESS AUTHORIZED TO PRACTICE AS A CERTIFIED MEDICINE AIDE
23 UNDER THIS TITLE, A PERSON MAY NOT USE THE WORDS OR TERMS "MEDICINE AIDE"
24 OR "CERTIFIED MEDICINE AIDE" OR ANY OTHER TITLE, SYMBOL, ABBREVIATION,
25 SIGN, CARD, DEVICE, OR OTHER REPRESENTATION WITH THE INTENT TO REPRESENT
26 THAT THE PERSON PRACTICES AS A CERTIFIED MEDICINE AIDE.

27 8-704.

28 A person may not sell, fraudulently obtain, fraudulently provide, or
29 fraudulently aid or abet the sale, fraudulent obtainment, or fraudulent provision of
30 any record, nursing diploma, license, [or] license renewal, CERTIFICATE, OR
31 CERTIFICATE RENEWAL.

32 8-705.

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

35 (1) Illegally or fraudulently obtained; or

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

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

1 (1) Illegally or fraudulently obtained; or

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

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

5 (1) ILLEGALLY OR FRAUDULENTLY OBTAINED; OR

6 (2) SIGNED OR ISSUED UNLAWFULLY OR BY FRAUDULENT
7 REPRESENTATION.

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

10 (1) ILLEGALLY OR FRAUDULENTLY OBTAINED; OR

11 (2) SIGNED OR ISSUED UNLAWFULLY OR BY FRAUDULENT
12 REPRESENTATION.

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

15 (1) ILLEGALLY OR FRAUDULENTLY OBTAINED; OR

16 (2) SIGNED OR ISSUED UNLAWFULLY OR BY FRAUDULENT
17 REPRESENTATION.

18 8-706.

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

21 (b) A person may not knowingly employ to practice licensed practical nursing
22 any person who is not authorized to practice licensed practical nursing under this
23 subtitle.

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

26 (D) A PERSON MAY NOT KNOWINGLY EMPLOY TO PRACTICE AS A CERTIFIED
27 NURSING ASSISTANT ANY PERSON WHO IS NOT AUTHORIZED TO PRACTICE AS A
28 CERTIFIED NURSING ASSISTANT UNDER THIS TITLE.

29 (E) A PERSON MAY NOT KNOWINGLY EMPLOY TO PRACTICE AS A CERTIFIED
30 MEDICATION TECHNICIAN ANY PERSON WHO IS NOT AUTHORIZED TO PRACTICE AS A
31 CERTIFIED MEDICATION TECHNICIAN UNDER THIS TITLE.

32 (F) A PERSON MAY NOT KNOWINGLY EMPLOY TO PRACTICE AS A CERTIFIED
33 MEDICINE AIDE ANY PERSON WHO IS NOT AUTHORIZED TO PRACTICE AS A
34 CERTIFIED MEDICINE AIDE UNDER THIS TITLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~
2 ~~October 1, 2005~~ is an emergency measure, is necessary for the immediate
3 preservation of the public health or safety, has been passed by a yea and nay vote
4 supported by three-fifths of all of the members elected to each of the two Houses of
5 the General Assembly, and shall take effect from the date it is enacted.