

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 399 (Delegate Nathan-Pulliam, *et al.*)
Health and Government Operations Education, Health, and Environmental Affairs

State Board of Nursing - Miscellaneous Provisions

This emergency bill authorizes the State Board of Nursing to issue a temporary practice letter to a certified nurse practitioner or certified nurse-midwife under specified conditions, authorizes the board to issue a temporary practice certificate under specified conditions, and prohibits certain actions.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Temporary Practice Letter and Certificate

The board may issue a temporary practice letter to a certified nurse practitioner or certified nurse-midwife who: (1) has been issued a temporary license and has submitted a written agreement to the board for formal approval; (2) is authorized to practice as a registered nurse and has submitted an initial written agreement to the board for formal approval; or (3) has had a written agreement approved by the board, is changing practices or locations, and has submitted to the board for formal approval a new written agreement for the new practice or location.

The board may not issue a temporary practice letter unless: (1) the State Board of Physicians has received a written agreement submitted for formal approval of the scope of practice for which the letter is requested; and (2) the State Board of Physicians approved issuing the letter.

Unless the State Board of Nursing revokes the letter, each letter expires 90 days after it is issued and may not be renewed.

The letter does not: (1) create any interest, right, or entitlement for the certified nurse practitioner, certified nurse-midwife, or collaborating physician that extends beyond the letter's date; (2) abrogate any procedures required by statute or regulation for approval of collaboration agreements; or (3) establish any fact or any presumption concerning the final approval of a collaboration agreement.

The board may issue a temporary practice certificate to an applicant who: (1) has met the appropriate certification requirements; (2) does not have a criminal record and has not been the subject of a health professional disciplinary action in Maryland or another jurisdiction; and (3) does not have a criminal charge or a health professional disciplinary action pending in Maryland or another jurisdiction. Unless the board revokes the certificate, the certificate expires 60 days after it is issued.

Prohibitions

A person, unless certified to do so, is prohibited from practicing or attempting or offering to practice as a certified nursing assistant, a certified nursing assistant in a specific category, a certified medication technician, or a certified medicine aide. A person may not knowingly employ a person to practice one of these professions if the person is not authorized to do so under statute. The bill prohibits a person from misrepresenting himself/herself and from practicing one of these professions if the required documents to do so are obtained illegally or fraudulently. It also prohibits a person from selling or obtaining, or helping to sell or obtain fraudulent documents.

Additionally, the bill requires the State Board of Nursing to elect a president and secretary once every two years in July.

Current Law: Chapters 455 and 456 of 2004 required the State Board of Nursing to certify medication technicians and established requirements for certification as a nursing assistant or as a nursing assistant in a specific category.

The prohibitions and requirements listed under this bill currently apply under statute to licensed practical nurses and registered nurses. The board must annually elect a president and secretary from its members in July.

The board may issue a temporary license to an applicant who is licensed by another state, submits the required application form and any other required document, and pays the fee. A temporary license issued to an individual who is authorized to practice registered nursing or licensed practical nursing in another state authorizes the holder to practice registered nursing or licensed practical nursing, respectively, in Maryland while the temporary license is effective.

The board must issue a certificate to any applicant who meets the board's requirements.

Background: There are 71,000 certified nursing assistants, 40,000 medication assistants in the process of becoming certified medication technicians, and 2,900 certified medicine aides in Maryland. There are approximately 1,500 certified nurse practitioners and approximately 125 certified nurse-midwives in Maryland.

A temporary practice letter gives a certified nurse practitioner or a certified nurse-midwife board approval to carry out their duties while the board is reviewing the written agreement between the physician and the nurse that outlines the nurse's duties.

State Fiscal Effect: The board advises that it will not charge a fee for a temporary practice letter or a temporary practice certificate. Existing staff would be able to process the letters and certificates.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 15, 2005
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