

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL NO. 1080
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and”; in line 3, after “Technicians” insert “, and Electrologists”; in line 8, after “technicians” insert “, electrologists,”; in lines 8 and 9, strike “the term for the renewal of” and substitute “certain requirements for sending renewal notices for”; in line 9, after “certificates;” insert “authorizing the Board to grant a certain extension to a certain licensee or certificate holder for the renewal of a certain license or certificate;”; in line 10, after “licensees” insert “and certificate holders”; in the same line, after the first “certain” insert “advisory”; in the same line, strike “of education”; strike beginning with “authorizing” in line 10 down through “circumstances;” in line 12; in line 13, strike “under certain circumstances”; strike beginning with “sending” in line 13 down through “or” in line 14 and substitute “the issuance of”; in line 14, strike “is not” and substitute “may not be considered”; in the same line, strike “act;” and substitute “action and may not be reported to certain persons; clarifying that completion of a certain portion of a certain nursing education program satisfies a certain qualification standard for certification of certain applicants;”; in line 18, after “term;” insert “repealing certain provisions of law relating to an electrologist rehabilitation committee;”; in line 19, strike the second “and”; in line 20, after “technicians” insert “, and certified electrologists”; in line 23, after “8-312,” insert “8-317(a),”; and in the same line, after “8-6A-02,” insert “8-6A-05(c)(1),”.

On page 2, in line 3, strike “8-316.1, 8-6A-10.1, and” and substitute “8-317(h),”; in the same line, after “8-6A-14.1” insert “, and 8-6B-19(h)”; and after line 5, insert:

“BY repealing

Article - Health Occupations

Section 8-6B-25

Annotated Code of Maryland

(2005 Replacement Volume)”.

(Over)

AMENDMENT NO. 2

On page 3, in line 31, after “A” insert “NURSING ASSISTANT,”; and in the same line, after “TECHNICIAN” insert “, OR ELECTROLOGIST”.

On page 4, in lines 6, 10, 20, and 22, in each instance, after “TECHNICIANS,” insert “ELECTROLOGISTS,”; in lines 13, 15, 16, 27, 29, 32, and 36, in each instance, after “TECHNICIAN,” insert “ELECTROLOGIST,”; and in line 18, after “FUNCTIONS” insert “OR ELECTROLOGY”.

On page 5, in lines 2, 13, 16, 20, and 24, in each instance, after “TECHNICIAN,” insert “ELECTROLOGIST,”; in lines 7, 22, and 30, in each instance, after “TECHNICIAN’S,” insert “ELECTROLOGIST’S,”; in line 9, strike “OR” and substitute a comma; in line 10, after “TECHNICIAN,” insert “OR ELECTROLOGIST,”; and in line 18, after “8-317” insert “OR §§ 8-6B-18 AND 8-6B-19”.

AMENDMENT NO. 3

On page 7, in line 21, after “EXTENSION” insert “, BEYOND A LICENSE’S EXPIRATION DATE,”; in the same line, strike the third “A” and substitute “THE”; in line 22, strike “A” and substitute “THE”; and in the same line, strike “THE LICENSE” and substitute “IT”.

On page 8, in line 1, strike “8-316.1.” and substitute:

“8-317.”

(a) Except as otherwise provided in the Administrative Procedure Act and in subsection (g) of this section, before the Board takes any action under § 8-312, § 8-316, [or] § 8-404, OR § 8-6A-10 of this title, it shall give the person against whom the action is contemplated an opportunity for a hearing before the Board.”;

in line 2, strike “(A)” and substitute “(H) (1)”; in the same line, strike “IF” and substitute “AFTER”; strike beginning with “AND” in line 2 down through “SECTION” in line 12 and substitute “, THE BOARD MAY ISSUE AN ADVISORY LETTER TO THE LICENSEE”; in line 13, strike “(C)” and substitute “(2)”; in the same line, strike “ON REQUEST,”; in the same line, strike “MAKE AVAILABLE” and substitute “DISCLOSE AN ADVISORY LETTER ISSUED UNDER THIS SUBSECTION”; strike beginning with “AN” in line 13 down through “SECTION” in line 14; in line 15, strike “(D)” and substitute “(3)”; in the same line, strike “IF THE BOARD SENDS A LETTER OF EDUCATION OR” and substitute “THE ISSUANCE OF”; in line 16, strike “SECTION, THE ACTION” and substitute “SUBSECTION”; in the same line, after “NOT” insert “:”

(I)”;

in line 17, strike “BY THE BOARD” and substitute “UNDER §§ 8-316 AND 8-6A-10 OF THIS TITLE; AND”

(II)”;

and in the same line, strike “AND MAY NOT”.

On page 9, after line 14, insert:

“8-6A-05.

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

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

(ii) Provide evidence, as required by the Board, of successful completion

of [an]:

1. AN approved nursing assistant training program [or an];

2. AN approved course in medication administration; OR

3. A PORTION OF AN APPROVED NURSING EDUCATION PROGRAM THAT THE BOARD DETERMINES MEETS THE REQUIREMENTS OF A NURSING ASSISTANT TRAINING PROGRAM OR MEDICATION ADMINISTRATION COURSE;

(iii) Pay to the Board an application fee set by the Board;

(iv) Be of good moral character;

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- and
- (v) Be at least 16 years old to apply for certification as a nursing assistant;
 - (vi) Be at least 18 years old to apply for certification as a medication technician.”.

On page 10, in line 17, after “EXTENSION” insert “, BEYOND A CERTIFICATE’S EXPIRATION DATE,”; in line 18, in each instance, strike “A” and substitute “THE”; and in lines 18 and 19, strike “THE CERTIFICATE” and substitute “IT”.

AMENDMENT NO. 4

On pages 13 and 14, strike in their entirety the lines beginning with line 25 on page 13 through line 6 on page 14, inclusive.

AMENDMENT NO. 5

On page 14, after line 30, insert:

“8-6B-19.

(H) (1) AFTER THE BOARD CONDUCTS AN INVESTIGATION UNDER THIS SUBTITLE, THE BOARD MAY ISSUE AN ADVISORY LETTER TO THE CERTIFICATE HOLDER.

(2) THE BOARD MAY DISCLOSE AN ADVISORY LETTER ISSUED UNDER THIS SUBSECTION TO THE PUBLIC.

(3) THE ISSUANCE OF AN ADVISORY LETTER UNDER THIS SUBSECTION MAY NOT:

(I) BE CONSIDERED A DISCIPLINARY ACTION UNDER § 8-6B-18 OF THIS SUBTITLE; AND

(II) BE REPORTED TO ANY LICENSING ENTITY, EMPLOYER, OR INSURANCE COMPANY AS A DISCIPLINARY ACTION.

[8-6B-25.

- (a) In this section, “electrologist rehabilitation committee” means a committee that:
- (1) Is defined in subsection (b) of this section; and
 - (2) Performs any of the functions listed in subsection (d) of this section.
- (b) For purposes of this section, an electrologist rehabilitation committee is a committee that:
- (1) Is recognized by the Board; and
 - (2) Includes but is not limited to electrologists.
- (c) An electrologist rehabilitation committee recognized by the Board may function:
- (1) Solely for the committee; or
 - (2) Jointly with a rehabilitation committee representing another committee, the Board, or another board or boards.
- (d) For purposes of this section, an electrologist rehabilitation committee evaluates and provides assistance to an electrologist in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.
- (e) (1) Except as otherwise provided in this subsection, the proceedings, records, and files of the electrologist rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated by the electrologist rehabilitation committee.
- (2) Paragraph (1) of this subsection does not apply to a record or document that is considered by the electrologist rehabilitation committee and that otherwise would be subject to

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discovery or introduction into evidence in a civil action.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

(f) A person who acts in good faith and within the scope of jurisdiction of an electrologist rehabilitation committee is not civilly liable for any action as a member of the electrologist rehabilitation committee or for giving information to, participating in, or contributing to the function of the electrologist rehabilitation committee.]”.