
By: **Senators Conway and Hollinger**
Introduced and read first time: February 2, 2006
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Nursing - Nurses, Certified Nursing Assistants, and**
3 **Medication Technicians - Licensing and Regulation**

4 FOR the purpose of altering the powers and duties of the State Board of Nursing to
5 include setting the standards for the practice of certified nursing assistants and
6 certified medication technicians; authorizing the Rehabilitation Committee in
7 the Board to provide for the rehabilitation of or provide assistance to certain
8 medication technicians and certain applicants; altering the term for the renewal
9 of certain licenses and certificates; authorizing the Board to send certain
10 licensees a certain letter of education in certain circumstances; authorizing the
11 Board to send a certain advisory letter to a certain complainant in certain
12 circumstances; authorizing the Board to make a certain letter available to the
13 public under certain circumstances; providing that sending a certain letter of
14 education or a certain advisory letter is not a disciplinary act; altering the
15 grounds for which certain certificate holders may be disciplined; authorizing the
16 Board to make certain unannounced survey visits to certain certified nursing
17 assistant training programs and Board-approved medication technician
18 training programs; defining a certain term; and generally relating to the
19 licensing and regulation of nurses, certified nursing assistants, and certified
20 medication technicians by the State Board of Nursing.

21 BY repealing and reenacting, with amendments,
22 Article - Health Occupations
23 Section 8-205(a), 8-208(a) and (j) through (p), 8-301, 8-312, 8-6A-02, 8-6A-08,
24 8-6A-10, and 8-6A-14
25 Annotated Code of Maryland
26 (2005 Replacement Volume)

27 BY repealing and reenacting, without amendments,
28 Article - Health Occupations
29 Section 8-208(b)
30 Annotated Code of Maryland
31 (2005 Replacement Volume)

1 BY adding to
2 Article - Health Occupations
3 Section 8-316.1, 8-6A-10.1, and 8-6A-14.1
4 Annotated Code of Maryland
5 (2005 Replacement Volume)

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

8 **Article - Health Occupations**

9 8-205.

10 (a) In addition to the powers and duties set forth elsewhere in this title, the
11 Board has the following powers and duties:

12 (1) To adopt rules and regulations to carry out the provisions of this title;

13 (2) To set standards for the practice of registered nursing, [and] licensed
14 practical nursing, CERTIFIED NURSING ASSISTANTS, AND CERTIFIED MEDICATION
15 TECHNICIANS;

16 (3) To adopt rules and regulations for the performance of delegated
17 medical functions which are recognized jointly by the State Board of Physicians and
18 the State Board of Nursing, under § 14-306(d) of this article;

19 (4) To adopt rules and regulations for the performance of additional
20 nursing acts that:

21 (i) May be performed under any condition authorized by the Board,
22 including emergencies; and

23 (ii) Require education and clinical experience;

24 (5) To adopt rules and regulations for registered nurses to perform
25 independent nursing functions that:

26 (i) Require formal education and clinical experience; and

27 (ii) May be performed under any condition authorized by the Board,
28 including emergencies;

29 (6) To adopt rules and regulations for licensed practical nurses to
30 perform additional acts in the practice of registered nursing that:

31 (i) Require formal education and clinical experience;

32 (ii) May be performed under any condition authorized by the Board,
33 including emergencies; and

1 (iii) Are recognized by the Nursing Board as proper for licensed
2 practical nurses to perform;

3 (7) To keep a record of its proceedings;

4 (8) To submit an annual report to the Governor and Secretary;

5 (9) To enforce the employment record requirements of this title;

6 (10) To keep separate lists, which lists are open to reasonable public
7 inspection, of all:

8 (i) Registered nurses licensed under this title;

9 (ii) Licensed practical nurses licensed under this title;

10 (iii) Nurse midwives certified under this title;

11 (iv) Nurse practitioners certified under this title; and

12 (v) Other licensees with a nursing specialty that is certified under
13 this title;

14 (11) To collect any funds of the Board;

15 (12) To report any alleged violation of this title to the State's Attorney of
16 the county where the alleged violation occurred;

17 (13) In accordance with the State budget, to incur any necessary expense
18 for prosecution of an alleged violation of this title;

19 (14) On receipt of a written and signed complaint, including a referral
20 from the Commissioner of Labor and Industry, conduct an unannounced inspection of
21 the office of a nurse in independent practice, other than an office of a nurse in
22 independent practice in a hospital, related institution, freestanding medical facility,
23 or a freestanding birthing center, to determine compliance at that office with the
24 Centers for Disease Control's guidelines on universal precautions; and

25 (15) To maintain a nurse aide registry that complies with federal law.

26 8-208.

27 (a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

29 (2) "APPLICANT" MEANS AN INDIVIDUAL WHO HAS SUBMITTED AN
30 APPLICATION TO THE BOARD TO BE LICENSED AS A REGISTERED NURSE OR
31 LICENSED PRACTICAL NURSE OR TO BE CERTIFIED AS A MEDICATION TECHNICIAN
32 IN THIS STATE.

33 (3) ["program"] "PROGRAM" means the rehabilitation program.

1 (b) (1) There is a Rehabilitation Committee in the Board.

2 (2) The Board may create 1 or more rehabilitation committees.

3 (j) In addition to the powers set forth elsewhere in this subtitle, the
4 Committee may:

5 (1) Evaluate those nurses, [or] nursing assistants, MEDICATION
6 TECHNICIANS, OR APPLICANTS who request participation in the program according to
7 the guidelines prescribed by the Board and consider the recommendations for
8 admission into the program;

9 (2) Review and designate those treatment facilities and services to which
10 nurses, [or] nursing assistants, MEDICATION TECHNICIANS, OR APPLICANTS in the
11 program may be referred;

12 (3) Receive and review information concerning a nurse, [or] nursing
13 assistant, MEDICATION TECHNICIAN, OR APPLICANT participating in the program;

14 (4) Consider in the case of each nurse, [or] nursing assistant,
15 MEDICATION TECHNICIAN, OR APPLICANT participating in a program whether the
16 nurse, [or] nursing assistant, MEDICATION TECHNICIAN, OR APPLICANT may with
17 safety continue or resume the practice of nursing OR DELEGATED NURSING
18 FUNCTIONS; and

19 (5) Have meetings as necessary to consider the requests of nurses, [or]
20 nursing assistants, MEDICATION TECHNICIANS, OR APPLICANTS to participate in the
21 program, and consider reports regarding nurses, [or] nursing assistants,
22 MEDICATION TECHNICIANS, OR APPLICANTS participating in the program.

23 (k) In addition to the duties set forth elsewhere in this subtitle, the Committee
24 shall:

25 (1) Prepare reports to be submitted to the Board; and

26 (2) Set forth in writing for each nurse, [or] nursing assistant,
27 MEDICATION TECHNICIAN, OR APPLICANT participating in the program a
28 rehabilitation program established for that nurse, [or] nursing assistant,
29 MEDICATION TECHNICIAN, OR APPLICANT, including the requirements for
30 supervision and surveillance.

31 (l) The Committee shall inform each nurse, [or] nursing assistant,
32 MEDICATION TECHNICIAN, OR APPLICANT who requests participation in the program
33 of:

34 (1) The procedures followed in the program;

35 (2) The rights and responsibilities of the nurse, [or] nursing assistant,
36 MEDICATION TECHNICIAN, OR APPLICANT in the program; and

1 (3) The possible results of noncompliance with the program.

2 (m) (1) Each nurse, [or] nursing assistant, MEDICATION TECHNICIAN, OR
3 APPLICANT who requests to participate in the program shall agree to cooperate with
4 the individual rehabilitation program designed by the Committee.

5 (2) Any failure to comply with the provisions of a rehabilitation program
6 may result in termination of the nurse's, [or] nursing assistant's, MEDICATION
7 TECHNICIAN'S, OR APPLICANT'S participation in the program.

8 (3) The Committee shall report the name and license number of a nurse,
9 [or] the name and certificate number of a nursing assistant OR MEDICATION
10 TECHNICIAN, OR THE NAME OF AN APPLICANT who is expelled from the program for
11 failure to comply with the conditions of the program.

12 (4) (i) The program shall transfer to the Board all the records of any
13 nurse, [or] nursing assistant, MEDICATION TECHNICIAN, OR APPLICANT expelled
14 from the program.

15 (ii) The Board may initiate disciplinary action based on the failure
16 of the nurse, [or] nursing assistant, MEDICATION TECHNICIAN, OR APPLICANT to
17 comply with the conditions of the program in accordance with the provisions of §§
18 8-316 and 8-317 of this title.

19 (n) After the Committee has determined that a nurse, [or] nursing assistant,
20 MEDICATION TECHNICIAN, OR APPLICANT has been rehabilitated, the Committee
21 shall purge and destroy all records concerning a nurse's, [or] nursing assistant's,
22 MEDICATION TECHNICIAN'S, OR APPLICANT'S participation in the program.

23 (o) All Board and Committee records of a proceeding concerning the
24 rehabilitation of a nurse, [or] nursing assistant, MEDICATION TECHNICIAN, OR
25 APPLICANT in the program are confidential and are not subject to discovery or
26 subpoena in any civil or criminal action.

27 (p) The Board shall provide for the representation of any person making
28 reports to the Committee or the Board under this section in any action for defamation
29 directly resulting from reports or information given to the Committee or the Board
30 regarding a nurse's, [or] nursing assistant's, MEDICATION TECHNICIAN'S, OR
31 APPLICANT'S participation in the program.

32 8-301.

33 (a) Except as otherwise provided in this title, an individual shall be licensed
34 by the Board before the individual may practice registered nursing in this State.

35 (b) Except as otherwise provided in this title, an individual shall be licensed
36 by the Board before the individual may practice licensed practical nursing in this
37 State.

38 (c) This section does not apply to:

1 (1) A student enrolled in an approved education program while
2 practicing registered nursing or licensed practical nursing in that program;

3 (2) An individual employed by the federal government to practice
4 registered nursing or licensed practical nursing while practicing within the scope of
5 that employment, if the individual is authorized by any state to practice registered
6 nursing or licensed practical nursing;

7 (3) An individual permitted to practice registered nursing or licensed
8 practical nursing under rules and regulations adopted by the Board, if the individual:

9 (i) Otherwise has qualified to practice registered nursing or
10 licensed practical nursing in any other state or country and is in this State
11 temporarily; or

12 (ii) Has an application for a license pending before the Board:

13 1. But has not taken the examination required under this
14 title; or

15 2. Has taken an examination under this title, but the results
16 of the examination are not yet known; and

17 (4) An individual who is assigned by the American Red Cross to a
18 disaster situation in this State to practice registered nursing or licensed practical
19 nursing, if the individual is licensed to practice registered nursing or licensed
20 practical nursing in another state.

21 (d) A registered nurse who has been granted multistate licensing privileges by
22 a party state to the Nurse Multistate Licensure Compact set forth in Subtitle 7A of
23 this title may practice registered nursing in the State.

24 (e) A licensed practical nurse who has been granted multistate licensing
25 privileges by a party state to the Nurse Multistate Licensure Compact set forth in
26 Subtitle 7A of this title may practice practical nursing in the State.

27 [(f) A nurse who has been granted multistate licensing privileges as described
28 in subsection (d) or (e) shall notify the Board, prior to commencing any nursing
29 employment in the State, of the identity and location of the nurse's prospective
30 employer.]

31 8-312.

32 (a) A license expires on the last day of the birth month of the licensee, unless
33 the license is renewed for a 1-year term as provided in this section.

34 (b) At least 1 month before the license expires, the Board shall send to the
35 licensee[, by first-class mail to the last known address of the licensee,] a renewal
36 notice [that states:

1 (1) The date on which the current license expires;

2 (2) The date by which the renewal application must be received by the
3 Board for the renewal to be issued and mailed before the license expires; and

4 (3) The amount of the renewal fee].

5 (c) Before a license expires, the licensee periodically may renew it for an
6 additional term, if the licensee:

7 (1) Otherwise is entitled to be licensed;

8 (2) Pays to the Board:

9 (i) A renewal fee set by the Board; or

10 (ii) A renewal fee that is set by the Board if the licensee certifies to
11 the Board that the licensee provides professional services only as a volunteer; and

12 (3) Submits to the Board:

13 (i) A renewal application on the form that the Board requires; and

14 (ii) Satisfactory evidence of completion of:

15 1. 1,000 hours of active nursing practice within the 5-year
16 period immediately preceding the date of renewal;

17 2. A course of instruction, commonly known as a refresher
18 course, approved by the Board; or

19 3. A preceptorship program provided by an employer and
20 approved by the Board.

21 (d) THE BOARD MAY GRANT A 30-DAY EXTENSION TO A LICENSEE SO THAT A
22 LICENSEE MAY RENEW A LICENSE BEFORE THE LICENSE EXPIRES.

23 (E) (1) Each licensee shall notify the Board in writing of any change in the
24 name or address of the licensee within 60 days after the change occurred.

25 (2) If a licensee fails to notify the Board within the time required under
26 this subsection, subject to the hearing provisions of § 8-317 of this subtitle, the Board
27 may impose an administrative penalty of \$100.

28 [(e)] (F) (1) The Board shall renew the license of each licensee who meets
29 the requirements of this section.

30 (2) A volunteer's license issued under paragraph (c)(2)(ii) of this section
31 shall be clearly designated as a volunteer's license.

1 8-316.1.

2 (A) IF THE BOARD CONDUCTS AN INVESTIGATION UNDER THIS TITLE AND
3 FINDS THAT THERE ARE NO GROUNDS FOR DISCIPLINE UNDER § 8-316 OF THIS
4 SUBTITLE, THE BOARD MAY:

5 (1) SEND THE LICENSEE A LETTER OF EDUCATION THAT ADVISES THE
6 LICENSEE OF THE WAYS IN WHICH THE LICENSEE MAY IMPROVE THE QUALITY OF
7 CARE THE LICENSEE PROVIDES TO PATIENTS; AND

8 (2) SEND THE PERSON WHO FILED A COMPLAINT AGAINST THE
9 LICENSEE UNDER INVESTIGATION AN ADVISORY LETTER THAT INFORMS THE
10 PERSON OF THE ACTION TAKEN BY THE BOARD.

11 (B) THE BOARD MAY SEND THE LICENSEE NOTICE OF AN ADVISORY LETTER
12 SENT UNDER SUBSECTION (A)(2) OF THIS SECTION.

13 (C) ON REQUEST, THE BOARD MAY MAKE AVAILABLE TO THE PUBLIC AN
14 ADVISORY LETTER SENT UNDER SUBSECTION (A)(2) OF THIS SECTION.

15 (D) IF THE BOARD SENDS A LETTER OF EDUCATION OR AN ADVISORY LETTER
16 UNDER THIS SECTION, THE ACTION MAY NOT BE CONSIDERED A DISCIPLINARY
17 ACTION BY THE BOARD AND MAY NOT BE REPORTED TO ANY LICENSING ENTITY,
18 EMPLOYER, OR INSURANCE COMPANY AS A DISCIPLINARY ACTION.

19 8-6A-02.

20 (a) Except as otherwise provided in this subtitle, an individual shall be
21 certified by the Board to practice as a nursing assistant or medication technician
22 before the individual may practice as a nursing assistant or medication technician in
23 the State.

24 (b) This subtitle does not apply to an individual who:

25 (1) Practices a health occupation that the individual is authorized to
26 practice under this article;

27 (2) Provides for the gratuitous care of friends or family members;

28 (3) Performs nursing assistant tasks while a nursing student enrolled in
29 an accredited nursing program and practicing under the direct supervision of
30 qualified faculty or preceptors;

31 (4) Performs nursing assistant tasks as a student while:

32 (i) Enrolled in a Board-approved nursing assistant training
33 program; OR

34 (ii) Practicing under the direct supervision of qualified faculty or
35 preceptors; [or

1 (iii) Practicing under the direct supervision of a licensed nurse while
2 working as a nursing assistant;]

3 (5) Performs medication technician tasks as a student while practicing
4 under the direct supervision of qualified faculty; or

5 (6) Works as a principal or school secretary, does not administer
6 medication as a routine part of the position, and has completed training by the
7 delegating nurse for the occasion where the individual may need to administer
8 medication in the absence of the nurse or medication technician.

9 (c) Nothing in this section shall preclude a registered nurse or licensed
10 practical nurse from delegating a nursing task to an unlicensed individual provided
11 that acceptance of delegated nursing tasks does not become a routine part of the
12 unlicensed individual's job duties.

13 [(d) Nothing in this subtitle may be construed as creating a scope of practice for
14 nursing assistants.]

15 8-6A-08.

16 (a) A certificate expires on the 28th day of the birth month of the nursing
17 assistant or medication technician, unless the certificate is renewed for a 2-year term
18 as provided in this section.

19 (b) At least 3 months before the certificate expires, the Board shall send to the
20 nursing assistant or medication technician[, by first-class mail to the last known
21 address of the nursing assistant or medication technician,] a renewal notice that
22 states:

23 (1) The date on which the current certificate expires;

24 (2) The date by which the renewal application must be received by the
25 Board for the renewal to be issued and mailed before the certificate expires; and

26 (3) The amount of the renewal fee.

27 (c) Before a certificate expires, a nursing assistant periodically may renew it
28 for an additional term, if the certificate holder:

29 (1) Otherwise is entitled to be certified;

30 (2) Submits to the Board a renewal application on the form that the
31 Board requires;

32 (3) Pays to the Board a renewal fee set by the Board; and

33 (4) Provides satisfactory evidence of completion of:

34 (i) 16 hours of active nursing assistant practice within the 2-year
35 period immediately preceding the date of renewal; or

1 (ii) An approved nursing assistant training program.

2 (d) In addition to the requirements in subsection (c)(1), (2), and (3) of this
3 section, a skilled nursing assistant shall:

4 (1) Provide satisfactory evidence of completion of 1,000 hours of practice
5 as a skilled nursing assistant within the individual's specific category of nursing
6 assistant, in the 2-year period preceding the date of renewal; and

7 (2) Successfully complete a Board-approved refresher course within the
8 individual's specific category of nursing assistant.

9 (e) Before a certificate expires, a medication technician periodically may
10 renew it for an additional term, if the certificate holder:

11 (1) Otherwise is entitled to be certified;

12 (2) Submits to the Board a renewal application on the form that the
13 Board requires;

14 (3) Pays to the Board a renewal fee set by the Board; and

15 (4) Every 2 years, provides satisfactory evidence of completion of a
16 Board-approved clinical refresher course.

17 (f) THE BOARD MAY GRANT A 30-DAY EXTENSION TO A CERTIFICATE HOLDER
18 SO THAT A CERTIFICATE HOLDER MAY RENEW A CERTIFICATE BEFORE THE
19 CERTIFICATE EXPIRES.

20 (G) The Board shall renew the certificate of each nursing assistant or
21 medication technician who meets the requirements of this section.

22 [(g)] (H) (1) Within 30 days after a change has occurred, each certificate
23 holder shall notify the Board in writing of any change in a name or address.

24 (2) If the certificate holder fails to notify the Board within the time
25 required under this subsection, the Board may impose an administrative penalty of
26 \$25 on the certificate holder.

27 [(h)] (I) The Board shall pay any penalty collected under this subsection to
28 the General Fund of the State.

29 8-6A-10.

30 (a) Subject to the hearing provisions of § 8-317 of this title, the Board may
31 deny a certificate or issue a probationary certificate to any applicant, reprimand any
32 certificate holder, place any certificate holder on probation, or suspend or revoke the
33 certificate of a certificate holder, if the applicant or certificate holder:

34 (1) Fraudulently or deceptively obtains or attempts to obtain a
35 certificate for the applicant or for another;

- 1 (2) Fraudulently or deceptively uses a certificate;
- 2 (3) Is disciplined by a licensing, military, or disciplinary authority in this
3 State or in any other state or country or convicted or disciplined by a court in this
4 State or in any other state or country for an act that would be grounds for disciplinary
5 action under the Board's disciplinary statutes;
- 6 (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a
7 crime involving moral turpitude, whether or not any appeal or other proceeding is
8 pending to have the conviction or plea set aside;
- 9 (5) Files a false report or record of an individual under the certificate
10 holder's care;
- 11 (6) Gives any false or misleading information about a material matter in
12 an employment application;
- 13 (7) Fails to file or record any health record that is required by law;
- 14 (8) Induces another person to fail to file or record any health record that
15 is required by law;
- 16 (9) Has violated any order, rule, or regulation of the Board relating to the
17 practice or certification of a nursing assistant or medication technician;
- 18 (10) Provides services as a nursing assistant or medication technician
19 while:
- 20 (i) Under the influence of alcohol; or
- 21 (ii) Using any narcotic or controlled dangerous substance, as
22 defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of
23 therapeutic amounts or without valid medical indication;
- 24 (11) Is habitually intoxicated;
- 25 (12) Is addicted to, or habitually abuses, any narcotic or controlled
26 dangerous substance as defined in § 5-101 of the Criminal Law Article;
- 27 (13) Has acted in a manner inconsistent with the health or safety of a
28 person under the applicant or certificate holder's care;
- 29 (14) Has practiced as a nursing assistant or medication technician in a
30 manner which fails to meet generally accepted standards for the practice of a nursing
31 assistant or medication technician;
- 32 (15) Has physically, verbally, or psychologically abused, neglected, or
33 otherwise harmed a person under the applicant or certificate holder's care;
- 34 (16) Has a physical or mental disability which renders the applicant or
35 certificate holder unable to practice as a certified nursing assistant or certified

1 medication technician with reasonable skill and safety to the patients and which may
2 endanger the health or safety of persons under the care of the applicant or certificate
3 holder;

4 (17) Has violated the confidentiality of information or knowledge as
5 prescribed by law concerning any patient;

6 (18) Has misappropriated patient or facility property;

7 (19) Performs certified nursing assistant or certified medication
8 technician functions incompetently;

9 (20) Has violated any provision of this title or has aided or knowingly
10 permitted any person to violate any provision of this title;

11 (21) Submits a false statement to collect a fee;

12 (22) Refuses, withholds from, denies, or discriminates against an
13 individual with regard to the provision of professional services for which the applicant
14 or certificate holder is certified and qualified to render because the individual is HIV
15 positive;

16 (23) Except in an emergency life-threatening situation where it is not
17 feasible or practicable, fails to comply with the Centers for Disease Control's
18 guidelines on universal precautions;

19 (24) Fails to cooperate with a lawful investigation conducted by the
20 Board;

21 (25) Fails to comply with instructions and directions of the supervising
22 registered nurse or licensed practical nurse;

23 (26) After failing to renew a certificate, commits any act that would be
24 grounds for disciplinary action under this section;

25 (27) Practices as a nursing assistant or medication technician before
26 obtaining or renewing the certificate, including any time period when the certificate
27 has lapsed;

28 (28) Impersonates another individual:

29 (i) Licensed under the provisions of this title; or

30 (ii) Who holds a certificate issued under the provisions of this title;

31 (29) [Has acted in a manner inconsistent with the health or safety of a
32 person under the certified nursing assistant's or certified medication technician's
33 care] ENGAGES IN CONDUCT THAT VIOLATES THE CODE OF ETHICS;

34 (30) Performs activities that exceed the education and training of the
35 certified nursing assistant or certified medication technician;

1 (31) Is expelled from the rehabilitation program established pursuant to §
2 8-208 of this title for failure to comply with the conditions of the program;

3 (32) Abandons a patient; or

4 (33) Is a director of nursing, or acts in the capacity of a director of nursing
5 and knowingly employs an individual who is not authorized to perform delegated
6 nursing duties under this subtitle.

7 (b) If, after a hearing under § 8-317 of this title, the Board finds that there
8 are grounds under subsection (a) of this section to suspend or revoke a certificate to
9 practice as a certified nursing assistant or certified medication technician, to
10 reprimand a certificate holder, or place a certificate holder on probation, the Board
11 may impose a penalty not exceeding \$500 instead of or in addition to suspending or
12 revoking the certificate, reprimanding the certificate holder, or placing the certificate
13 holder on probation.

14 (c) (1) An individual whose certificate has been suspended or revoked by the
15 Board shall return the certificate to the Board.

16 (2) If the suspended or revoked certificate has been lost, the individual
17 shall file with the Board a verified statement to that effect.

18 (d) The Board shall file a notice for publication in the earliest publication of
19 the Maryland Register of each revocation or suspension of a certificate under this
20 section within 24 hours of the revocation or suspension.

21 (e) If a certificate issued under this subtitle is suspended or revoked for a
22 period of more than 1 year, the Board may reinstate the certificate after 1 year if the
23 certificate holder meets the requirements for reinstatement as established by the
24 Board in regulations.

25 8-6A-10.1.

26 (A) IF THE BOARD CONDUCTS AN INVESTIGATION UNDER THIS TITLE AND
27 FINDS THAT THERE ARE NO GROUNDS FOR DISCIPLINE UNDER § 8-6A-10 OF THIS
28 SUBTITLE, THE BOARD MAY:

29 (1) SEND THE CERTIFICATE HOLDER A LETTER OF EDUCATION THAT
30 ADVISES THE CERTIFICATE HOLDER OF THE WAYS IN WHICH THE CERTIFICATE
31 HOLDER MAY IMPROVE THE QUALITY OF CARE THE CERTIFICATE HOLDER PROVIDES
32 TO PATIENTS; AND

33 (2) SEND THE PERSON WHO FILED A COMPLAINT AGAINST THE
34 CERTIFICATE HOLDER UNDER INVESTIGATION AN ADVISORY LETTER THAT INFORMS
35 THE PERSON OF THE ACTION TAKEN BY THE BOARD.

36 (B) THE BOARD MAY SEND THE CERTIFICATE HOLDER NOTICE OF AN
37 ADVISORY LETTER SENT UNDER SUBSECTION (A)(2) OF THIS SECTION.

1 (C) ON REQUEST, THE BOARD MAY MAKE AVAILABLE TO THE PUBLIC AN
2 ADVISORY LETTER SENT UNDER SUBSECTION (A)(2) OF THIS SECTION.

3 (D) IF THE BOARD SENDS A LETTER OF EDUCATION OR AN ADVISORY LETTER
4 UNDER THIS SECTION, THE ACTION MAY NOT BE CONSIDERED A DISCIPLINARY
5 ACTION BY THE BOARD AND MAY NOT BE REPORTED TO ANY LICENSING ENTITY,
6 EMPLOYER, OR INSURANCE COMPANY AS A DISCIPLINARY ACTION.

7 8-6A-14.

8 (a) The Board, in conjunction with the Maryland Higher Education
9 Commission, shall approve each nursing assistant training program prior to its
10 implementation and provide periodic survey of all programs in the State.

11 (b) The Board in conjunction with the Department, Maryland Higher
12 Education Commission, and the affected industry shall develop regulations for
13 nursing assistant training programs.

14 (c) The curriculum content for an approved nursing assistant training
15 program shall include:

16 (1) Content consistent with State licensing requirements in the Health -
17 General Article and all federal requirements;

18 (2) All basic skills required of a nursing assistant regardless of the
19 setting of the practice; and

20 (3) Any skills required for certification in a specific category.

21 (d) Any additional clinical practice skills specific to a setting of practice shall
22 be taught in that setting as a part of the employment training process in that setting.

23 (e) THE BOARD MAY MAKE SURVEY VISITS FROM TIME TO TIME, WITHOUT
24 PRIOR NOTICE, TO ALL CERTIFIED NURSING ASSISTANT TRAINING PROGRAMS.

25 (F) The provisions of this section may not be interpreted to impose additional
26 requirements for geriatric nursing assistants beyond those required under federal
27 law.

28 8-6A-14.1.

29 THE BOARD MAY MAKE SURVEY VISITS FROM TIME TO TIME, WITHOUT PRIOR
30 NOTICE, TO ALL BOARD-APPROVED MEDICATION TECHNICIAN TRAINING PROGRAMS.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2006.