

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 449

(Senators Conway and Hollinger)

Education, Health, and Environmental Affairs

Health and Government Operations

**State Board of Nursing - Nurses, Nursing Assistants, Medication Technicians ,
and Electrologists - Licensing and Regulation**

This bill makes various changes under the Maryland Nurse Practice Act.

Fiscal Summary

State Effect: The bill would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill gives the State Board of Nursing powers to set standards for the practice of certified nursing assistants and certified medication technicians.

The bill gives the board's Rehabilitation Committee the power to evaluate certified medication technicians and licensed electrologists as well as applicants for registered nurse licensure, licensed practical nurse licensure, electrology licensure, nursing assistant certification, or medication technician certification who request participation in the rehabilitation program. The bill also modifies related powers associated with the program. In addition, the bill repeals provisions relating to the separate electrologist rehabilitation committee.

The bill repeals the requirement that a nurse who was granted multistate licensing privileges must notify the board, before working as a nurse in Maryland, of the identity and location of the nurse's prospective employer.

The bill repeals the requirement that the board must send a license renewal notice for registered nurses and licensed practical nurses by first-class mail to the licensee's last known address and repeals the requirement for the notice to include the date the current license expires, the date by which the board must receive the renewal application, and the renewal fee amount. The bill allows the board to grant licensees a 30-day extension beyond a license's expiration date before the license expires.

The bill also repeals the requirement that the board must send a certificate renewal notice for nursing assistants and medication technicians by first-class mail. The bill allows the board to grant certificate holders a 30-day extension beyond a certificate's expiration date before the certificate expires.

After the board conducts an investigation into a licensee's or certificate holder's alleged violation, the board may issue the licensee or certificate holder an advisory letter. The board may disclose an advisory letter it issued to the public. If the board issues an advisory letter, the letter may not be considered a disciplinary action and may not be reported to any licensing entity, employer, or insurance company as a disciplinary action.

The bill provides that completion of 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 will satisfy the education component of an application to the board.

The bill repeals the exception to certification for a student working as a nursing assistant and practicing under the direct supervision of a licensed nurse. It also repeals the provision that nothing may be construed under the certification of nursing assistants and medication technicians subtitle as creating a scope of practice for nursing assistants.

The bill repeals acting in a manner inconsistent with the health or safety of the person under a certified nursing assistant's or certified medication technician's care as a reason the board may take disciplinary action against a certification applicant or a certificate holder. The bill adds engaging in conduct that violates the code of ethics as a reason for taking disciplinary action.

The bill also allows the board to make unannounced survey visits to all certified nursing assistant training programs and all board-approved medication technician training programs.

Current Law: Statute provides the board with a number of powers and duties, including adopting rules and regulations to carry out its statutorily required provisions and setting standards for the practice of registered nursing and licensed practical nursing.

A nurse who was granted multistate licensing privileges must notify the board, before working as a nurse in Maryland, of the identity and location of the nurse's prospective employer.

The board must send a license renewal notice for registered nurses and licensed practical nurses by first-class mail to the licensee's last known address and repeals the requirement for the notice to include the date the current license expires, the date by which the board must receive the renewal application, and the renewal fee amount.

An applicant for a nursing assistant or medication technician certification must meet specified requirements, including provide evidence of successful completion of an approved nursing assistant training program or an approved course in medication administration.

The board must send a certificate renewal notice for nursing assistants and medication technicians by first-class mail.

The requirement for an individual to be certified as a nursing assistant or medication technician before practicing in Maryland does not apply to an individual who is practicing under the direct supervision of a licensed nurse while working as a nursing assistant. Nothing under the certification of nursing assistants and medication technicians subtitle may be construed as creating a scope of practice for nursing assistants.

The board may deny a certificate or issue a probationary certificate, reprimand a certificate holder, place a certificate holder on probation, or suspend or revoke the certificate under specified conditions, including for acting in a manner inconsistent with the health or safety of the person under a certified nursing assistant's or certified medication technician's care.

The 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. The board's rehabilitation committee evaluates nurses and nursing assistants who request participation in the program.

Background: In fiscal 2005, there were 61,148 licensed registered nurses, 12,150 licensed practical nurses, 43,500 certified nursing assistants, and 32,618 certified medication technicians. Additionally, 485 individuals were enrolled in the board's rehabilitation program.

Additional Information

Prior Introductions: None.

Cross File: HB 1080 (Delegate Murray, *et al.*) – Health and Government Operations.

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

Fiscal Note History: First Reader - February 28, 2006
ncs/ljm Revised - Senate Third Reader - March 27, 2006
Revised - Enrolled Bill - May 4, 2006

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