

# SENATE BILL 378

J2

71r1635  
CF HB 445

---

By: **Senators Dyson, Conway, and Middleton**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

---

Committee Report: Favorable

Senate action: Adopted

Read second time: March 9, 2007

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Nursing – Advanced Nurse Practitioners – Membership and**  
3 **Qualifications**

4 FOR the purpose of requiring that the State Board of Nursing consist of a certain  
5 number of members certified in an advanced practice nursing specialty;  
6 requiring the Governor to appoint certain members from a list of nominees  
7 submitted by certain organizations; requiring that a certain number of  
8 nominees be on a certain list of nominations; requiring that certain  
9 organizations nominate certain nurses with a certain certification from a  
10 certain list of specialties for each vacancy for each term and that certain  
11 organizations rotate the specialty of nominations among certain specialties;  
12 requiring that certain members meet certain educational and professional  
13 requirements; and generally relating to the State Board of Nursing and  
14 membership.

15 BY repealing and reenacting, with amendments,  
16 Article – Health Occupations  
17 Section 8–202  
18 Annotated Code of Maryland  
19 (2005 Replacement Volume and 2006 Supplement)

---

**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Health Occupations**

4 8–202.

5 (a) (1) The Board consists of [11] **12** members.

6 (2) Of the [11] **12** Board members:

7 (i) [6] **7** shall be registered nurses;

8 (ii) 3 shall be licensed practical nurses; and

9 (iii) 2 shall be consumers.

10 (3) Of the [6] **7** registered nurse members:

11 (I) **1 SHALL BE CERTIFIED IN AN ADVANCED PRACTICE**  
12 **NURSING SPECIALTY;**

13 [(i)] (II) 1 shall be a baccalaureate nursing educator with, at  
14 least, a master’s degree in nursing or education;

15 [(ii)] (III) 1 shall be an associate degree nursing educator with,  
16 at least, a master’s degree in nursing or education;

17 [(iii)] (IV) 1 shall be a practical nursing educator with, at least,  
18 a bachelor of science degree in nursing or education;

19 [(iv)](V) 1 shall be a nurse administrator with, at least, a  
20 master’s degree in nursing administration, education, or public health; and

21 [(v)](VI) 2 shall be nurse clinicians, one of whom shall have, at  
22 least, a master’s degree in nursing or public health.

23 (b) (1) (I) The Governor shall appoint:

24 **1. THE REGISTERED NURSE MEMBERS CERTIFIED IN**  
25 **AN ADVANCED PRACTICE NURSING SPECIALTY, WITH THE ADVICE OF THE**

1 **SECRETARY, FROM A LIST OF QUALIFIED INDIVIDUALS JOINTLY DEVELOPED IN**  
 2 **ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (III) OF THIS**  
 3 **PARAGRAPH AND SUBMITTED TO THE SECRETARY AND THE GOVERNOR BY THE:**

4 **A. MARYLAND ASSOCIATION OF NURSE**  
 5 **ANESTHETISTS, INC.;**

6 **B. NURSE PRACTITIONERS ASSOCIATION OF**  
 7 **MARYLAND, INC.;**

8 **C. MARYLAND COALITION OF NURSE**  
 9 **PRACTITIONERS, INC.;**

10 **D. MARYLAND CHAPTER, AMERICAN COLLEGE OF**  
 11 **NURSE-MIDWIVES; AND**

12 **E. PSYCHIATRIC ADVANCE PRACTICE NURSES OF**  
 13 **MARYLAND; AND**

14 **2. [the] THE OTHER** registered nurse members, with  
 15 the advice of the Secretary, from a list of qualified individuals submitted to the  
 16 Secretary and the Governor by the Maryland Nurses Association, Inc.

17 **(II) The number of names on the [list] LISTS SUBMITTED TO**  
 18 **THE SECRETARY AND THE GOVERNOR IN SUBPARAGRAPH (I) OF THIS**  
 19 **PARAGRAPH shall be 5 times the number of vacancies.**

20 **(III) THE ORGANIZATIONS DEVELOPING AND SUBMITTING**  
 21 **THE LIST OF NOMINEES FOR REGISTERED NURSE MEMBERS CERTIFIED IN AN**  
 22 **ADVANCED PRACTICE NURSING SPECIALTY IN SUBPARAGRAPH (I) OF THIS**  
 23 **PARAGRAPH, SHALL ONLY SUBMIT THE NAMES OF NURSES CERTIFIED IN ONE OF**  
 24 **THE FOLLOWING SPECIALTIES FOR EACH VACANCY EACH TERM AND SHALL**  
 25 **ROTATE AMONG THE SPECIALTIES WITH EACH NOMINATION FOR A VACANCY:**

26 **1. NURSE ANESTHETIST;**

27 **2. NURSE PRACTITIONER;**

28 **3. NURSE MIDWIFE;**



1                   **(III) HAVE AT LEAST 5 YEARS OF EXPERIENCE IN AN**  
2 **ADVANCED PRACTICE NURSING EDUCATION OR PRACTICE, INCLUDING AT LEAST**  
3 **THE 3 YEARS IMMEDIATELY BEFORE THE APPOINTMENT.**

4           (e)     A licensed practical nurse member of the Board shall have at least 5  
5 years of experience in the practice of licensed practical nursing, which includes at least  
6 the 3 years immediately before the appointment.

7           (f)     Each consumer member of the Board:

8                   (1)     Shall be a member of the general public;

9                   (2)     May not be or ever have been a registered nurse or licensed  
10 practical nurse or in training to become a registered nurse or licensed practical nurse;

11                   (3)     May not have a household member who is a registered nurse or  
12 licensed practical nurse or in training to become a registered nurse or licensed  
13 practical nurse;

14                   (4)     May not participate or ever have participated in a commercial or  
15 professional field related to registered nursing or licensed practical nursing;

16                   (5)     May not have a household member who participates in a  
17 commercial or professional field related to registered nursing or licensed practical  
18 nursing; or

19                   (6)     May not have had within 2 years before appointment a substantial  
20 financial interest in a person who is regulated by the Board.

21           (g)     While a member of the Board, a consumer member may not have a  
22 substantial financial interest in a person regulated by the Board.

23           (h)     Before taking office, each appointee to the Board shall take the oath  
24 required by Article I, § 9 of the State Constitution.

25           (i)     (1)     The term of a member is 4 years, except that the initial term of 1 of  
26 the consumer members is 2 years.

27                   (2)     The terms of the members are staggered as required by the terms  
28 provided for members of the Board on July 1, 1981.

1                   (3)    At the end of a term, a member continues to serve until a successor  
2 is appointed and qualifies.

3                   (4)    A member who is appointed after a term has begun serves only for  
4 the rest of the term and until a successor is appointed and qualifies.

5                   (5)    A member may not serve more than 2 consecutive full terms.

6                   (6)    To the extent practicable, the Governor shall fill any vacancy on  
7 the Board within 60 days of the date of the vacancy.

8           (j)    (1)    The Governor may remove a member for incompetence,  
9 misconduct, neglect of a duty required by law, unprofessional conduct, or dishonorable  
10 conduct.

11                   (2)    Upon the recommendation of the Secretary, the Governor may  
12 remove a member whom the Secretary finds to have been absent from 2 successive  
13 Board meetings without adequate reason.

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2007.

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.