

CHAPTER 544

(Senate Bill 378)

AN ACT concerning

State Board of Nursing – Advanced Nurse Practitioners – Membership and Qualifications

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

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

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

Article – Health Occupations

8–202.

- (a) (1) The Board consists of [11] **12** members.
- (2) Of the [11] **12** Board members:
 - (i) [6] **7** shall be registered nurses;
 - (ii) 3 shall be licensed practical nurses; and

(iii) 2 shall be consumers.

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

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

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

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

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

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

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

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

1. THE REGISTERED NURSE MEMBERS CERTIFIED IN AN ADVANCED PRACTICE NURSING SPECIALTY, WITH THE ADVICE OF THE SECRETARY, FROM A LIST OF QUALIFIED INDIVIDUALS JOINTLY DEVELOPED IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (III) OF THIS PARAGRAPH AND SUBMITTED TO THE SECRETARY AND THE GOVERNOR BY THE:

A. MARYLAND ASSOCIATION OF NURSE ANESTHETISTS, INC.;

B. NURSE PRACTITIONERS ASSOCIATION OF MARYLAND, INC.;

C. MARYLAND COALITION OF NURSE PRACTITIONERS, INC.;

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

E. PSYCHIATRIC ADVANCE PRACTICE NURSES OF MARYLAND; AND

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

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

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

- 1. NURSE ANESTHETIST;**
- 2. NURSE PRACTITIONER;**
- 3. NURSE MIDWIFE;**
- 4. NURSE PSYCHOTHERAPIST.**

(2) The Governor shall appoint the licensed practical nurse members, with the advice of the Secretary, from a list of qualified individuals submitted to the Secretary and the Governor by the Maryland Licensed Practical Nurse Association, Inc. The number of names on the list shall be 5 times the number of vacancies.

(3) The Governor may request an additional list of 5 nominees for each vacancy.

(4) The Governor shall make the appointment for each vacancy from the original list or the additional list.

(5) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

(c) Each member of the Board shall be:

- (1) A citizen of the United States; and
- (2) A resident of this State.

(d) **(1)** A registered nurse member of the Board shall:

[(1)] **(I)** Have graduated from an approved school of nursing or its equivalent; and

[(2)] **(II)** Have at least 5 years of experience in nursing administration, education, or practice, which includes at least the 3 years immediately before the appointment.

(2) A MEMBER OF THE BOARD WHO IS A REGISTERED NURSE CERTIFIED IN AN ADVANCED PRACTICE NURSING SPECIALTY SHALL:

(I) HOLD A CURRENT LICENSE TO PRACTICE REGISTERED NURSING IN THIS STATE;

(II) HOLD A CURRENT CERTIFICATION IN AN ADVANCED PRACTICE NURSING SPECIALTY IN THIS STATE; AND

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

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

(f) Each consumer member of the Board:

- (1) Shall be a member of the general public;
- (2) May not be or ever have been a registered nurse or licensed practical nurse or in training to become a registered nurse or licensed practical nurse;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 17, 2007.