

HOUSE BILL 923

J2

EMERGENCY BILL

8lr2760

By: **Delegates Elmore, Barkley, Bartlett, Bates, Beitzel, Bohanan, Boteler, Cane, G. Clagett, Conway, Costa, Dumais, Eckardt, Frank, Frick, Gaines, George, Gilchrist, Haddaway, Hixson, Howard, Ivey, Jennings, Kipke, Kramer, Krebs, Levy, Mathias, McComas, McConkey, Murphy, Myers, Nathan-Pulliam, Norman, Rice, Schuh, Smigiel, Sophocleus, Sossi, Stifler, Stukes, Stull, Walker, and Walkup**

Introduced and read first time: February 6, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Nursing – Temporary Licenses and Temporary Practice**
3 **Letters – Renewal**

4 FOR the purpose of providing that temporary licenses and temporary practice letters
5 issued by the State Board of Nursing may be renewed for a certain period of
6 time under certain circumstances; making this Act an emergency measure; and
7 generally relating to the renewal of temporary licenses and temporary practice
8 letters.

9 BY repealing and reenacting, with amendments,
10 Article – Health Occupations
11 Section 8–315
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2007 Supplement)

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

16 **Article – Health Occupations**

17 8–315.

18 (a) The Board may issue a temporary license to any applicant who:

19 (1) Submits to a criminal history records check in accordance with §
20 8–303 of this subtitle;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Is licensed by any other state;

2 (3) Submits to the Board:

3 (i) An application on the form required by the Board;

4 (ii) Written, verified evidence that the requirement of item (1) of
5 this subsection is being met; and

6 (iii) Any other document required by the Board; and

7 (4) Pays the fee required by the Board.

8 (b) (1) A temporary license issued to an individual who is authorized to
9 practice registered nursing in another state authorizes the holder to practice
10 registered nursing in this State while the temporary license is effective.

11 (2) A temporary license issued to an individual who is authorized to
12 practice licensed practical nursing in another state authorizes the holder to practice
13 licensed practical nursing in this State while the temporary license is effective.

14 (c) (1) The Board may issue a temporary practice letter to a certified
15 nurse practitioner or certified nurse–midwife who:

16 (i) Has been issued a temporary license under this subsection
17 and has submitted a written agreement to the Board for formal approval;

18 (ii) Is authorized to practice as a registered nurse and has
19 submitted an initial written agreement to the Board for formal approval; or

20 (iii) 1. Has had a written agreement approved by the Board;

21 2. Is changing practices or locations; and

22 3. Has submitted to the Board for formal approval a new
23 written agreement for the new practice or location.

24 (2) The Board may not issue a temporary practice letter to a certified
25 nurse practitioner or certified nurse–midwife under paragraph (1) of this subsection
26 unless:

27 (i) The State Board of Physicians has received a written
28 agreement submitted to the Board for formal approval of the scope of practice for
29 which the temporary practice letter is requested; and

30 (ii) The State Board of Physicians has approved the issuance of
31 the temporary practice letter.

1 (3) A temporary practice letter does not:

2 (i) Create any interest, right, or entitlement for the certified
3 nurse practitioner, certified nurse–midwife, or collaborating physician that extends
4 beyond the ending date of the practice letter;

5 (ii) Abrogate any procedures required by statute or regulation
6 for approval of collaboration agreements; or

7 (iii) Establish any fact or any presumption concerning the final
8 approval of a collaboration agreement.

9 (d) (1) [A temporary license and temporary practice letter may not be
10 renewed.

11 (2) Unless] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
12 **SUBSECTION, UNLESS** the Board revokes a temporary license or temporary practice
13 letter, each temporary license or temporary practice letter expires 90 days after the
14 date of issue.

15 **(2) SUBJECT TO AN 8–MONTH LIMITATION, A TEMPORARY**
16 **LICENSE OR TEMPORARY PRACTICE LETTER MAY BE RENEWED EVERY 30 DAYS**
17 **FROM THE TIME THE TEMPORARY LICENSE OR TEMPORARY PRACTICE LETTER**
18 **EXPIRES.**

19 (e) The Board shall revoke a temporary license or temporary certificate if the
20 criminal history record information forwarded to the Board in accordance with § 8–303
21 of this subtitle reveals that the applicant, certificate holder, or licensee has been
22 convicted or pled guilty or nolo contendere to a felony or to a crime involving moral
23 turpitude, whether or not any appeal or other proceeding is pending to have the
24 conviction or plea set aside.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
26 measure, is necessary for the immediate preservation of the public health or safety,
27 has been passed by a ye and nay vote supported by three–fifths of all the members
28 elected to each of the two Houses of the General Assembly, and shall take effect from
29 the date it is enacted.