

# HOUSE BILL 923

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EMERGENCY BILL

8lr2760

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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2008

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

1 AN ACT concerning

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

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

9 BY repealing and reenacting, with amendments,  
10 Article – Health Occupations  
11 Section 8–315 (d)  
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.

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

2                   ~~(1) Submits to a criminal history records check in accordance with §~~  
3 ~~8-303 of this subtitle;~~

4                   ~~(2) Is licensed by any other state;~~

5                   ~~(3) Submits to the Board:~~

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

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

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

10                   ~~(4) Pays the fee required by the Board.~~

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

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

17           ~~(c) (1) The Board may issue a temporary practice letter to a certified~~  
18 ~~nurse practitioner or certified nurse-midwife who:~~

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

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

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

24                                   ~~2. Is changing practices or locations; and~~

25                                   ~~3. Has submitted to the Board for formal approval a new~~  
26 ~~written agreement for the new practice or location.~~

27           ~~(2) The Board may not issue a temporary practice letter to a certified~~  
28 ~~nurse practitioner or certified nurse-midwife under paragraph (1) of this subsection~~  
29 ~~unless:~~

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

4                   (ii) ~~The State Board of Physicians has approved the issuance of~~  
5 ~~the temporary practice letter.~~

6                   (3) ~~A temporary practice letter does not:~~

7                   (i) ~~Create any interest, right, or entitlement for the certified~~  
8 ~~nurse practitioner, certified nurse midwife, or collaborating physician that extends~~  
9 ~~beyond the ending date of the practice letter;~~

10                  (ii) ~~Abrogate any procedures required by statute or regulation~~  
11 ~~for approval of collaboration agreements; or~~

12                  (iii) ~~Establish any fact or any presumption concerning the final~~  
13 ~~approval of a collaboration agreement.~~

14                  (d) (1) ~~[A~~ **EXCEPT AS PROVIDED IN THIS SUBTITLE, A** temporary  
15 license and temporary practice letter may not be renewed.

16                  (2) ~~Unless~~ **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
17 **SUBSECTION, UNLESS** the Board revokes a temporary license or temporary practice  
18 letter, each temporary license or temporary practice letter expires 90 days after the  
19 date of issue.

20                  (2) ~~SUBJECT TO AN 8 MONTH LIMITATION, A TEMPORARY~~  
21 ~~LICENSE OR TEMPORARY PRACTICE LETTER MAY BE RENEWED EVERY 30 DAYS~~  
22 ~~FROM THE TIME THE TEMPORARY LICENSE OR TEMPORARY PRACTICE LETTER~~  
23 ~~EXPIRES.~~

24                  (3) **A TEMPORARY LICENSE MAY BE EXTENDED UP TO AN**  
25 **ADDITIONAL 90 DAYS IF THE APPLICANT IS AWAITING THE COMPLETION OF**  
26 **CRIMINAL HISTORY RECORD INFORMATION.**

27                  (4) **A TEMPORARY LICENSE OR TEMPORARY PRACTICE LETTER**  
28 **MAY BE EXTENDED EVERY 90 DAYS, PROVIDED THAT THE TOTAL LENGTH OF**  
29 **RENEWAL DOES NOT EXCEED 12 MONTHS FROM THE DATE THE ORIGINAL**  
30 **TEMPORARY LICENSE OR TEMPORARY PRACTICE LETTER WAS ISSUED, IF THE**  
31 **APPLICANT DOES NOT MEET THE PRACTICE REQUIREMENT AS PROVIDED FOR IN**  
32 **REGULATION.**

33                  (e) ~~The Board shall revoke a temporary license or temporary certificate if the~~  
34 ~~criminal history record information forwarded to the Board in accordance with § 8-303~~  
35 ~~of this subtitle reveals that the applicant, certificate holder, or licensee has been~~

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1 ~~convicted or pled guilty or nolo contendere to a felony or to a crime involving moral~~  
2 ~~turpitude, whether or not any appeal or other proceeding is pending to have the~~  
3 ~~conviction or plea set aside.~~

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.