

SENATE BILL 205

J2

EMERGENCY BILL

9lr0012

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Health and Mental Hygiene)**

Introduced and read first time: January 23, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Nursing – Licensing – Licensure by Endorsement –**
3 **Provisional Practice Permits**

4 FOR the purpose of authorizing certain applicants for licensure by examination to
5 enter into a remedial study agreement plan approved by the State Board of
6 Nursing if they are deficient in certain qualifications; requiring prior Board
7 approval before commencing a remedial study plan; requiring proof of successful
8 completion of a remedial study plan; requiring the Board to adopt regulations
9 for remedial training programs; authorizing the Board to waive certain
10 education requirements under certain circumstances for licensure by
11 endorsement; requiring the Board to adopt regulations for licensure by
12 endorsement; establishing a provisional practice program for an applicant for
13 licensure with certain deficient qualifications; authorizing an applicant for
14 licensure by endorsement to petition the Board for a provisional practice permit;
15 authorizing the Board to issue a provisional practice permit under certain
16 circumstances; requiring the provisional practice permit to designate certain
17 areas in which a provisional practice permit holder may practice; providing that
18 a provisional practice permit is nonrenewable; limiting the term of a provisional
19 practice permit; requiring certain conditions be met during a provisional
20 practice period; requiring the Board to adopt regulations for the provisional
21 practice program; requiring the Board to submit a certain report to the General
22 Assembly on or before a certain date; making certain stylistic changes;
23 clarifying certain eligibility requirements; providing for the termination of
24 certain provisions of this Act; making this Act an emergency measure; and
25 generally relating to the regulation and licensure of professional nurses by the
26 State Board of Nursing.

27 BY repealing and reenacting, with amendments,
28 Article – Health Occupations
29 Section 8–302 and 8–307

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2005 Replacement Volume and 2008 Supplement)

3 BY adding to
4 Article – Health Occupations
5 Section 8–307.1
6 Annotated Code of Maryland
7 (2005 Replacement Volume and 2008 Supplement)

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

10 **Article – Health Occupations**

11 8–302.

12 (a) Except as otherwise provided in this title, to qualify for a license or
13 certification, an applicant shall be an individual who submits to a criminal history
14 records check in accordance with § 8–303 of this subtitle and meets the requirements
15 of this section.

16 (b) An applicant for certification as a certified nurse practitioner shall:

17 (1) Be a registered nurse;

18 (2) Complete a nurse practitioner program approved by the Board; and

19 (3) Meet the other requirements that the Board sets.

20 (c) An applicant for a license to practice registered nursing shall complete
21 satisfactorily and meet all requirements for a diploma or degree from:

22 (1) A registered nursing education program approved by the Board; or

23 (2) An education program in registered nursing in [any other]
24 **ANOTHER** state or country that the Board finds substantially equivalent to the
25 program in this State.

26 (d) An applicant for a license to practice licensed practical nursing shall:

27 (1) Meet all requirements for a high school diploma or its equivalent;

28 and

29 (2) Complete satisfactorily and meet all requirements for a diploma
30 from:

1 (i) A licensed practical nursing education program or its
2 equivalent approved by the Board; or

3 (ii) An education program in licensed practical nursing in [any
4 other] **ANOTHER** state or country that the Board finds substantially equivalent to the
5 program in this State.

6 (e) Except as otherwise provided in this title, the applicant shall pass an
7 examination approved by the Board.

8 (f) (1) Except as otherwise provided in this subsection, the Board shall
9 require as part of its examination or licensing procedures that an applicant for a
10 license to practice registered nursing or licensed practical nursing demonstrate an oral
11 competency in the English language.

12 (2) Graduation from a recognized English-speaking undergraduate
13 school after at least 3 years of enrollment, or from a recognized English-speaking
14 professional school is acceptable as proof of proficiency in the oral communication of
15 the English language under this section.

16 (3) By regulation, the Board shall develop a procedure for testing
17 individuals who because of their speech impairment are unable to complete
18 satisfactorily a Board approved standardized test of oral competency.

19 (4) If any disciplinary charge or action that involves a problem with
20 the oral communication of the English language is brought against a licensee under
21 this title, the Board shall require the licensee to take and pass a Board approved
22 standardized test of oral competency.

23 (5) The Board may not require that an applicant for a license to
24 practice registered nursing or licensed practical nursing who was previously licensed
25 in [any other] **ANOTHER** state to practice registered nursing or licensed practical
26 nursing to demonstrate an oral competency in the English language as part of its
27 examination or licensing procedures if the other state has a similar oral competency
28 component as part of its examination or licensing procedures.

29 (6) (i) The Board may issue a temporary license to any applicant
30 for a license to practice registered nursing or licensed practical nursing who was
31 previously licensed in [any other] **ANOTHER** state to practice registered nursing or
32 licensed practical nursing and who, except for the oral competency in the English
33 language component, is otherwise qualified for a license.

34 (ii) A temporary license issued under this subsection is valid
35 only until the date when the next test to demonstrate oral competency in the English
36 language is given.

1 (g) An applicant for a license or certification under this section shall be of
2 good moral character.

3 (H) (1) IF AN APPLICANT FOR LICENSURE BY EXAMINATION DOES
4 NOT MEET THE EDUCATIONAL QUALIFICATIONS UNDER SUBSECTIONS (C) AND
5 (D) OF THIS SECTION BUT HAS GRADUATED FROM A PROGRAM APPROVED BY A
6 BOARD RECOGNIZED NURSING ACCREDITATION AGENCY, THE APPLICANT:

7 (I) MAY PETITION THE BOARD TO ENTER INTO A REMEDIAL
8 STUDY PLAN PRIOR TO TAKING THE EXAMINATION;

9 (II) SHALL ARRANGE A REMEDIAL STUDY PLAN AGREEMENT
10 WITH AN ACCREDITED SCHOOL OF NURSING; AND

11 (III) SHALL SUBMIT THE PLAN TO THE BOARD FOR
12 APPROVAL BEFORE COMMENCING THE REMEDIAL STUDY PROGRAM.

13 (2) AN APPLICANT FOR LICENSURE BY EXAMINATION SHALL
14 SUBMIT WRITTEN PROOF THAT THE APPLICANT HAS COMPLETED
15 SUCCESSFULLY A REMEDIAL PLAN OF STUDY.

16 (3) THE BOARD SHALL ADOPT REGULATIONS TO ESTABLISH
17 RULES FOR REMEDIAL TRAINING PROGRAMS THAT ARE APPROVED BY THE
18 BOARD FOR EXAMINATION APPLICANTS.

19 8-307.

20 (a) Subject to the provisions of this section, the Board may waive any
21 [appropriate] examination requirement of this title for an applicant who [is licensed or
22 registered] HAS AN ACTIVE LICENSE to practice registered nursing or licensed
23 practical nursing in [any other] ANOTHER state or country.

24 (b) The Board may grant a waiver under this section only if the applicant:

25 (1) COMPLETES THE BOARD APPLICATION;

26 (2) COMPLIES WITH THE REQUIREMENTS OF § 8-303 OF THIS
27 SUBTITLE;

28 [(1)] (3) Pays the application fee set by the Board under § 8-304 of
29 this subtitle; and

30 [(2)] (4) Provides adequate evidence that:

1 (i) At the time the applicant graduated from a nursing
2 education program approved **BY THE APPROPRIATE LICENSING AUTHORITY** in [the
3 other] **ANOTHER** state or country, the applicant met the educational qualifications
4 then required by the laws of this State;

5 (ii) At the time the applicant became licensed or registered in
6 [the other] **ANOTHER** state or country, the applicant passed in that [or any other]
7 state or country an examination [that was] similar to the examination [that] then
8 [was] given in this State; and

9 (iii) The applicant meets the qualifications otherwise required by
10 this title.

11 (C) **IF AN APPLICANT FOR LICENSURE BY ENDORSEMENT DOES NOT**
12 **QUALIFY UNDER SUBSECTION (B) OF THIS SECTION BUT HAS GRADUATED FROM**
13 **A PROGRAM ACCREDITED BY A BOARD RECOGNIZED NURSING ACCREDITATION**
14 **AGENCY, THE BOARD MAY WAIVE THE EDUCATION REQUIRED BY THIS**
15 **SUBSECTION IF THE APPLICANT HAS:**

16 (1) **1,000 HOURS OF CLINICAL PRACTICE IN THE 5 YEARS**
17 **IMMEDIATELY PRECEDING THE SUBMISSION OF THE APPLICATION FOR A**
18 **LICENSE BY ENDORSEMENT; OR**

19 (2) **350 HOURS OF CLINICAL PRACTICE IN THE 12 MONTHS**
20 **IMMEDIATELY PRECEDING THE SUBMISSION OF AN APPLICATION FOR A**
21 **LICENSE BY ENDORSEMENT.**

22 (D) **THE BOARD SHALL ADOPT REGULATIONS FOR LICENSURE BY**
23 **ENDORSEMENT.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:

26 **Article - Health Occupations**

27 **8-307.1.**

28 (A) **THERE SHALL BE A PROVISIONAL PRACTICE PROGRAM.**

29 (B) **IF AN ENDORSEMENT APPLICANT WHOSE NURSING PROGRAM**
30 **LACKED A CLINICAL OR DIDACTIC COMPONENT REQUIRED IN A**
31 **BOARD APPROVED PROGRAM, OR A SUBSTANTIALLY EQUIVALENT PROGRAM,**
32 **COMPLIES WITH THE REQUIREMENTS OF THIS SECTION, THE BOARD MAY ISSUE**
33 **A PROVISIONAL PRACTICE PERMIT TO THE APPLICANT.**

34 (C) **THE PROVISIONAL PRACTICE PERMIT SHALL DESIGNATE:**

1 **(1) THE AREAS OF NURSING PRACTICE IN WHICH THE APPLICANT**
2 **IS QUALIFIED AND PERMITTED TO PROVIDE CARE;**

3 **(2) THE AREAS OF NURSING PRACTICE IN WHICH THE APPLICANT**
4 **IS DEFICIENT AND IS PROHIBITED FROM PROVIDING CARE EXCEPT ACCORDING**
5 **TO THE TERMS OF THE PROVISIONAL PRACTICE PERMIT; AND**

6 **(3) THE PLAN OF CLINICAL OR DIDACTIC STUDY REQUIRED FOR**
7 **THE APPLICANT BY THE BOARD.**

8 **(D) A PROVISIONAL PRACTICE PERMIT IS NOT RENEWABLE AND**
9 **EXPIRES ON THE EARLIER OF:**

10 **(1) 18 MONTHS FROM THE DATE OF ISSUE; OR**

11 **(2) WHEN THE PROVISIONAL REQUIREMENT HAS BEEN MET AND**
12 **A PERMANENT LICENSE IS ISSUED TO THE APPLICANT.**

13 **(E) AN APPLICANT SHALL BE ON PROVISIONAL STATUS UNTIL THE**
14 **APPLICANT SUBMITS ACCEPTABLE PROOF TO THE BOARD THAT THE APPLICANT**
15 **HAS COMPLETED THE REQUIRED PLAN OF CLINICAL AND DIDACTIC TRAINING IN**
16 **THE AREA OF DEFICIENCY OR UNTIL THE EXPIRATION OF THE PERMIT.**

17 **(F) THE APPLICANT SHALL SUBMIT A PROVISIONAL PLAN OF CLINICAL**
18 **AND DIDACTIC TRAINING FOR BOARD REVIEW.**

19 **(G) ON APPROVAL OF THE PLAN BY THE BOARD, THE APPLICANT SHALL**
20 **BE RESPONSIBLE FOR ENTERING INTO AN AGREEMENT WITH AN ACUTE HEALTH**
21 **CARE FACILITY, AS DEFINED BY § 19-301(F) OF THE HEALTH - GENERAL**
22 **ARTICLE, OR ARRANGING A PROVISIONAL PLAN OF STUDY WITH AN**
23 **ACCREDITED SCHOOL OF NURSING.**

24 **(H) AN APPLICANT WHO HAS COMPLETED A PROVISIONAL PLAN OF**
25 **TRAINING SHALL PROVIDE THE BOARD WITH A WRITTEN STATEMENT FROM THE**
26 **SUPERVISING NURSE AND THE FACILITY'S CHIEF EXECUTIVE NURSE THAT THE**
27 **APPLICANT HAS SUCCESSFULLY COMPLETED THE REQUIRED NUMBER OF**
28 **CLINICAL AND DIDACTIC EXPERIENCE HOURS.**

29 **(I) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR**
30 **THE PROVISIONAL PRACTICE PROGRAM.**

31 **(J) THE BOARD SHALL REPORT TO THE GENERAL ASSEMBLY ON OR**
32 **BEFORE DECEMBER 1, 2012, IN ACCORDANCE WITH § 2-1246 OF THE STATE**

1 **GOVERNMENT ARTICLE, ON THE EFFECTIVENESS OF THE PROVISIONAL**
2 **PRACTICE PROGRAM UNDER THIS SECTION.**

3 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
4 remain effective through June 30, 2013, and, at the end of June 30, 2013, with no
5 further action required by the General Assembly, Section 2 of this Act shall be
6 abrogated and of no further force and effect.

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