

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 205

(Chair, Education, Health, and Environmental Affairs  
Committee)(By Request - Departmental - Health and  
Mental Hygiene)

Education, Health, and Environmental Affairs

Health and Government Operations

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State Board of Nursing - Licensing - Licensure by Endorsement - Temporary  
Limited Licenses

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This emergency departmental bill creates three alternative pathways for registered nursing and practical nursing applicants to become licensed in the State. The first allows an applicant for licensure by examination who lacks specified education qualifications but has graduated from a program approved by a board-recognized nursing accreditation agency to take a board-approved remedial study course before taking the licensure exam. The second pathway expands the circumstances under which the board may grant an examination waiver to an applicant for licensure by endorsement. The third creates a temporary limited license for applicants for endorsement whose program lacked a didactic component required in a board-approved program.

The authorization to award a temporary limited license terminates June 30, 2014.

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**Fiscal Summary**

**State Effect:** The board can handle the bill's requirements with existing resources. Any impact on revenues is expected to be negligible.

**Local Effect:** None.

**Small Business Effect:** The Department of Health and Mental Hygiene has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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## Analysis

**Bill Summary:** The board can waive the examination requirement for an applicant for licensure by endorsement who does not have the clinical experience currently required for a waiver from examination but otherwise qualifies for licensure. However, the applicant must have graduated from a nationally accredited school and have a specified number of qualifying clinical practice hours in another state or country. The applicant must have taken and passed an examination in another state or country that is the same as, or substantially equivalent to the examination required by the board. The applicant also must have an active, unencumbered license in the other state or country.

An applicant for licensure by endorsement whose nursing program lacked a single didactic component required in a board-approved or substantially equivalent program may apply for a temporary limited license. The license specifies the areas in which the applicant can and cannot practice until he or she completes a board-reviewed plan of didactic training in the area where the applicant is deficient. The license must be approved by the board and expires in 12 months, or when the applicant successfully completes the didactic training requirement and is issued a license by the board, whichever comes first. Once the board approves the training plan, the applicant has to enroll in an accredited school of nursing to complete the didactic training. By December 1, 2012, the board has to report to the General Assembly on the temporary limited license.

### **Current Law:**

#### *Licensure*

An applicant for a registered nursing license has to meet all requirements for a diploma or degree from a board-approved registered nursing program, or a registered nursing program in another state or country that the board finds substantially equivalent to an approved program in Maryland. The applicant must also pass an exam approved by the board.

An applicant for a licensed practical nursing license must have a high school diploma, and complete a board-approved licensed practical nursing education program or its equivalent, or a program in another state or country that the boards finds substantially equivalent to an approved program in Maryland. The applicant must also pass an exam approved by the board.

The board may waive any examination requirement for an applicant who is licensed or registered to practice registered nursing or licensed practical nursing in any other state or

country only if the applicant pays the application fee and provides specified evidence of comparability to Maryland's requirements.

Regulations specify that an applicant to practice registered nursing or practical nursing in another state, territory, or country, is eligible for licensure by endorsement without examination if the applicant submits the application and fee required, and submits verifications directly to the board from the appropriate authority regarding specified education, examination, English language oral competency, criminal history, and practice hour requirements.

**Background:** The current nationwide nursing shortage is expected to increase as baby boomers age and the need for health care grows. The U.S. Bureau of Labor Statistics projects that more than one million new and replacement nurses will be needed by 2016, although the current level of enrollment in schools of nursing is not sufficient to meet the projected demand.

DHMH advises that the bill addresses the State nursing shortage by attracting nurses to Maryland who lack a few credentials but are otherwise qualified.

**State Fiscal Effect:** The board can approve remedial study plans and develop regulations for licensure by endorsement and for the temporary limited license with existing resources.

Legislative Services cannot determine how many additional nursing applicants may pursue licensure under the bill. However, the board expects the number to be relatively small, making any possible impact on revenues or expenditures minimal.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, American Association of Colleges of Nursing, U.S. Bureau of Labor Statistics, Department of Legislative Services

**Fiscal Note History:** First Reader - February 10, 2009  
mlm/mcr Revised - Senate Third Reader - March 31, 2009

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Analysis by: Sarah K. Volker

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: State Board of Nursing – Licensing – Licensure by Endorsement –  
Provisional Practice Permits

BILL NUMBER: SB 205

PREPARED BY: Office of Inspector General

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.