

SENATE BILL 266

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0lr1175
CF HB 302

By: **Senator Conway**

Introduced and read first time: January 22, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2010

CHAPTER _____

1 AN ACT concerning

2 **State Board of Nursing and Certified Nursing Assistant Advisory Committee**
3 **– Membership – Nominations for Vacancies**

4 FOR the purpose of adding a currently practicing nurse who has practiced acute care
5 nursing for at least a certain number of years to the State Board of Nursing;
6 adding certain degrees that qualify an individual for the nurse administrator
7 member of the Board; requiring the registered nurse member of the Board who
8 is certified in advanced practice nursing to rotate with each vacancy among
9 certain specialties; replacing a certain registered nurse clinician member of the
10 Board with a currently practicing nurse who has practiced as a delegating nurse
11 in a certain setting for at least a certain number of years; requiring that at least
12 one licensed practical nurse member of the Board practice in a long-term care
13 nursing facility; authorizing certain professional nursing organizations to
14 submit certain lists from which the Governor can appoint certain Board
15 members; authorizing certain licensed nurses to submit certain petitions from
16 which the Governor can appoint certain Board members; requiring that certain
17 petitions have a certain number of signatures; requiring the Board to notify
18 certain licensed nurses and professional nursing organizations of certain
19 vacancies on the Board; providing that members appointed to the Board reflect
20 certain diversity of the State; clarifying the term limitations for a member of the
21 Board who is appointed after a term has begun; adding an adult medical day
22 care nursing assistant to the Certified Nursing Assistant Advisory Committee;
23 providing for the appointment of certain members of the Board and the
24 Committee; and generally relating to membership and nominations for the

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 State Board of Nursing and the Certified Nursing Assistant Advisory
 2 Committee.

3 BY repealing and reenacting, with amendments,
 4 Article – Health Occupations
 5 Section 8–202(a), (b), and (i) and 8–6A–13
 6 Annotated Code of Maryland
 7 (2009 Replacement Volume)

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 8–202.

12 (a) (1) The Board consists of [12] **13** members.

13 (2) Of the [12] **13** Board members:

14 (i) [7] **8** shall be registered nurses;

15 (ii) 3 shall be licensed practical nurses; and

16 (iii) 2 shall be consumers.

17 (3) Of the [7] **8** registered nurse members:

18 (i) 1 shall be certified in an advanced practice nursing specialty

19 **THAT ROTATES WITH EACH VACANCY AMONG THE FOLLOWING SPECIALTIES:**

20 **1. NURSE ANESTHETIST;**

21 **2. NURSE PRACTITIONER;**

22 **3. NURSE MIDWIFE; AND**

23 **4. NURSE PSYCHOTHERAPIST;**

24 (ii) 1 shall be a baccalaureate nursing educator with, at least, a
 25 master's degree in nursing or education;

26 (iii) 1 shall be an associate degree nursing educator with, at
 27 least, a master's degree in nursing or education;

28 (iv) 1 shall be a practical nursing educator with, at least, a
 29 bachelor of science degree in nursing or education;

1 (v) 1 shall be a nurse administrator with, at least, a master's
 2 degree in nursing administration, **BUSINESS ADMINISTRATION, BUSINESS**
 3 **MANAGEMENT**, education, or public health; [and]

4 (vi) ~~2~~ 1 shall be ~~nurse clinicians, one of whom shall have, A~~
 5 **NURSE CLINICIAN WITH** at least, a master's degree in nursing or public health; ~~AND~~

6 (VII) **1 SHALL BE A CURRENTLY PRACTICING NURSE, WHO**
 7 **HAS PRACTICED ACUTE CARE FOR AT LEAST 5 YEARS, WITH A BACHELOR OF**
 8 **SCIENCE DEGREE IN NURSING; AND**

9 (VIII) **1 SHALL BE A CURRENTLY PRACTICING NURSE WHO HAS**
 10 **PRACTICED AS A DELEGATING NURSE IN A SUPERVISED GROUP LIVING SETTING,**
 11 **AS DEFINED IN COMAR 10.27.11.02(20), FOR AT LEAST 5 YEARS.**

12 ~~(4) THE REGISTERED NURSE MEMBER CERTIFIED IN AN~~
 13 ~~ADVANCED PRACTICE NURSING SPECIALTY SHALL ROTATE AMONG THE~~
 14 ~~FOLLOWING SPECIALTIES WITH EACH VACANCY:~~

15 ~~(I) NURSE ANESTHETIST;~~

16 ~~(II) NURSE PRACTITIONER;~~

17 ~~(III) NURSE MIDWIFE; AND~~

18 ~~(IV) NURSE PSYCHOTHERAPIST.~~

19 (4) **OF THE 3 LICENSED PRACTICAL NURSE MEMBERS, AT LEAST 1**
 20 **SHALL PRACTICE IN A LONG-TERM CARE NURSING FACILITY.**

21 (b) (1) [(i)] The Governor shall appoint:

22 [1.] (I) The registered nurse [members] **MEMBER**
 23 certified in an advanced practice nursing specialty, with the advice of the Secretary,
 24 from a list of qualified individuals jointly developed in accordance with the
 25 requirements of [subparagraph (iii) of this paragraph] ~~SUBSECTION (A)(4)~~
 26 **SUBSECTION (A)(3)(I) OF THIS SECTION** and submitted to the Secretary and the
 27 Governor by the:

28 [A.] 1. Maryland Association of Nurse Anesthetists,
 29 Inc.;

30 [B.] 2. Nurse Practitioners Association of Maryland,
 31 Inc.;

1 [C.] 3. Maryland Coalition of Nurse Practitioners, Inc.;

2 [D.] 4. Maryland Chapter, American College of
3 Nurse–Midwives; and

4 [E.] 5. Psychiatric Advance Practice Nurses of
5 Maryland; and

6 [2.] (II) The other registered nurse members, with the
7 advice of the Secretary, from:

8 1. [a] A list of qualified individuals submitted to the
9 Secretary and the Governor by:

10 A. [the] **THE** Maryland Nurses Association, Inc.; **OR**

11 **B. ANY OTHER PROFESSIONAL NURSING**
12 **ORGANIZATION THAT REPRESENTS AT LEAST 25 LICENSED REGISTERED**
13 **NURSES; OR**

14 **2. A VALID PETITION SUBMITTED TO THE**
15 **SECRETARY AND THE GOVERNOR BY A REGISTERED NURSE WITH AN ACTIVE**
16 **LICENSE UNDER THIS TITLE.**

17 [(ii) The number of names on the lists submitted to the Secretary
18 and the Governor in subparagraph (i) of this paragraph shall be 5 times the number of
19 vacancies.

20 (iii) The organizations developing and submitting the list of
21 nominees for registered nurse members certified in an advanced practice nursing
22 specialty in subparagraph (i) of this paragraph, shall only submit the names of nurses
23 certified in one of the following specialties for each vacancy each term and shall rotate
24 among the specialties with each nomination for a vacancy:

25 1. Nurse anesthetist;

26 2. Nurse practitioner;

27 3. Nurse midwife; and

28 4. Nurse psychotherapist.]

29 (2) The Governor shall appoint the licensed practical nurse members,
30 with the advice of the Secretary, from:

1 **(I)** **[a]** A list of qualified individuals submitted to the Secretary
2 and the Governor by:

3 **1.** **[the] THE** Maryland Licensed Practical Nurse
4 Association, Inc.; **OR**

5 **2.** **ANY OTHER PROFESSIONAL NURSING**
6 **ORGANIZATION REPRESENTING AT LEAST 25 LICENSED PRACTICAL NURSES; OR**

7 **(II)** **A VALID PETITION SUBMITTED TO THE SECRETARY AND**
8 **THE GOVERNOR BY A LICENSED PRACTICAL NURSE WITH AN ACTIVE LICENSE**
9 **UNDER THIS TITLE.**

10 **(3)** **[The number of names on the list] A LIST SUBMITTED TO THE**
11 **SECRETARY AND THE GOVERNOR UNDER THIS SUBSECTION** shall be 5 times the
12 number of vacancies.

13 **(4)** **A PETITION SUBMITTED TO THE SECRETARY AND GOVERNOR**
14 **UNDER THIS SUBSECTION SHALL HAVE AT LEAST 25 SIGNATURES OF SUPPORT**
15 **FROM NURSES WITH ACTIVE LICENSES IN THE STATE.**

16 **(5)** **THE BOARD SHALL PROVIDE NOTICE OF A VACANCY ON THE**
17 **BOARD TO:**

18 **(I)** **ALL NURSES WITH AN ACTIVE LICENSE IN THE STATE;**
19 **AND**

20 **(II)** **ALL APPROPRIATE PROFESSIONAL NURSING**
21 **ORGANIZATIONS.**

22 **[(3)] (6)** The Governor may request an additional list of 5 nominees
23 for each vacancy **FROM THE APPROPRIATE PROFESSIONAL NURSING**
24 **ORGANIZATIONS.**

25 **[(4)] (7)** The Governor shall make the appointment for each vacancy
26 from the **[original list or the additional list] LISTS OR PETITIONS SUBMITTED**
27 **UNDER THIS SUBSECTION.**

28 **[(5)] (8)** The Governor shall appoint the consumer members with the
29 advice of the Secretary and the advice and consent of the Senate.

30 **(9)** **TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO**
31 **THE BOARD SHALL REASONABLY REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC,**
32 **CULTURAL, AND GENDER DIVERSITY OF THE STATE.**

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

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

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

7 (4) A member who is appointed after a term has begun [serves only for
8 the rest of the term and until a successor is appointed and qualifies] **MAY SERVE AN
9 ADDITIONAL 2 CONSECUTIVE FULL TERMS.**

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

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

13 8-6A-13.

14 (a) The Board shall appoint an advisory committee consisting of at least [13]
15 14 members appointed by the Board.

16 (b) Of the [13] 14 committee members:

17 (1) [Five] SIX shall be nursing assistants:

18 (i) One shall be an acute care nursing assistant;

19 (ii) One shall be a home care nursing assistant;

20 (iii) One shall be a long-term care nursing assistant;

21 (iv) ONE SHALL BE AN ADULT MEDICAL DAY CARE NURSING
22 ASSISTANT;

23 (v) At least one of the nursing assistant members shall be
24 a member of a union; and

25 (vi) One shall be an independent contractor;

26 (2) Three shall be registered nurses:

27 (i) One shall be an acute care registered nurse;

28 (ii) One shall be a home care registered nurse; and

- 1 (iii) One shall be a long-term care registered nurse;
- 2 (3) One shall be an administrator from a licensed health care facility;
- 3 (4) One shall be a licensed practical nurse;
- 4 (5) One shall be an individual who teaches a nursing assistant course;
- 5 (6) One shall be a consumer member who has received care, or has a
6 family member who has received care from a nursing assistant; and
- 7 (7) One shall be a representative of the Department.
- 8 (c) The Board shall appoint an alternate for each of the three nursing
9 assistant members in the event that the nursing assistant member is unable to
10 discharge the duties of the committee.
- 11 (d) An advisory committee member shall serve a term of 4 years.
- 12 (e) The advisory committee shall:
- 13 (1) Evaluate training programs and make recommendations for
14 approval by the Board;
- 15 (2) Develop and recommend regulations to enforce the provisions of
16 this subtitle;
- 17 (3) Evaluate candidates as required and recommend action to the
18 Board;
- 19 (4) Review investigations of complaints against nursing assistants or
20 medication technicians and make recommendations to the Board for disciplinary
21 action;
- 22 (5) Keep a record of its proceedings; and
- 23 (6) Submit an annual report to the Board.

24 SECTION 2. AND BE IT FURTHER ENACTED, That:

- 25 (1) the delegating nurse member added to the Board of Nursing under
26 § 8-202(a)(3)(viii) of the Health Occupations Article, as enacted by Section 1 of this
27 Act, shall be appointed to fill the first nurse clinician member vacancy on the Board
28 that occurs on or after the effective date of this Act;
- 29 (2) the licensed practical nurse member of the Board of Nursing who is
30 required to be practicing in a long-term care nursing facility under § 8-202(a)(4) of the

1 Health Occupations Article, as enacted by Section 1 of this Act, shall be appointed to
2 fill the first licensed practical nurse member vacancy on the Board that occurs on or
3 after the effective date of this Act; and

4 (3) the acute care nurse member added to the Board of Nursing under
5 § 8-202(a)(3)(vii) of the Health Occupations Article, as enacted by Section 1 of this Act,
6 and the adult medical day care nursing assistant member added to the Certified
7 Nursing Assistant Advisory Committee under § 8-6A-13(b)(iv) of the Health
8 Occupations Article, as enacted by Section 1 of this Act, shall be appointed as soon as
9 practicable after the effective date of this Act.

10 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.