

Chapter 54

(House Bill 302)

AN ACT concerning

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

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

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

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

Article – Health Occupations

8–202.

- (a) (1) The Board consists of ~~[12]~~ **13** members.
- (2) Of the ~~[12]~~ **13** Board members:
- (i) ~~[7]~~ **8** shall be registered nurses;
 - (ii) 3 shall be licensed practical nurses; and
 - (iii) 2 shall be consumers.
- (3) Of the ~~[7]~~ **8** registered nurse members:
- (i) 1 shall be certified in an advanced practice nursing specialty **THAT ROTATES WITH EACH VACANCY AMONG THE FOLLOWING SPECIALTIES:**
 - 1. NURSE ANESTHETIST;**
 - 2. NURSE PRACTITIONER;**
 - 3. NURSE MIDWIFE; AND**
 - 4. NURSE PSYCHOTHERAPIST;**
 - (ii) 1 shall be a baccalaureate nursing educator with, at least, a master's degree in nursing or education;
 - (iii) 1 shall be an associate degree nursing educator with, at least, a master's degree in nursing or education;
 - (iv) 1 shall be a practical nursing educator with, at least, a bachelor of science degree in nursing or education;
 - (v) 1 shall be a nurse administrator with, at least, a master's degree in nursing administration, **BUSINESS ADMINISTRATION, BUSINESS MANAGEMENT,** education, or public health; [and]
 - (vi) ~~2~~ **1** shall be ~~nurse clinicians, one of whom shall have, A~~ **NURSE CLINICIAN WITH** at least, a master's degree in nursing or public health; ~~AND~~
 - (vii) **1 SHALL BE A CURRENTLY PRACTICING NURSE, WHO HAS PRACTICED ACUTE CARE FOR AT LEAST 5 YEARS, WITH A BACHELOR OF SCIENCE DEGREE IN NURSING; AND**

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

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

- ~~(I) NURSE ANESTHETIST;~~
- ~~(II) NURSE PRACTITIONER;~~
- ~~(III) NURSE MIDWIFE; AND~~
- ~~(IV) NURSE PSYCHOTHERAPIST.~~

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

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

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

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

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

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

[D.] 4. Maryland Chapter, American College of Nurse-Midwives; and

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

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

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

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

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

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

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

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

1. Nurse anesthetist;
2. Nurse practitioner;
3. Nurse midwife; and
4. Nurse psychotherapist.]

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

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

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

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

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

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

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

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

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

(II) ALL APPROPRIATE PROFESSIONAL NURSING ORGANIZATIONS.

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

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

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

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

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

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

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

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

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

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

8-6A-13.

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

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

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

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

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

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

(IV) ONE SHALL BE AN ADULT MEDICAL DAY CARE NURSING ASSISTANT;

[(iv)] (v) At least one of the nursing assistant members shall be a member of a union; and

[(v)] (VI) One shall be an independent contractor;

(2) Three shall be registered nurses:

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

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

(iii) One shall be a long-term care registered nurse;

(3) One shall be an administrator from a licensed health care facility;

(4) One shall be a licensed practical nurse;

- (5) One shall be an individual who teaches a nursing assistant course;
 - (6) One shall be a consumer member who has received care, or has a family member who has received care from a nursing assistant; and
 - (7) One shall be a representative of the Department.
- (c) The Board shall appoint an alternate for each of the three nursing assistant members in the event that the nursing assistant member is unable to discharge the duties of the committee.
- (d) An advisory committee member shall serve a term of 4 years.
- (e) The advisory committee shall:
- (1) Evaluate training programs and make recommendations for approval by the Board;
 - (2) Develop and recommend regulations to enforce the provisions of this subtitle;
 - (3) Evaluate candidates as required and recommend action to the Board;
 - (4) Review investigations of complaints against nursing assistants or medication technicians and make recommendations to the Board for disciplinary action;
 - (5) Keep a record of its proceedings; and
 - (6) Submit an annual report to the Board.

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

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

Approved by the Governor, April 13, 2010.