

Department of Legislative Services

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FISCAL AND POLICY NOTE
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Senate Bill 632

(Senator Conway)

Education, Health, and Environmental Affairs

Health and Government Operations

Registered Nurses, Licensed Practical Nurses, Nursing Assistants, and Medication Technicians - Changes to Licensure Requirements

This bill requires the State Board of Nursing to require applicants for licensure or certification to submit to an examination by a board-designated health care provider if the board has reason to believe and objective evidence that an applicant under review may cause harm to individuals affected by his or her professional practice. The bill removes skilled nursing assistants from the list of certified professionals regulated by the board, establishes biennial renewal for licensees beginning January 1, 2013, and makes other changes related to licensees and certificate holders. Licensees born in even-numbered years must renew in even-numbered years and those born in odd-numbered years must renew in odd-numbered years.

Fiscal Summary

State Effect: Special fund revenues increase in FY 2013 and 2014 only as the board transitions from annual to biennial licensure. Future year revenues are not affected. Special fund expenditures decrease beginning in FY 2015 for the board to handle just half of the total licensure applications each year due to biennial renewal. Potential minimal increase in special fund expenditures by the State Board of Nursing beginning in FY 2011 for prelicensure examinations. The number of examinations is not expected to be significant. Most of the bill's other provisions are already in practice at the board. In particular, the board notes that it terminated certification of skilled nursing assistants a year ago.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires the board have objective evidence that a licensee or certificate holder may cause harm to individuals affected by his or her professional practice before it requires the licensee or certificate holder under board investigation to submit to an examination by a board-designated health care provider.

Licensees

The bill exempts from State licensure an individual who has passed a required exam but is waiting for the completion of a criminal history records check, as well as an individual who provides gratuitous care for friends and family.

The bill specifies that, to qualify for licensure, applicants must pass an exam developed by the National Council of State Boards of Nursing and administered at the testing site approved by the national council, rather than one approved by the board. It also removes the requirement for the board to give applicants an exam at least once a year at times and places it determines.

The bill specifies additional information that the board must include on each new license and requires the board to electronically record each license – as well as those that it places on inactive status – in its database and on its web site.

The bill requires the board to send a licensee a renewal notice three months, rather than one month, before a license expires, either by first-class mail or e-mail. If a licensee's renewal requires a criminal history records check, the board must send the licensee the necessary records check documents along with the renewal notice. The bill also requires periodic criminal history records checks for licensees every 12 years rather 10.

Finally, the bill authorizes the board to accept from licensure applicants the completion of at least five years of practicing nursing in another state or English-speaking territory of the United States as acceptable proof of proficiency to communicate in the English language.

Certificate Holders (Nursing Assistants and Medication Technicians)

The bill specifies additional information that the board must include on each new certificate and requires certificate holders to notify the board within 60 days, rather than 30 days, of any change in name or address.

The bill authorizes the board to send a certificate renewal by first-class mail or e-mail. If a certificate holder's renewal requires a criminal history records check, the board must send him or her the necessary records check documents along with the renewal notice. The bill also requires periodic criminal history records checks for certificate holders every 12 years rather than 10.

Current Law: The board must require license or certificate holders under board investigation to submit to an examination by a board designated health care provider if the board has reason to believe that licensee or certificate holder may cause harm to individual's affected by his or her professional practice. There is no such requirement for applicants. The board pays the costs of examinations it requests.

A licensed practical nurse or registered nurse must be licensed by the board in order to practice unless the individual is:

- a student enrolled in an approved education program while practicing registered nursing or licensed practical nursing in that program;
- employed by the federal government to practice registered nursing or licensed practical nursing while practicing within the scope of that employment, if the individual is authorized by any state to practice registered nursing or licensed practical nursing;
- permitted to practice registered nursing or licensed practical nursing in any other state or country and in this State temporarily, or has a pending licensure application before the board but has not taken the required exam or has taken it, but has not yet received the results; or
- assigned by the American Red Cross to a disaster situation in this State to practice registered nursing or licensed practical nursing if the individual is licensed to practice that profession in another state.

Each license that the board issues must show the license expiration date, type of license, and any applicable certification. No similar information requirements exist for certificates issued by the board.

“Skilled nursing assistant” means a certified nursing assistant who may perform additional tasks based on the successful completion of a board-approved supplemental training program within a specific category of nursing assistant. Other certificate holders under the board’s regulatory authority include certified nursing assistants and medication technicians.

At least three months before a certificate expires, the board must send a renewal notice to the nursing assistant or medication technician that states the date that the current

certificate expires, the date by which the renewal application must be received by the board for the renewal to be issued and mailed before the certificate expires, and the renewal fee amount. Similar informational requirements do not apply to the renewal notice that the board sends to licensees one month before license expiration.

With certain exceptions, the board must require as part of its examination or licensing procedures that a licensure applicant demonstrate an oral competency in the English language. Acceptable proof includes graduation from a recognized English-speaking undergraduate school after at least three years of enrollment, or from a recognized English-speaking professional school.

State Fiscal Effect: Special fund revenues increase in fiscal 2013 and 2014 only as the board transitions from annual to biennial licensure. Future year revenues are not affected since the board will continue to renew approximately half of the licensees on a biennial basis at double the annual renewal fee. Special fund expenditures decrease beginning in fiscal 2015 for the board to handle just half of the total licensure applications each year due to biennial renewal.

Additional Information

Prior Introductions: None.

Cross File: HB 624 (Delegate Nathan-Pulliam, *et al.*) - Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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