

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Revised

Senate Bill 266

(Senator Conway)

Education, Health, and Environmental Affairs

Health and Government Operations

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

This bill alters the membership of the State Board of Nursing and the Certified Nursing Assistant Advisory Committee. The bill also alters the process for board member nominations by requiring the board to notify all active licensees and appropriate professional nursing organizations of a vacancy, and then authorizing any professional nursing organization that represents at least 25 affected nurses or any active nurse with a valid petition to submit a list of qualified individuals for the board vacancy. A board member appointed after a term has begun may serve an additional two consecutive full terms.

Fiscal Summary

State Effect: None. The bill's requirements can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill adds one registered nurse (RN) member to the board. The new RN member is required to have practiced acute care for at least five years, practice currently, and hold a bachelor of science degree in nursing. The bill specifies that one RN member must rotate among four advanced practice specialties. The bill removes one nurse clinician member of the board and instead adds a currently practicing RN who

has practiced as a delegating nurse in a supervised group setting for at least five years. The bill expands the educational requirements that qualify an individual for the nurse administrator member of the board. Additionally, at least one of the three licensed practical nurse (LPN) members on the board must practice in a long-term care nursing facility.

The bill adds one nursing assistant member to the Certified Nursing Assistant Advisory Committee. The new member must be an adult medical day care nursing assistant.

Current Law: The State Board of Nursing has 12 board members: 7 RNs; 3 LPNs; and 2 consumers. The RN membership is allocated as follows: one must be certified in an advanced practice nursing specialty; one must be a baccalaureate nursing educator with at least a master's degree in nursing or education; one must be an associate degree nursing educator with at least a master's degree in nursing or education; one must be a practical nursing educator with at least a bachelor of science degree in nursing or education; one must be a nurse administrator with at least a master's degree in nursing administration, education, or public health; and two must be nurse clinicians, one of whom must have at least a master's degree in nursing or public health.

The Governor must appoint RN members certified in an advanced practice nursing specialty, with the advice of the Secretary from a list of qualified individuals submitted jointly by five nursing organizations. The advanced practice nursing representative rotates among four designated specialties. The Governor must appoint the other RN members and LPN members with the advice of the Secretary from a list of qualified individuals submitted by the Maryland Nurses Association, Inc. and the Maryland Licensed Practical Nurse Association, Inc., respectively. The number of names submitted must be five times the number of vacancies.

Each board member must be a U.S. citizen and a resident of the State. RN board members must have (1) graduated from an approved school of nursing or its equivalent; and (2) at least five years of experience in nursing administration, education, or practice, which includes at least the three years immediately before the appointment. RN board members certified in an advanced practice nursing specialty must hold a current license to practice as an RN in the State as well as a current certification in an advanced practice nursing specialty in the State. Both RNs and LPNs must have at least five years of experience in their practice, including at least the three years immediately before the appointment.

A term on the board is four years, with the exception of the initial term of one of the consumer members which is two years. A member may not serve more than two consecutive full terms. The Governor must fill any vacancy on the board within 60 days of the date of vacancy.

The board is responsible for the licensure, certification, and discipline of registered nurses, licensed practical nurses, nurse anesthetists, nurse practitioners, nurse psychotherapists, nursing assistants, and electrologists.

The Certified Nursing Assistant Advisory Committee has 13 members: 5 nursing assistants; 3 RNs; 1 administrator from a licensed health care facility; 1 LPN; 1 individual who teaches a nursing assistant course; 1 consumer member who has received care or has a family member who has received care from a nursing assistant; and 1 representative of the Department of Health and Mental Hygiene. The nursing assistant membership is allocated as follows: one must be an acute care nursing assistant; one must be a home care nursing assistant; one must be a long-term care nursing assistant; at least one of the nursing assistant members must be a member of a union; and one must be an independent contractor.

A term on the committee is four years. The board must appoint all committee members and appoint an alternate for three of the nursing assistant members in the event that the nursing assistant member is unable to discharge the duties of the committee.

The committee is responsible for:

- evaluating training programs and making recommendations for approval by the board;
- developing and recommending regulations to enforce the provisions of the Maryland Nurse Practice Act applicable to certified nursing assistants and medication technicians;
- evaluating candidates as required and recommending action to the board;
- reviewing investigations of complaints against nursing assistants or medication technicians and making recommendations to the board for disciplinary action;
- keeping records of its proceedings; and
- submitting an annual report to the board.

Additional Information

Prior Introductions: None.

Cross File: HB 302 (Delegate Nathan-Pulliam, *et al.*) - Health and Government Operations.

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

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