

HOUSE BILL 999

J2

5lr1653
CF SB 723

By: Delegates Cullison, Kelly, Kipke, ~~and Pena-Melnyk~~ Pena-Melnyk, Hayes, McMillan, Oaks, Miele, Saab, McDonough, Bromwell, Morgan, Angel, Pendergrass, Hammen, Sample-Hughes, Barron, Reznik, West, Rose, Krebs, and K. Young

Introduced and read first time: February 13, 2015

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2015

CHAPTER _____

1 AN ACT concerning

2 ~~Nurse Practitioner Full Practice Authority Act of 2015~~

3

4 Certified Nurse Practitioners – Authority to Practice

5 FOR the purpose of repealing a certain prohibition against a certified nurse practitioner
6 practicing in the State unless the nurse practitioner has an approved attestation that
7 the nurse practitioner has an agreement for collaboration and consulting with a
8 certain physician and will practice in accordance with certain standards; requiring
9 a nurse practitioner to practice in accordance with certain standards; ~~repealing a~~
10 ~~requirement that the State Board of Nursing maintain a certain attestation and~~
11 ~~make the attestation available to the State Board of Physicians; requiring the State~~
12 ~~Board of Nursing, in consultation with the State Board of Physicians, to develop a~~
13 ~~certain plan~~ requiring certain applicants for initial certification as a nurse
14 practitioner to identify, on a certain application, a certified nurse practitioner or a
15 licensed physician to act as a mentor for a certain time period; altering the definition
16 of “practice as a nurse practitioner” to include consulting and collaborating with a
17 certain physician or any other health care provider as needed; defining a certain
18 term; requiring the State Board of Nursing to adopt certain regulations; and
19 generally relating to the practice of nurse practitioners in the State.

20 BY adding to

21 Article – Health Occupations

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 Section 8-101(j)
 2 Annotated Code of Maryland
 3 (2014 Replacement Volume)

4 BY repealing and reenacting, with amendments,
 5 Article – Health Occupations
 6 Section 8-101(j) through (n) and 8-302(b)
 7 Annotated Code of Maryland
 8 (2014 Replacement Volume)

9 BY repealing and reenacting, without amendments,
 10 Article – Health Occupations
 11 Section 8-302(a)
 12 Annotated Code of Maryland
 13 (2014 Replacement Volume)

14 ~~BY repealing and reenacting, with amendments,~~
 15 ~~Article – Health Occupations~~
 16 ~~Section 8-302(b)~~
 17 ~~Annotated Code of Maryland~~
 18 ~~(2014 Replacement Volume)~~

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

21 **Article – Health Occupations**

22 8-101.

23 **(J) “MENTOR” MEANS A CERTIFIED NURSE PRACTITIONER OR A LICENSED**
 24 **PHYSICIAN:**

25 **(1) WHO HAS 3 OR MORE YEARS OF CLINICAL PRACTICE EXPERIENCE;**
 26 **AND**

27 **(2) WITH WHOM AN INDIVIDUAL APPLYING FOR CERTIFICATION AS A**
 28 **CERTIFIED NURSE PRACTITIONER WILL CONSULT AND COLLABORATE WITH AS**
 29 **NEEDED IN ACCORDANCE WITH § 8-302(B)(5)(I) OF THIS TITLE.**

30 **[(j)] (K) “Nurse practitioner” means an individual who:**

31 **(1) Is licensed by the Board to practice registered nursing; and**

32 **(2) Is certified by the Board to practice as a nurse practitioner.**

33 **[(k)] (L) “Practice as a nurse practitioner” means to independently:**

- 1 (1) Perform an act under subsection [(m)](N) of this section;
- 2 (2) Conduct a comprehensive physical assessment of an individual;
- 3 (3) Establish a medical diagnosis for common chronic stable or short-term
4 health problems;
- 5 (4) Order, perform, and interpret laboratory tests;
- 6 (5) Prescribe drugs as provided under § 8-508 of this title;
- 7 (6) Perform diagnostic, therapeutic, or corrective measures;
- 8 (7) [Refer] CONSULT AND COLLABORATE WITH, OR REFER an
9 individual to, an appropriate licensed physician or ANY other health care provider AS
10 NEEDED; and
- 11 (8) Provide emergency care.

12 [(1)] (M) “Practice licensed practical nursing” means to perform in a team
13 relationship an act that requires specialized knowledge, judgment, and skill based on
14 principles of biological, physiological, behavioral, or sociological science to:

- 15 (1) Administer treatment or medication to an individual;
- 16 (2) Aid in the rehabilitation of an individual;
- 17 (3) Promote preventive measures in community health;
- 18 (4) Give counsel to an individual;
- 19 (5) Safeguard life and health;
- 20 (6) Teach or supervise; or
- 21 (7) Perform any additional acts authorized by the Board under § 8-205 of
22 this title.

23 [(m)] (N) (1) “Practice registered nursing” means the performance of acts
24 requiring substantial specialized knowledge, judgment, and skill based on the biological,
25 physiological, behavioral, or sociological sciences as the basis for assessment, nursing
26 diagnosis, planning, implementation, and evaluation of the practice of nursing in order to:

- 27 (i) Maintain health;

HOUSE BILL 999

- 1 (ii) Prevent illness; or
- 2 (iii) Care for or rehabilitate the ill, injured, or infirm.
- 3 (2) For these purposes, “practice registered nursing” includes:
- 4 (i) Administration;
- 5 (ii) Teaching;
- 6 (iii) Counseling;
- 7 (iv) Supervision, delegation and evaluation of nursing practice;
- 8 (v) Execution of therapeutic regimen, including the administration
9 of medication and treatment;
- 10 (vi) Independent nursing functions and delegated medical functions;
11 and
- 12 (vii) Performance of additional acts authorized by the Board under §
13 8–205 of this title.

14 **[(n)] (O)** “Registered nurse” means, unless the context requires otherwise, an
15 individual who is licensed by the Board to practice registered nursing.

16 8–302.

17 (a) Except as otherwise provided in this title, to qualify for a license or
18 certification, an applicant shall be an individual who submits to a criminal history records
19 check in accordance with § 8–303 of this subtitle and meets the requirements of this section.

20 (b) (1) An applicant for certification as an advanced practice nurse shall:

- 21 (i) Be a registered nurse;
- 22 (ii) Complete an education program approved by the Board;
- 23 (iii) Submit to the Board:

24 1. A completed application for certification as a nurse
25 practitioner, nurse anesthetist, nurse midwife, nurse psychotherapist, or clinical nurse
26 specialist for each area in which certification is sought;

27 2. Documentation of an active license in good standing as a
28 registered nurse in the State;

1 3. Documentation that the applicant has graduated from an
2 accredited program for advanced practice nursing for nurse practitioners, nurse
3 anesthetists, nurse midwives, nurse psychotherapists, or clinical nurse specialists; and

4 4. Documentation of certification as a nurse practitioner,
5 nurse anesthetist, nurse midwife, nurse psychotherapist, or clinical nurse specialist by a
6 nationally recognized certifying body approved by the Board; and

7 (iv) Meet any other requirements that the Board sets.

8 (2) (i) An individual certified as a nurse practitioner by a national
9 certifying body prior to October 1, 2010 who is certified by the Board and in good standing
10 shall be deemed to meet the education requirements under subsection (b)(1)(iii)3 of this
11 section.

12 (ii) An individual certified as a nurse anesthetist, nurse midwife,
13 nurse psychotherapist, or clinical nurse specialist who is certified by the Board and in good
14 standing prior to October 1, 2012, shall be deemed to meet the education requirements
15 under subsection (b)(1)(iii)3 of this section.

16 (3) In addition to the requirements for renewal of a license under § 8–312
17 of this subtitle, the Board may establish continuing education or competency requirements
18 for the renewal of a certificate under this subsection.

19 (4) (i) Subject to the provisions of this subsection, the Board may waive
20 any requirement of this subsection for an applicant who is licensed or certified to practice
21 as a nurse practitioner, nurse anesthetist, nurse midwife, nurse psychotherapist, or clinical
22 nurse specialist in any other state or country.

23 (ii) The Board may grant a waiver under this paragraph only if the
24 applicant:

25 1. Pays the application fee required by the Board under §
26 8–304 of this subtitle;

27 2. Became licensed or certified in the other state or country
28 under requirements substantially equivalent to the certification requirements of this title;
29 and

30 3. Meets any other qualifications established by the Board.

31 ~~(5) [(i) A certified nurse practitioner may not practice in the State
32 unless the nurse practitioner has an approved attestation that:~~

33 ~~1. The nurse practitioner has an agreement for collaboration
34 and consulting with a physician licensed under Title 14 of this article and will refer to and
35 consult with physicians and other health care providers as needed; and~~

~~2. The] A nurse practitioner [will] SHALL practice in accordance with the standards of practice of the American [Academy] ASSOCIATION of Nurse Practitioners or any other national certifying body recognized by the Board.~~

~~[(ii) The Board shall:~~

~~1. Maintain an approved attestation; and~~

~~2. Make the approved attestation available to the State Board of Physicians on the request of the State Board of Physicians.]~~

(5) (I) AN APPLICANT FOR INITIAL CERTIFICATION AS A NURSE PRACTITIONER WHO HAS NOT BEEN CERTIFIED BY THE BOARD OR ANY OTHER BOARD OF NURSING SHALL IDENTIFY ON THE APPLICATION FOR CERTIFICATION A MENTOR WHO WILL CONSULT AND COLLABORATE WITH THE APPLICANT FOR 18 MONTHS BEGINNING ON THE DATE THE APPLICATION FOR CERTIFICATION IS RECEIVED BY THE BOARD.

(II) A CERTIFIED NURSE PRACTITIONER SHALL PRACTICE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE OF THE AMERICAN ASSOCIATION OF NURSE PRACTITIONERS OR ANY OTHER NATIONAL CERTIFYING BODY RECOGNIZED BY THE BOARD.

(6) Unless authorized to practice as a nurse practitioner under this title, a person may not:

(i) Represent to the public by title or by description of services, methods, or procedures, or otherwise, that the person is authorized to practice as a nurse practitioner in this State;

(ii) Use as a title or describe the services the person provides by use of the words “nurse practitioner” or “certified registered nurse practitioner”; or

(iii) Use the abbreviation “N.P.,” “C.R.N.P.,” or any other words, letters, or symbols with the intent to represent that the person practices as a nurse practitioner.

(7) Unless authorized to practice as a nurse anesthetist under this title, a person may not:

(i) Practice nurse anesthesia unless certified by the Board in accordance with this section; or

1 (ii) Use the title “certified nurse anesthetist”, “nurse anesthetist”, or
2 any other words, letters, or symbols with the intent to represent that the person practices
3 as a nurse anesthetist.

4 (8) Unless authorized to practice as a nurse midwife under this title, a
5 person may not:

6 (i) Practice nurse midwifery unless certified by the Board in
7 accordance with this section; or

8 (ii) Use the title “certified nurse midwife”, “nurse midwife”, or any
9 other words, letters, or symbols with the intent to represent that the person practices as a
10 nurse midwife.

11 (9) Unless authorized to practice as a nurse psychotherapist under this
12 title, a person may not:

13 (i) Practice as a nurse psychotherapist unless certified by the Board
14 in accordance with this section; or

15 (ii) Use the title “advanced practice nurse”, “certified nurse
16 psychotherapist”, “registered nurse/psychiatric mental health”, “nurse psychotherapist”, or
17 any other words, letters, or symbols with the intent to represent that the person practices
18 as a nurse psychotherapist.

19 (10) Unless authorized to practice as a clinical nurse specialist under this
20 title, a person may not:

21 (i) Practice as a clinical nurse specialist unless certified by the
22 Board in accordance with this section; or

23 (ii) Use the title “certified clinical nurse specialist”, “clinical nurse
24 specialist”, “clinical registered nurse specialist”, “clinical nurse specialist graduate”, or any
25 other words, letters, or symbols with the intent to represent that the person practices as a
26 clinical nurse specialist.

27 ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

28 ~~(a) The State Board of Nursing, in consultation with the State Board of~~
29 ~~Physicians, shall develop a plan for implementing the provisions of this Act.~~

30 ~~(b) The plan developed under subsection (a) of this section shall provide for the~~
31 ~~repeal of obsolete regulations and the notification of certified nurse practitioners in the~~
32 ~~State of the effect of this Act.~~

HOUSE BILL 999

1 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Nursing
2 shall adopt the regulations necessary to carry out the provisions of §§ 8-101(l)(7) and
3 8-302(b)(5)(i) of the Health Occupations Article, as enacted by Section 1 of this Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.