

Chapter 200

(House Bill 490)

AN ACT concerning

Maryland Nurse Practice Act – Peer Review and Advisory Committees and Penalties

FOR the purpose of repealing the requirement that the State Board of Nursing appoint certain peer review committees to oversee the use of certain insurance and certain benefits; authorizing the Board to appoint peer advisory committees to provide the Board with certain advice; providing that a member of a peer advisory committee is entitled to receive certain compensation and reimbursement for certain expenses; altering the maximum amount of a certain civil fine the Board may impose for certain violations; altering the application of certain criminal penalties; altering the maximum amount of a certain fine and the maximum term of imprisonment to which a certain person is subject for certain violations; repealing the exemption from certain penalties for certain persons who are licensed, certified, or otherwise authorized to provide health care services under certain provisions of law; repealing certain definitions; and generally relating to the Maryland Nurse Practice Act.

BY repealing

Article – Health Occupations
Section 8–503
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

BY adding to

Article – Health Occupations
Section 8–503
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 8–707 and 8–710
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

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

Article – Health Occupations

[8–503.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Nurse anesthetist” means a registered nurse who is:
- (i) Certified under this title to practice nurse anesthesia; and
- (ii) Certified by the Council on Certification or the Council on Recertification of Nurse Anesthetists.
- (b) “Nurse midwife” means a registered nurse who is certified under this title to practice nurse midwifery and who is also certified by the American College of Nurse Midwives.
- (c) The Board shall appoint separate peer review committees to oversee the use of health insurance and medical assistance benefits by:
- (1) Certified nurse anesthetists;
- (2) Certified nurse midwives;
- (3) Certified nurse practitioners; and
- (4) Any other licensee with a nursing specialty that has been approved for third party reimbursement conditioned on peer review.]

8-503.

(A) THE BOARD MAY APPOINT PEER ADVISORY COMMITTEES TO PROVIDE THE BOARD WITH EXPERT ADVICE RELATED TO THE PRACTICE OF NURSING BY ADVANCE PRACTICE NURSES.

(B) A MEMBER OF A PEER ADVISORY COMMITTEE IS ENTITLED TO RECEIVE:

(1) COMPENSATION, AS DETERMINED BY THE BOARD; AND

(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

8-707.

(a) Subject to the hearing provisions of § 8-317 of this title and in addition to any other sanction authorized for a violation of §§ 8-701 through 8-706 of this subtitle, the Board may issue a public cease and desist order, impose a civil fine of not more than ~~[\$5,000]~~ **\$20,000** per offense, or both.

(b) For the purposes of this section, each violation is a separate offense if the violation occurs:

- (1) At a different time, date, or location; or
- (2) On the same date and location at a different time.

8-710.

(a) ~~(1) Except [for a violation of § 8-701(a) through (e) of this subtitle] AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, a~~ **A** person who violates any provision **OF § 8-701(A) THROUGH (E) (E-1), § 8-703, § 8-704, OR § 8-705** of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding **[\$5,000] \$10,000** or imprisonment not exceeding **[1 year] 5 YEARS** or both.

~~(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A LICENSEE OR CERTIFICATE HOLDER WHO HAS FAILED TO RENEW THE LICENSE OR CERTIFICATE WHO VIOLATES ANY PROVISION OF § 8-701(A) THROUGH (E) OR § 8-703 OF THIS SUBTITLE.~~

(b) [(1) Except as otherwise provided in this section, subject] **SUBJECT** to the appropriate hearing and appeals provisions, the Board, on the affirmative vote of the majority of its members, may reprimand a licensee or certificate holder, place a licensee or certificate holder on probation, or suspend or revoke a license or certificate of a person who violates any provision of this subtitle.

[(2) A person who is licensed, certified, or otherwise authorized to provide health care services under this article is not subject to the penalty provided in subsections (a) and (b) of this section for a violation of § 8-701(f) and (g) of this subtitle.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 26, 2016.