

SENATE BILL 393

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6lr2065
CF HB 490

By: **Senators Nathan–Pulliam, Benson, Eckardt, Klausmeier, Manno, and Middleton**

Introduced and read first time: January 29, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2016

CHAPTER _____

1 AN ACT concerning

2 **Maryland Nurse Practice Act – Peer Review and Advisory Committees and**
3 **Penalties**

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

16 BY repealing

17 Article – Health Occupations

18 Section 8–503

19 Annotated Code of Maryland

20 (2014 Replacement Volume and 2015 Supplement)

21 BY adding to

22 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 8–503
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2015 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Health Occupations
6 Section 8–707 and 8–710
7 Annotated Code of Maryland
8 (2014 Replacement Volume and 2015 Supplement)

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

11 **Article – Health Occupations**

12 **[8–503.**

13 (a) (1) In this section the following words have the meanings indicated.

14 (2) “Nurse anesthetist” means a registered nurse who is:

15 (i) Certified under this title to practice nurse anesthesia; and

16 (ii) Certified by the Council on Certification or the Council on
17 Recertification of Nurse Anesthetists.

18 (b) “Nurse midwife” means a registered nurse who is certified under this title to
19 practice nurse midwifery and who is also certified by the American College of Nurse
20 Midwives.

21 (c) The Board shall appoint separate peer review committees to oversee the use
22 of health insurance and medical assistance benefits by:

23 (1) Certified nurse anesthetists;

24 (2) Certified nurse midwives;

25 (3) Certified nurse practitioners; and

26 (4) Any other licensee with a nursing specialty that has been approved for
27 third party reimbursement conditioned on peer review.]

28 **8–503.**

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

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

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

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

8 8-707.

9 (a) Subject to the hearing provisions of § 8-317 of this title and in addition to any
10 other sanction authorized for a violation of §§ 8-701 through 8-706 of this subtitle, the
11 Board may issue a public cease and desist order, impose a civil fine of not more than
12 ~~[\$5,000]~~ **\$20,000** per offense, or both.

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

15 (1) At a different time, date, or location; or

16 (2) On the same date and location at a different time.

17 8-710.

18 (a) ~~(1) Except [for a violation of § 8-701(a) through (c) of this subtitle] AS~~
19 ~~PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, a~~ **A** person who violates any
20 provision **OF § 8-701(A) THROUGH (E), § 8-703, § 8-704, OR § 8-705** of this
21 subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
22 ~~[\$5,000]~~ **\$10,000** or imprisonment not exceeding ~~[1 year]~~ **5 YEARS** or both.

23 ~~(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A~~
24 ~~LICENSEE OR CERTIFICATE HOLDER WHO HAS FAILED TO RENEW THE LICENSE OR~~
25 ~~CERTIFICATE WHO VIOLATES ANY PROVISION OF § 8-701(A) THROUGH (E) OR §~~
26 ~~8-703 OF THIS SUBTITLE.~~

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.