

Chapter 483

(House Bill 863)

AN ACT concerning

State Board of Nursing – Advanced Practice Registered Nurses – Certification and Practice

FOR the purpose of requiring an advanced practice registered nurse who qualifies for certain certification by having a certain privilege under the Nurse Licensure Compact to, at all times, ensure that the State Board of Nursing has certain documentation; providing that an advanced practice registered nurse's certification expires on the same date as a certain license; establishing the term of and expiration date for certification for certain advanced practice registered nurses; authorizing an advanced practice registered nurse to renew a certain certification for an additional time period under certain circumstances; prohibiting the State Board of Nursing from renewing the certification of an advanced practice registered nurse under certain circumstances; authorizing a nurse anesthetist to ~~provide certain care, administer certain drugs, manage certain therapy, order and evaluate certain tests and studies, perform certain tests, and perform certain other acts;~~ perform certain functions; providing that a certified nurse anesthetist has a certain right and obligation to refuse to perform a delegated act under certain circumstances; providing that certain provisions of this Act may not be construed to authorize a nurse anesthetist to diagnose a medical condition or provide certain care; requiring a nurse anesthetist to ~~administer anesthesia in collaboration~~ collaborate with certain health care practitioners in a certain manner; requiring a nurse anesthetist to ensure that a certain anesthesia provider performs a certain assessment, obtains certain consent, and formulates a certain plan; requiring a nurse anesthetist as part of the standards of practice to take certain actions; providing that a certain provision certain provisions of this Act may not be construed to require a certain collaboration agreement between a nurse anesthetist and certain health care practitioners; defining certain terms; providing for the construction of this Act; and generally relating to the certification and practice of advanced practice registered nurses.

BY renumbering

Article – Health Occupations

Section 8–101(l) through (p), respectively

to be Section ~~8–101(n) through (r)~~ 8–101(m) through (q), respectively

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 8–101(a), (b), and (c) ~~and 8–312(a)~~

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Health Occupations

Section ~~8–101(k) and (m), 8–312(h)~~ 8–101(k), 8–302.1(e) and (f), and 8–513

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 8–101(k)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–101(l) through (p), respectively, of Article – Health Occupations of the Annotated Code of Maryland be renumbered to be Section(s) ~~8–101(n) through (r)~~ 8–101(m) through (q), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health Occupations

8–101.

(a) In this title the following words have the meanings indicated.

(b) “Advanced practice registered nurse” means an individual who:

(1) (i) Is licensed by the Board to practice registered nursing; or

(ii) Has a multistate licensure privilege to practice registered nursing under the Nurse Licensure Compact; and

(2) Is certified by the Board to practice as:

(i) A nurse practitioner;

(ii) A nurse anesthetist;

(iii) A nurse midwife; or

(iv) A clinical nurse specialist.

(c) “Applicant” means, unless the context requires otherwise:

- (1) An individual applying for an initial license by examination or endorsement;
- (2) A licensee applying for renewal of a license;
- (3) An individual applying for an initial advanced practice registered nurse certification;
- (4) A licensee applying for renewal of an advanced practice registered nurse certification; or
- (5) An individual applying for reinstatement of a license in accordance with § 8-319 of this title.

(K) "NURSE ANESTHETIST" MEANS AN INDIVIDUAL WHO:

- (1) IS LICENSED BY THE BOARD TO PRACTICE REGISTERED NURSING;**
AND
- (2) IS CERTIFIED BY THE BOARD TO PRACTICE AS A NURSE ANESTHETIST.**

~~[(k)]~~ **(L)** "Practice advanced practice registered nursing" means to practice registered nursing within the scope of practice in the area of specialty for which the individual holds a certification from a nationally recognized certifying body recognized by the Board.

~~**(M) "PRACTICE AS A NURSE ANESTHETIST" MEANS TO PERFORM ACTS RELATED TO THE ADMINISTRATION OF ANESTHESIA AS PROVIDED UNDER § 8-513 OF THIS TITLE.**~~

~~§ 312.~~

~~(a) A license expires on the 28th day of the birth month of the licensee and may not be renewed for a term longer than 2 years.~~

8-302.1.

(E) AN ADVANCED PRACTICE REGISTERED NURSE WHO QUALIFIES FOR CERTIFICATION BY THE BOARD BY HAVING A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT SHALL ENSURE, AT ALL TIMES, THAT THE BOARD HAS CURRENT DOCUMENTATION OF CERTIFICATION AS AN ADVANCED PRACTICE REGISTERED NURSE BY A NATIONAL CERTIFYING BODY AS REQUIRED UNDER SUBSECTION (B)(3)(IV) OF THIS SECTION

FOR THE AREA OF SPECIALTY FOR WHICH THE ADVANCED PRACTICE REGISTERED NURSE IS CERTIFIED BY THE BOARD.

~~(H)~~ **(F) (1) (I) AN EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN ADVANCED PRACTICE REGISTERED NURSE’S CERTIFICATION EXPIRES ON THE SAME DATE AS THE ADVANCED PRACTICE REGISTERED NURSE’S LICENSE TO PRACTICE REGISTERED NURSING.**

(II) THE TERM OF CERTIFICATION FOR AN ADVANCED PRACTICE REGISTERED NURSE WHO QUALIFIES FOR CERTIFICATION BY THE BOARD BY HAVING A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT:

1. IS 2 YEARS; AND

2. EXPIRES ON THE 28TH DAY OF THE BIRTH MONTH OF THE ADVANCED PRACTICE REGISTERED NURSE IN AN ODD-NUMBERED YEAR FOR A BIRTH DATE ENDING IN AN ODD-NUMBERED YEAR OR IN AN EVEN-NUMBERED YEAR FOR A BIRTH DATE ENDING IN AN EVEN-NUMBERED YEAR.

(2) BEFORE AN ADVANCED PRACTICE REGISTERED NURSE’S CERTIFICATION EXPIRES, THE ADVANCED PRACTICE REGISTERED NURSE MAY RENEW THE CERTIFICATION FOR AN ADDITIONAL 2-YEAR TERM IF THE ADVANCED PRACTICE REGISTERED NURSE IS OTHERWISE ENTITLED TO BE LICENSED.

(3) THE BOARD MAY NOT RENEW THE CERTIFICATION OF AN ADVANCED PRACTICE REGISTERED NURSE IF THE BOARD DOES NOT HAVE DOCUMENTATION OF THE LICENSEE’S CURRENT CERTIFICATION AS AN ADVANCED PRACTICE REGISTERED NURSE BY A NATIONAL CERTIFYING BODY RECOGNIZED BY THE BOARD AS REQUIRED UNDER ~~§ 8-302.1(B)(3)(IV) OF THIS SUBTITLE~~ SECTION (B)(3)(IV) OF THIS SECTION FOR THE AREA OF SPECIALTY FOR WHICH THE ADVANCED PRACTICE REGISTERED NURSE IS CERTIFIED BY THE BOARD.

8-513.

(A) ~~(I)~~ IN THIS SECTION, “PERIOPERATIVE ~~CARE~~ ASSESSMENT AND MANAGEMENT” MEANS:

~~**(I) THE ASSESSMENT AND MANAGEMENT OF A PATIENT REQUIRING ANESTHESIA BEFORE AND AFTER A SURGICAL PROCEDURE; AND**~~

~~**(II) THE MONITORING OF A PATIENT DURING THE ADMINISTRATION OF ANESTHESIA.**~~

~~(2) "PERIOPERATIVE CARE" INCLUDES ORDERING DRUGS AND MEDICATIONS TO BE ADMINISTERED TO A PATIENT BY A LICENSED, CERTIFIED, OR REGISTERED HEALTH CARE PRACTITIONER BEFORE A SURGICAL PROCEDURE TAKES PLACE AND UNTIL THE PATIENT IS DISCHARGED FROM POSTANESTHESIA CARE THE ASSESSMENT AND MANAGEMENT OF A PATIENT PREOPERATIVELY, INTRAOPERATIVELY, AND POSTOPERATIVELY.~~

(B) (1) A NURSE ANESTHETIST MAY PERFORM THE FOLLOWING FUNCTIONS:

- ~~(1) PROVIDE PERIOPERATIVE CARE;~~
- ~~(2) ADMINISTER ANESTHETICS;~~
- ~~(3) MANAGE FLUID IN INTRAVENOUS THERAPY;~~
- ~~(4) PROVIDE RESPIRATORY CARE;~~
- ~~(5) ORDER AND EVALUATE LABORATORY AND DIAGNOSTIC TESTS;~~
- ~~(6) PERFORM POINT OF CARE TESTING THAT THE NURSE ANESTHETIST IS QUALIFIED TO PERFORM;~~
- ~~(7) ORDER AND EVALUATE RADIOGRAPHIC IMAGING STUDIES THAT THE NURSE ANESTHETIST IS QUALIFIED TO ORDER AND INTERPRET; AND~~
- ~~(8) PERFORM ANY OTHER ACT THAT THE NURSE ANESTHETIST IS AUTHORIZED TO PERFORM UNDER THIS ARTICLE OR THE HEALTH GENERAL ARTICLE.~~

(I) PERIOPERATIVE ASSESSMENT AND MANAGEMENT OF PATIENTS REQUIRING ANESTHESIA SERVICES;

(II) ADMINISTRATION OF ANESTHETIC AGENTS;

(III) MANAGEMENT OF FLUIDS IN INTRAVENOUS THERAPY; AND

(IV) RESPIRATORY CARE.

(2) A NURSE ANESTHETIST HAS THE RIGHT AND OBLIGATION TO REFUSE TO PERFORM A DELEGATED ACT IF IN THE NURSE ANESTHETIST'S JUDGMENT, THE ACT IS:

(I) UNSAFE;

(II) AN INVALIDLY PRESCRIBED MEDICAL ACT; OR

(III) BEYOND THE CLINICAL SKILLS OF THE NURSE ANESTHETIST.

(3) PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO AUTHORIZE A NURSE ANESTHETIST TO:

(I) DIAGNOSE A MEDICAL CONDITION;

(II) PROVIDE CARE THAT IS NOT CONSISTENT WITH THE SCOPE OF PRACTICE OF NURSE ANESTHETISTS; OR

(III) PROVIDE CARE FOR WHICH THE NURSE ANESTHETIST DOES NOT HAVE PROPER EDUCATION AND EXPERIENCE.

~~(c) (1) A NURSE ANESTHETIST SHALL ADMINISTER ANESTHESIA IN COLLABORATION WITH AN ANESTHESIOLOGIST, A PHYSICIAN, OR A DENTIST.~~

(C) A NURSE ANESTHETIST SHALL COLLABORATE WITH AN ANESTHESIOLOGIST, A LICENSED PHYSICIAN, OR A DENTIST IN THE FOLLOWING MANNER:

(1) AN ANESTHESIOLOGIST, A LICENSED PHYSICIAN, OR A DENTIST SHALL BE PHYSICALLY AVAILABLE TO THE NURSE ANESTHETIST FOR CONSULTATION AT ALL TIMES DURING THE ADMINISTRATION OF, AND RECOVERY FROM, ANESTHESIA;

(2) AN ANESTHESIOLOGIST SHALL BE AVAILABLE FOR CONSULTATION TO THE NURSE ANESTHETIST FOR OTHER ASPECTS OF THE PRACTICE OF NURSE ANESTHESIA; AND

(3) IF AN ANESTHESIOLOGIST IS NOT AVAILABLE, A LICENSED PHYSICIAN OR DENTIST SHALL BE AVAILABLE TO PROVIDE THIS TYPE OF CONSULTATION.

(D) THE NURSE ANESTHETIST SHALL ENSURE THAT A QUALIFIED ANESTHESIA PROVIDER:

(1) PERFORMS A THOROUGH AND COMPLETE PREANESTHETIC ASSESSMENT;

(2) OBTAINS INFORMED CONSENT FOR THE PLANNED ANESTHETIC INTERVENTION FROM THE PATIENT OR AN INDIVIDUAL RESPONSIBLE FOR THE PATIENT; AND

(3) FORMULATES A PATIENT-SPECIFIC PLAN FOR ANESTHESIA CARE.

(E) THE NURSE ANESTHETIST AS PART OF THE STANDARDS OF PRACTICE SHALL:

(1) IMPLEMENT AND ADJUST AN ANESTHESIA CARE PLAN AS NEEDED TO ADAPT TO THE PATIENT'S RESPONSE TO THE ANESTHESIA;

(2) MONITOR A PATIENT'S PHYSIOLOGIC CONDITION FOR UNTOWARD IDENTIFIABLE REACTIONS AND INITIATE APPROPRIATE CORRECTIVE ACTIONS AS REQUIRED;

(3) ENTER PROMPT, COMPLETE, AND ACCURATE DOCUMENTATION OF PERTINENT INFORMATION ON A PATIENT'S RECORD;

(4) TRANSFER RESPONSIBILITY FOR CARE OF A PATIENT TO OTHER QUALIFIED PROVIDERS IN A MANNER THAT ENSURES CONTINUITY OF CARE AND PATIENT SAFETY;

(5) ENSURE THAT APPROPRIATE SAFETY PRECAUTIONS ARE TAKEN TO MINIMIZE THE RISKS OF FIRE, EXPLOSION, ELECTRICAL SHOCK, AND EQUIPMENT MALFUNCTION;

(6) MAINTAIN APPROPRIATE INFECTION CONTROL STANDARDS;

(7) EVALUATE ANESTHESIA CARE TO ENSURE ITS QUALITY;

(8) MAINTAIN CONTINUAL COMPETENCE IN ANESTHESIA PRACTICE;

AND

(9) RESPECT AND MAINTAIN THE BASIC RIGHTS OF PATIENTS.

(2) (F) ~~PARAGRAPH (1) OF THIS SUBSECTION~~ THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A WRITTEN COLLABORATION AGREEMENT BETWEEN A NURSE ANESTHETIST AND AN ANESTHESIOLOGIST, A PHYSICIAN, A ~~PODIATRIST,~~ OR A DENTIST.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to expand the current scope of practice of a certified registered nurse anesthetist.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.