

Chapter 656

(Senate Bill 8)

AN ACT concerning

State Board of Nursing – Maryland Nurse Practice Act – Revisions

FOR the purpose of repealing certain provisions of law that authorize the State Board of Nursing to grant a certain number of certain extensions for the renewal of a certain license or certain certificate pending receipt of criminal history record information; repealing a provision of law that authorizes the Board to immediately suspend the license of a certain nurse or the certificate of a certain nursing assistant or certain medication technician who is expelled from the Safe Practice Program under certain circumstances; altering when certain employers are required to submit a certain report to the Board; repealing the requirement that a nurse in independent practice or a direct-entry midwife engaged in independent practice display a certain notice in certain offices; providing that certain members of the nursing assistant advisory committee may serve one additional full term; authorizing the Board to remove committee members from the certified nursing assistant advisory committee for certain reasons; authorizing certain licensing boards to issue cease and desist orders or impose an encumbrance on a nurse's authority to practice in a certain state; making certain stylistic and conforming changes; and generally relating to the Nurse Practice Act.

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 8-312(c) and 8-6A-08(c)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 8-312(d), 8-317(a) and (h), 8-504, 8-6A-08(f), 8-6A-10.1(a) and (h), ~~and~~8-6A-13(a), and 8-7A-01 Article V Section 11(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing

Article – Health Occupations

Section 8-317(g), 8-506, 8-6A-10.1(g), and 8-6C-23

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Health Occupations

Section 8-6A-13(h) and (i)

Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Health Occupations

8–312.

(c) Before a license expires, the licensee periodically may renew it for an additional term, if the licensee:

(1) Otherwise is entitled to be licensed;

(2) Pays to the Board:

(i) A renewal fee set by the Board; or

(ii) A renewal fee that is set by the Board if the licensee certifies to the Board that the licensee provides professional services only as a volunteer; and

(3) Submits to the Board by paper application or electronic means:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of completion of:

1. 1,000 hours of active nursing practice within the 5–year period immediately preceding the date of renewal;

2. A course of instruction, commonly known as a refresher course, approved by the Board;

3. A preceptorship program provided by an employer and approved by the Board; or

4. A minimum number of continuing education units as required by regulations adopted by the Board.

(d) [(1)] The Board may grant a 30–day extension, beyond a license’s expiration date, to a licensee so that the licensee may renew the license before it expires.

[(2)] The Board may grant two 90–day extensions beyond a license’s expiration date pending receipt of criminal history record information.]

8–317.

(a) Except as otherwise provided in the Administrative Procedure Act [and in subsection (g) of this section], before the Board takes any action under § 8–312 or § 8–316 of this subtitle or § 8–404 or § 8–6C–20 of this title, it shall give the person against whom the action is contemplated an opportunity for a hearing before the Board.

[(g) The Board may immediately suspend the license of a registered nurse or licensed practical nurse who is expelled from the rehabilitation program under § 8–208 of this title for noncompliance with the nurse’s agreement if:

(1) Prior to suspending the license, the Board provides the licensee with an opportunity to show cause by written communication or nontestimonial presentation as to why the suspension should not occur; and

(2) The Board provides the licensee with an opportunity for a hearing, which:

(i) Shall occur within 30 days of written request by the licensee; and

(ii) Shall impose on the licensee the burden of proving by a preponderance of the evidence that the licensee is not addicted to drugs or alcohol.]

[(h)] (G) (1) After the Board conducts an investigation under this title, the Board may issue an advisory letter to the licensee or holder of a multistate licensing privilege.

(2) The Board may disclose an advisory letter issued under this subsection to the public.

(3) The issuance of an advisory letter under this subsection may not:

(i) Be considered a disciplinary action under § 8–316 of this subtitle; and

(ii) Be reported to any licensing entity, employer, or insurance company as a disciplinary action.

8–504.

(a) (1) In this section, “employer” means:

(i) A public employer;

(ii) A private employer; or

(iii) An employment agency.

(2) “Employer” does not include a private employer who employs a licensee for personal or family use.

(b) [Each] **ON THE REQUEST OF THE BOARD, AN** employer shall report [periodically to the Board] the name and license number of each licensee employed or placed to practice registered nursing or licensed practical nursing.

[8-506.

If a nurse is engaged in independent practice in this State, the nurse shall display the notice developed under § 1-207 of this article conspicuously in each office where the nurse is engaged in practice.]

8-6A-08.

(c) Before a certificate expires, a nursing assistant periodically may renew it for an additional term, if the certificate holder:

(1) Otherwise is entitled to be certified;

(2) Submits to the Board a renewal application on the form that the Board requires;

(3) Pays to the Board a renewal fee set by the Board; and

(4) Provides satisfactory evidence of completion of:

(i) 16 hours of active nursing assistant practice within the 2-year period immediately preceding the date of renewal; or

(ii) An approved nursing assistant training program.

(f) [(1)] The Board may grant a 30-day extension, beyond a certificate’s expiration date, to a certificate holder so that the certificate holder may renew the certificate before it expires.

[(2)] The Board may grant two 90-day extensions beyond a certificate’s expiration date pending receipt of criminal history record information.]

8-6A-10.1.

(a) Except as otherwise provided in the Administrative Procedure Act [and in subsection (g) of this section], before the Board takes any action under § 8-6A-10 of this

subtitle, the Board shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

[(g) The Board immediately may suspend the certificate of a nursing assistant or medication technician who is expelled from the rehabilitation program under § 8–208 of this title for noncompliance with the certificate holder’s agreement if:

(1) Before suspending the certificate, the Board provides the certificate holder with an opportunity to show cause by written communication or nontestimonial presentation as to why the suspension should not occur; and

(2) The Board provides the certificate holder with an opportunity for a hearing that shall:

(i) Occur within 30 days after written request by the certificate holder; and

(ii) Impose on the certificate holder the burden of proving by a preponderance of the evidence that the certificate holder is not addicted to drugs or alcohol.]

[(h) (G) (1) After the Board conducts an investigation under this subtitle, the Board may issue an advisory letter to the certificate holder.

(2) The Board may disclose an advisory letter issued under this subsection to the public.

(3) The issuance of an advisory letter under this subsection:

(i) May not be considered a disciplinary action under § 8–6A–10 of this subtitle; and

(ii) May not be reported to any certifying entity, employer, or insurance company as a disciplinary action.

8–6A–13.

(a) The Board shall appoint an advisory committee consisting of at least 15 members [appointed by the Board].

(H) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN MAY SERVE ONE ADDITIONAL FULL TERM.

(I) THE BOARD MAY REMOVE A MEMBER:

(1) FOR INCOMPETENCE OR MISCONDUCT; OR

(2) WHO IS ABSENT FROM TWO SUCCESSIVE COMMITTEE MEETINGS WITHOUT ADEQUATE REASON.

[8-6C-23.

If a licensed direct-entry midwife is engaged in the private practice of direct-entry midwifery in the State, the licensed direct-entry midwife shall display the notice developed under § 1-207 of this article conspicuously in each office where the licensed direct-entry midwife is engaged in practice.]

8-7A-01.

Article V. Additional Authorities Invested in Party State Licensing Boards.

11.

(a) In addition to the other powers conferred by state law, a licensing board shall have the authority to:

(1) Take adverse action against a nurse's multistate licensure privilege to practice within that party state;

(2) Complete any pending investigations of a nurse who changes the nurse's home state during the course of the investigations;

(3) ISSUE CEASE AND DESIST ORDERS OR IMPOSE AN ENCUMBRANCE ON A NURSE'S AUTHORITY TO PRACTICE WITHIN THAT PARTY STATE;

~~[(3)]~~ (4) Take appropriate action based on investigations and shall promptly report the conclusions of the investigations to the administrator of the coordinated licensure information system who shall promptly notify the new home state of any actions;

~~[(4)]~~ (5) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence;

~~[(5)]~~ (6) Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks, and use the results in making licensure decisions;

~~[(6)]~~ (7) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse; and

[(7)] (8) Take adverse action based on the factual findings of a remote state, provided that the licensing board follows its own procedures for taking such adverse action.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 15, 2018.