

# HOUSE BILL 863

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8lr1786  
CF SB 698

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By: **Delegates Cullison, Bromwell, Miele, and Saab**

Introduced and read first time: February 2, 2018

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Nursing – Advanced Practice Registered Nurses – Certification**  
3 **and Practice**

4 FOR the purpose of requiring an advanced practice registered nurse who qualifies for  
5 certain certification by having a certain privilege under the Nurse Licensure  
6 Compact to, at all times, ensure that the State Board of Nursing has certain  
7 documentation; providing that an advanced practice registered nurse's certification  
8 expires on the same date as a certain license; establishing the term of and expiration  
9 date for certification for certain advanced practice registered nurses; authorizing an  
10 advanced practice registered nurse to renew a certain certification for an additional  
11 time period under certain circumstances; prohibiting the ~~State Board of Nursing~~  
12 from renewing the certification of an advanced practice registered nurse under  
13 certain circumstances; authorizing a nurse anesthetist to ~~provide certain care,~~  
14 ~~administer certain drugs, manage certain therapy, order and evaluate certain tests~~  
15 ~~and studies, perform certain tests, and perform certain other acts~~; perform certain  
16 functions; providing that a certified nurse anesthetist has a certain right and  
17 obligation to refuse to perform a delegated act under certain circumstances;  
18 providing that certain provisions of this Act may not be construed to authorize a  
19 nurse anesthetist to diagnose a medical condition or provide certain care; requiring  
20 a nurse anesthetist to ~~administer anesthesia in collaboration~~ collaborate with  
21 certain health care practitioners in a certain manner; requiring a nurse anesthetist  
22 to ensure that a certain anesthesia provider performs a certain assessment, obtains  
23 certain consent, and formulates a certain plan; requiring a nurse anesthetist as part  
24 of the standards of practice to take certain actions; providing that ~~a certain provision~~  
25 certain provisions of this Act may not be construed to require a certain collaboration

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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 agreement between a nurse anesthetist and certain health care practitioners;  
 2 defining certain terms; providing for the construction of this Act; and generally  
 3 relating to the certification and practice of advanced practice registered nurses.

4 BY renumbering

5 Article – Health Occupations  
 6 Section 8–101(l) through (p), respectively  
 7 to be Section ~~8–101(n) through (r)~~ 8–101(m) through (q), respectively  
 8 Annotated Code of Maryland  
 9 (2014 Replacement Volume and 2017 Supplement)

10 BY repealing and reenacting, without amendments,

11 Article – Health Occupations  
 12 Section 8–101(a), (b), and (c) ~~and 8–312(a)~~  
 13 Annotated Code of Maryland  
 14 (2014 Replacement Volume and 2017 Supplement)

15 BY adding to

16 Article – Health Occupations  
 17 Section ~~8–101(k) and (m), 8–312(h)~~ 8–101(k), 8–302.1(e) and (f), and 8–513  
 18 Annotated Code of Maryland  
 19 (2014 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Health Occupations  
 22 Section 8–101(k)  
 23 Annotated Code of Maryland  
 24 (2014 Replacement Volume and 2017 Supplement)

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

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

### 31 Article – Health Occupations

32 8–101.

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

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

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

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

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

4 (i) A nurse practitioner;

5 (ii) A nurse anesthetist;

6 (iii) A nurse midwife; or

7 (iv) A clinical nurse specialist.

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

9 (1) An individual applying for an initial license by examination or  
10 endorsement;

11 (2) A licensee applying for renewal of a license;

12 (3) An individual applying for an initial advanced practice registered nurse  
13 certification;

14 (4) A licensee applying for renewal of an advanced practice registered  
15 nurse certification; or

16 (5) An individual applying for reinstatement of a license in accordance with  
17 § 8–319 of this title.

18 **(K) “NURSE ANESTHETIST” MEANS AN INDIVIDUAL WHO:**

19 **(1) IS LICENSED BY THE BOARD TO PRACTICE REGISTERED NURSING;**

20 **AND**

21 **(2) IS CERTIFIED BY THE BOARD TO PRACTICE AS A NURSE**  
22 **ANESTHETIST.**

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

27 ~~**(M) “PRACTICE AS A NURSE ANESTHETIST” MEANS TO PERFORM ACTS**~~  
28 ~~**RELATED TO THE ADMINISTRATION OF ANESTHESIA AS PROVIDED UNDER § 8–513**~~  
29 ~~**OF THIS TITLE.**~~

1 ~~§ 312.~~

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

4 § 302.1.

5 (E) AN ADVANCED PRACTICE REGISTERED NURSE WHO QUALIFIES FOR  
 6 CERTIFICATION BY THE BOARD BY HAVING A MULTISTATE LICENSURE PRIVILEGE  
 7 TO PRACTICE REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT  
 8 SHALL ENSURE, AT ALL TIMES, THAT THE BOARD HAS CURRENT DOCUMENTATION  
 9 OF CERTIFICATION AS AN ADVANCED PRACTICE REGISTERED NURSE BY A NATIONAL  
 10 CERTIFYING BODY AS REQUIRED UNDER SUBSECTION (B)(3)(IV) OF THIS SECTION  
 11 FOR THE AREA OF SPECIALTY FOR WHICH THE ADVANCED PRACTICE REGISTERED  
 12 NURSE IS CERTIFIED BY THE BOARD.

13 ~~(F)~~ (1) (i) ~~AN EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF~~  
 14 ~~THIS PARAGRAPH, AN ADVANCED PRACTICE REGISTERED NURSE'S CERTIFICATION~~  
 15 ~~EXPIRES ON THE SAME DATE AS THE ADVANCED PRACTICE REGISTERED NURSE'S~~  
 16 ~~LICENSE TO PRACTICE REGISTERED NURSING.~~

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

21 1. IS 2 YEARS; AND

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

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

30 (3) THE BOARD MAY NOT RENEW THE CERTIFICATION OF AN  
 31 ADVANCED PRACTICE REGISTERED NURSE IF THE BOARD DOES NOT HAVE  
 32 DOCUMENTATION OF THE LICENSEE'S CURRENT CERTIFICATION AS AN ADVANCED  
 33 PRACTICE REGISTERED NURSE BY A NATIONAL CERTIFYING BODY RECOGNIZED BY  
 34 THE BOARD AS REQUIRED UNDER ~~§ 302.1(B)(3)(IV) OF THIS SUBTITLE~~

1 SUBSECTION (B)(3)(IV) OF THIS SECTION FOR THE AREA OF SPECIALTY FOR WHICH  
2 THE ADVANCED PRACTICE REGISTERED NURSE IS CERTIFIED BY THE BOARD.

3 8-513.

4 (A) ~~(1)~~ IN THIS SECTION, “PERIOPERATIVE CARE ASSESSMENT AND  
5 MANAGEMENT” MEANS:

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

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

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

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

18 ~~(1) PROVIDE PERIOPERATIVE CARE;~~

19 ~~(2) ADMINISTER ANESTHETICS;~~

20 ~~(3) MANAGE FLUID IN INTRAVENOUS THERAPY;~~

21 ~~(4) PROVIDE RESPIRATORY CARE;~~

22 ~~(5) ORDER AND EVALUATE LABORATORY AND DIAGNOSTIC TESTS;~~

23 ~~(6) PERFORM POINT OF CARE TESTING THAT THE NURSE~~  
24 ~~ANESTHETIST IS QUALIFIED TO PERFORM;~~

25 ~~(7) ORDER AND EVALUATE RADIOGRAPHIC IMAGING STUDIES THAT~~  
26 ~~THE NURSE ANESTHETIST IS QUALIFIED TO ORDER AND INTERPRET; AND~~

27 ~~(8) PERFORM ANY OTHER ACT THAT THE NURSE ANESTHETIST IS~~  
28 ~~AUTHORIZED TO PERFORM UNDER THIS ARTICLE OR THE HEALTH GENERAL~~  
29 ~~ARTICLE.~~

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

3 (II) ADMINISTRATION OF ANESTHETIC AGENTS;

4 (III) MANAGEMENT OF FLUIDS IN INTRAVENOUS THERAPY; AND

5 (IV) RESPIRATORY CARE.

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

9 (I) UNSAFE;

10 (II) AN INVALIDLY PRESCRIBED MEDICAL ACT; OR

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

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

15 (I) DIAGNOSE A MEDICAL CONDITION;

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

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

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

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

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

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

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

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

9           **(1) PERFORMS A THOROUGH AND COMPLETE PREANESTHETIC**  
10 **ASSESSMENT;**

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

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

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

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

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

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

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

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

30           **(6) MAINTAIN APPROPRIATE INFECTION CONTROL STANDARDS;**

31           **(7) EVALUATE ANESTHESIA CARE TO ENSURE ITS QUALITY;**

1           **(8)    MAINTAIN CONTINUAL COMPETENCE IN ANESTHESIA PRACTICE;**  
2 **AND**

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.