

SENATE BILL 8

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8lr0056

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Health)**

Requested: September 27, 2017

Introduced and read first time: January 10, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Nursing – Maryland Nurse Practice Act – Revisions**

3 FOR the purpose of repealing certain provisions of law that authorize the State Board of
4 Nursing to grant a certain number of certain extensions for the renewal of a certain
5 license or certain certificate pending receipt of criminal history record information;
6 repealing a provision of law that authorizes the Board to immediately suspend the
7 license of a certain nurse or the certificate of a certain nursing assistant or certain
8 medication technician who is expelled from the Safe Practice Program under certain
9 circumstances; altering when certain employers are required to submit a certain
10 report to the Board; repealing the requirement that a nurse in independent practice
11 or a direct-entry midwife engaged in independent practice display a certain notice
12 in certain offices; providing that certain members of the nursing assistant advisory
13 committee may serve one additional full term; authorizing the Board to remove
14 committee members from the certified nursing assistant advisory committee for
15 certain reasons; making certain stylistic and conforming changes; and generally
16 relating to the Nurse Practice Act.

17 BY repealing and reenacting, without amendments,
18 Article – Health Occupations
19 Section 8-312(c) and 8-6A-08(c)
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2017 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Health Occupations
24 Section 8-312(d), 8-317(a) and (h), 8-504, 8-6A-08(f), 8-6A-10.1(a) and (h), and
25 8-6A-13(a)
26 Annotated Code of Maryland
27 (2014 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing
2 Article – Health Occupations
3 Section 8–317(g), 8–506, 8–6A–10.1(g), and 8–6C–23
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2017 Supplement)

6 BY adding to
7 Article – Health Occupations
8 Section 8–6A–13(h) and (i)
9 Annotated Code of Maryland
10 (2014 Replacement Volume and 2017 Supplement)

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

13 **Article – Health Occupations**

14 8–312.

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

17 (1) Otherwise is entitled to be licensed;

18 (2) Pays to the Board:

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

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

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

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

24 (ii) Satisfactory evidence of completion of:

25 1. 1,000 hours of active nursing practice within the 5–year
26 period immediately preceding the date of renewal;

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

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

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

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

5 **[(2)** The Board may grant two 90-day extensions beyond a license's
6 expiration date pending receipt of criminal history record information.]

7 8-317.

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

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

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

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

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

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

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

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

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

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

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

1 8-504.

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

3 (i) A public employer;

4 (ii) A private employer; or

5 (iii) An employment agency.

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

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

11 **[8-506.**

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

15 8-6A-08.

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

18 (1) Otherwise is entitled to be certified;

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

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

22 (4) Provides satisfactory evidence of completion of:

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

25 (ii) An approved nursing assistant training program.

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

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

3 8-6A-10.1.

4 (a) Except as otherwise provided in the Administrative Procedure Act [and in
5 subsection (g) of this section], before the Board takes any action under § 8-6A-10 of this
6 subtitle, the Board shall give the individual against whom the action is contemplated an
7 opportunity for a hearing before the Board.

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

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

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

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

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

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

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

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

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

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

29 8-6A-13.

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

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

3 **(I) THE BOARD MAY REMOVE A MEMBER:**

4 **(1) FOR INCOMPETENCE OR MISCONDUCT; OR**

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

7 [8-6C-23.

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

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