

HB0758/676284/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 758
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “midwives;” insert “altering the circumstances under which the Board is required to require an applicant or licensee to submit to a certain examination under certain circumstances; providing that an applicant or licensee is deemed to have consented to submit to a certain examination and waived a certain claim in return for the privilege to practice certified midwifery;”; in line 13, after “fees” insert “in a certain manner”; in line 16, after the first “Board” insert “of Nursing Fund”; and strike beginning with “documents” in line 25 down through “manner” in line 26 and substitute “information”.

On page 2, in line 2, after “penalties;” insert “authorizing the Board to reinstate a license under certain circumstances; requiring the Board to take certain actions regarding a certain license under certain circumstances;”; in line 10, after “title;” insert “providing for the authority of the Board under this Act;”; in line 14, after “definitions;” insert “making a conforming change;”; in line 18, after “(x),” insert “8-205.1;”; and in line 24, strike “8-6D-14” and substitute “8-6D-15”.

AMENDMENT NO. 2

On page 3, after line 10, insert:

“8-205.1.

(a) If the Board, while reviewing an application for licensure or investigating an allegation brought against a licensee under this title, has reason to believe and objective evidence that the applicant or licensee may cause harm to individuals affected by the applicant’s or licensee’s practice of nursing OR CERTIFIED MIDWIFERY, the

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Board shall require the applicant or licensee to submit to an appropriate examination by a health care provider designated by the Board.

(b) In return for the privilege to practice nursing **OR CERTIFIED MIDWIFERY** in the State, the applicant or licensee is deemed to have:

(1) Consented to submit to an examination under this section, if requested by the Board in writing; and

(2) Waived any claim of privilege as to the testimony or examination reports of the examining health care professional.

(c) The failure or refusal of the applicant or licensee to submit to an examination required under subsection (b) of this section is prima facie evidence of the applicant's or licensee's inability to practice nursing **OR CERTIFIED MIDWIFERY** competently, unless the Board finds that the failure or refusal was beyond the control of the licensee.

(d) The Board shall pay the cost of any examination made under this section."

On page 7, in line 18, strike "AN" and substitute "**THE AMCB**"; and in the same line, strike "APPROVED BY AMCB".

On page 8, in line 6, after "(A)" insert "**(1)**"; strike beginning with "THAT" in line 8 down through "NURSE-MIDWIFE" in line 12; after line 12, insert:

"(2) THE FEES CHARGED SHALL BE SET TO PRODUCE FUNDS TO APPROXIMATE THE COST OF MAINTAINING THE LICENSING PROGRAM AND THE OTHER SERVICES TO LICENSED CERTIFIED MIDWIVES."

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in line 16, after “**BOARD**” insert “**OF NURSING FUND**”; and in line 17, after “**USED**” insert “**EXCLUSIVELY**”.

On page 10, strike beginning with the second “**THE**” in line 11 down through “**NOTICE**” in line 12 and substitute “**INFORMATION REGARDING HOW THE LICENSEE MAY COMPLETE THE REQUIRED CRIMINAL HISTORY RECORDS CHECK**”.

On page 14, strike beginning with “**PRACTICES**” in line 27 down through “**LONGER**” in line 28 and substitute “**ENGAGES IN UNPROFESSIONAL OR IMMORAL CONDUCT**”.

On page 15, after line 17, insert:

“(D) (1) IF A LICENSE ISSUED UNDER THIS SUBTITLE WAS SUSPENDED OR REVOKED FOR A PERIOD OF MORE THAN 1 YEAR, OR IF A PERIOD OF MORE THAN 1 YEAR HAS PASSED SINCE A LICENSE WAS SURRENDERED, THE BOARD MAY REINSTATE THE LICENSE IF THE LICENSEE:

(I) APPLIES TO THE BOARD FOR REINSTATEMENT;

(II) MEETS THE REQUIREMENTS FOR RENEWAL UNDER § 8-6D-08 OF THIS SUBTITLE;

(III) MEETS ANY OTHER REQUIREMENTS FOR REINSTATEMENT AS ESTABLISHED BY THE BOARD IN REGULATIONS; AND

(IV) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 8-303 OF THIS SUBTITLE.

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(2) IF A LICENSEE MEETS THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL:

(i) REINSTATE THE LICENSE;

(ii) REINSTATE THE LICENSE SUBJECT TO TERMS AND CONDITIONS THAT THE BOARD CONSIDERS NECESSARY, INCLUDING A PERIOD OF PROBATION; OR

(iii) DENY REINSTATEMENT OF THE LICENSE.”.

On page 17, after line 11, insert:

“8-6D-14.

THE AUTHORITY OF THE BOARD ESTABLISHED UNDER THIS SUBTITLE:

(1) VESTS WITH THE BOARD AT THE TIME AN INDIVIDUAL APPLIES FOR CERTIFICATION;

(2) CONTINUES DURING PERIODS OF LICENSURE; AND

(3) INCLUDES AUTHORITY OVER AN INDIVIDUAL HOLDING AN EXPIRED LICENSE, A LAPSED LICENSE, OR A TEMPORARY LICENSE THAT HAS EXPIRED UNDER § 8-6D-08 OF THIS SUBTITLE.”;

and in line 12, strike “8-6D-14.” and substitute “8-6D-15.”.