

Chapter 753

(House Bill 95)

AN ACT concerning

Health Occupations – Nurses – Delegation of Tasks

FOR the purpose of providing that an advanced practice registered nurse is not precluded from delegating a nursing or other technical task to an assistant under certain circumstances; providing that a registered nurse or a licensed practical nurse is not precluded from delegating a technical task other than a nursing task to an unlicensed individual under certain circumstances; requiring the State Board of Nursing to adopt certain regulations; and generally relating to nurses delegating nursing and other technical tasks.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–6A–02
Annotated Code of Maryland
(2014 Replacement Volume and 2020 Supplement)

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

Article – Health Occupations

8–6A–02.

(a) Except as otherwise provided in this subtitle, an individual shall be certified by the Board to practice as a nursing assistant or medication technician before the individual may practice as a nursing assistant or medication technician in the State.

(b) This subtitle does not apply to an individual who:

(1) Practices a health occupation that the individual is authorized to practice under this article;

(2) Provides for the gratuitous care of friends, domestic partners, or family members;

(3) Performs nursing assistant tasks while a nursing student enrolled in an accredited nursing program and practicing under the direct supervision of qualified faculty or preceptors;

(4) Performs nursing assistant tasks as a student while:

(i) Enrolled in a Board–approved nursing assistant training program; and

(ii) Practicing under the direct supervision of qualified faculty or preceptors;

(5) Performs medication technician tasks as a student while practicing under the direct supervision of qualified faculty; or

(6) Works as a principal or school secretary, does not administer medication as a routine part of the position, and has completed training by the delegating nurse for the occasion where the individual may need to administer medication in the absence of the nurse or medication technician.

(c) Nothing in this section shall preclude a registered nurse or licensed practical nurse from delegating a nursing **OR OTHER TECHNICAL** task to an unlicensed individual provided that acceptance of delegated nursing **OR OTHER TECHNICAL** tasks does not become a routine part of the unlicensed individual’s job duties.

(D) (1) SUBJECT TO REGULATIONS ADOPTED BY THE BOARD UNDER PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION DOES NOT PRECLUDE AN ADVANCED PRACTICE REGISTERED NURSE FROM DELEGATING A NURSING OR OTHER TECHNICAL TASK TO AN ASSISTANT IF:

(I) THE ASSISTANT PERFORMS ONLY TASKS THAT THE ASSISTANT IS TRAINED TO PERFORM; AND

(II) THE DELEGATING ADVANCED PRACTICE REGISTERED NURSE PROVIDES:

1. INSTRUCTION TO THE ASSISTANT ON THE DELEGATED TASK; AND

2. ON–SITE SUPERVISION OF THE ASSISTANT PERFORMING THE DELEGATED TASK.

(2) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION, INCLUDING REGULATIONS THAT:

(I) PROVIDE FOR THE MANNER IN WHICH AN ADVANCED PRACTICE REGISTERED NURSE DELEGATES A NURSING OR OTHER TECHNICAL TASK TO AN ASSISTANT;

(II) ESTABLISH LIMITATIONS ON THE AUTHORITY OF AN ADVANCED PRACTICE REGISTERED NURSE TO DELEGATE NURSING OR OTHER TECHNICAL TASKS TO AN ASSISTANT; AND

(III) OTHERWISE CLARIFY THE SCOPE OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.