By: Delegate Bagnall

Introduced and read first time: February 7, 2023 Assigned to: Health and Government Operations

## A BILL ENTITLED

1 AN ACT concerning

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State Board of Nursing – Peer Advisory Committees, Scopes of Practice, and Licensure Requirements

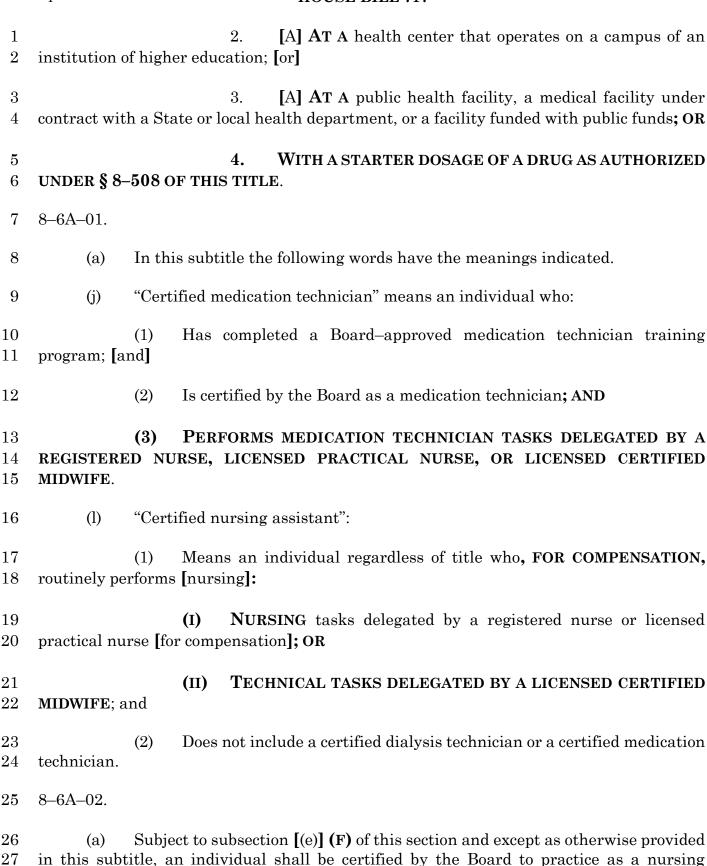
4 FOR the purpose of authorizing the State Board of Nursing to appoint peer advisory 5 committees to provide advice related to midwifery; authorizing licensed nurses 6 certified as nurse-midwives and licensed certified midwives to personally prepare 7 and dispense a starter dosage of certain drugs under certain circumstances; 8 authorizing licensed nurses certified as nurse-midwives and licensed certified 9 midwives to delegate certain tasks to certified medication technicians and certified nursing assistants under certain circumstances; altering the exceptions to the 10 11 certified midwifery licensure requirement and the qualifications required for a 12 license; requiring the Maryland Department of Health, in consultation with 13 stakeholders, to develop recommendations to expand access to birthing services in 14 birthing centers; and generally relating to health care practitioners licensed by the State Board of Nursing. 15

- 16 BY repealing and reenacting, with amendments,
- 17 Article Health Occupations
- 18 Section 8–503(a), 8–508(a) and (b), 8–601, 8–6A–01(j) and (l), 8–6A–02,
- 19 8-6D-01(h), 8-6D-02, 8-6D-03, and 12-102(a), (c)(2)(iv) and (v), (e), (f), and
- 20 (g)
- 21 Annotated Code of Maryland
- 22 (2021 Replacement Volume and 2022 Supplement)
- 23 BY repealing and reenacting, without amendments,
- 24 Article Health Occupations
- 25 Section 8–6A–01(a) and 8–6D–01(a)
- 26 Annotated Code of Maryland
- 27 (2021 Replacement Volume and 2022 Supplement)
- 28 BY adding to

1 2 3 4	Article – Health Occupations Section 12–102(c)(2)(vi) Annotated Code of Maryland (2021 Replacement Volume and 2022 Supplement)				
5 6	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
7				Article - Health Occupations	
8	8–503.				
9 10 11	(a) The Board may appoint peer advisory committees to provide the Board with expert advice related to the practice of nursing by advance practice nurses AND THE PRACTICE OF MIDWIFERY BY LICENSED CERTIFIED MIDWIVES.				
12	8–508.				
13	(a)	(1)	In th	is section the following words have the meanings indicated.	
14 15	(2) "MIDWIFE" MEANS A LICENSED NURSE CERTIFIED AS A NURSE-MIDWIFE OR A LICENSED CERTIFIED MIDWIFE.				
16		[(2)]	(3)	"Nurse practitioner" means a registered nurse who is:	
17			(i)	Certified as a nurse practitioner; and	
18 19	Board.		(ii)	Authorized to prescribe drugs under regulations adopted by the	
20		<b>[</b> (3)	"Star	rter dosage" means an amount of drug sufficient to begin therapy:	
21			(i)	Of short duration of 72 hours or less; or	
22 23	therapy.]		(ii)	Prior to obtaining a larger quantity of the drug to complete	
24		(4)	"Pers	sonally prepare and dispense" means that a nurse practitioner:	
25 26	filled; and		(i)	Is physically present on the premises where the prescription is	
27 28	the patient.		(ii)	Performs a final check of the prescription before it is provided to	

1 2	(5) "STARTER DOSAGE" MEANS AN AMOUNT OF DRUG SUFFICIENT TO BEGIN THERAPY:				
3	(I) OF SHORT DURATION OF 72 HOURS OR LESS; OR				
4 5	(II) PRIOR TO OBTAINING A LARGER QUANTITY OF THE DRUG TO COMPLETE THERAPY.				
6 7 8	(b) A nurse practitioner <b>OR MIDWIFE</b> may personally prepare and dispense a starter dosage of any drug the nurse practitioner <b>OR MIDWIFE</b> is authorized to prescribe to a patient of the nurse practitioner <b>OR MIDWIFE</b> if:				
9	(1) The starter dosage complies with the labeling requirements of $\S~12-505$ of this article;				
1	(2) No charge is made for the starter dosage; and				
12 13	(3) The nurse practitioner <b>OR MIDWIFE</b> enters an appropriate record in the patient's medical record.				
4	8–601.				
15	In this subtitle:				
16 17 18	(1) "Practice nurse midwifery" means the management and care of essentially normal newborns and of essentially normal women antepartally, intrapartally and postpartally.				
9	(2) "Practice nurse midwifery" includes:				
20	(i) Family planning and well woman reproductive care;				
21 22	(ii) The prescribing of substances commonly used in the practice of nurse midwifery;				
23 24	(iii) The prescribing of controlled substances on Schedules II, III, IV, and V commonly used in the practice of nurse midwifery; and				
25 26 27	(iv) The dispensing of the substances prescribed in accordance with the provisions of [subparagraphs] ITEMS (ii) and (iii) of this paragraph in the course of treating a patient [at]:				
28 29	1. [A] AT A medical facility or clinic that is operated on a nonprofit basis;				

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assistant, dialysis technician, or medication technician before the individual may practice

as a nursing assistant, dialysis technician, or medication technician in the State.

1 (b) This subtitle does not apply to an individual who: 2 Practices a health occupation that the individual is authorized to 3 practice under this article; 4 (2)Provides for the gratuitous care of friends, domestic partners, or family 5 members: 6 (3)Performs nursing assistant tasks while a nursing student enrolled in 7 an accredited nursing program and practicing under the direct supervision of qualified 8 faculty or preceptors: 9 **(4)** Performs nursing assistant tasks as a student while: 10 (i) Enrolled in a Board-approved nursing assistant training 11 program; and 12 (ii) Practicing under the direct supervision of qualified faculty or 13 preceptors; 14 Performs medication technician tasks as a student while practicing (5)under the direct supervision of qualified faculty; 15 16 (6)Performs dialysis technician tasks as a student while under the direct 17 supervision of qualified faculty; or 18 Works as a principal or school secretary, does not administer (7)medication as a routine part of the position, and has completed training by the delegating 19 20 nurse for the occasion where the individual may need to administer medication in the 21absence of the nurse or medication technician. 22 Nothing in this section shall preclude a registered nurse or licensed practical 23nurse from delegating a nursing or other technical task to an unlicensed individual 24provided that acceptance of delegated nursing or other technical tasks does not become a 25routine part of the unlicensed individual's job duties. 26 (d) Subject to regulations adopted by the Board under paragraph (2) of this 27 subsection, this section does not preclude an advanced practice registered nurse from 28delegating a nursing or other technical task to an assistant if: 29 (i) The assistant performs only tasks that the assistant is trained to 30 perform; and 31 (ii) The delegating advanced practice registered nurse provides: Instruction to the assistant on the delegated task; and 32 1.

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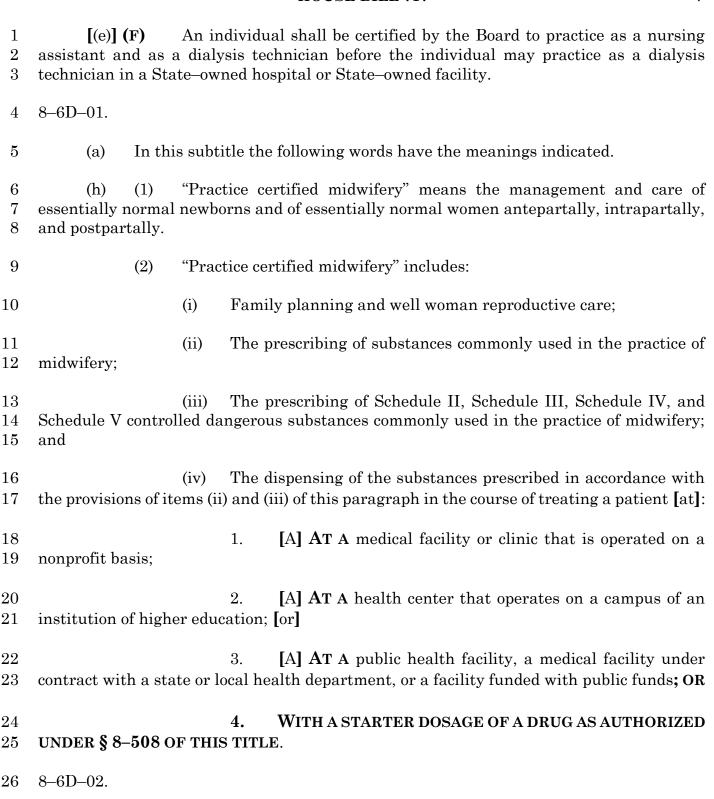
**AND** 

- 6 1 2. On-site supervision of the assistant performing the 2 delegated task. 3 (2)The Board shall adopt regulations to carry out this subsection, including regulations that: 4 5 (i) Provide for the manner in which an advanced practice registered 6 nurse delegates a nursing or other technical task to an assistant; 7 Establish limitations on the authority of an advanced practice (ii) registered nurse to delegate nursing or other technical tasks to an assistant; and 8 9 Otherwise clarify the scope of this subsection. (iii) 10 **(1)** SUBJECT TO REGULATIONS ADOPTED BY THE BOARD UNDER **(E)** PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION DOES NOT PRECLUDE A 11 LICENSED CERTIFIED MIDWIFE FROM DELEGATING A TECHNICAL TASK TO AN 12 13 **ASSISTANT IF:** 14 **(I)** THE ASSISTANT PERFORMS ONLY TASKS THAT THE ASSISTANT IS TRAINED TO PERFORM; AND 15 16 (II) THE **DELEGATING** LICENSED **CERTIFIED MIDWIFE** 17 **PROVIDES:** 1. 18 INSTRUCTION TO THE ASSISTANT ON THE DELEGATED 19 TASK; AND 20 2. ON-SITE **SUPERVISION**  $\mathbf{OF}$ THE ASSISTANT 21PERFORMING THE DELEGATED TASK. 22 **(2)** THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS 23SUBSECTION, INCLUDING REGULATIONS THAT: 24**(I)** PROVIDE FOR THE MANNER IN WHICH A LICENSED 25 CERTIFIED MIDWIFE DELEGATES A TECHNICAL TASK TO AN ASSISTANT;
- 29 (III) OTHERWISE CLARIFY THE SCOPE OF THIS SUBSECTION.

LICENSED CERTIFIED MIDWIFE TO DELEGATE TECHNICAL TASKS TO AN ASSISTANT;

ESTABLISH LIMITATIONS ON THE AUTHORITY OF A

(II)



29 (b) This section does not apply to:

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(a)

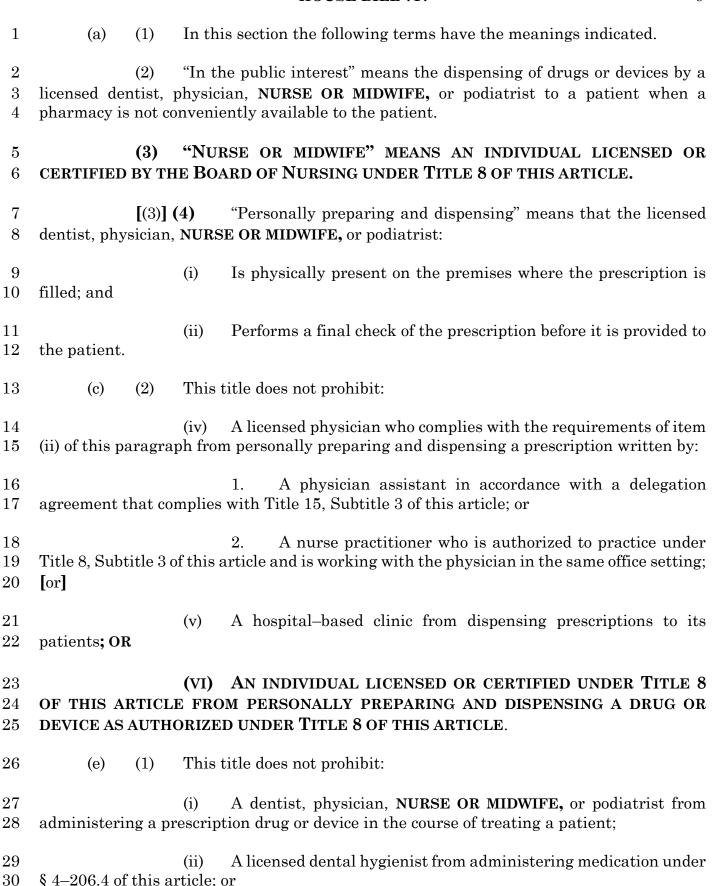
(1) An individual who assists at a birth in an emergency;

by the Board before the individual may practice certified midwifery in the State.

Except as otherwise provided in this subtitle, an individual shall be licensed

12 - 102.

1 (2)An individual who is licensed as a health care practitioner whose scope 2 of practice allows the individual to practice certified midwifery; [or] 3 A student who is practicing certified midwifery while engaged in an (3)4 approved clinical midwifery education experience under the supervision of a licensed certified midwife or a licensed nurse certified as a nurse-midwife; OR 5 6 **(4)** AN INDIVIDUAL WHO HAS GRADUATED FROM AN APPROVED 7 CLINICAL MIDWIFERY EDUCATION EXPERIENCE AND WHO IS: 8 (I)**PRACTICING CERTIFIED MIDWIFERY** UNDER THE 9 SUPERVISION OF A LICENSED CERTIFIED MIDWIFE OR A LICENSED NURSE CERTIFIED AS A NURSE-MIDWIFE; AND 10 11 (II) MEETS ANY OTHER REQUIREMENTS SET BY THE BOARD. 8-6D-03. 12 13 In addition to the certification and education requirements under subsection (a) 14 (b) of this section, to qualify for a license, an applicant must: Be of good moral character; and 15 (1) 16 Submit to a criminal history records check in accordance with § 8–303 (2) 17 of this title. 18 (b) An applicant must: 19 (1) Hold a current, valid certification as a certified midwife from AMCB; 20 (2)Have graduated from a graduate-level accredited program for 21midwifery education approved by ACME; AND 22 (3)Have completed coursework in health and sciences: 23 (i) Before commencing a midwifery program described in item (2) of 24this subsection; or 25(ii) As part of a midwifery program described in item (2) of this 26subsection; and 27 Have passed the AMCB examination. (4)



- 1 A nurse anesthetist from administering medication under § 2 8–513 of this article. 3 (2)For the purposes of paragraph (1)(i) of this subsection, "administering" 4 means the direct introduction of a single dosage of a drug or device at a given time, whether 5 by injection or other means, and whether in liquid, tablet, capsule, or other form. 6 (f) This title does not prohibit a dentist, physician, NURSE OR MIDWIFE, 7 or podiatrist from personally dispensing a starter dosage of a prescription drug or device to a patient of the dentist, physician, NURSE OR MIDWIFE, or podiatrist, provided that: 8 9 The starter dosage complies with the labeling requirements of § (i) 10 12–505 of this title; 11 (ii) No charge is made for the starter dosage; and 12 (iii) The dentist, physician, NURSE OR MIDWIFE, or podiatrist enters an appropriate record on the patient's chart. 13 14 For the purposes of paragraph (1) of this subsection, "starter dosage" means an amount of drug or device sufficient to begin therapy: 15 16 (i) Of short duration of 72 hours or less: or 17 (ii) Prior to obtaining a larger quantity of the drug or device to 18 complete the therapy. This title does not prohibit a dentist, physician, NURSE OR MIDWIFE, or 19 20 podiatrist from dispensing a prescription drug or device in the course of treating a patient: 21(1) At a medical facility or clinic that is operated on a nonprofit basis; 22At a health center that operates on a campus of an institution of higher (2)23 education; or 24At a public health facility, a medical facility under contract with a State 25or local health department, or a facility funded with public funds.
- SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2023, the Maryland Department of Health, in consultation with relevant stakeholders, shall develop recommendations to expand access to birthing services in birthing centers in the State and report its findings to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article.
- 32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 33 October 1, 2023.