

HOUSE BILL 717

J2

3lr1581
CF SB 772

By: **Delegate Bagnall**

Introduced and read first time: February 7, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Nursing – Peer Advisory Committees, Scopes of Practice, and**
3 **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
10 nursing assistants under certain circumstances; altering the exceptions to the
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
15 State Board of Nursing.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health Occupations
 2 Section 12–102(c)(2)(vi)
 3 Annotated Code of Maryland
 4 (2021 Replacement Volume and 2022 Supplement)

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

7 **Article – Health Occupations**

8 8–503.

9 (a) The Board may appoint peer advisory committees to provide the Board with
 10 expert advice related to the practice of nursing by advance practice nurses **AND THE**
 11 **PRACTICE OF MIDWIFERY BY LICENSED CERTIFIED MIDWIVES.**

12 8–508.

13 (a) (1) In this section the following words have the meanings indicated.

14 **(2) “MIDWIFE” MEANS A LICENSED NURSE CERTIFIED AS A**
 15 **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 (ii) Authorized to prescribe drugs under regulations adopted by the
 19 Board.

20 **[(3)]** “Starter dosage” means an amount of drug sufficient to begin therapy:

21 (i) Of short duration of 72 hours or less; or

22 (ii) Prior to obtaining a larger quantity of the drug to complete
 23 therapy.]

24 (4) “Personally prepare and dispense” means that a nurse practitioner:

25 (i) Is physically present on the premises where the prescription is
 26 filled; and

27 (ii) Performs a final check of the prescription before it is provided to
 28 the patient.

1 **(5) “STARTER DOSAGE” MEANS AN AMOUNT OF DRUG SUFFICIENT TO**
2 **BEGIN THERAPY:**

3 **(I) OF SHORT DURATION OF 72 HOURS OR LESS; OR**

4 **(II) PRIOR TO OBTAINING A LARGER QUANTITY OF THE DRUG TO**
5 **COMPLETE THERAPY.**

6 (b) A nurse practitioner **OR MIDWIFE** may personally prepare and dispense a
7 starter dosage of any drug the nurse practitioner **OR MIDWIFE** is authorized to prescribe
8 to a patient of the nurse practitioner **OR MIDWIFE** if:

9 (1) The starter dosage complies with the labeling requirements of § 12–505
10 of this article;

11 (2) No charge is made for the starter dosage; and

12 (3) The nurse practitioner **OR MIDWIFE** enters an appropriate record in
13 the patient’s medical record.

14 8–601.

15 In this subtitle:

16 (1) “Practice nurse midwifery” means the management and care of
17 essentially normal newborns and of essentially normal women antepartally, intrapartally
18 and postpartally.

19 (2) “Practice nurse midwifery” includes:

20 (i) Family planning and well woman reproductive care;

21 (ii) The prescribing of substances commonly used in the practice of
22 nurse midwifery;

23 (iii) The prescribing of controlled substances on Schedules II, III, IV,
24 and V commonly used in the practice of nurse midwifery; and

25 (iv) The dispensing of the substances prescribed in accordance with
26 the provisions of [subparagraphs] **ITEMS** (ii) and (iii) of this paragraph in the course of
27 treating a patient [at]:

28 1. **[A] AT A** medical facility or clinic that is operated on a
29 nonprofit basis;

1 2. [A] AT A health center that operates on a campus of an
2 institution of higher education; [or]

3 3. [A] AT A public health facility, a medical facility under
4 contract with a State or local health department, or a facility funded with public funds; OR

5 4. **WITH A STARTER DOSAGE OF A DRUG AS AUTHORIZED**
6 **UNDER § 8-508 OF THIS TITLE.**

7 8-6A-01.

8 (a) In this subtitle the following words have the meanings indicated.

9 (j) “Certified medication technician” means an individual who:

10 (1) Has completed a Board-approved medication technician training
11 program; [and]

12 (2) Is certified by the Board as a medication technician; AND

13 **(3) PERFORMS MEDICATION TECHNICIAN TASKS DELEGATED BY A**
14 **REGISTERED NURSE, LICENSED PRACTICAL NURSE, OR LICENSED CERTIFIED**
15 **MIDWIFE.**

16 (l) “Certified nursing assistant”:

17 (1) Means an individual regardless of title who, **FOR COMPENSATION,**
18 routinely performs [nursing]:

19 **(I) NURSING** tasks delegated by a registered nurse or licensed
20 practical nurse [for compensation]; OR

21 **(II) TECHNICAL TASKS DELEGATED BY A LICENSED CERTIFIED**
22 **MIDWIFE; and**

23 (2) Does not include a certified dialysis technician or a certified medication
24 technician.

25 8-6A-02.

26 (a) Subject to subsection [(e)] (F) of this section and except as otherwise provided
27 in this subtitle, an individual shall be certified by the Board to practice as a nursing
28 assistant, dialysis technician, or medication technician before the individual may practice
29 as a nursing assistant, dialysis technician, or medication technician in the State.

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

2 (1) 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 (5) Performs medication technician tasks as a student while practicing
15 under the direct supervision of qualified faculty;

16 (6) Performs dialysis technician tasks as a student while under the direct
17 supervision of qualified faculty; or

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

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

26 (d) (1) 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
28 delegating 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:

32 1. Instruction to the assistant on the delegated task; and

1 **[(e)] (F)** An individual shall be certified by the Board to practice as a nursing
2 assistant and as a dialysis technician before the individual may practice as a dialysis
3 technician in a State-owned hospital or State-owned facility.

4 8-6D-01.

5 (a) In this subtitle the following words have the meanings indicated.

6 (h) (1) “Practice certified midwifery” means the management and care of
7 essentially normal newborns and of essentially normal women antepartally, intrapartally,
8 and postpartally.

9 (2) “Practice certified midwifery” includes:

10 (i) Family planning and well woman reproductive care;

11 (ii) The prescribing of substances commonly used in the practice of
12 midwifery;

13 (iii) The prescribing of Schedule II, Schedule III, Schedule IV, and
14 Schedule V controlled dangerous substances commonly used in the practice of midwifery;
15 and

16 (iv) The dispensing of the substances prescribed in accordance with
17 the provisions of items (ii) and (iii) of this paragraph in the course of treating a patient **[at]**:

18 1. **[A] AT A** medical facility or clinic that is operated on a
19 nonprofit basis;

20 2. **[A] AT A** health center that operates on a campus of an
21 institution of higher education; **[or]**

22 3. **[A] AT A** public health facility, a medical facility under
23 contract with a state or local health department, or a facility funded with public funds; **OR**

24 4. **WITH A STARTER DOSAGE OF A DRUG AS AUTHORIZED**
25 **UNDER § 8-508 OF THIS TITLE.**

26 8-6D-02.

27 (a) Except as otherwise provided in this subtitle, an individual shall be licensed
28 by the Board before the individual may practice certified midwifery in the State.

29 (b) This section does not apply to:

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

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 (3) A student who is practicing certified midwifery while engaged in an
4 approved clinical midwifery education experience under the supervision of a licensed
5 certified midwife or a licensed nurse certified as a nurse–midwife; **OR**

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**
10 **CERTIFIED AS A NURSE–MIDWIFE; AND**

11 **(II) MEETS ANY OTHER REQUIREMENTS SET BY THE BOARD.**

12 8–6D–03.

13 (a) In addition to the certification and education requirements under subsection
14 (b) of this section, to qualify for a license, an applicant must:

15 (1) Be of good moral character; and

16 (2) Submit to a criminal history records check in accordance with § 8–303
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
21 midwifery 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
24 this subsection; or

25 (ii) As part of a midwifery program described in item (2) of this
26 subsection; and

27 (4)] Have passed the AMCB examination.

28 12–102.

1 (a) (1) In this section the following terms have the meanings indicated.

2 (2) “In the public interest” means the dispensing of drugs or devices by a
3 licensed dentist, physician, **NURSE OR MIDWIFE**, or podiatrist to a patient when a
4 pharmacy is not conveniently available to the patient.

5 **(3) “NURSE OR MIDWIFE” MEANS AN INDIVIDUAL LICENSED OR**
6 **CERTIFIED BY THE BOARD OF NURSING UNDER TITLE 8 OF THIS ARTICLE.**

7 ~~[(3)]~~ (4) “Personally preparing and dispensing” means that the licensed
8 dentist, physician, **NURSE OR MIDWIFE**, or podiatrist:

9 (i) Is physically present on the premises where the prescription is
10 filled; and

11 (ii) Performs a final check of the prescription before it is provided to
12 the patient.

13 (c) (2) This title does not prohibit:

14 (iv) A licensed physician who complies with the requirements of item
15 (ii) of this paragraph from personally preparing and dispensing a prescription written by:

16 1. A physician assistant in accordance with a delegation
17 agreement that complies with Title 15, Subtitle 3 of this article; or

18 2. A nurse practitioner who is authorized to practice under
19 Title 8, Subtitle 3 of this article and is working with the physician in the same office setting;
20 **[or]**

21 (v) A hospital-based clinic from dispensing prescriptions to its
22 patients; **OR**

23 **(VI) AN INDIVIDUAL LICENSED OR CERTIFIED UNDER TITLE 8**
24 **OF THIS ARTICLE FROM PERSONALLY PREPARING AND DISPENSING A DRUG OR**
25 **DEVICE AS AUTHORIZED UNDER TITLE 8 OF THIS ARTICLE.**

26 (e) (1) This title does not prohibit:

27 (i) A dentist, physician, **NURSE OR MIDWIFE**, or podiatrist from
28 administering a prescription drug or device in the course of treating a patient;

29 (ii) A licensed dental hygienist from administering medication under
30 § 4-206.4 of this article; or

1 (iii) 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) (1) 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
8 a patient of the dentist, physician, **NURSE OR MIDWIFE**, or podiatrist, provided that:

9 (i) The starter dosage complies with the labeling requirements of §
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
13 an appropriate record on the patient’s chart.

14 (2) For the purposes of paragraph (1) of this subsection, “starter dosage”
15 means an amount of drug or device sufficient to begin therapy:

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.

19 (g) This title does not prohibit a dentist, physician, **NURSE OR MIDWIFE**, or
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;

22 (2) At a health center that operates on a campus of an institution of higher
23 education; or

24 (3) At a public health facility, a medical facility under contract with a State
25 or local health department, or a facility funded with public funds.

26 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
27 2023, the Maryland Department of Health, in consultation with relevant stakeholders,
28 shall develop recommendations to expand access to birthing services in birthing centers in
29 the State and report its findings to the Senate Finance Committee and the House Health
30 and Government Operations Committee, in accordance with § 2–1257 of the State
31 Government Article.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2023.

