

# SENATE BILL 213

J2  
HB 276/22 – HGO

3lr2201  
CF HB 278

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By: **Senator Ellis**

Introduced and read first time: January 23, 2023

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations – Clinical Nurse Specialists – Prescribing**

3 FOR the purpose of defining “clinical nurse specialist” and “practice as a clinical nurse  
4 specialist” for the purpose of authorizing clinical nurse specialists to prescribe drugs  
5 and durable medical equipment under regulations adopted by the State Board of  
6 Nursing; altering the definition of “authorized prescriber” for purposes of the  
7 Maryland Pharmacy Act to include clinical nurse specialists; authorizing a licensed  
8 physician to personally prepare and dispense a prescription written by a clinical  
9 nurse specialist; and generally relating to the prescription authority of clinical nurse  
10 specialists.

11 BY repealing and reenacting, without amendments,  
12 Article – Health Occupations  
13 Section 8–101(a) and (b)  
14 Annotated Code of Maryland  
15 (2021 Replacement Volume and 2022 Supplement)

16 BY adding to  
17 Article – Health Occupations  
18 Section 8–514  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume and 2022 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Health Occupations

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 12–101(b) and 12–102(c)(2)(iv)2.  
 2 Annotated Code of Maryland  
 3 (2021 Replacement Volume and 2022 Supplement)

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

6 **Article – Health Occupations**

7 8–101.

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

9 (b) “Advanced practice registered nurse” means an individual who:

10 (1) (i) Is licensed by the Board to practice registered nursing; or

11 (ii) Has a multistate licensure privilege to practice registered  
 12 nursing under the Nurse Licensure Compact; and

13 (2) Is certified by the Board to practice as:

14 (i) A nurse practitioner;

15 (ii) A nurse anesthetist;

16 (iii) A nurse midwife; or

17 (iv) A clinical nurse specialist.

18 **8–514.**

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 20 INDICATED.

21 (2) “CLINICAL NURSE SPECIALIST” MEANS AN INDIVIDUAL WHO ~~IS~~:

22 (I) 1. LICENSED IS LICENSED BY THE BOARD TO PRACTICE  
 23 REGISTERED NURSING; OR

24 2. HAS A MULTISTATE LICENSURE PRIVILEGE TO  
 25 PRACTICE REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT; AND

26 (II) ~~CERTIFIED~~ IS CERTIFIED BY THE BOARD TO PRACTICE AS A  
 27 CLINICAL NURSE SPECIALIST; AND

~~(H) AUTHORIZED TO PRESCRIBE DRUGS AND DURABLE MEDICAL EQUIPMENT UNDER REGULATIONS ADOPTED BY THE BOARD.~~

(3) (I) "PRACTICE AS A CLINICAL NURSE SPECIALIST" MEANS TO:

1. PROVIDE DIRECT CARE TO PATIENTS WITH COMPLEX NEEDS;
2. ACT AS A CONSULTANT TO ANOTHER HEALTH CARE PROVIDER AS NEEDED;
3. CONDUCT HEALTH-RELATED RESEARCH; AND
4. PROVIDE EDUCATION AND GUIDANCE FOR STAFF NURSES.

(II) "PRACTICE AS A CLINICAL NURSE SPECIALIST" INCLUDES:

1. ORDERING, PERFORMING, AND INTERPRETING LABORATORY TESTS;
2. ORDERING DIAGNOSTIC TESTS AND USING THE FINDINGS OR RESULTS IN THE CARE OF PATIENTS;
3. PRESCRIBING DRUGS AND DURABLE MEDICAL EQUIPMENT ~~AS PROVIDED UNDER PARAGRAPH (2)(H) OF THIS SUBSECTION~~ UNDER REGULATIONS ADOPTED BY THE BOARD;
4. ORDERING HOME HEALTH AND HOSPICE CARE; AND
5. INITIATING, MONITORING, AND ALTERING APPROPRIATE THERAPIES OR TREATMENTS.

(B) PRACTICE AS A CLINICAL NURSE SPECIALIST IS GOVERNED BY RULES AND REGULATIONS THAT ARE ADOPTED UNDER § 8-205 OF THIS TITLE AND THAT CONCERN ADDITIONAL ACTS IN THE PRACTICE OF REGISTERED NURSING.

12-101.

(b) "Authorized prescriber" means any licensed dentist, licensed dental hygienist with prescriptive authority under § 4-206.4 of this article, licensed physician, licensed podiatrist, licensed veterinarian, advanced practice REGISTERED nurse with prescriptive authority under ~~§ 8-508 OR § 8-514~~ TITLE 8 of this article, licensed nurse anesthetist, or other individual authorized by law to prescribe prescription or nonprescription drugs or devices.

1 12-102.

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

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

5 2. [A nurse practitioner who is authorized to practice under  
6 Title 8, Subtitle 3] **AN ADVANCED PRACTICE REGISTERED NURSE WITH**  
7 **PRESCRIPTIVE AUTHORITY UNDER ~~§ 8-508 OR § 8-514~~ TITLE 8** of this article and is  
8 working with the physician in the same office setting; or

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2023.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.