

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 278

(Delegate Cullison, *et al.*)

Health and Government Operations

Finance

Health Occupations - Clinical Nurse Specialists - Prescribing

This bill authorizes a “clinical nurse specialist” (CNS) to “practice as a clinical nurse specialist” for the purpose of prescribing drugs and durable medical equipment (DME), among other things. The bill designates a CNS as an “authorized prescriber” under the Maryland Pharmacy Act. Practice as a CNS is governed by rules and regulations adopted by the Maryland Board of Nursing (MBON) and that concern additional acts in the practice of registered nursing. A licensed physician may personally prepare and dispense a prescription written by an advanced practice registered nurse (APRN) working with the physician in the same office setting.

Fiscal Summary

State Effect: Expanding the scope of practice for a CNS does not substantively change governmental operations or finances. MBON can implement the bill with existing budgeted resources.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Clinical nurse specialist” means an individual who is (1) licensed by MBON to practice registered nursing or has a multistate licensure privilege to practice registered nursing under the Nurse Licensure Compact and (2) certified by MBON to practice as a CNS.

“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. Practice as a CNS 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 DME, as specified; (4) ordering home health and hospice care; and (5) initiating, monitoring, and altering appropriate therapies or treatments.

Current Law: In general, an individual must be licensed as a registered nurse (RN) and be certified as an APRN by MBON. An APRN is certified by MBON to practice as a nurse practitioner, nurse anesthetist, nurse midwife, or CNS.

Registered Nurse

Practice registered nursing means the performance of acts requiring substantial specialized knowledge, judgment, and skill based on the biological, physiological, behavioral, or sociological sciences as the basis for assessment, nursing diagnosis, planning, implementation, and evaluation of the practice of nursing to maintain health, prevent illness, or care for or rehabilitate the ill, injured, or infirm.

An applicant for a RN license must complete and meet all requirements for a diploma or degree from a registered nursing education program approved by MBON, or an education program in registered nursing in any other state or country that MBON finds substantially equivalent to programs in the State. RN applicants must also pass an examination developed by the National Council of State Boards of Nursing, demonstrate English language competency, and be of good moral character.

Advanced Practice Registered Nurse

An applicant for an advance practice certification (including CNS) must (1) be a licensed RN or have a privilege to practice under the Nurse Licensure Compact; (2) complete an education program approved by MBON; (3) submit a completed application for each area in which certification is sought; and (4) submit documentation that the applicant has graduated from a graduate-level accredited program for advanced practice registered nursing and of certification as an APRN by a national certifying body recognized by MBON.

Clinical Nurse Specialist

Under Maryland regulations ([COMAR 10.27.27.02](#)), an applicant for certification as a CNS must (1) be a licensed RN or have a privilege to practice under the Nurse Licensure Compact; (2) complete a graduate level education program accredited by specified entities;

(3) complete a national certifying exam; (4) hold a current national certification as a CNS; (5) submit a completed application for certification as a CNS; (6) comply with specified regulations; (7) demonstrate oral and written competency in the English language; and (8) pay all fees. The role of a CNS encompasses the continuous improvement of patient outcomes and nursing care. Among other things, the role entails practicing with individual clients, families, groups, and populations of clients; diagnosing, treating, and managing patients with acute and chronic illness or disease; and creating therapeutic environments through mentoring and system changes.

Prescriber Authority

An “authorized prescriber” is any licensed dentist, licensed dental hygienist with prescriptive authority, licensed physician, licensed podiatrist, licensed veterinarian, advanced practice nurse with prescriptive authority (for “starter dosages” only), licensed nurse anesthetist, or other individual authorized by law to prescribe prescription or nonprescription drugs or devices.

A “starter dosage” means an amount of drug sufficient to begin therapy that is either (1) for a duration of 72 hours or less, or (2) prescribed prior to a patient obtaining a larger quantity of the drug to complete therapy.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 276 and SB 513 of 2022.

Designated Cross File: SB 213 (Senator Ellis) - Finance.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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