

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 367

(Delegate Martinez, *et al.*)

Health and Government Operations

Finance

**Health Occupations Boards - English Proficiency Requirements and Licensure
by Endorsement for Nursing**

This bill prohibits a health occupations board from requiring an applicant to provide additional evidence of English proficiency if the individual holds a valid, unrestricted license, certification, or registration from another state that requires such evidence for licensure, certification, or registration. Each health occupations board that requires evidence of English proficiency must prominently maintain on its website a statement that an applicant may not be required to provide additional evidence of English proficiency if the applicant holds a valid, unrestricted license, certification, or registration from another state that requires evidence of English proficiency for licensure, certification, or registration. The bill also alters English proficiency requirements for the State Board of Nursing (MBON) and the State Board of Pharmacy (MBOP) and the conditions of licensure by endorsement for MBON.

Fiscal Summary

State Effect: Generally, the bill's changes can be absorbed with existing budgeted resources, as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Health Occupations Boards – Generally

Under current law, twenty health occupations boards share responsibility for regulating various health professions in Maryland. Many health occupations professions participate in interstate compacts that offer expedited authorizations to practice in other compact states. With specified exceptions, an individual must be licensed, certified, registered, or permitted by the respective board before the individual may practice in the State, such as the Nurse Licensure Compact (NLC). Licensure, certification, registration, and permit requirements vary by profession but typically require, among other things, specified education and experience, passage of a national and/or State examination, and a criminal history records check (CHRC).

Pursuant to the Health Occupations Article, the following health occupations boards require some form of specified evidence of English proficiency: (1) State Board of Acupuncture; (2) State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists; (3) State Board of Dental Examiners (BDE); (4) MBON; (5) MBOP; (6) Board of Physical Therapy Examiners; (7) State Board of Physicians (MBP); (8) State Board of Podiatric Medical Examiners; and (9) State Board of Professional Counselors and Therapists.

Maryland Board of Nursing

Registered Nurses and Licensed Practical Nurses: Under current law, an applicant for a registered nurse (RN) or licensed practical nurse (LPN) license must demonstrate written or oral competency in English. Acceptable proof of proficiency includes (1) after at least three years of enrollment, graduation from a recognized English-speaking undergraduate school; (2) graduation from a recognized English-speaking professional school; or (3) completion of at least five years of practicing nursing in another state or English-speaking territory of the United States. If any disciplinary charge or action that involves a problem with communicating in English is brought against a licensee, MBON must require the licensee to take and pass a board-approved standardized test of English language proficiency.

Under the bill, two additional methods for demonstrating competency in English are added: (1) passing an English proficiency exam approved by the U.S. Department of Health and Human Services; or (2) holding a valid, unencumbered multistate license under the NLC.

The bill also clarifies that MBON may not require an applicant for licensure as an RN or LPN who *is or* was previously licensed in any other state as an RN or LPN to demonstrate competency in English as a part of its examination or licensing procedures if the other state has *an* English language competency component (rather than a *similar* English language competency component) as part of its examination or licensing procedures.

Licensure by Endorsement: Under current law, MBON may issue a license by endorsement and waive any appropriate examination requirement for an applicant who has an active unencumbered RN or LPN license in any other state or country if the applicant:

- submits to the board an application on the form the board requires;
- submits to a CHRC;
- pays the application fee set by the board; and
- provides adequate evidence that they (1) met Maryland's educational requirements at the time they graduated from a nursing education program; (2) passed an examination at the time they were licensed that is similar to the Maryland examination; and (3) meet the qualifications otherwise required.

The bill clarifies that an applicant may *hold a valid, unencumbered multistate license under the NLC* as an alternative to providing the evidence specified above in order to qualify for licensure by endorsement.

State Board of Pharmacy

Under current law, an applicant for a pharmacist license must demonstrate oral competency in English by passing a board-approved standardized test of oral competency. If a disciplinary charge or action that relates to a problem with the oral communication of English is brought against a licensee, MBOP must require the licensee to pass a board-approved standardized test of oral competency.

The bill clarifies that MBOP may not require an applicant for a pharmacist license who *is or* was previously licensed in another state as a pharmacist, to demonstrate oral competency in English, if the other state's examination and licensing procedures at the time the applicant was licensed include an oral competency component. The bill repeals the requirement that the other state's oral competency component be similar to that in Maryland.

State Fiscal Effect: The bill prohibits a health occupations board from requiring an applicant who holds a valid, unrestricted license, certification, or registration from another state that requires evidence of English proficiency to provide additional evidence of such proficiency as a condition for licensure, certification, or registration. Additionally, each

health occupations board that requires proof of English proficiency must prominently maintain on its website a statement that an applicant may not be required to provide additional evidence of English proficiency if the applicant holds a valid, unrestricted license, certification, or registration from another state that requires evidence of English proficiency for licensure, certification, or registration.

MBP, MBOP, MBON, and BDE advised that the bill's requirements can be implemented with existing budgeted resources. Accordingly, this analysis assumes that most of the nine affected health occupations boards can implement the bill's requirements with existing budgeted resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 72 (Senator Lam) - Finance.

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

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Analysis by: Amberly E. Holcomb

Direct Inquiries to:
(410) 946-5510
(301) 970-5510