



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

Gary Hicks - President | Karen Evans - Executive Director
4140 Patterson Avenue, Baltimore, Maryland, 21215-2254

March 11, 2022

The Honorable Shane E. Pendergrass
Chair, Health and Government Operations
Room 241 House Office Building
Annapolis, MD 21401-1991

RE: HB 1335 – Perinatal Care – Drug and Alcohol Testing and Screening – Consent – Letter of Support with Amendments

Dear Chair Pendergrass and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of support with amendments for House Bill (HB) 1335 – Perinatal Care – Drug and Alcohol Testing and Screening – Consent. This bill prohibits health care providers from administering a drug or alcohol test or screen to pregnant and perinatal patients and newborn infants, except under certain circumstances; and requires that a certain form be provided by the Maryland Department of Health that describes medical, legal, and collateral consequences of a positive drug or alcohol test or screen result.

The Board strongly supports codifying best practices for informed consent as it relates to perinatal drug and alcohol testing and screening within the Maryland Health General Article. It is a nurse's ethical responsibility to openly communicate with and obtain consent from a patient prior to administering a service. Nurses must inform the patient of the diagnosis, the rationale for recommended interventions, and any burdens, risks, and benefits of treatment options. Nurses must subsequently assess the patient's ability to understand relevant medical information and the implications of treatment alternatives.

The Board, however, respectfully submits the following amendment to narrow the language for individuals that may administer a drug or alcohol test or screen within a health care setting. The term "hospital personnel" remains vague as it could include individuals that may never administer care to a patient; for example, environmental services personnel or legal counsel.

Section 20-120. On page 2. Lines 1 – 3.

(A) (1) A PHYSICIAN, A NURSE PRACTITIONER, A SOCIAL WORKER, HOSPITAL PERSONNEL, OR ANY OTHER HEALTH CARE PROVIDER LICENSED OR CERTIFIED UNDER THE HEALTH OCCUPATIONS ARTICLE MAY NOT ADMINISTER A DRUG....

Section 20-120. On page 2. Lines 11 – 13.

(2) A PHYSICIAN, A NURSE PRACTITIONER, A SOCIAL WORKER, HOSPITAL PERSONNEL, OR ANY OTHER HEALTH CARE PROVIDER LICENSED OR CERTIFIED UNDER THE HEALTH OCCUPATIONS ARTICLE MAY NOT ADMINISTER A DRUG....

For the reasons discussed above, the Maryland Board of Nursing respectfully submits this letter of support with amendments for HB 1335.

I hope this information is useful. For more information, please contact Iman Farid, Health Policy Analyst, at (410) 585 – 1536 or iman.farid@maryland.gov or Rhonda Scott, Deputy Director, at (410) 585 – 1953 or rhonda.scott2@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Hicks', written in a cursive style.

Gary N. Hicks
Board President

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.