



# Board of Nursing

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 25th, 2025

The Honorable Joseline Pena-Melnyk  
Chair, Health and Government Operations Committee  
Room 240  
House Office Building  
Annapolis, MD 21401

**RE: HB 845 – Public Health - Overdose and Infectious Disease Prevention Services Program**

Dear Pena-Melnyk and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of support with amendment for HB 845 Public Health - Overdose and Infectious Disease Prevention Services Program.

This bill would authorize community-based organizations to establish Overdose and Infectious Disease Prevention Services Programs, with the purpose of preventing the incidence and prevalence of drug overdoses and the spread of infectious disease. The Board supports the creation of these programs as necessary parts of a larger effort to combat drug dependence, substance abuse disorder and their downstream effects. However, the bill as currently written creates a dangerous loophole with regard to licensure boards' abilities to maintain safe practice in the state. As such, we are submitting this letter of support with an amendment which would strike the loophole from the bill, allowing for the establishment of these programs without creating dangerous situations for patients and nurses.

Substance abuse disorder remains a serious problem in our state, and is indiscriminatory in who it affects, putting at risk Marylanders of all genders, races, occupations, and socio-economic statuses. The Board has committed itself to combating this problem through the promotion of quality healthcare across the spectrum of care. In particular, the Board has concerned itself with substance abuse disorder within the nursing community, in an effort to protect not only the nurses we serve, but the patients they treat as well. Which is why, as an alternative to discipline, the Board offers a safe practice program for licensees and certificate holders with substance use disorders who meet certain criteria. The mission of the safe practice program is to ensure patient safety by monitoring nursing professionals who are struggling with substance use disorders. Enrollment in this program is strictly confidential and has no bearing on a participant's license or certificate. An individual enrolled in this program may also keep an active license and work while following a certain number of stipulations, one of the stipulations being to cease the use of any substances which might trigger a positive drug screening.

We believe this aspect of the program is essential considering the risks involved in mishandling health care, and because nurses often work in facilities or in positions where they have access to dangerous, addictive substances. As written, the proposed Overdose and Infectious Disease Prevention Services Program does not address these workplace risks, and if this bill were to pass, would allow nurses to have access to those drugs through their workplace. The Board then would be unable to either place them in the Safe Practice program to aid in their recovery, nor otherwise discipline them if they continued to use at these sites.

This bill further jeopardizes Maryland nurses' ability to stay enrolled in the Nurse Licensure Compact (NLC). The NLC is an interstate agreement which permits a nurse to hold one multistate license and practice in all participating states. The NLC serves to increase access to health care, particularly for underserved and rural communities. However, to be eligible for a multistate license, a nurse must hold an unencumbered license and be able to engage in the full and unrestricted practice of nursing. Therefore, nurses who utilize the Overdose and Infectious Disease Prevention Service Program and hold multistate licenses will be in violation of NLC rules.<sup>1</sup> This would result in the nurses' loss of license in other states despite the bill's efforts to shield participants from discipline.

For the reasons discussed above, the Board of Nursing provides this letter of support with the below amendment.

#### Amendment to House Bill 845

On page 5 line 11

(A) The following persons acting in accordance with the provision of this subtitle may not be subject to arrest, prosecution, or any civil or administrative penalty, ~~including~~ **EXCEPT** a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege for involvement in the operation or use of services of the program:

Thank you again for your time. For more information, please contact Ms. Mitzi Fishman, Director of Legislative Affairs, at 410-585-2049 or [mitzi.fishman@maryland.gov](mailto:mitzi.fishman@maryland.gov), or Ms. Rhonda Scott, Executive Director, at 410-585-1953 or [rhonda.scott2@maryland.gov](mailto:rhonda.scott2@maryland.gov).

Sincerely,



Christine Lechlitter  
Board President

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

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<sup>1</sup> The Interstate Commission of Nurse Licensure Compact Administrators. Final Rules Jan 2021.  
[https://www.ncsbn.org/FinalRulesadopted81120clean\\_ed.pdf](https://www.ncsbn.org/FinalRulesadopted81120clean_ed.pdf)