

HOUSE BILL 936

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0lr1889

By: **Delegates Krebs and Reilly**
Introduced and read first time: February 5, 2020
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Nurses – Delegation of Nursing Tasks**

3 FOR the purpose of providing that an advanced practice registered nurse is not precluded
4 from delegating a nursing task to an unlicensed individual under certain
5 circumstances; providing that a registered nurse, a licensed practical nurse, or an
6 advanced practice registered nurse is not precluded from delegating a nursing task
7 to an assistant with medical training under certain circumstances; and generally
8 relating to nurses delegating nursing tasks.

9 BY repealing and reenacting, with amendments,
10 Article – Health Occupations
11 Section 8–6A–02
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2019 Supplement)

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

16 **Article – Health Occupations**

17 8–6A–02.

18 (a) Except as otherwise provided in this subtitle, an individual shall be certified
19 by the Board to practice as a nursing assistant or medication technician before the
20 individual may practice as a nursing assistant or medication technician in the State.

21 (b) This subtitle does not apply to an individual who:

22 (1) Practices a health occupation that the individual is authorized to
23 practice under this article;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Provides for the gratuitous care of friends, domestic partners, or family
2 members;

3 (3) Performs nursing assistant tasks while a nursing student enrolled in
4 an accredited nursing program and practicing under the direct supervision of qualified
5 faculty or preceptors;

6 (4) Performs nursing assistant tasks as a student while:

7 (i) Enrolled in a Board-approved nursing assistant training
8 program; and

9 (ii) Practicing under the direct supervision of qualified faculty or
10 preceptors;

11 (5) Performs medication technician tasks as a student while practicing
12 under the direct supervision of qualified faculty; or

13 (6) Works as a principal or school secretary, does not administer
14 medication as a routine part of the position, and has completed training by the delegating
15 nurse for the occasion where the individual may need to administer medication in the
16 absence of the nurse or medication technician.

17 (c) Nothing in this section shall preclude a registered nurse [or], A licensed
18 practical nurse, **OR AN ADVANCED PRACTICE REGISTERED NURSE** from delegating a
19 nursing task to [an]:

20 **(1) SUBJECT TO ITEM (2) OF THIS SUBSECTION, AN** unlicensed
21 individual provided that acceptance of delegated nursing tasks does not become a routine
22 part of the unlicensed individual's job duties; **OR**

23 **(2) AN ASSISTANT WITH MEDICAL TRAINING IF:**

24 **(I) THE ASSISTANT PERFORMS ONLY TASKS THAT THE**
25 **ASSISTANT IS TRAINED AND ABLE TO PERFORM; AND**

26 **(II) THE DELEGATING NURSE PROVIDES:**

27 **1. INSTRUCTION TO THE ASSISTANT ON THE DELEGATED**
28 **TASK; AND**

29 **2. ON-SITE SUPERVISION OF THE ASSISTANT**
30 **PERFORMING THE DELEGATED TASK.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June

1 1, 2020.