

HOUSE BILL 482

J2

7lr1042
CF SB 385

By: ~~Delegate Cullison~~ **Delegates Cullison, Pendergrass, Bromwell, Angel, Hayes, Kelly, Kipke, Krebs, McDonough, Metzgar, Morales, Morgan, Pena-Melnyk, Platt, Rosenberg, Sample-Hughes, West, and K. Young**

Introduced and read first time: January 27, 2017
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 15, 2017

CHAPTER _____

1 AN ACT concerning

2 **Maryland Nurse Practice Act – Revisions**

3 FOR the purpose of altering the membership of the State Board of Nursing; requiring that
4 certain petitions for membership on the Board have at least a certain number of
5 signatures of support from nurses with a certain license; altering the requirements
6 for the election of Board officers; requiring the Board to hold a special election within
7 a certain time period to fill a certain vacancy under certain circumstances; altering
8 the requirements for a quorum of the Board; authorizing the Board to employ a
9 deputy director; authorizing the Board to set standards for the practice of advanced
10 practice registered nursing, electrology, and direct-entry midwifery; altering the
11 requirement that the Board keep a list of certain nurses and other professionals
12 regulated by the Board; authorizing the Board to appoint certain committees of the
13 Board, to delegate certain duties to the executive director, and to hold the executive
14 director accountable to the Board; renaming the Rehabilitation Program to be the
15 Safe Practice Program; renaming the Rehabilitation Committee to be the Safe
16 Practice Committee; repealing the authority of a certain committee to review and
17 designate certain treatment facilities and services to which certain individuals may
18 be referred; altering the reporting requirements of the Safe Practice Committee;
19 requiring the Program to transfer to the Board certain records; authorizing the
20 Board to summarily suspend the license or certificate of certain licensees and
21 certificate holders; requiring a certain nursing education program in another state
22 or country to be substantially equivalent to an education program in this State at
23 the time of the applicant's graduation for a certain purpose; requiring certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 applicants to demonstrate written and oral competency in the English language as
2 part of the Board's examination and licensing procedures; repealing certain testing
3 requirements relating to a certain English language competency requirement for
4 certain applicants; repealing certain references to nurse psychotherapists; repealing
5 the requirement that the Board determine certain matters relating to certain
6 licensing examinations; repealing an obsolete date by which the Board was required
7 to begin requiring criminal history records checks; repealing the authority of the
8 Board to issue a temporary practice letter to certain nurses under certain
9 circumstances; altering the grounds for denying an applicant or licensee a license,
10 reprimanding a licensee, placing a licensee on probation, or suspending or revoking
11 the license of an applicant or licensee if the individual has a substance use disorder;
12 requiring the Board to determine the Maryland passing rate for a certain
13 examination; requiring certain advanced practice registered nurses to report certain
14 information relating to knowledge of certain nurses with a substance use disorder;
15 repealing the requirement that the Board, in consultation with the State Board of
16 Pharmacy and the State Board of Physicians, establish a certain drug formulary for
17 the practice of nurse midwifery; repealing the Board's authority to issue a certain
18 replacement registration certificate and to set a certain fee; repealing the Board's
19 authority to deny the issuance of a certain temporary practice certificate to a certain
20 applicant under certain circumstances; requiring the Board to consider certain
21 information before the Board initiates a disciplinary action against a certain
22 certificate holder or licensee based on information received from a criminal history
23 records check at the time of renewal of a certain certificate or license; prohibiting the
24 Board from renewing a certain certificate without certain documentation that a
25 certain applicant has submitted to a criminal history records check; providing that
26 members of a certain advisory committee are entitled to receive certain
27 compensation and reimbursement for certain expenses; requiring an applicant for a
28 license to practice electrology to take a certain written examination; authorizing the
29 Board or a designee of the Board to give clinical examinations and reexaminations
30 to certain applicants; requiring the Board to provide a certain notice and determine
31 the passing score for a certain examination; repealing the authority of the Board to
32 take certain action against a certain licensee for failing to display a certain notice;
33 repealing the requirement that an electrologist display a certain notice; prohibiting
34 an individual from representing to the public that the individual is authorized to
35 practice advanced practice registered nursing unless authorized to practice advanced
36 practice registered nursing; prohibiting an individual from practicing advanced
37 practice registered nursing under color of a fraudulent diploma, license, certificate,
38 or record; prohibiting an individual from knowingly employing an individual to
39 practice advanced practice registered nursing if the individual is not authorized to
40 practice advanced practice registered nursing; defining certain terms; altering
41 certain defined terms and definitions of certain terms; updating certain terminology;
42 repealing an obsolete provision of law; making conforming and stylistic changes; and
43 generally relating to revisions to the Maryland Nurse Practice Act.

44 BY repealing and reenacting, with amendments,
45 Article – Health Occupations

1 Section 8–101, 8–202(a) through (d), 8–203, 8–204, 8–205(a), 8–208, 8–302, 8–304,
 2 8–305, 8–306, 8–312(g), 8–315, 8–316(a), 8–401, 8–505, 8–601, 8–6A–07,
 3 8–6A–08(k), 8–6A–10(a), 8–6B–10, 8–6B–14(k), 8–6B–18, 8–701 through
 4 8–703, 8–705(a) and (b), and 8–706
 5 Annotated Code of Maryland
 6 (2014 Replacement Volume and 2016 Supplement)

7 BY adding to
 8 Article – Health Occupations
 9 Section 8–302.1 and 8–6A–13(g)
 10 Annotated Code of Maryland
 11 (2014 Replacement Volume and 2016 Supplement)

12 BY repealing and reenacting, without amendments,
 13 Article – Health Occupations
 14 Section 8–6A–13(a)
 15 Annotated Code of Maryland
 16 (2014 Replacement Volume and 2016 Supplement)

17 BY repealing
 18 Article – Health Occupations
 19 Section 8–6B–26
 20 Annotated Code of Maryland
 21 (2014 Replacement Volume and 2016 Supplement)

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

24 **Article – Health Occupations**

25 8–101.

26 (a) In this title the following words have the meanings indicated.

27 (b) “Advanced practice **REGISTERED** nurse” means an individual who:

28 (1) **(I)** Is licensed by the Board to practice registered nursing; **OR**

29 **(II) HAS A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE**
 30 **REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT; and**

31 (2) Is certified by the Board to practice as:

32 (i) A nurse practitioner;

33 (ii) A nurse anesthetist;

1 (iii) A nurse midwife; **OR**

2 (iv) [A nurse psychotherapist; or

3 (v)] A clinical nurse specialist.

4 (c) “Applicant” means, unless the context requires otherwise:

5 (1) An individual applying for an initial license by examination or
6 endorsement;

7 (2) A licensee applying for renewal of a license; [or]

8 **(3) AN INDIVIDUAL APPLYING FOR AN INITIAL ADVANCED PRACTICE**
9 **REGISTERED NURSE CERTIFICATION;**

10 **(4) A LICENSEE APPLYING FOR RENEWAL OF AN ADVANCED**
11 **PRACTICE REGISTERED NURSE CERTIFICATION; OR**

12 ~~[(3)]~~ **(5)** An individual applying for reinstatement of a license in
13 accordance with § 8–319 of this title.

14 (d) “Board” means the State Board of Nursing.

15 (e) “Expired license” means, unless the context requires otherwise, a license that
16 was not renewed before the expiration date of the license as established under § 8–312(a)
17 of this title.

18 (f) “Lapsed license” means, unless the context requires otherwise, a license that
19 was not renewed because a licensee failed to renew the license or otherwise did not meet
20 the renewal requirements of this title.

21 (g) “License” means, unless the context requires otherwise, a license issued by the
22 Board to practice:

23 (1) Registered nursing; [or]

24 (2) Licensed practical nursing; **OR**

25 **(3) ADVANCED PRACTICE REGISTERED NURSING.**

26 (h) “Licensed practical nurse” means, unless the context requires otherwise, an
27 individual who [is]:

28 **(1) IS licensed by the Board to practice licensed practical nursing; OR**

1 **(2) HAS A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE**
2 **LICENSED PRACTICAL NURSING UNDER THE NURSE LICENSURE COMPACT.**

3 (i) “Licensee” means, unless the context requires otherwise, a registered nurse or
4 licensed practical nurse who has:

5 (1) An active license;

6 (2) An inactive license;

7 (3) A temporary license;

8 (4) An expired temporary license;

9 (5) An expired license;

10 (6) A lapsed license;

11 (7) A suspended license; [or]

12 (8) A license subject to a reprimand, probation, or suspension; **OR**

13 **(9) A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE REGISTERED**
14 **NURSING OR LICENSED PRACTICAL NURSING UNDER THE NURSE LICENSURE**
15 **COMPACT.**

16 (j) “Mentor” means a certified **REGISTERED** nurse practitioner or a licensed
17 physician:

18 (1) Who has 3 or more years of clinical practice experience; and

19 (2) With whom an individual applying for certification as a certified nurse
20 practitioner will consult and collaborate with as needed in accordance with § 8–302(b)(5)(i)
21 of this title.

22 [(k) “Nurse practitioner” means an individual who:

23 (1) Is licensed by the Board to practice registered nursing; and

24 (2) Is certified by the Board to practice as a nurse practitioner.]

25 **(K) “PRACTICE ADVANCED PRACTICE REGISTERED NURSING” MEANS TO**
26 **PRACTICE REGISTERED NURSING WITHIN THE SCOPE OF PRACTICE IN THE AREA OF**
27 **SPECIALTY FOR WHICH THE INDIVIDUAL HOLDS A CERTIFICATION FROM A**
28 **NATIONALLY RECOGNIZED CERTIFYING BODY RECOGNIZED BY THE BOARD.**

- 1 (1) “Practice as a **REGISTERED** nurse practitioner” means to independently:
- 2 (1) Perform an act under subsection (n) of this section;
- 3 (2) Conduct a comprehensive physical assessment of an individual;
- 4 (3) Establish a medical diagnosis for common chronic stable or short-term
5 health problems;
- 6 (4) Order, perform, and interpret laboratory tests;
- 7 (5) Prescribe drugs as provided under § 8–508 of this title;
- 8 (6) Perform diagnostic, therapeutic, or corrective measures;
- 9 (7) Consult and collaborate with, or refer an individual to, an appropriate
10 licensed physician or any other health care provider as needed; and
- 11 (8) Provide emergency care.
- 12 (m) “Practice licensed practical nursing” means to perform in a team relationship
13 an act that requires specialized knowledge, judgment, and skill based on principles of
14 biological, physiological, behavioral, or sociological science to:
- 15 (1) Administer treatment or medication to an individual;
- 16 (2) Aid in the rehabilitation of an individual;
- 17 (3) Promote preventive measures in community health;
- 18 (4) Give counsel to an individual;
- 19 (5) Safeguard life and health;
- 20 (6) Teach or supervise; or
- 21 (7) Perform any additional acts authorized by the Board under § 8–205 of
22 this title.
- 23 (n) (1) “Practice registered nursing” means the performance of acts requiring
24 substantial specialized knowledge, judgment, and skill based on the biological,
25 physiological, behavioral, or sociological sciences as the basis for assessment, nursing
26 diagnosis, planning, implementation, and evaluation of the practice of nursing in order to:
- 27 (i) Maintain health;
- 28 (ii) Prevent illness; or

1 (iii) Care for or rehabilitate the ill, injured, or infirm.

2 (2) For these purposes, “practice registered nursing” includes:

3 (i) Administration;

4 (ii) Teaching;

5 (iii) Counseling;

6 (iv) Supervision, delegation, and evaluation of nursing practice;

7 (v) Execution of therapeutic regimen, including the administration
8 of medication and treatment;

9 (vi) Independent nursing functions and delegated medical functions;
10 and

11 (vii) Performance of additional acts authorized by the Board under §
12 8–205 of this title.

13 (o) “Registered nurse” means, unless the context requires otherwise, an
14 individual who [is]:

15 (1) IS licensed by the Board to practice registered nursing; OR

16 (2) HAS A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE
17 REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT.

18 (P) “REGISTERED NURSE PRACTITIONER” MEANS AN INDIVIDUAL WHO:

19 (1) (I) IS LICENSED BY THE BOARD TO PRACTICE REGISTERED
20 NURSING; OR

21 (II) HAS A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE
22 REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT; AND

23 (2) IS CERTIFIED BY THE BOARD TO PRACTICE AS A REGISTERED
24 NURSE PRACTITIONER.

25 8–202.

26 (a) (1) The Board consists of ~~13~~ 14 members.

27 (2) Of the ~~13~~ 14 Board members:

1 (i) [8] 9 shall be registered nurses;

2 (II) 1 SHALL BE A LICENSED NURSE WHO IS EITHER A LICENSED
 3 PRACTICAL NURSE, A REGISTERED NURSE, OR AN ADVANCED PRACTICE
 4 REGISTERED NURSE;

5 ~~(ii)~~ (III) [3] 2 shall be licensed practical nurses; and

6 ~~(iii)~~ (IV) 2 shall be consumers.

7 (3) Of the [8] 9 registered nurse members:

8 (i) [1] 2 shall be [certified in an] advanced practice [nursing
 9 specialty that rotates with each vacancy among the following specialties:

10 1. Nurse anesthetist;

11 2. Nurse practitioner;

12 3. Nurse midwife; and

13 4. Nurse psychotherapist] REGISTERED NURSES, ~~OF~~
 14 ~~WHICH 1 SHALL BE A REGISTERED NURSE PRACTITIONER;~~

15 (ii) 1 shall be a baccalaureate nursing educator with, at least, a
 16 master's degree in nursing or education;

17 (iii) 1 shall be an associate degree nursing educator with, at least, a
 18 master's degree in nursing or education;

19 (iv) 1 shall be a practical nursing educator with, at least, a [bachelor
 20 of science] MASTER'S degree in nursing or education;

21 (v) 1 shall be a nurse administrator with, at least, a master's degree
 22 in nursing administration, business administration, business management, education, or
 23 public health;

24 (vi) 1 shall be a nurse clinician with at least a master's degree in
 25 nursing or public health;

26 (vii) 1 shall be a currently practicing nurse, who has practiced acute
 27 care for at least 5 years, with a bachelor of science degree in nursing; and

(viii) 1 shall be a currently practicing nurse who has practiced as a delegating nurse in a supervised group living setting, as defined in COMAR [10.27.11.02(20)] **10.27.11.02(21)**, for at least 5 years.

(4) Of the [3] **2** licensed practical nurse members, at least 1 shall practice in a long-term care nursing facility.

(b) (1) The Governor shall appoint:

(i) The **ADVANCED PRACTICE** registered nurse [member certified in an advanced practice nursing specialty] **MEMBERS**, with the advice of the Secretary, from a list of qualified individuals jointly developed in accordance with the requirements of subsection (a)(3)(i) of this section and submitted to the Secretary and the Governor by the:

1. Maryland Association of Nurse Anesthetists, Inc.;

2. Nurse Practitioners Association of Maryland, Inc.;

3. Maryland ~~Coalition of Nurse Practitioners~~ **ACADEMY OF ADVANCED PRACTICE CLINICIANS**, Inc.;

4. Maryland Chapter, American College of Nurse-Midwives;
and

5. Psychiatric Advance Practice Nurses of Maryland; and

(ii) The other registered nurse members, with the advice of the Secretary, from:

1. A list of qualified individuals submitted to the Secretary and the Governor by:

A. The Maryland Nurses Association, Inc.; or

B. Any other professional nursing organization that represents at least 25 licensed registered nurses; or

2. A valid petition submitted to the Secretary and the Governor by a registered nurse with an active license under this title.

(2) The Governor shall appoint the licensed practical nurse members, with the advice of the Secretary, from:

(i) A list of qualified individuals submitted to the Secretary and the Governor by:

1 1. The Maryland Licensed Practical Nurse Association, Inc.;

2 or

3 2. Any other professional nursing organization representing

4 at least 25 licensed practical nurses; or

5 (ii) A valid petition submitted to the Secretary and the Governor by

6 a licensed practical nurse with an active license under this title.

7 (3) A list submitted to the Secretary and the Governor under this

8 subsection shall be 5 times the number of vacancies.

9 (4) A petition submitted to the Secretary and **THE** Governor under this

10 subsection shall:

11 **(I) FOR A REGISTERED NURSE MEMBER VACANCY, have at least**

12 **25 signatures of support from REGISTERED nurses with active licenses in the State;**

13 **(II) FOR AN ADVANCED PRACTICE REGISTERED NURSE MEMBER**

14 **VACANCY, HAVE AT LEAST 25 SIGNATURES OF SUPPORT FROM ADVANCED PRACTICE**

15 **REGISTERED NURSES WITH ACTIVE LICENSES IN THE STATE; AND**

16 **(III) FOR A LICENSED PRACTICAL NURSE MEMBER VACANCY,**

17 **HAVE AT LEAST 25 SIGNATURES OF SUPPORT FROM LICENSED PRACTICAL NURSES**

18 **WITH ACTIVE LICENSES IN THE STATE.**

19 (5) The Board shall provide notice of a vacancy on the Board to:

20 (i) All **REGISTERED NURSES, ADVANCED PRACTICE**

21 **REGISTERED NURSES, AND LICENSED PRACTICAL** nurses with an active license in the

22 State; and

23 (ii) All appropriate professional nursing organizations.

24 (6) The Governor may request an additional list of 5 nominees for each

25 vacancy from the appropriate professional nursing organizations.

26 (7) The Governor shall make the appointment for each vacancy from the

27 lists or petitions submitted under this subsection.

28 (8) The Governor shall appoint the consumer members with the advice of

29 the Secretary and the advice and consent of the Senate.

30 (9) To the extent practicable, the members appointed to the Board shall

31 reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

1 (c) Each member of the Board shall be:

2 (1) A citizen of the United States; and

3 (2) A resident of this State.

4 (d) (1) A registered nurse member of the Board shall:

5 (i) Have graduated from an approved school of nursing or its
6 equivalent; and

7 (ii) Have at least 5 years of experience in nursing administration,
8 education, or practice, which includes at least the 3 years immediately before the
9 appointment.

10 (2) A member of the Board who is [a] AN ADVANCED PRACTICE registered
11 nurse [certified in an advanced practice nursing specialty] shall:

12 (i) Hold a current license to practice registered nursing in this
13 State;

14 (ii) Hold a current certification in an advanced practice
15 REGISTERED nursing specialty in this State; and

16 (iii) Have at least 5 years of experience in an advanced practice
17 REGISTERED nursing education PROGRAM or practice, including at least the 3 years
18 immediately before the appointment.

19 8–203.

20 (a) (1) [From] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FROM
21 among its members, the Board shall elect a president and a secretary once every 2 years in
22 [July] JUNE OR AS REQUIRED BY SUBSECTION (C) OF THIS SECTION.

23 (2) THE PRESIDENT OF THE BOARD SHALL BE A REGISTERED NURSE.

24 (3) THE PRESIDENT SHALL SERVE A 2–YEAR TERM UNLESS:

25 (I) THE TERM OF THE MEMBER SERVING AS THE PRESIDENT
26 EXPIRES BEFORE THE END OF THE MEMBER’S TERM AS PRESIDENT; OR

27 (II) THE PRESIDENT RESIGNS.

28 (b) The Board shall determine:

1 (1) The manner of election of officers; and

2 (2) The duties of each officer.

3 (C) IF A VACANCY OCCURS UNDER SUBSECTION (A)(3)(II) OF THIS SECTION,
4 THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A PRESIDENT TO
5 COMPLETE THE TERM OF THE VACATING PRESIDENT WITHIN 30 DAYS OF THE DATE
6 OF THE VACANCY.

7 8-204.

8 (a) [(1) Except as provided in paragraph (2) of this subsection, a] A majority of
9 the [full authorized membership of] APPOINTED MEMBERS SERVING ON the Board [that
10 includes at least one officer] is a quorum.

11 [(2) In addition to the requirements of paragraph (1) of this subsection, on
12 a matter concerning licensing or disciplining of an individual, a quorum shall include:

13 (i) At least three registered nurse members if a registered nurse or
14 an applicant for a license as a registered nurse is involved; or

15 (ii) At least two licensed practical nurse members if a licensed
16 practical nurse or an applicant for a license as a licensed practical nurse is involved.]

17 (b) In addition to the other meeting requirements of this title, the Board shall
18 meet:

19 (1) At the request of the Secretary; or

20 (2) If necessary to transact its business.

21 (c) In accordance with the State budget, each member of the Board is entitled to:

22 (1) Compensation, at a rate determined by the Board, for each day on which
23 the member is engaged in the duties of the member's office; and

24 (2) Reimbursement for expenses under the Standard State Travel
25 Regulations.

26 (d) The Board may:

27 (1) Employ a staff in accordance with the State budget;

28 (2) Define the duties of its staff; and

29 (3) Employ [an]:

1 **(I)** AN executive director who shall be a registered nurse with a
2 minimum of a master's degree in nursing or the equivalent, in the judgment of the Board,
3 in professional education and administrative experience; **AND**

4 **(II)** A DEPUTY DIRECTOR WHO SHALL ASSUME THE DUTIES AND
5 AUTHORITY OF THE EXECUTIVE DIRECTOR IN THE ABSENCE OF THE EXECUTIVE
6 DIRECTOR.

7 8–205.

8 (a) In addition to the powers and duties set forth elsewhere in this title, the Board
9 has the following powers and duties:

10 (1) To adopt rules and regulations to carry out the provisions of this title;

11 (2) To set standards for the practice of registered nursing, **ADVANCED**
12 **PRACTICE REGISTERED NURSING**, licensed practical nursing, certified nursing
13 assistants, [and] certified medication technicians, **ELECTROLOGY, AND DIRECT-ENTRY**
14 **MIDWIFERY**;

15 (3) To adopt rules and regulations for the performance of delegated medical
16 functions that are recognized jointly by the State Board of Physicians and the State Board
17 of Nursing, under § 14–306(d) of this article;

18 (4) To adopt rules and regulations for the performance of additional
19 nursing acts that:

20 (i) May be performed under any condition authorized by the Board,
21 including emergencies; and

22 (ii) Require education and clinical experience;

23 (5) To adopt rules and regulations for registered nurses to perform
24 independent nursing functions that:

25 (i) Require formal education and clinical experience; and

26 (ii) May be performed under any condition authorized by the Board,
27 including emergencies;

28 (6) To adopt rules and regulations for licensed practical nurses to perform
29 additional acts in the practice of registered nursing that:

30 (i) Require formal education and clinical experience;

- 1 (ii) May be performed under any condition authorized by the Board,
2 including emergencies; and
- 3 (iii) Are recognized by the Nursing Board as proper for licensed
4 practical nurses to perform;
- 5 (7) To keep a record of its proceedings;
- 6 (8) To submit to the Governor, the Secretary, and, in accordance with
7 § 2-1246 of the State Government Article, the General Assembly, an annual report that
8 includes the following data calculated on a fiscal year basis:
- 9 (i) The number of initial and renewal licenses and certificates
10 issued;
- 11 (ii) The number of positive and negative criminal history records
12 checks results received;
- 13 (iii) The number of individuals denied initial or renewal licensure or
14 certification due to positive criminal history records checks results;
- 15 (iv) The number of individuals denied licensure or certification due
16 to reasons other than a positive criminal history records check;
- 17 (v) The number of new complaints received;
- 18 (vi) The number of complaints carried over from year to year;
- 19 (vii) The most common grounds for complaints; and
- 20 (viii) The number and types of disciplinary actions taken by the Board;
- 21 (9) To enforce the employment record requirements of this title;
- 22 (10) To keep separate lists, which lists are open to reasonable public
23 inspection, of all:
- 24 (i) Registered nurses licensed under this title;
- 25 (ii) Licensed practical nurses licensed under this title;
- 26 (iii) Nurse midwives certified under this title;
- 27 (iv) Nurse practitioners certified under this title; [and]
- 28 (v) **NURSE ANESTHETISTS CERTIFIED UNDER THIS TITLE;**

1 (VI) CLINICAL NURSE SPECIALISTS CERTIFIED UNDER THIS
2 TITLE;

3 (VII) CERTIFIED MEDICATION TECHNICIANS CERTIFIED UNDER
4 THIS TITLE;

5 (VIII) ELECTROLOGISTS LICENSED UNDER THIS TITLE;

6 (IX) DIRECT-ENTRY MIDWIVES LICENSED UNDER THIS TITLE;
7 AND

8 [(v)] (X) Other licensees with a nursing specialty that is certified
9 under this title;

10 (11) To collect any funds of the Board;

11 (12) To report any alleged violation of this title to the State's Attorney of the
12 county where the alleged violation occurred;

13 (13) In accordance with the State budget, to incur any necessary expense for
14 prosecution of an alleged violation of this title;

15 (14) On receipt of a written and signed complaint, including a referral from
16 the Commissioner of Labor and Industry, conduct an unannounced inspection of the office
17 of a nurse in independent practice, other than an office of a nurse in independent practice
18 in a hospital, related institution, freestanding medical facility, or a freestanding birthing
19 center, to determine compliance at that office with the Centers for Disease Control and
20 Prevention's guidelines on universal precautions; [and]

21 (15) To maintain a nurse aide registry that complies with federal law;

22 (16) TO APPOINT STANDING AND AD HOC COMMITTEES FROM AMONG
23 BOARD MEMBERS AS NECESSARY; AND

24 (17) TO DELEGATE TO THE EXECUTIVE DIRECTOR OF THE BOARD THE
25 AUTHORITY TO DISCHARGE BOARD DUTIES DEEMED APPROPRIATE AND NECESSARY
26 BY THE BOARD AND TO HOLD THE EXECUTIVE DIRECTOR ACCOUNTABLE TO THE
27 BOARD.

28 8-208.

29 (a) (1) In this section the following words have the meanings indicated.

30 (2) "Applicant" means an individual who has submitted an application to
31 the Board to be licensed as a registered nurse, licensed practical nurse, electrologist, or

1 licensed direct–entry midwife or to be certified as AN ADVANCED PRACTICE REGISTERED
2 NURSE, a nursing assistant, or medication technician in this State.

3 **(3) “PARTICIPANT” MEANS A REGISTERED NURSE, AN ADVANCED**
4 **PRACTICE REGISTERED NURSE, A LICENSED PRACTICAL NURSE, A NURSING**
5 **ASSISTANT, A MEDICATION TECHNICIAN, AN ELECTROLOGIST, A LICENSED**
6 **DIRECT–ENTRY MIDWIFE, OR AN APPLICANT ENROLLED IN THE SAFE PRACTICE**
7 **PROGRAM.**

8 **[(3)] (4) “Program” means the [rehabilitation] SAFE PRACTICE program.**

9 **(5) “SUBSTANCE USE DISORDER” MEANS A DISORDER THAT OCCURS**
10 **WHEN AN INDIVIDUAL EXHIBITS A PATTERN OF BEHAVIORS RANGING FROM THE**
11 **MISUSE OF, DEPENDENCE ON, OR ADDICTION TO DRUGS, ALCOHOL, OR OTHER**
12 **CHEMICALS.**

13 (b) (1) There is a [Rehabilitation] **SAFE PRACTICE** Committee in the Board.

14 (2) The Board may create [1] **ONE** or more [rehabilitation] **SAFE**
15 **PRACTICE** committees.

16 (c) (1) The Committee shall consist of 6 members.

17 (2) Of the 6 Committee members:

18 (i) 3 shall be licensed registered nurses, who have demonstrated
19 expertise in the field of [chemical dependency] **SUBSTANCE USE DISORDERS** or
20 psychiatric nursing;

21 (ii) 1 shall be a registered nurse, who has demonstrated expertise in
22 the area of pain management;

23 (iii) 1 shall be a licensed practical nurse; and

24 (iv) 1 shall be a consumer member, who is knowledgeable in the field
25 of [chemical dependency] **SUBSTANCE USE DISORDERS.**

26 (d) (1) The Board shall determine the term of a member of the Committee.

27 (2) At the end of a term, a member continues to serve until a successor is
28 appointed and qualifies.

29 (3) A Committee member who is appointed after a term has begun serves
30 only for the rest of the term and until a successor is appointed and qualifies.

1 (4) The Board may remove a Committee member for incompetence or
2 misconduct.

3 (e) (1) The Committee shall elect a chairperson and a vice-chairperson.

4 (2) The manner of election of officers shall be as the Committee determines.

5 (f) A majority of the members then serving on the Committee [Board] is a
6 quorum.

7 (g) The Committee shall determine the times and places of its meetings.

8 (h) Each member of the Committee is entitled to:

9 (1) Compensation in accordance with the State budget; and

10 (2) Reimbursement for expenses under the Standard State Travel
11 Regulations, as provided in the State budget.

12 (i) The Board may employ a staff to carry out the activities of the Committee in
13 accordance with the State budget.

14 (j) In addition to the powers set forth elsewhere in this subtitle, the Committee
15 may:

16 (1) Evaluate those **REGISTERED** nurses, **ADVANCED PRACTICE**
17 **REGISTERED NURSES, LICENSED PRACTICAL NURSES**, nursing assistants, medication
18 technicians, electrologists, licensed direct-entry midwives, or applicants who request
19 participation in the program according to the guidelines prescribed by the Board and
20 consider the recommendations for admission into the program;

21 (2) [Review and designate those treatment facilities and services to which
22 nurses, nursing assistants, medication technicians, electrologists, licensed direct-entry
23 midwives, or applicants in the program may be referred;

24 (3)] Receive and review information concerning a [nurse, nursing assistant,
25 medication technician, electrologist, licensed direct-entry midwife, or applicant
26 participating] **PARTICIPANT** in the program;

27 [(4)] **(3)** Consider in the case of each [nurse, nursing assistant,
28 medication technician, electrologist, licensed direct-entry midwife, or applicant
29 participating in a program whether the nurse, nursing assistant, medication technician,
30 electrologist, licensed direct-entry midwife, or applicant] **PARTICIPANT WHETHER THE**
31 **PARTICIPANT** may [with safety] **SAFELY** continue or resume [the] **TO** practice [of nursing
32 or delegated nursing functions, electrology, or licensed direct-entry midwifery] **OR**
33 **QUALIFY FOR LICENSURE OR CERTIFICATION TO PRACTICE**; and

1 ~~[(5)] (4)~~ Have meetings as necessary to consider the requests of
2 **REGISTERED** nurses, **ADVANCED PRACTICE REGISTERED NURSES, LICENSED**
3 **PRACTICAL NURSES**, nursing assistants, medication technicians, electrologists, licensed
4 direct–entry midwives, or applicants to participate in the program, and consider reports
5 regarding [**nurses, nursing assistants, medication technicians, electrologists, licensed**
6 direct–entry midwives, or applicants participating in the program] **PARTICIPANTS**.

7 (k) In addition to the duties set forth elsewhere in this subtitle, the Committee
8 shall:

9 (1) Prepare reports to be submitted to the Board; and

10 (2) Set forth in writing for each [**nurse, nursing assistant, medication**
11 **technician, electrologist, licensed direct–entry midwife, or applicant participating]**
12 **PARTICIPANT** in the program a [**rehabilitation program established]** **PLAN OR**
13 **AGREEMENT THAT ESTABLISHES** for that [**nurse, nursing assistant, medication**
14 **technician, electrologist, licensed direct–entry midwife, or applicant, including]**
15 **PARTICIPANT** the requirements for supervision and [**surveillance]** **MONITORING**.

16 (l) The Committee shall inform each [**nurse, nursing assistant, medication**
17 **technician, electrologist, licensed direct–entry midwife,]** **LICENSEE, CERTIFICATE**
18 **HOLDER**, or applicant who requests participation in the program of:

19 (1) The procedures followed in the program;

20 (2) The rights and responsibilities of [**the nurse, nursing assistant,**
21 **medication technician, electrologist, licensed direct–entry midwife, or applicant]** **A**
22 **PARTICIPANT** in the program; and

23 (3) The possible results of noncompliance with the program.

24 (m) (1) Each [**nurse, nursing assistant, medication technician, electrologist,**
25 **licensed direct–entry midwife]** **LICENSEE, CERTIFICATE HOLDER**, or applicant who
26 requests to participate in the program shall agree to cooperate with the individual
27 [**rehabilitation program]** **PLAN OR AGREEMENT** designed by the Committee.

28 (2) Any failure to comply with the [**provisions of a rehabilitation program]**
29 **CONDITIONS OF A PLAN OR AGREEMENT** may result in [**termination of the nurse’s,**
30 **nursing assistant’s, medication technician’s, electrologist’s, licensed direct–entry midwife’s,**
31 **or applicant’s participation in]** **THE PARTICIPANT BEING EXPELLED FROM** the program.

32 (3) **(I)** The Committee shall report **TO THE BOARD** the name and
33 license number of a **REGISTERED** nurse, **LICENSED PRACTICAL NURSE**, electrologist, or
34 licensed direct–entry midwife, the name and certificate number of **AN ADVANCED**

1 **PRACTICE REGISTERED NURSE**, a nursing assistant, or medication technician, or the
2 name of an applicant who is expelled from the program for failure to comply with the
3 conditions of [the program] **A PLAN OR AGREEMENT**.

4 **(II) THE PROGRAM SHALL TRANSFER TO THE BOARD ALL**
5 **RECORDS OF ANY PARTICIPANT EXPELLED FROM THE PROGRAM.**

6 (4) [(i) The program shall transfer to the Board all the records of any
7 nurse, nursing assistant, medication technician, electrologist, licensed direct-entry
8 midwife, or applicant] **IF A PARTICIPANT IS** expelled from the program[.

9 (ii) The], **THE** Board may [initiate]:

10 **(I) INITIATE** disciplinary action [based on the failure of the nurse,
11 nursing assistant, medication technician, electrologist, licensed direct-entry midwife, or
12 applicant to comply with the conditions of the program] in accordance with the provisions
13 of §§ 8-316 and 8-317, **§§ 8-6A-10 AND 8-6A-10.1**, §§ 8-6B-18 and
14 8-6B-19, or **[§] §§ 8-6C-20 AND 8-6C-20.1** of this title; **AND**

15 **(II) SUMMARILY SUSPEND THE LICENSE OR CERTIFICATE OF**
16 **ANY LICENSEE OR CERTIFICATE HOLDER IN ACCORDANCE WITH TITLE 10,**
17 **SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

18 (n) After the Committee has determined that [a nurse, nursing assistant,
19 medication technician, electrologist, licensed direct-entry midwife, or applicant has been
20 rehabilitated] **A PARTICIPANT NO LONGER REQUIRES MONITORING AND MAY**
21 **PRACTICE SAFELY**, the Committee shall purge and destroy all records [concerning a
22 nurse's, nursing assistant's, medication technician's, electrologist's, licensed direct-entry
23 midwife's, or applicant's] **RELATING TO THE PARTICIPANT'S** participation in the
24 program.

25 (o) All Board and Committee records [of a proceeding] concerning [the
26 rehabilitation of a nurse, nursing assistant, medication technician, electrologist, licensed
27 direct-entry midwife, or applicant] **A PARTICIPANT** in the program are confidential and
28 are not subject to discovery or subpoena in any civil or criminal action **OR DISCLOSURE**
29 **UNDER TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.**

30 (p) The Board shall provide for the representation of any [person] **INDIVIDUAL**
31 making reports to the Committee or the Board under this section in any action for
32 defamation directly resulting from reports or information given to the Committee or the
33 Board regarding a [nurse's, nursing assistant's, medication technician's, electrologist's,
34 licensed direct-entry midwife's, or applicant's] **PARTICIPANT'S** participation in the
35 program.

1 (q) (1) [Beginning July 1, 1990, and on a regular basis thereafter, the Board
2 shall require reports from the Committee.] **THE COMMITTEE SHALL SUBMIT TO THE**
3 **BOARD A REPORT EACH YEAR AND AT THE REQUEST OF THE BOARD.**

4 (2) The reports shall include:

5 [(1)] (I) Information concerning the number of cases accepted, denied, or
6 terminated with compliance or noncompliance; and

7 [(2)] (II) A cost analysis of the program.

8 8–302.

9 (a) Except as otherwise provided in this title, to qualify for a license [or
10 certification], an applicant shall be an individual who submits to a criminal history records
11 check in accordance with § 8–303 of this subtitle and meets the requirements of this section.

12 [(b) (1) An applicant for certification as an advanced practice nurse shall:

13 (i) Be a registered nurse;

14 (ii) Complete an education program approved by the Board;

15 (iii) Submit to the Board:

16 1. A completed application for certification as a nurse
17 practitioner, nurse anesthetist, nurse midwife, nurse psychotherapist, or clinical nurse
18 specialist for each area in which certification is sought;

19 2. Documentation of an active license in good standing as a
20 registered nurse in the State;

21 3. Documentation that the applicant has graduated from an
22 accredited program for advanced practice nursing for nurse practitioners, nurse
23 anesthetists, nurse midwives, nurse psychotherapists, or clinical nurse specialists; and

24 4. Documentation of certification as a nurse practitioner,
25 nurse anesthetist, nurse midwife, nurse psychotherapist, or clinical nurse specialist by a
26 nationally recognized certifying body approved by the Board; and

27 (iv) Meet any other requirements that the Board sets.

28 (2) (i) An individual certified as a nurse practitioner by a national
29 certifying body prior to October 1, 2010 who is certified by the Board and in good standing
30 shall be deemed to meet the education requirements under subsection (b)(1)(iii)3 of this
31 section.

1 (ii) An individual certified as a nurse anesthetist, nurse midwife,
2 nurse psychotherapist, or clinical nurse specialist who is certified by the Board and in good
3 standing prior to October 1, 2012, shall be deemed to meet the education requirements
4 under subsection (b)(1)(iii)3 of this section.

5 (3) In addition to the requirements for renewal of a license under § 8–312
6 of this subtitle, the Board may establish continuing education or competency requirements
7 for the renewal of a certificate under this subsection.

8 (4) (i) Subject to the provisions of this subsection, the Board may waive
9 any requirement of this subsection for an applicant who is licensed or certified to practice
10 as a nurse practitioner, nurse anesthetist, nurse midwife, nurse psychotherapist, or clinical
11 nurse specialist in any other state or country.

12 (ii) The Board may grant a waiver under this paragraph only if the
13 applicant:

14 1. Pays the application fee required by the Board under
15 § 8–304 of this subtitle;

16 2. Became licensed or certified in the other state or country
17 under requirements substantially equivalent to the certification requirements of this title;
18 and

19 3. Meets any other qualifications established by the Board.

20 (5) (i) An applicant for initial certification as a nurse practitioner who
21 has not been certified by the Board or any other board of nursing shall identify on the
22 application for certification a mentor who will consult and collaborate with the applicant
23 for 18 months beginning on the date the application for certification is received by the
24 Board.

25 (ii) A certified nurse practitioner shall practice in accordance with
26 the standards of practice of the American Association of Nurse Practitioners or any other
27 national certifying body recognized by the Board.

28 (6) Unless authorized to practice as a nurse practitioner under this title, a
29 person may not:

30 (i) Represent to the public by title or by description of services,
31 methods, or procedures, or otherwise, that the person is authorized to practice as a nurse
32 practitioner in this State;

33 (ii) Use as a title or describe the services the person provides by use
34 of the words “nurse practitioner” or “certified registered nurse practitioner”; or

1 (iii) Use the abbreviation “N.P.”, “C.R.N.P.”, or any other words,
2 letters, or symbols with the intent to represent that the person practices as a nurse
3 practitioner.

4 (7) Unless authorized to practice as a nurse anesthetist under this title, a
5 person may not:

6 (i) Practice nurse anesthesia unless certified by the Board in
7 accordance with this section; or

8 (ii) Use the title “certified nurse anesthetist”, “nurse anesthetist”, or
9 any other words, letters, or symbols with the intent to represent that the person practices
10 as a nurse anesthetist.

11 (8) Unless authorized to practice as a nurse midwife under this title, a
12 person may not:

13 (i) Practice nurse midwifery unless certified by the Board in
14 accordance with this section; or

15 (ii) Use the title “certified nurse midwife”, “nurse midwife”, or any
16 other words, letters, or symbols with the intent to represent that the person practices as a
17 nurse midwife.

18 (9) Unless authorized to practice as a nurse psychotherapist under this
19 title, a person may not:

20 (i) Practice as a nurse psychotherapist unless certified by the Board
21 in accordance with this section; or

22 (ii) Use the title “advanced practice nurse”, “certified nurse
23 psychotherapist”, “registered nurse/psychiatric mental health”, “nurse psychotherapist”, or
24 any other words, letters, or symbols with the intent to represent that the person practices
25 as a nurse psychotherapist.

26 (10) Unless authorized to practice as a clinical nurse specialist under this
27 title, a person may not:

28 (i) Practice as a clinical nurse specialist unless certified by the
29 Board in accordance with this section; or

30 (ii) Use the title “certified clinical nurse specialist”, “clinical nurse
31 specialist”, “clinical registered nurse specialist”, “clinical nurse specialist graduate”, or any
32 other words, letters, or symbols with the intent to represent that the person practices as a
33 clinical nurse specialist.]

1 **[(c)] (B)** An applicant for a license to practice registered nursing shall complete
2 satisfactorily and meet all requirements for a diploma or degree from:

3 (1) A registered nursing education program approved by the Board; or

4 (2) An education program in registered nursing in any other state or
5 country that the Board finds substantially equivalent to the **EDUCATION** program in this
6 State **AT THE TIME OF THE APPLICANT’S GRADUATION**.

7 **[(d)] (C)** An applicant for a license to practice licensed practical nursing shall:

8 (1) Meet all requirements for a high school diploma or its equivalent; and

9 (2) Complete satisfactorily and meet all requirements for a diploma from:

10 (i) A licensed practical nursing education program or its equivalent
11 approved by the Board; or

12 (ii) An education program in licensed practical nursing in any other
13 state or country that the Board finds substantially equivalent to the **EDUCATION** program
14 in this State **AT THE TIME OF THE APPLICANT’S GRADUATION**.

15 **[(e)] (D)** Except as otherwise provided in this title, the applicant shall pass an
16 examination developed by the National Council of State Boards of Nursing and
17 administered at a testing site approved by the National Council.

18 **[(f)] (E)** (1) Except as otherwise provided in this subsection, the Board shall
19 require as part of its examination or licensing procedures that an applicant for a license to
20 practice registered nursing or licensed practical nursing demonstrate **[an] A WRITTEN AND**
21 oral competency in the English language.

22 (2) Acceptable proof of proficiency in the **[oral]** communication of the
23 English language under this section includes:

24 (i) After at least 3 years of enrollment, graduation from a recognized
25 English-speaking undergraduate school;

26 (ii) Graduation from a recognized English-speaking professional
27 school; or

28 (iii) Completion of at least 5 years of practicing nursing in another
29 state or English-speaking territory of the United States.

30 (3) **[By regulation, the Board shall develop a procedure for testing**
31 individuals who because of their speech impairment are unable to complete satisfactorily a
32 Board approved standardized test of oral competency.

1 (4) If any disciplinary charge or action that involves a problem with [the
2 oral communication of] **COMMUNICATING IN** the English language is brought against a
3 licensee under this title, the Board shall require the licensee to take and pass a Board
4 approved standardized test of [oral] **ENGLISH LANGUAGE** competency.

5 [(5)] (4) The Board may not require that an applicant for a license to
6 practice registered nursing or licensed practical nursing who was previously licensed in any
7 other state to practice registered nursing or licensed practical nursing to demonstrate [an
8 oral] competency in the English language as part of its examination or licensing procedures
9 if the other state has a similar [oral] **ENGLISH LANGUAGE** competency component as part
10 of its examination or licensing procedures.

11 [(6)] (5) (i) The Board may issue a temporary license to any applicant
12 for a license to practice registered nursing or licensed practical nursing who was previously
13 licensed in any other state to practice registered nursing or licensed practical nursing and
14 who, except for the [oral] competency in the English language component, is otherwise
15 qualified for a license.

16 (ii) A temporary license issued under this subsection is valid only
17 until the date when the next test to demonstrate [oral] competency in the English language
18 is given.

19 [(g)] (F) An applicant for a license [or certification] under this section shall be
20 of good moral character.

21 **8-302.1.**

22 (A) **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, TO QUALIFY FOR**
23 **ADVANCED PRACTICE CERTIFICATION, AN APPLICANT SHALL:**

24 (1) **BE OF GOOD MORAL CHARACTER;**

25 (2) **SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
26 **ACCORDANCE WITH § 8-303 OF THIS SUBTITLE; AND**

27 (3) **MEET THE REQUIREMENTS OF THIS SECTION.**

28 (B) **AN APPLICANT FOR CERTIFICATION AS AN ADVANCED PRACTICE**
29 **REGISTERED NURSE SHALL:**

30 (1) (I) **BE A REGISTERED NURSE; OR**

31 (II) **HAVE A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE**
32 **REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT;**

1 **(2) COMPLETE AN EDUCATION PROGRAM APPROVED BY THE BOARD;**

2 **(3) SUBMIT TO THE BOARD:**

3 **(I) A COMPLETED APPLICATION FOR CERTIFICATION AS AN**
4 **ADVANCED PRACTICE REGISTERED NURSE FOR EACH AREA IN WHICH**
5 **CERTIFICATION IS SOUGHT;**

6 **(II) DOCUMENTATION OF:**

7 **1. AN ACTIVE LICENSE IN GOOD STANDING AS A**
8 **REGISTERED NURSE IN THE STATE; OR**

9 **2. A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE**
10 **REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT;**

11 **(III) DOCUMENTATION THAT THE APPLICANT HAS GRADUATED**
12 **FROM A GRADUATE LEVEL ACCREDITED PROGRAM FOR ADVANCED PRACTICE**
13 **REGISTERED NURSING; AND**

14 **(IV) DOCUMENTATION OF CERTIFICATION AS AN ADVANCED**
15 **PRACTICE REGISTERED NURSE BY A NATIONAL CERTIFYING BODY RECOGNIZED BY**
16 **THE BOARD;**

17 **(4) MEET THE ENGLISH LANGUAGE COMPETENCY REQUIREMENTS**
18 **UNDER § 8-302(E) OF THIS SUBTITLE; AND**

19 **(5) MEET ANY OTHER REQUIREMENTS SET BY THE BOARD.**

20 **(C) AN INDIVIDUAL CERTIFIED AS A CLINICAL NURSE SPECIALIST WHO WAS**
21 **CERTIFIED BY A NATIONAL CERTIFYING BODY RECOGNIZED BY THE BOARD BEFORE**
22 **OCTOBER 1, 2012, SHALL BE DEEMED TO MEET THE REQUIREMENTS FOR**
23 **CERTIFICATION UNDER SUBSECTION (B) OF THIS SECTION WHILE THE INDIVIDUAL**
24 **REMAINS CERTIFIED AND IN GOOD STANDING.**

25 **(D) (1) AN APPLICANT FOR INITIAL CERTIFICATION AS A REGISTERED**
26 **NURSE PRACTITIONER WHO HAS NOT BEEN CERTIFIED BY THE BOARD OR ANY**
27 **OTHER BOARD OF NURSING SHALL IDENTIFY ON THE APPLICATION FOR**
28 **CERTIFICATION A MENTOR WHO WILL CONSULT AND COLLABORATE WITH THE**
29 **APPLICANT FOR 18 MONTHS BEGINNING ON THE DATE THE APPLICATION FOR**
30 **CERTIFICATION IS RECEIVED BY THE BOARD.**

1 **(2) A CERTIFIED REGISTERED NURSE PRACTITIONER SHALL**
2 **PRACTICE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE OF THE AMERICAN**
3 **ASSOCIATION OF NURSE PRACTITIONERS OR ANY OTHER NATIONAL CERTIFYING**
4 **BODY RECOGNIZED BY THE BOARD.**

5 8–304.

6 To apply for a license to practice registered nursing or licensed practical nursing, an
7 applicant shall:

8 (1) Submit to a criminal history records check in accordance with § 8–303
9 of this subtitle;

10 (2) Submit to the Board:

11 (i) An application on the form that the Board requires, including a
12 current address;

13 (ii) Written, verified evidence that the requirement of item (1) of this
14 [subsection] SECTION is being met or has been met;

15 (iii) Written, verified evidence of completion of the appropriate
16 education requirements of § 8–302 of this subtitle; and

17 (iv) Written, verified evidence satisfactory to the Board that the
18 applicant's primary state of residence is Maryland or a state that is not a party state to the
19 Nurse [Multistate] Licensure Compact set forth in Subtitle 7A of this title; and

20 (3) Pay to the Board the application fee set by the Board.

21 8–305.

22 (a) Except as otherwise provided in subsections (b) and (c) of this section, an
23 applicant who otherwise qualifies for a license as a registered nurse or as a licensed
24 practical nurse is entitled to be examined for that license as provided in this section.

25 (b) An applicant whose primary state of residence is a party state to the Nurse
26 [Multistate] Licensure Compact set forth in Subtitle 7A of this title, other than Maryland,
27 is not entitled to be examined for a license as a registered nurse or licensed practical nurse
28 in the State.

29 (c) Subject to the hearing provisions of § 8–317 of this subtitle, the Board may
30 deny the right to be examined for a license as a registered nurse or as a licensed practical
31 nurse to any applicant who is found to have violated any provision of § 8–316 of this subtitle.

1 (d) [The Board shall determine the subjects, scope, form, and passing score for
2 each examination given under this title.

3 (e)] (1) In this subsection, “preceptorship program” means:

4 (i) An organized system of clinical experience that pairs a nursing
5 student enrolled in a nursing education program that is recognized by the Board with a
6 registered nurse who meets the qualifications as a preceptor for the purpose of attaining
7 specified learning objectives; or

8 (ii) An individualized and supervised clinical experience offered by
9 an institution employing nurses that complies with the requirements for temporary
10 licensure for the purpose of facilitating an inactive licensee to return to active practice in
11 accordance with the requirements of paragraph (2) of this subsection.

12 (2) An applicant whose nursing education program was completed 5 or
13 more years prior to passing the licensure examination and who has not practiced for at
14 least 1,000 hours in the previous 5 years may only be issued an inactive license until
15 submission to the Board of satisfactory evidence that the applicant has successfully
16 completed:

17 (i) A nursing review course approved by the Board; or

18 (ii) A preceptorship program approved by the Board.

19 [(f)] (E) (1) Except as provided in paragraph (2) of this subsection, an
20 applicant who fails an examination may retake the examination if the applicant pays the
21 reexamination fee set by the Board for each reexamination.

22 (2) The Board, by rule or regulation, may limit the number of times that
23 an applicant may be reexamined after two failures and may limit the interval of time
24 between reexaminations.

25 8–306.

26 An applicant qualifies for certification as [a certified nurse practitioner] AN
27 **ADVANCED PRACTICE REGISTERED NURSE** only if the applicant passes a
28 Board–approved **NATIONAL** examination **FOR ADVANCED PRACTICE REGISTERED**
29 **NURSES**.

30 8–312.

31 (g) (1) (i) [Beginning July 2009, the Board shall begin a process requiring]
32 **A** criminal history records [checks] **CHECK IS REQUIRED** in accordance with § 8–303 of
33 this subtitle on:

1 (i) An application on the form required by the Board;

2 (ii) Written, verified evidence that the requirement of item (1) of this
3 subsection is being met; and

4 (iii) Any other document required by the Board; and

5 (4) Pays the fee required by the Board.

6 (b) (1) A temporary license issued to an individual who is authorized to
7 practice registered nursing in another state or who has taken and passed an examination
8 under this title authorizes the holder to practice registered nursing in this State while the
9 temporary license is effective.

10 (2) A temporary license issued to an individual who is authorized to
11 practice licensed practical nursing in another state or who has taken and passed an
12 examination under this title authorizes the holder to practice licensed practical nursing in
13 this State while the temporary license is effective.

14 (c) [(1) The Board may issue a temporary practice letter to a certified nurse
15 practitioner or certified nurse–midwife who:

16 (i) Has been issued a temporary license under this subsection; and

17 (ii) Is authorized to practice as a registered nurse.

18 (2) A temporary practice letter issued to an individual who is authorized to
19 practice as a certified nurse practitioner in another state authorizes the holder to practice
20 as a certified nurse practitioner in this State while the temporary practice letter is effective.

21 (d) (1) [Except as provided in this subtitle, a] A temporary license [and
22 temporary practice letter] may not be renewed.

23 (2) Unless the Board suspends or revokes a temporary license [or
24 temporary practice letter], each temporary license [or temporary practice letter] expires 90
25 days after the date of issue.

26 (3) A temporary license may be extended up to an additional 90 days if the
27 applicant is awaiting the completion of criminal history record information.

28 (4) A temporary license [or temporary practice letter] may be extended
29 every 90 days, provided that the total length of renewal does not exceed 12 months from
30 the date the original temporary license [or temporary practice letter] was issued, if the
31 applicant does not meet the practice requirement as provided for in regulation.

1 [(e)] (D) The Board shall revoke a temporary license [or temporary certificate]
2 if the criminal history record information forwarded to the Board in accordance with §
3 8–303 of this subtitle reveals that the applicant[, certificate holder,] or licensee has been
4 convicted or pled guilty or nolo contendere to a felony or to a crime involving moral
5 turpitude, whether or not any appeal or other proceeding is pending to have the conviction
6 or plea set aside.

7 8–316.

8 (a) Subject to the hearing provisions of § 8–317 of this subtitle, the Board may
9 deny a license or grant a license, including a license subject to a reprimand, probation, or
10 suspension, to any applicant, reprimand any licensee, place any licensee on probation, or
11 suspend or revoke the license of a licensee if the applicant or licensee:

12 (1) Fraudulently or deceptively obtains or attempts to obtain a license for
13 the applicant or for another;

14 (2) Fraudulently or deceptively uses a license;

15 (3) Is disciplined by a licensing, military, or disciplinary authority in this
16 State or in any other state or country or convicted or disciplined by a court in this State or
17 in any other state or country for an act that would be grounds for disciplinary action under
18 the Board’s disciplinary statutes;

19 (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a
20 crime involving moral turpitude, whether or not any appeal or other proceeding is pending
21 to have the conviction or plea set aside;

22 (5) Willfully and knowingly:

23 (i) Files a false report or record of an individual under the licensee’s
24 care;

25 (ii) Gives any false or misleading information about a material
26 matter in an employment application;

27 (iii) Fails to file or record any health record that is required by law;

28 (iv) Obstructs the filing or recording of any health record as required
29 by law; or

30 (v) Induces another [person] **INDIVIDUAL** to fail to file or record any
31 health record as required by law;

32 (6) Knowingly does any act that has been determined by the Board, in its
33 rules and regulations, to exceed the scope of practice authorized to the individual under
34 this title;

- 1 (7) Provides professional services while:
- 2 (i) Under the influence of alcohol; or
- 3 (ii) Using any narcotic or controlled dangerous substance, as defined
4 in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic
5 amounts or without valid medical indication;
- 6 (8) Does an act that is inconsistent with generally accepted professional
7 standards in the practice of registered nursing or licensed practical nursing;
- 8 (9) Is grossly negligent in the practice of registered nursing or licensed
9 practical nursing;
- 10 (10) Has violated any provision of this title;
- 11 (11) Submits a false statement to collect a fee;
- 12 (12) Is physically or mentally incompetent;
- 13 (13) Knowingly fails to report suspected child abuse in violation of § 5–704
14 of the Family Law Article;
- 15 (14) Refuses, withholds from, denies, or discriminates against an individual
16 with regard to the provision of professional services for which the licensee is licensed and
17 qualified to render because the individual is HIV positive;
- 18 (15) Except in an emergency life–threatening situation where it is not
19 feasible or practicable, fails to comply with the Centers for Disease Control and
20 Prevention’s guidelines on universal precautions;
- 21 (16) Is in independent practice and fails to display the notice required under
22 § 8–506 of this title;
- 23 (17) Is in breach of a service obligation resulting from the applicant’s or
24 licensee’s receipt of State or federal funding for the applicant’s or licensee’s nursing
25 education;
- 26 (18) **[Is habitually intoxicated] HAS A SUBSTANCE USE DISORDER;**
- 27 (19) Is addicted to, or habitually abuses, any narcotic or controlled
28 dangerous substance as defined in § 5–101 of the Criminal Law Article;
- 29 (20) Fails to cooperate with a lawful investigation conducted by the Board;

1 (21) Is expelled from the [rehabilitation] **SAFE PRACTICE** program
2 established pursuant to § 8–208 of this title for failure to comply with the conditions of the
3 program;

4 (22) Delegates nursing acts or responsibilities to an individual that the
5 applicant or licensee knows or has reason to know lacks the ability or knowledge to perform;

6 (23) Delegates to an unlicensed individual nursing acts or responsibilities
7 the applicant or licensee knows or has reason to know are to be performed only by a
8 registered nurse or licensed practical nurse;

9 (24) Fails to properly supervise individuals to whom nursing acts or
10 responsibilities have been delegated;

11 (25) Engages in conduct that violates the professional code of ethics;

12 (26) Is professionally incompetent;

13 (27) Practices registered nursing or licensed practical nursing without a
14 license before obtaining or renewing a license, including any period when practicing
15 registered nursing or licensed practical nursing on an expired license or a lapsed license;

16 (28) When holding an expired license or a lapsed license or after a temporary
17 license has expired in accordance with § 8–315(d) of this subtitle, commits any act that
18 would be grounds for disciplinary action under this section;

19 (29) Practices registered nursing or licensed practical nursing on a
20 nonrenewed license for a period of 16 months or longer;

21 (30) Violates regulations adopted by the Board or an order from the Board;

22 (31) Performs an act that is beyond the licensee's knowledge and skills;

23 (32) Fails to submit to a criminal history records check in accordance with §
24 8–303 of this subtitle;

25 (33) When acting in a supervisory position, directs another nurse to perform
26 an act that is beyond the nurse's knowledge and skills;

27 (34) When acting in a supervisory position, directs another nurse to delegate
28 a nursing task to an individual when that nurse reasonably believes:

29 (i) The individual lacks the knowledge and skills to perform the
30 task; or

31 (ii) The patient's condition does not allow delegation of the nursing
32 task; or

1 (35) Has misappropriated the property of a patient or a facility.

2 8-401.

3 (a) The Board may approve any registered nursing or licensed practical nursing
4 education program at an institution in this State.

5 (b) The Board shall:

6 (1) Keep a list of institutions in this State that currently have an approved
7 registered nursing or licensed practical nursing education program;

8 (2) Set standards for approval of education programs for registered nurses
9 and licensed practical nurses at institutions in this State;

10 **(3) DETERMINE THE MARYLAND PASSING RATE FOR THE NATIONAL**
11 **NURSE LICENSURE EXAMINATION EACH YEAR;**

12 **[(3)] (4)** Evaluate the need for an education program for registered nurses
13 or licensed practical nurses in the geographic area in which the program is proposed to be
14 located; and

15 **[(4)] (5)** Survey approved nursing education programs as it considers
16 necessary.

17 8-505.

18 (a) Except as provided in subsection (b) of this section, the following applies:

19 (1) If a nursing administrator, A registered nurse, **AN ADVANCED**
20 **PRACTICE REGISTERED NURSE**, A licensed practical nurse, or A certified nursing
21 assistant knows of an action or condition that might be grounds for action under § 8-316
22 or Subtitle 6A of this title, the nursing administrator, registered nurse, **ADVANCED**
23 **PRACTICE REGISTERED NURSE**, licensed practical nurse, or certified nursing assistant
24 shall report the action or condition to the Board; and

25 (2) An individual shall have the immunity from liability described under §
26 5-709 of the Courts and Judicial Proceedings Article for making a report as required by
27 this subsection.

28 (b) If a nurse administrator, A registered nurse, **AN ADVANCED PRACTICE**
29 **REGISTERED NURSE**, A licensed practical nurse, or A certified nursing assistant has
30 reason to know that a licensee or certificate holder has committed an action or has a
31 condition that might be grounds for reprimand or probation of the licensee or certificate
32 holder or suspension or revocation of the license under § 8-316 or § 8-6A-10 of this title

1 because the licensee or certificate holder [is alcohol impaired or drug impaired] **HAS A**
2 **SUBSTANCE USE DISORDER**, the nurse administrator, registered nurse, **ADVANCED**
3 **PRACTICE REGISTERED NURSE**, licensed practical nurse, or certified nursing assistant is
4 not required to report the licensee or certificate holder to the Board if:

5 (1) The nurse administrator, registered nurse, **ADVANCED PRACTICE**
6 **REGISTERED NURSE**, licensed practical nurse, or certified nursing assistant knows that
7 the licensee or certificate holder is in an alcohol or drug treatment program that is
8 accredited by the Joint Commission on Accreditation of Healthcare Organizations, is
9 certified by the Department, or is under the care of a health care practitioner who is
10 competent and capable of dealing with [alcoholism and drug abuse] **SUBSTANCE USE**
11 **DISORDER**;

12 (2) The nurse administrator, registered nurse, **ADVANCED PRACTICE**
13 **REGISTERED NURSE**, licensed practical nurse, or certified nursing assistant is able to
14 verify that the licensee or certificate holder remains in the treatment program until
15 discharge; and

16 (3) The action or condition of the licensee or certificate holder has not
17 caused injury to any [person] **INDIVIDUAL** while the licensee is practicing registered
18 nursing or licensed practical nursing or the certificate holder is working as **AN ADVANCED**
19 **PRACTICE REGISTERED NURSE OR** a nursing assistant.

20 (c) [A person] **AN INDIVIDUAL** is not required under this section to make any
21 report that would be in violation of any federal or State law, rule, or regulation concerning
22 the confidentiality of [alcohol and drug abuse] patient **SUBSTANCE USE DISORDER**
23 records.

24 8-601.

25 In this subtitle:

26 (1) "Practice nurse midwifery" means the management and care of
27 essentially normal newborns and of essentially normal women antepartally, intrapartally
28 and postpartally.

29 (2) "Practice nurse midwifery" includes:

30 (i) Family planning and well woman reproductive care;

31 (ii) The prescribing of substances commonly used in the practice of
32 nurse midwifery [as determined by the Board in consultation with the State Board of
33 Pharmacy and the State Board of Physicians];

1 (iii) The prescribing of controlled substances on Schedules II, III, IV,
2 and V commonly used in the practice of nurse midwifery [as determined by the Board in
3 consultation with the State Board of Pharmacy and the State Board of Physicians]; and

4 (iv) The dispensing of the substances prescribed in accordance with
5 the provisions of subparagraphs (ii) and (iii) of this paragraph in the course of treating a
6 patient at:

7 1. A medical facility or clinic that is operated on a nonprofit
8 basis;

9 2. A health center that operates on a campus of an institution
10 of higher education; or

11 3. A public health facility, a medical facility under contract
12 with a State or local health department, or a facility funded with public funds.

13 8-6A-07.

14 (a) Subject to [subsection (g)] **SUBSECTION (F)** of this section, the Board shall
15 certify any applicant who meets the requirements of this subtitle.

16 (b) (1) The Board shall:

17 (i) Issue each new certified nursing assistant or medication
18 technician a certificate number and registration certificate that indicates the initial
19 certificate was issued by the Board; and

20 (ii) Electronically record each certificate in the Board's database and
21 on the Board's Web site.

22 (2) Each certificate shall include:

23 (i) Any expiration date;

24 (ii) The type of certificate; and

25 (iii) Any specific category of nursing assistant.

26 (c) An individual who has met the requirements for a certified nursing assistant
27 shall be certified with the title of "certified nursing assistant".

28 (d) An individual who routinely performs nursing tasks delegated by a registered
29 nurse or licensed practical nurse for compensation and has also completed a
30 Board-approved course in medication administration shall be certified with the title of
31 "certified medicine aide".

1 (e) An individual who has met the requirements for a certified medication
2 technician shall be certified with the title of “certified medication technician”.

3 (f) [The Board may issue a registration certificate to replace a lost, destroyed, or
4 mutilated certificate, if the certificate holder pays the certificate replacement fee set by the
5 Board.

6 (g) (1) The Board may issue a temporary practice certificate to an applicant
7 who:

8 (i) Has met the appropriate certification requirements of this
9 subtitle to the satisfaction of the Board; AND

10 (ii) Does not have a criminal record and has not been the subject of
11 a health professional disciplinary action in this State or another jurisdiction[; and

12 (iii) Does not have a criminal charge or a health professional
13 disciplinary action pending in this State or another jurisdiction].

14 (2) Unless the Board suspends or revokes a temporary practice certificate,
15 the temporary practice certificate expires 90 days after issuance.

16 (3) A temporary practice certificate may be extended up to an additional 90
17 days if the applicant is awaiting the completion of criminal history record information.

18 [(h)] (G) A medication technician graduate may practice for no more than 90
19 days from the date of completion of a medication technician training program without
20 certification by the Board.

21 [(i)] (H) (1) On receipt of the criminal history record information of an
22 applicant for certification as a certified nursing assistant forwarded to the Board in
23 accordance with § 8–303 of this title, in determining whether to grant a certificate, the
24 Board shall consider:

25 (i) The age at which the crime was committed;

26 (ii) The circumstances surrounding the crime;

27 (iii) The length of time that has passed since the crime;

28 (iv) Subsequent work history;

29 (v) Employment and character references; and

30 (vi) Other evidence that demonstrates whether the applicant poses a
31 threat to the public health or safety.

1 (2) The Board may not issue a certificate if the criminal history record
2 information required under § 8–303 of this title has not been received.

3 8–6A–08.

4 (k) (1) (i) The Board shall require criminal history records checks in
5 accordance with § 8–303 of this title on:

6 1. Selected applicants for certification as a certified nursing
7 assistant who renew their certificates every 2 years as determined by regulations adopted
8 by the Board; and

9 2. Each former certified nursing assistant who files for
10 reinstatement under subsection (g) of this section after failing to renew the certificate for a
11 period of 1 year or more.

12 (ii) An additional criminal history records check shall be performed
13 every 12 years thereafter.

14 (2) On receipt of the criminal history record information of a certificate
15 holder forwarded to the Board in accordance with § 8–303 of this title, in determining
16 whether to [renew the certificate] **INITIATE DISCIPLINARY ACTION AGAINST THE**
17 **CERTIFICATE HOLDER BASED ON THE INFORMATION RECEIVED**, the Board shall
18 consider:

19 (i) The age at which the crime was committed;

20 (ii) The circumstances surrounding the crime;

21 (iii) The length of time that has passed since the crime;

22 (iv) Subsequent work history;

23 (v) Employment and character references; and

24 (vi) Other evidence that demonstrates whether the certificate holder
25 poses a threat to the public health or safety.

26 (3) The Board may not renew a certificate [if the] **WITHOUT WRITTEN**
27 **DOCUMENTATION THAT THE APPLICANT HAS SUBMITTED TO A** criminal history
28 **[record information] RECORDS CHECK AS** required under § 8–303 of this title **[has not**
29 **been received]**.

30 8–6A–10.

- 1 (a) Subject to the hearing provisions of § 8–317 of this title and § 8–6A–10.1 of
2 this subtitle, the Board may deny a certificate or grant a certificate, including a certificate
3 subject to a reprimand, probation, or suspension, to any applicant, reprimand any
4 certificate holder, place any certificate holder on probation, or suspend or revoke the
5 certificate of a certificate holder, if the applicant or certificate holder:
- 6 (1) Fraudulently or deceptively obtains or attempts to obtain a certificate
7 for the applicant or for another;
- 8 (2) Fraudulently or deceptively uses a certificate;
- 9 (3) Is disciplined by a licensing, military, or disciplinary authority in this
10 State or in any other state or country or convicted or disciplined by a court in this State or
11 in any other state or country for an act that would be grounds for disciplinary action under
12 the Board’s disciplinary statutes;
- 13 (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a
14 crime involving moral turpitude, whether or not any appeal or other proceeding is pending
15 to have the conviction or plea set aside;
- 16 (5) Files a false report or record of an individual under the certificate
17 holder’s care;
- 18 (6) Gives any false or misleading information about a material matter in
19 an employment application;
- 20 (7) Fails to file or record any health record that is required by law;
- 21 (8) Induces another [person] **INDIVIDUAL** to fail to file or record any
22 health record that is required by law;
- 23 (9) Has violated any order, rule, or regulation of the Board relating to the
24 practice or certification of a nursing assistant or medication technician;
- 25 (10) Provides services as a nursing assistant or medication technician while:
- 26 (i) Under the influence of alcohol; or
- 27 (ii) Using any narcotic or controlled dangerous substance, as defined
28 in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic
29 amounts or without valid medical indication;
- 30 (11) **[Is habitually intoxicated] HAS A SUBSTANCE USE DISORDER;**
- 31 (12) Is addicted to, or habitually abuses, any narcotic or controlled
32 dangerous substance as defined in § 5–101 of the Criminal Law Article;

1 (13) Has acted in a manner inconsistent with the health or safety of [a
2 person] **AN INDIVIDUAL** under the applicant or certificate holder's care;

3 (14) Has practiced as a nursing assistant or medication technician in a
4 manner which fails to meet generally accepted standards for the practice of a nursing
5 assistant or medication technician;

6 (15) Has physically, verbally, or psychologically abused, neglected, or
7 otherwise harmed [a person] **AN INDIVIDUAL** under the applicant or certificate holder's
8 care;

9 (16) Has a physical or mental condition which renders the applicant or
10 certificate holder unable to practice as a certified nursing assistant or certified medication
11 technician with reasonable skill and safety to the patients and which may endanger the
12 health or safety of [persons] **INDIVIDUALS** under the care of the applicant or certificate
13 holder;

14 (17) Has violated the confidentiality of information or knowledge as
15 prescribed by law concerning any patient;

16 (18) Has misappropriated patient or facility property;

17 (19) Performs certified nursing assistant or certified medication technician
18 functions incompetently;

19 (20) Has violated any provision of this title or has aided or knowingly
20 permitted any [person] **INDIVIDUAL** to violate any provision of this title;

21 (21) Submits a false statement to collect a fee;

22 (22) Refuses, withholds from, denies, or discriminates against an individual
23 with regard to the provision of professional services for which the applicant or certificate
24 holder is certified and qualified to render because the individual is HIV positive;

25 (23) Except in an emergency life-threatening situation where it is not
26 feasible or practicable, fails to comply with the Centers for Disease Control and
27 Prevention's guidelines on universal precautions;

28 (24) Fails to cooperate with a lawful investigation conducted by the Board;

29 (25) Fails to comply with instructions and directions of the supervising
30 registered nurse or licensed practical nurse;

31 (26) When holding an expired certificate or a lapsed certificate, commits any
32 act that would be grounds for disciplinary action under this section;

1 (27) Practices as a nursing assistant or medication technician before
2 obtaining or renewing the certificate, including any time period when practicing as a
3 nursing assistant or medication technician on an expired certificate or a lapsed certificate;

4 (28) Impersonates another individual:

5 (i) Licensed under the provisions of this title; or

6 (ii) Who holds a certificate issued under the provisions of this title;

7 (29) Engages in conduct that violates the code of ethics;

8 (30) Performs activities that exceed the education and training of the
9 certified nursing assistant or certified medication technician;

10 (31) Is expelled from the [rehabilitation] **SAFE PRACTICE** program
11 established pursuant to § 8–208 of this title for failure to comply with the conditions of the
12 program;

13 (32) Fails to submit to a criminal history records check in accordance with §
14 8–303 of this title as required under § 8–6A–05(c)(2) of this subtitle;

15 (33) Abandons a patient; or

16 (34) Is a director of nursing, or acts in the capacity of a director of nursing
17 and knowingly employs an individual who is not authorized to perform delegated nursing
18 duties under this subtitle.

19 8–6A–13.

20 (a) The Board shall appoint an advisory committee consisting of at least 15
21 members appointed by the Board.

22 **(G) A MEMBER OF THE ADVISORY COMMITTEE IS ENTITLED TO RECEIVE:**

23 **(1) COMPENSATION, AS DETERMINED BY THE BOARD; AND**

24 **(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE**
25 **TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

26 8–6B–10.

27 (a) An applicant who otherwise qualifies for a license is entitled to be examined
28 as provided in this section.

1 **(B) AN APPLICANT SHALL TAKE A WRITTEN EXAMINATION APPROVED BY**
2 **THE BOARD.**

3 **[(b)] (C)** (1) The Board **OR THE BOARD'S DESIGNEE** shall give **CLINICAL**
4 examinations to applicants.

5 (2) The Board **OR THE BOARD'S DESIGNEE** may give reexaminations to
6 applicants who fail **[all or part of an] THE CLINICAL** examination.

7 **[(c)] (D)** The Board **OR THE BOARD'S DESIGNEE** shall notify each qualified
8 applicant of the time and place of examination **FOR THE WRITTEN AND CLINICAL**
9 **EXAMINATIONS.**

10 **[(d)] (E)** Except as otherwise provided under this subtitle, the Board shall
11 determine the **[subjects, scope, form, and]** passing score for examinations given under this
12 subtitle.

13 **[(e)] (F)** (1) An applicant may retake **[an] A WRITTEN** examination or a
14 failed section of **[an] A WRITTEN** examination after paying a reexamination fee set by the
15 Board **OR THE ADMINISTRATOR OF A NATIONAL EXAMINATION.**

16 (2) An applicant who fails two reexaminations may retake the **WRITTEN**
17 examination only if the applicant:

18 (i) Retakes the entire examination;

19 (ii) Pays the full examination fee; and

20 (iii) Completes an education program that the Board requires.

21 8-6B-14.

22 **(k)** (1) (i) **[Beginning January 2011, the] THE** Board shall **[begin a process**
23 **requiring] REQUIRE** A criminal history records **[checks] CHECK** on selected annual
24 renewal applicants as determined by regulations adopted by the Board in accordance with
25 § 8-303 of this title.

26 (ii) An additional criminal history records check shall be performed
27 every 12 years thereafter.

28 (2) On receipt of the criminal history record information of a licensee
29 forwarded to the Board in accordance with § 8-303 of this title, in determining whether to
30 **[renew a license] INITIATE DISCIPLINARY ACTION AGAINST A LICENSEE BASED ON**
31 **THE INFORMATION RECEIVED**, the Board shall consider:

- 1 (i) The age at which the crime was committed;
- 2 (ii) The circumstances surrounding the crime;
- 3 (iii) The length of time that has passed since the crime;
- 4 (iv) Subsequent work history;
- 5 (v) Employment and character references; and
- 6 (vi) Other evidence that demonstrates that the licensee does not pose
7 a threat to the public health or safety.

8 (3) The Board may not renew a license [if] **WITHOUT WRITTEN**
9 **DOCUMENTATION THAT THE APPLICANT HAS SUBMITTED TO** the criminal history
10 **[record information] RECORDS CHECK** required under § 8–303 of this title [has not been
11 received].

12 8–6B–18.

13 (a) Subject to the hearing provisions of § 8–317 of this title and § 8–6B–19 of this
14 subtitle, the Board may deny a license to an applicant, grant a license, including a license
15 subject to a reprimand, probation, or suspension, to an applicant, reprimand a licensee,
16 place a licensee on probation, or suspend or revoke a license if the applicant or licensee:

17 (1) Fraudulently or deceptively obtains or attempts to obtain a license for
18 the applicant or licensee or for another;

19 (2) Fraudulently or deceptively uses a license;

20 (3) As part of the practice of electrology, knowingly does an act that exceeds
21 the scope of the practice of electrology;

22 (4) Is grossly negligent in practicing or teaching an electrology education
23 program;

24 (5) Acts in a manner inconsistent with generally accepted standards for the
25 practice of electrology;

26 (6) Is convicted of or pleads guilty or nolo contendere to a felony or to a
27 crime involving moral turpitude, whether or not any appeal or other proceeding is pending
28 to have the conviction or plea set aside;

29 (7) Is disciplined by a licensing or disciplinary authority of any state or
30 country, convicted or disciplined by a court of any state or country, or disciplined by any
31 branch of the United States uniformed services or the Veterans Administration for an act
32 that would be grounds for disciplinary action under the Board's disciplinary statutes;

- 1 (8) Provides professional services while:
- 2 (i) Under the influence of alcohol; or
- 3 (ii) Using any narcotic or controlled dangerous substance, as defined
4 in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic
5 amounts or without valid medical indication;
- 6 (9) Uses types of instruments or procedures in the practice of electrology
7 that are not approved by the Board;
- 8 (10) Advertises in a manner that violates this subtitle;
- 9 (11) Uses a title not authorized by § 8–6B–23 of this subtitle;
- 10 (12) Is currently adjudicated as being a disabled individual under Title 13
11 of the Estates and Trusts Article;
- 12 (13) Practices electrology with an unauthorized individual or supervises or
13 aids an unauthorized individual in the practice of electrology;
- 14 (14) Willfully makes or files a false report or record in the practice of
15 electrology;
- 16 (15) Willfully fails to file or record any report as required by law, willfully
17 impedes or obstructs the filing or recording of the report, or induces another to fail to file
18 or record the report;
- 19 (16) Submits a false statement to collect a fee;
- 20 (17) Violates a provision of this subtitle or a rule or regulation adopted by
21 the Board;
- 22 (18) Uses or promotes or causes the use of a misleading, deceiving, or
23 untruthful advertising matter, promotional literature, or testimonial;
- 24 (19) Is professionally, physically, or mentally incompetent;
- 25 (20) Promotes the sale of devices, appliances, or goods to a patient so as to
26 exploit the patient for financial gain;
- 27 (21) Behaves immorally in the practice of electrology;
- 28 (22) Commits an act of unprofessional conduct in the practice of electrology;

1 (23) Refuses, withholds from, denies, or discriminates against an individual
2 with regard to the provision of professional services for which the licensee is licensed and
3 qualified to render because the individual is HIV positive;

4 (24) Except in an emergency life-threatening situation where it is not
5 feasible or practicable, fails to comply with the Centers for Disease Control and
6 Prevention's guidelines on universal precautions;

7 (25) [Fails to display the notice required under § 8-6B-26 of this subtitle;

8 (26)] Fails to submit to a criminal history records check in accordance with §
9 8-303 of this title;

10 [(27)] (26) Fails to allow an inspection under § 8-6B-06(10) and (11) of this
11 subtitle;

12 [(28)] (27) Fails to cooperate with a lawful investigation conducted by the
13 Board;

14 [(29)] (28) Practices electrology without a license before obtaining or
15 renewing a license, including any period when practicing electrology on an expired license
16 or a lapsed license; or

17 [(30)] (29) After failing to renew a license, commits any act that would be
18 grounds for disciplinary action under this section.

19 (b) In addition to any sanction authorized under this section, the Board may
20 require a licensee to comply with specified terms and conditions determined by the Board.

21 [8-6B-26.

22 If an electrologist is engaged in the private practice of electrology in the State, the
23 electrologist shall display the notice developed under § 1-207 of this article conspicuously
24 in each office where the electrologist is engaged in practice.]

25 8-701.

26 (a) Except as otherwise provided in this title, [a person] **AN INDIVIDUAL** may not
27 practice, attempt to practice, or offer to practice registered nursing, [registered nursing as
28 an] advanced practice [nurse] **REGISTERED NURSING**, or licensed practical nursing in
29 this State unless licensed by the Board to practice registered nursing, [registered nursing
30 as an] advanced practice [nurse] **REGISTERED NURSING**, or licensed practical nursing,
31 respectively.

1 (b) Except as otherwise provided in this title, [a person] **AN INDIVIDUAL** may not
2 practice, attempt to practice, or offer to practice electrology in this State unless licensed by
3 the Board to practice electrology.

4 (c) (1) Except as otherwise provided in this title, [a person] **AN INDIVIDUAL**
5 may not practice, attempt to practice, or offer to practice as a certified nursing assistant
6 unless certified by the Board as a certified nursing assistant.

7 (2) Except as otherwise provided in this title, [a person] **AN INDIVIDUAL**
8 may not practice, attempt to practice, or offer to practice as a certified nursing assistant in
9 a specific category unless certified by the Board as a certified nursing assistant in that
10 category.

11 (d) Except as otherwise provided in this title, [a person] **AN INDIVIDUAL** may not
12 practice, attempt to practice, or offer to practice as a certified medication technician in this
13 State unless certified by the Board to practice as a certified medication technician.

14 (e) Except as otherwise provided in this title, [a person] **AN INDIVIDUAL** may not
15 practice, attempt to practice, or offer to practice as a certified medicine aide unless certified
16 by the Board to practice as a certified medicine aide.

17 (e-1) Except as otherwise provided in this title, an individual may not practice,
18 attempt to practice, or offer to practice as a licensed direct-entry midwife unless licensed
19 by the Board to practice as a licensed direct-entry midwife.

20 (f) [A person] **AN INDIVIDUAL** may not require a licensee to perform an act that
21 is beyond the licensee's knowledge and skills.

22 (g) [A person] **AN INDIVIDUAL** may not direct a licensee to delegate a nursing
23 task to a nurse when the [person] **INDIVIDUAL** reasonably believes:

24 (1) The nurse lacks the knowledge and skills to perform the nursing task;
25 or

26 (2) The patient's condition does not allow delegation of the nursing task.

27 8-702.

28 Except as otherwise provided in this title, [a person] **AN INDIVIDUAL** may not
29 practice, attempt to practice, or offer to practice registered nursing, **ADVANCED PRACTICE**
30 **REGISTERED NURSING**, or licensed practical nursing beyond the scope of the license **OR**
31 **CERTIFICATE** issued to that [person] **INDIVIDUAL**.

32 8-703.

1 (a) (1) Unless authorized to practice registered nursing under this title, [a
2 person] **AN INDIVIDUAL** may not represent to the public by title, by description of services,
3 methods, or procedures, or otherwise, that the [person] **INDIVIDUAL** is authorized to
4 practice registered nursing in this State.

5 **(2) UNLESS AUTHORIZED TO PRACTICE ADVANCED PRACTICE**
6 **REGISTERED NURSING UNDER THIS TITLE, AN INDIVIDUAL MAY NOT REPRESENT TO**
7 **THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES,**
8 **OR OTHERWISE, THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE ADVANCED**
9 **PRACTICE REGISTERED NURSING IN THIS STATE.**

10 **[(2)] (3)** Unless authorized to practice licensed practical nursing under
11 this title, [a person] **AN INDIVIDUAL** may not represent to the public by title, by description
12 of services, methods, or procedures, or otherwise, that the [person] **INDIVIDUAL** is
13 authorized to practice licensed practical nursing in this State.

14 **[(3)] (4)** Unless authorized to provide patient care as a certified nursing
15 assistant or medication assistant under this title, [a person] **AN INDIVIDUAL** may not
16 represent to the public by title, by description of services, methods, or procedures, or
17 otherwise, that the [person] **INDIVIDUAL** is authorized to provide care as a certified
18 nursing assistant or medication assistant in this State.

19 **[(4)] (5)** Unless authorized to provide patient care in a specific category
20 of certified nursing assistant, [a person] **AN INDIVIDUAL** may not represent to the public
21 by title, by description of services, methods, or procedures, or otherwise, that the [person]
22 **INDIVIDUAL** is authorized to provide care as a certified nursing assistant in a specific
23 category in this State.

24 **[(5)] (6)** Unless authorized to administer medication as a medication
25 technician under this title, [a person] **AN INDIVIDUAL** may not represent to the public by
26 title, by description of services, methods, or procedures, or otherwise, that the [person]
27 **INDIVIDUAL** is authorized to administer medication as a certified medication technician in
28 this State.

29 **[(6)] (7)** Unless authorized to administer medication as a medicine aide
30 under this title, [a person] **AN INDIVIDUAL** may not represent to the public by title, by
31 description of services, methods, or procedures, or otherwise, that the [person]
32 **INDIVIDUAL** is authorized to administer medication as a certified medicine aide in this
33 State.

34 (b) Unless authorized to practice registered nursing, **ADVANCED PRACTICE**
35 **REGISTERED NURSING**, or licensed practical nursing under this title, [a person] **AN**
36 **INDIVIDUAL** may not use the word “nurse” to describe the profession of the [person]
37 **INDIVIDUAL**.

1 (c) Unless authorized to practice registered nursing under this title, [a person]
2 AN INDIVIDUAL may not use the words or terms “registered nurse”, the abbreviations
3 “R.N.”, or any other title, symbol, abbreviation, sign, card, device, or other representation
4 with the intent to represent that the [person] INDIVIDUAL practices registered nursing.

5 (D) UNLESS AUTHORIZED TO PRACTICE ADVANCED PRACTICE REGISTERED
6 NURSING UNDER THIS TITLE, AN INDIVIDUAL MAY NOT USE THE WORDS OR TERMS
7 “NURSE PRACTITIONER”, “NURSE ANESTHETIST”, “NURSE MIDWIFE”, “CLINICAL
8 NURSE SPECIALIST”, OR “ADVANCED PRACTICE REGISTERED NURSE”, THE
9 ABBREVIATIONS “NP”, “CRNA”, “CNS”, “A.P.R.N.”, OR ANY OTHER TITLE,
10 SYMBOL, ABBREVIATION, SIGN, CARD, DEVICE, OR OTHER REPRESENTATION WITH
11 THE INTENT TO REPRESENT THAT THE INDIVIDUAL PRACTICES ADVANCED
12 PRACTICE REGISTERED NURSING.

13 [(d)] (E) Unless authorized to practice licensed practical nursing under this title,
14 [a person] AN INDIVIDUAL may not use the words or terms “licensed practical nurse”, the
15 abbreviation “L.P.N.”, or any other title, symbol, abbreviation, sign, card, device, or other
16 representation with the intent to represent that the [person] INDIVIDUAL practices
17 licensed practical nursing.

18 [(e)] (F) Unless authorized to practice as a nursing graduate under this title, [a
19 person] AN INDIVIDUAL may not use the words “nursing graduate”, the abbreviation “NG”,
20 or any other title, symbol, abbreviation, sign, card, device, or other representation with the
21 intent to represent that the [person] INDIVIDUAL practices as a nursing graduate.

22 [(f)] (G) Unless authorized to practice as a certified nursing assistant under this
23 title, [a person] AN INDIVIDUAL may not use the words or terms “nursing assistant” or
24 “certified nursing assistant”, the abbreviation “CNA”, or any other title, symbol,
25 abbreviation, sign, card, device, or other representation with the intent to represent that
26 the [person] INDIVIDUAL practices as a certified nursing assistant.

27 [(g)] (H) Unless authorized to practice as a certified medication technician under
28 this title, [a person] AN INDIVIDUAL may not use the words or terms “medication
29 technician” or “certified medication technician”, the abbreviation “MT”, or any other title,
30 symbol, abbreviation, sign, card, device, or other representation with the intent to
31 represent that the [person] INDIVIDUAL practices as a certified medication technician.

32 [(h)] (I) Unless authorized to practice as a certified medicine aide under this
33 title, [a person] AN INDIVIDUAL may not use the words or terms “medicine aide” or
34 “certified medicine aide” or any other title, symbol, abbreviation, sign, card, device, or other
35 representation with the intent to represent that the [person] INDIVIDUAL practices as a
36 certified medicine aide.

1 (a) [A person] **AN INDIVIDUAL** may not practice registered nursing **OR**
2 **ADVANCED PRACTICE REGISTERED NURSING** under color of any diploma, license,
3 **CERTIFICATION**, or record that is:

4 (1) Illegally or fraudulently obtained; or

5 (2) Signed or issued unlawfully or by fraudulent representation.

6 (b) [A person] **AN INDIVIDUAL** may not practice licensed practical nursing under
7 color of any diploma, license, or record that is:

8 (1) Illegally or fraudulently obtained; or

9 (2) Signed or issued unlawfully or by fraudulent representation.

10 8–706.

11 (a) [A person] **AN INDIVIDUAL** may not knowingly employ to practice registered
12 nursing any [person] **INDIVIDUAL** who is not authorized to practice registered nursing
13 under this title.

14 **(B) AN INDIVIDUAL MAY NOT KNOWINGLY EMPLOY TO PRACTICE ADVANCED**
15 **PRACTICE REGISTERED NURSING ANY INDIVIDUAL WHO IS NOT AUTHORIZED TO**
16 **PRACTICE ADVANCED PRACTICE REGISTERED NURSING UNDER THIS TITLE.**

17 **[(b)] (C)** [A person] **AN INDIVIDUAL** may not knowingly employ to practice
18 licensed practical nursing any [person] **INDIVIDUAL** who is not authorized to practice
19 licensed practical nursing under this [subtitle] **TITLE.**

20 **[(c)] (D)** [A person] **AN INDIVIDUAL** may not knowingly employ any individual
21 who is not authorized to perform delegated nursing duties under this [subtitle] **TITLE.**

22 **[(d)] (E)** [A person] **AN INDIVIDUAL** may not knowingly employ to practice as a
23 certified nursing assistant any [person] **INDIVIDUAL** who is not authorized to practice as
24 a certified nursing assistant under this title.

25 **[(e)] (F)** [A person] **AN INDIVIDUAL** may not knowingly employ to practice as a
26 certified medication technician any [person] **INDIVIDUAL** who is not authorized to practice
27 as a certified medication technician under this title.

28 **[(f)] (G)** [A person] **AN INDIVIDUAL** may not knowingly employ to practice as a
29 certified medicine aide any [person] **INDIVIDUAL** who is not authorized to practice as a
30 certified medicine aide under this title.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.