

SENATE BILL 385

J2

(7lr1885)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government Operations* —

Introduced by **Senators Nathan–Pulliam, Benson, Eckardt, Ferguson, Kelley, Lee, Manno, Mathias, McFadden, Peters, and Robinson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

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

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.

Italics indicate opposite chamber/conference committee amendments.



1 director accountable to the Board; renaming the Rehabilitation Program to be the
2 Safe Practice Program; renaming the Rehabilitation Committee to be the Safe
3 Practice Committee; repealing the authority of a certain committee to review and
4 designate certain treatment facilities and services to which certain individuals may
5 be referred; altering the reporting requirements of the Safe Practice Committee;
6 requiring the Program to transfer to the Board certain records; authorizing the
7 Board to summarily suspend the license or certificate of certain licensees and
8 certificate holders; requiring a certain nursing education program in another state
9 or country to be substantially equivalent to an education program in this State at
10 the time of the applicant's graduation for a certain purpose; requiring certain
11 applicants to demonstrate written and oral competency in the English language as
12 part of the Board's examination and licensing procedures; repealing certain testing
13 requirements relating to a certain English language competency requirement for
14 certain applicants; repealing certain references to nurse psychotherapists; repealing
15 the requirement that the Board determine certain matters relating to certain
16 licensing examinations; repealing an obsolete date by which the Board was required
17 to begin requiring criminal history records checks; repealing the authority of the
18 Board to issue a temporary practice letter to certain nurses under certain
19 circumstances; altering the grounds for denying an applicant or licensee a license,
20 reprimanding a licensee, placing a licensee on probation, or suspending or revoking
21 the license of an applicant or licensee if the individual has a substance use disorder;
22 requiring the Board to determine the Maryland passing rate for a certain
23 examination; requiring certain advanced practice registered nurses to report certain
24 information relating to knowledge of certain nurses with a substance use disorder;
25 repealing the requirement that the Board, in consultation with the State Board of
26 Pharmacy and the State Board of Physicians, establish a certain drug formulary for
27 the practice of nurse midwifery; repealing the Board's authority to issue a certain
28 replacement registration certificate and to set a certain fee; repealing the Board's
29 authority to deny the issuance of a certain temporary practice certificate to a certain
30 applicant under certain circumstances; requiring the Board to consider certain
31 information before the Board initiates a disciplinary action against a certain
32 certificate holder or licensee based on information received from a criminal history
33 records check at the time of renewal of a certain certificate or license; prohibiting the
34 Board from renewing a certain certificate without certain documentation that a
35 certain applicant has submitted to a criminal history records check; providing that
36 members of a certain advisory committee are entitled to receive certain
37 compensation and reimbursement for certain expenses; requiring an applicant for a
38 license to practice electrology to take a certain written examination; authorizing the
39 Board or a designee of the Board to give clinical examinations and reexaminations
40 to certain applicants; requiring the Board to provide a certain notice and determine
41 the passing score for a certain examination; repealing the authority of the Board to
42 take certain action against a certain licensee for failing to display a certain notice;
43 repealing the requirement that an electrologist display a certain notice; prohibiting
44 an individual from representing to the public that the individual is authorized to
45 practice advanced practice registered nursing unless authorized to practice advanced
46 practice registered nursing; prohibiting an individual from practicing advanced
47 practice registered nursing under color of a fraudulent diploma, license, certificate,

1 or record; prohibiting an individual from knowingly employing an individual to
2 practice advanced practice registered nursing if the individual is not authorized to
3 practice advanced practice registered nursing; defining certain terms; altering
4 certain defined terms and definitions of certain terms; updating certain terminology;
5 repealing an obsolete provision of law; making conforming and stylistic changes; and
6 generally relating to revisions to the Maryland Nurse Practice Act.

7 BY repealing and reenacting, with amendments,

8 Article – Health Occupations

9 Section 8–101, 8–202(a) through (d), 8–203, 8–204, 8–205(a), 8–208, 8–302, 8–304,
10 8–305, 8–306, 8–312(g), 8–315, 8–316(a), 8–401, 8–505, 8–601, 8–6A–07,
11 8–6A–08(k), 8–6A–10(a), 8–6B–10, 8–6B–14(k), 8–6B–18, 8–701 through
12 8–703, 8–705(a) and (b), and 8–706

13 Annotated Code of Maryland

14 (2014 Replacement Volume and 2016 Supplement)

15 BY adding to

16 Article – Health Occupations

17 Section 8–302.1 and 8–6A–13(g)

18 Annotated Code of Maryland

19 (2014 Replacement Volume and 2016 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Health Occupations

22 Section 8–6A–13(a)

23 Annotated Code of Maryland

24 (2014 Replacement Volume and 2016 Supplement)

25 BY repealing

26 Article – Health Occupations

27 Section 8–6B–26

28 Annotated Code of Maryland

29 (2014 Replacement Volume and 2016 Supplement)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

31 That the Laws of Maryland read as follows:

32 **Article – Health Occupations**

33 8–101.

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

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

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

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

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

4 (i) A nurse practitioner;

5 (ii) A nurse anesthetist;

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

7 (iv) [A nurse psychotherapist; or

8 (v)] A clinical nurse specialist.

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

10 (1) An individual applying for an initial license by examination or
11 endorsement;

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

13 **(3) AN INDIVIDUAL APPLYING FOR AN INITIAL ADVANCED PRACTICE**
14 **REGISTERED NURSE CERTIFICATION;**

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

17 ~~[(3)]~~ **(5)** An individual applying for reinstatement of a license in
18 accordance with § 8–319 of this title.

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

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

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

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

28 (1) Registered nursing; [or]

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

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

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

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

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

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

10 (1) An active license;

11 (2) An inactive license;

12 (3) A temporary license;

13 (4) An expired temporary license;

14 (5) An expired license;

15 (6) A lapsed license;

16 (7) A suspended license; [or]

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

18 (9) **A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE REGISTERED**
19 **NURSING OR LICENSED PRACTICAL NURSING UNDER THE NURSE LICENSURE**
20 **COMPACT.**

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

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

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

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

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

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

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

7 (l) “Practice as a **REGISTERED** nurse practitioner” means to independently:

8 (1) Perform an act under subsection (n) of this section;

9 (2) Conduct a comprehensive physical assessment of an individual;

10 (3) Establish a medical diagnosis for common chronic stable or short-term
11 health problems;

12 (4) Order, perform, and interpret laboratory tests;

13 (5) Prescribe drugs as provided under § 8–508 of this title;

14 (6) Perform diagnostic, therapeutic, or corrective measures;

15 (7) Consult and collaborate with, or refer an individual to, an appropriate
16 licensed physician or any other health care provider as needed; and

17 (8) Provide emergency care.

18 (m) “Practice licensed practical nursing” means to perform in a team relationship
19 an act that requires specialized knowledge, judgment, and skill based on principles of
20 biological, physiological, behavioral, or sociological science to:

21 (1) Administer treatment or medication to an individual;

22 (2) Aid in the rehabilitation of an individual;

23 (3) Promote preventive measures in community health;

24 (4) Give counsel to an individual;

25 (5) Safeguard life and health;

26 (6) Teach or supervise; or

1 (7) Perform any additional acts authorized by the Board under § 8–205 of
2 this title.

3 (n) (1) “Practice registered nursing” means the performance of acts requiring
4 substantial specialized knowledge, judgment, and skill based on the biological,
5 physiological, behavioral, or sociological sciences as the basis for assessment, nursing
6 diagnosis, planning, implementation, and evaluation of the practice of nursing in order to:

7 (i) Maintain health;

8 (ii) Prevent illness; or

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

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

11 (i) Administration;

12 (ii) Teaching;

13 (iii) Counseling;

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

15 (v) Execution of therapeutic regimen, including the administration
16 of medication and treatment;

17 (vi) Independent nursing functions and delegated medical functions;
18 and

19 (vii) Performance of additional acts authorized by the Board under §
20 8–205 of this title.

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

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

24 **(2) HAS A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE**
25 **REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT.**

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

27 **(1) (I) IS LICENSED BY THE BOARD TO PRACTICE REGISTERED**
28 **NURSING; OR**

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

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

5 8-202.

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

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

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

9 (II) 1 SHALL BE A LICENSED NURSE WHO IS EITHER A LICENSED
10 PRACTICAL NURSE, A REGISTERED NURSE, OR AN ADVANCED PRACTICE REGISTERED
11 NURSE;

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

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

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

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

17 1. Nurse anesthetist;

18 2. Nurse practitioner;

19 3. Nurse midwife; and

20 4. Nurse psychotherapist] REGISTERED NURSES, ~~OF~~
21 ~~WHICH 1 SHALL BE A REGISTERED NURSE PRACTITIONER-NURSE ANESTHETIST;~~

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

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

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

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

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

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

8 (viii) 1 shall be a currently practicing nurse who has practiced as a
9 delegating nurse in a supervised group living setting, as defined in COMAR
10 [10.27.11.02(20)] **10.27.11.02(21)**, for at least 5 years.

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

13 (b) (1) The Governor shall appoint:

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

19 1. Maryland Association of Nurse Anesthetists, Inc.;

20 2. Nurse Practitioners Association of Maryland, Inc.;

21 3. ~~Maryland Coalition of Nurse Practitioners, Inc.~~

22 **MARYLAND ACADEMY OF ADVANCED PRACTICE CLINICIANS;**

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

24 and

25 5. Psychiatric Advance Practice Nurses of Maryland; and

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

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

30 A. The Maryland Nurses Association, Inc.; or

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

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

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

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

9 1. The Maryland Licensed Practical Nurse Association, Inc.;
10 or

11 2. Any other professional nursing organization representing
12 at least 25 licensed practical nurses; or

13 (ii) A valid petition submitted to the Secretary and the Governor by
14 a licensed practical nurse with an active license under this title.

15 (3) A list submitted to the Secretary and the Governor under this
16 subsection shall be 5 times the number of vacancies.

17 (4) A petition submitted to the Secretary and **THE** Governor under this
18 subsection shall:

19 **(I) FOR A REGISTERED NURSE MEMBER VACANCY, have at least**
20 **25 signatures of support from REGISTERED nurses with active licenses in the State;**

21 **(II) FOR AN ADVANCED PRACTICE REGISTERED NURSE MEMBER**
22 **VACANCY, HAVE AT LEAST 25 SIGNATURES OF SUPPORT FROM ADVANCED PRACTICE**
23 **REGISTERED NURSES WITH ACTIVE LICENSES IN THE STATE; AND**

24 **(III) FOR A LICENSED PRACTICAL NURSE MEMBER VACANCY,**
25 **HAVE AT LEAST 25 SIGNATURES OF SUPPORT FROM LICENSED PRACTICAL NURSES**
26 **WITH ACTIVE LICENSES IN THE STATE.**

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

28 (i) All **REGISTERED NURSES, ADVANCED PRACTICE**
29 **REGISTERED NURSES, AND LICENSED PRACTICAL** nurses with an active license in the
30 State; and

31 (ii) All appropriate professional nursing organizations.

1 (6) The Governor may request an additional list of 5 nominees for each
2 vacancy from the appropriate professional nursing organizations.

3 (7) The Governor shall make the appointment for each vacancy from the
4 lists or petitions submitted under this subsection.

5 (8) The Governor shall appoint the consumer members with the advice of
6 the Secretary and the advice and consent of the Senate.

7 (9) To the extent practicable, the members appointed to the Board shall
8 reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

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

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

11 (2) A resident of this State.

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

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

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

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

20 (i) Hold a current license to practice registered nursing in this
21 State;

22 (ii) Hold a current certification in an advanced practice
23 **REGISTERED** nursing specialty in this State; and

24 (iii) Have at least 5 years of experience in an advanced practice
25 **REGISTERED** nursing education **PROGRAM** or practice, including at least the 3 years
26 immediately before the appointment.

27 8–203.

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

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

2 **(3) THE PRESIDENT SHALL SERVE A 2-YEAR TERM UNLESS:**

3 **(I) THE TERM OF THE MEMBER SERVING AS THE PRESIDENT**
4 **EXPIRES BEFORE THE END OF THE MEMBER'S TERM AS PRESIDENT; OR**

5 **(II) THE PRESIDENT RESIGNS.**

6 (b) The Board shall determine:

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

8 (2) The duties of each officer.

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

13 8-204.

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

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

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

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

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

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

26 (2) If necessary to transact its business.

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

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

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

3 (d) The Board may:

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

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

6 (3) Employ [an]:

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

10 (II) A DEPUTY DIRECTOR WHO SHALL ASSUME THE DUTIES AND
11 AUTHORITY OF THE EXECUTIVE DIRECTOR IN THE ABSENCE OF THE EXECUTIVE
12 DIRECTOR.

13 8–205.

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

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

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

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

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

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

28 (ii) Require education and clinical experience;

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

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

- 1 (i) Registered nurses licensed under this title;
- 2 (ii) Licensed practical nurses licensed under this title;
- 3 (iii) Nurse midwives certified under this title;
- 4 (iv) Nurse practitioners certified under this title; [and]
- 5 **(V) NURSE ANESTHETISTS CERTIFIED UNDER THIS TITLE;**
- 6 **(VI) CLINICAL NURSE SPECIALISTS CERTIFIED UNDER THIS**
7 **TITLE;**
- 8 **(VII) CERTIFIED MEDICATION TECHNICIANS CERTIFIED UNDER**
9 **THIS TITLE;**
- 10 **(VIII) ELECTROLOGISTS LICENSED UNDER THIS TITLE;**
- 11 **(IX) DIRECT-ENTRY MIDWIVES LICENSED UNDER THIS TITLE;**
12 **AND**
- 13 **[(v)] (X)** Other licensees with a nursing specialty that is certified
14 under this title;
- 15 (11) To collect any funds of the Board;
- 16 (12) To report any alleged violation of this title to the State's Attorney of the
17 county where the alleged violation occurred;
- 18 (13) In accordance with the State budget, to incur any necessary expense for
19 prosecution of an alleged violation of this title;
- 20 (14) On receipt of a written and signed complaint, including a referral from
21 the Commissioner of Labor and Industry, conduct an unannounced inspection of the office
22 of a nurse in independent practice, other than an office of a nurse in independent practice
23 in a hospital, related institution, freestanding medical facility, or a freestanding birthing
24 center, to determine compliance at that office with the Centers for Disease Control and
25 Prevention's guidelines on universal precautions; [and]
- 26 (15) To maintain a nurse aide registry that complies with federal law;
- 27 **(16) TO APPOINT STANDING AND AD HOC COMMITTEES FROM AMONG**
28 **BOARD MEMBERS AS NECESSARY; AND**

1 **(17) TO DELEGATE TO THE EXECUTIVE DIRECTOR OF THE BOARD THE**
2 **AUTHORITY TO DISCHARGE BOARD DUTIES DEEMED APPROPRIATE AND NECESSARY**
3 **BY THE BOARD AND TO HOLD THE EXECUTIVE DIRECTOR ACCOUNTABLE TO THE**
4 **BOARD.**

5 8–208.

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

7 (2) “Applicant” means an individual who has submitted an application to
8 the Board to be licensed as a registered nurse, licensed practical nurse, electrologist, or
9 licensed direct–entry midwife or to be certified as **AN ADVANCED PRACTICE REGISTERED**
10 **NURSE**, a nursing assistant, or medication technician in this State.

11 **(3) “PARTICIPANT” MEANS A REGISTERED NURSE, AN ADVANCED**
12 **PRACTICE REGISTERED NURSE, A LICENSED PRACTICAL NURSE, A NURSING**
13 **ASSISTANT, A MEDICATION TECHNICIAN, AN ELECTROLOGIST, A LICENSED**
14 **DIRECT–ENTRY MIDWIFE, OR AN APPLICANT ENROLLED IN THE SAFE PRACTICE**
15 **PROGRAM.**

16 ~~[(3)]~~ (4) “Program” means the ~~[rehabilitation]~~ **SAFE PRACTICE** program.

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

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

22 (2) The Board may create ~~[1]~~ **ONE** or more ~~[rehabilitation]~~ **SAFE**
23 **PRACTICE** committees.

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

25 (2) Of the 6 Committee members:

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

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

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

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

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

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

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

8 (4) The Board may remove a Committee member for incompetence or
9 misconduct.

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

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

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

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

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

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

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

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

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

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

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

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

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

11 [(5) (4) Have meetings as necessary to consider the requests of
12 **REGISTERED** nurses, **ADVANCED PRACTICE REGISTERED NURSES, LICENSED**
13 **PRACTICAL NURSES**, nursing assistants, medication technicians, electrologists, licensed
14 direct-entry midwives, or applicants to participate in the program, and consider reports
15 regarding [nurses, nursing assistants, medication technicians, electrologists, licensed
16 direct-entry midwives, or applicants participating in the program] **PARTICIPANTS**.

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

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

20 (2) Set forth in writing for each [nurse, nursing assistant, medication
21 technician, electrologist, licensed direct-entry midwife, or applicant participating]
22 **PARTICIPANT** in the program a [rehabilitation program established] **PLAN OR**
23 **AGREEMENT THAT ESTABLISHES** for that [nurse, nursing assistant, medication
24 technician, electrologist, licensed direct-entry midwife, or applicant, including]
25 **PARTICIPANT** the requirements for supervision and [surveillance] **MONITORING**.

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

29 (1) The procedures followed in the program;

30 (2) The rights and responsibilities of [the nurse, nursing assistant,
31 medication technician, electrologist, licensed direct-entry midwife, or applicant] **A**
32 **PARTICIPANT** in the program; and

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

34 (m) (1) Each [nurse, nursing assistant, medication technician, electrologist,
35 licensed direct-entry midwife] **LICENSEE, CERTIFICATE HOLDER**, or applicant who

1 requests to participate in the program shall agree to cooperate with the individual
2 [rehabilitation program] **PLAN OR AGREEMENT** designed by the Committee.

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

7 (3) (I) The Committee shall report **TO THE BOARD** the name and
8 license number of a **REGISTERED** nurse, **LICENSED PRACTICAL NURSE**, electrologist, or
9 licensed direct-entry midwife, the name and certificate number of **AN ADVANCED**
10 **PRACTICE REGISTERED NURSE**, a nursing assistant, or medication technician, or the
11 name of an applicant who is expelled from the program for failure to comply with the
12 conditions of [the program] **A PLAN OR AGREEMENT**.

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

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

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

19 (I) **INITIATE** disciplinary action [based on the failure of the nurse,
20 nursing assistant, medication technician, electrologist, licensed direct-entry midwife, or
21 applicant to comply with the conditions of the program] in accordance with the provisions
22 of §§ 8-316 and 8-317, §§ **8-6A-10 AND 8-6A-10.1**, §§ 8-6B-18 and
23 8-6B-19, or [§] §§ **8-6C-20 AND 8-6C-20.1** of this title; **AND**

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

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

34 (o) All Board and Committee records [of a proceeding] concerning [the
35 rehabilitation of a nurse, nursing assistant, medication technician, electrologist, licensed

1 direct-entry midwife, or applicant] **A PARTICIPANT** in the program are confidential and
 2 are not subject to discovery or subpoena in any civil or criminal action **OR DISCLOSURE**
 3 **UNDER TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.**

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

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

13 **(2)** The reports shall include:

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

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

17 8-302.

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

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

22 (i) Be a registered nurse;

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

24 (iii) Submit to the Board:

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

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

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

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

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

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

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

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

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

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

25 1. Pays the application fee required by the Board under
26 § 8–304 of this subtitle;

27 2. Became licensed or certified in the other state or country
28 under requirements substantially equivalent to the certification requirements of this title;
29 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (ii) Use the title “advanced practice nurse,” “certified nurse
33 psychotherapist,” “registered nurse/psychiatric mental health,” “nurse psychotherapist,” or

1 any other words, letters, or symbols with the intent to represent that the person practices
2 as a nurse psychotherapist.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (ii) Graduation from a recognized English-speaking professional
6 school; or

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

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

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

16 [(5)] (4) The Board may not require that an applicant for a license to
17 practice registered nursing or licensed practical nursing who was previously licensed in any
18 other state to practice registered nursing or licensed practical nursing to demonstrate [an
19 oral] competency in the English language as part of its examination or licensing procedures
20 if the other state has a similar [oral] ENGLISH LANGUAGE competency component as part
21 of its examination or licensing procedures.

22 [(6)] (5) (i) The Board may issue a temporary license to any applicant
23 for a license to practice registered nursing or licensed practical nursing who was previously
24 licensed in any other state to practice registered nursing or licensed practical nursing and
25 who, except for the [oral] competency in the English language component, is otherwise
26 qualified for a license.

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

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

32 **8-302.1.**

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

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

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

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

5 **(B) AN APPLICANT FOR CERTIFICATION AS AN ADVANCED PRACTICE**
6 **REGISTERED NURSE SHALL:**

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

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

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

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

12 **(I) A COMPLETED APPLICATION FOR CERTIFICATION AS AN**
13 **ADVANCED PRACTICE REGISTERED NURSE FOR EACH AREA IN WHICH**
14 **CERTIFICATION IS SOUGHT;**

15 **(II) DOCUMENTATION OF:**

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

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

20 **(III) DOCUMENTATION THAT THE APPLICANT HAS GRADUATED**
21 **FROM A GRADUATE LEVEL ACCREDITED PROGRAM FOR ADVANCED PRACTICE**
22 **REGISTERED NURSING; AND**

23 **(IV) DOCUMENTATION OF CERTIFICATION AS AN ADVANCED**
24 **PRACTICE REGISTERED NURSE BY A NATIONAL CERTIFYING BODY RECOGNIZED BY**
25 **THE BOARD;**

26 **(4) MEET THE ENGLISH LANGUAGE COMPETENCY REQUIREMENTS**
27 **UNDER § 8–302(E) OF THIS SUBTITLE; AND**

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

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

6 **(D) (1) AN APPLICANT FOR INITIAL CERTIFICATION AS A REGISTERED**
7 **NURSE PRACTITIONER WHO HAS NOT BEEN CERTIFIED BY THE BOARD OR ANY**
8 **OTHER BOARD OF NURSING SHALL IDENTIFY ON THE APPLICATION FOR**
9 **CERTIFICATION A MENTOR WHO WILL CONSULT AND COLLABORATE WITH THE**
10 **APPLICANT FOR 18 MONTHS BEGINNING ON THE DATE THE APPLICATION FOR**
11 **CERTIFICATION IS RECEIVED BY THE BOARD.**

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

16 8–304.

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

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

21 (2) Submit to the Board:

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

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

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

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

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

32 8–305.

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

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

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

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

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

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

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

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

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

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

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

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

1 8–306.

2 An applicant qualifies for certification as [a certified nurse practitioner] AN
3 **ADVANCED PRACTICE REGISTERED NURSE** only if the applicant passes a
4 Board–approved **NATIONAL** examination **FOR ADVANCED PRACTICE REGISTERED**
5 **NURSES**.

6 8–312.

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

10 1. Selected annual renewal applicants as determined by
11 regulations adopted by the Board; and

12 2. Each licensee who files for reinstatement under § 8–313 of
13 this subtitle after failing to renew the license for a period of 1 year or more.

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

16 (2) On receipt of the criminal history record information of a licensee
17 forwarded to the Board in accordance with § 8–303 of this subtitle, in determining whether
18 to [renew a license] **INITIATE A DISCIPLINARY ACTION AGAINST A LICENSEE BASED**
19 **ON THE INFORMATION RECEIVED**, the Board shall consider:

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

21 (ii) The circumstances surrounding the crime;

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

23 (iv) Subsequent work history;

24 (v) Employment and character references; and

25 (vi) Other evidence that demonstrates whether the licensee poses a
26 threat to the public health or safety.

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

1 8–315.

2 (a) The Board may issue a temporary license to any applicant who:

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

5 (2) (i) Is licensed by any other state; or

6 (ii) Has taken and passed an examination under this title, but is
7 waiting for the completion of the criminal history records check;

8 (3) Submits to the Board:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 [(e)] (D) The Board shall revoke a temporary license [or temporary certificate]
11 if the criminal history record information forwarded to the Board in accordance with §
12 8–303 of this subtitle reveals that the applicant[, certificate holder,] or licensee has been
13 convicted or pled guilty or nolo contendere to a felony or to a crime involving moral
14 turpitude, whether or not any appeal or other proceeding is pending to have the conviction
15 or plea set aside.

16 8–316.

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

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

23 (2) Fraudulently or deceptively uses a license;

24 (3) Is disciplined by a licensing, military, or disciplinary authority in this
25 State or in any other state or country or convicted or disciplined by a court in this State or
26 in any other state or country for an act that would be grounds for disciplinary action under
27 the Board's disciplinary statutes;

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

31 (5) Willfully and knowingly:

32 (i) Files a false report or record of an individual under the licensee's
33 care;

- 1 (ii) Gives any false or misleading information about a material
2 matter in an employment application;
- 3 (iii) Fails to file or record any health record that is required by law;
- 4 (iv) Obstructs the filing or recording of any health record as required
5 by law; or
- 6 (v) Induces another [person] **INDIVIDUAL** to fail to file or record any
7 health record as required by law;
- 8 (6) Knowingly does any act that has been determined by the Board, in its
9 rules and regulations, to exceed the scope of practice authorized to the individual under
10 this title;
- 11 (7) Provides professional services while:
- 12 (i) Under the influence of alcohol; or
- 13 (ii) Using any narcotic or controlled dangerous substance, as defined
14 in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic
15 amounts or without valid medical indication;
- 16 (8) Does an act that is inconsistent with generally accepted professional
17 standards in the practice of registered nursing or licensed practical nursing;
- 18 (9) Is grossly negligent in the practice of registered nursing or licensed
19 practical nursing;
- 20 (10) Has violated any provision of this title;
- 21 (11) Submits a false statement to collect a fee;
- 22 (12) Is physically or mentally incompetent;
- 23 (13) Knowingly fails to report suspected child abuse in violation of § 5–704
24 of the Family Law Article;
- 25 (14) Refuses, withholds from, denies, or discriminates against an individual
26 with regard to the provision of professional services for which the licensee is licensed and
27 qualified to render because the individual is HIV positive;
- 28 (15) Except in an emergency life–threatening situation where it is not
29 feasible or practicable, fails to comply with the Centers for Disease Control and
30 Prevention’s guidelines on universal precautions;

- 1 (16) Is in independent practice and fails to display the notice required under
2 § 8–506 of this title;
- 3 (17) Is in breach of a service obligation resulting from the applicant’s or
4 licensee’s receipt of State or federal funding for the applicant’s or licensee’s nursing
5 education;
- 6 (18) [Is habitually intoxicated] **HAS A SUBSTANCE USE DISORDER**;
- 7 (19) Is addicted to, or habitually abuses, any narcotic or controlled
8 dangerous substance as defined in § 5–101 of the Criminal Law Article;
- 9 (20) Fails to cooperate with a lawful investigation conducted by the Board;
- 10 (21) 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 (22) Delegates nursing acts or responsibilities to an individual that the
14 applicant or licensee knows or has reason to know lacks the ability or knowledge to perform;
- 15 (23) Delegates to an unlicensed individual nursing acts or responsibilities
16 the applicant or licensee knows or has reason to know are to be performed only by a
17 registered nurse or licensed practical nurse;
- 18 (24) Fails to properly supervise individuals to whom nursing acts or
19 responsibilities have been delegated;
- 20 (25) Engages in conduct that violates the professional code of ethics;
- 21 (26) Is professionally incompetent;
- 22 (27) Practices registered nursing or licensed practical nursing without a
23 license before obtaining or renewing a license, including any period when practicing
24 registered nursing or licensed practical nursing on an expired license or a lapsed license;
- 25 (28) When holding an expired license or a lapsed license or after a temporary
26 license has expired in accordance with § 8–315(d) of this subtitle, commits any act that
27 would be grounds for disciplinary action under this section;
- 28 (29) Practices registered nursing or licensed practical nursing on a
29 nonrenewed license for a period of 16 months or longer;
- 30 (30) Violates regulations adopted by the Board or an order from the Board;
- 31 (31) Performs an act that is beyond the licensee’s knowledge and skills;

1 (32) Fails to submit to a criminal history records check in accordance with §
2 8–303 of this subtitle;

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

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

7 (i) The individual lacks the knowledge and skills to perform the
8 task; or

9 (ii) The patient’s condition does not allow delegation of the nursing
10 task; or

11 (35) Has misappropriated the property of a patient or a facility.
12 8–401.

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

15 (b) The Board shall:

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

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

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

22 ~~[(3)]~~ (4) Evaluate the need for an education program for registered nurses
23 or licensed practical nurses in the geographic area in which the program is proposed to be
24 located; and

25 ~~[(4)]~~ (5) Survey approved nursing education programs as it considers
26 necessary.

27 8–505.

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

29 (1) If a nursing administrator, A registered nurse, AN ADVANCED
30 PRACTICE REGISTERED NURSE, A licensed practical nurse, or A certified nursing

1 assistant knows of an action or condition that might be grounds for action under § 8–316
2 or Subtitle 6A of this title, the nursing administrator, registered nurse, **ADVANCED**
3 **PRACTICE REGISTERED NURSE**, licensed practical nurse, or certified nursing assistant
4 shall report the action or condition to the Board; and

5 (2) An individual shall have the immunity from liability described under §
6 5–709 of the Courts and Judicial Proceedings Article for making a report as required by
7 this subsection.

8 (b) If a nurse administrator, A registered nurse, **AN ADVANCED PRACTICE**
9 **REGISTERED NURSE**, A licensed practical nurse, or A certified nursing assistant has
10 reason to know that a licensee or certificate holder has committed an action or has a
11 condition that might be grounds for reprimand or probation of the licensee or certificate
12 holder or suspension or revocation of the license under § 8–316 or § 8–6A–10 of this title
13 because the licensee or certificate holder [is alcohol impaired or drug impaired] **HAS A**
14 **SUBSTANCE USE DISORDER**, the nurse administrator, registered nurse, **ADVANCED**
15 **PRACTICE REGISTERED NURSE**, licensed practical nurse, or certified nursing assistant is
16 not required to report the licensee or certificate holder to the Board if:

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

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

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

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

36 8–601.

37 In this subtitle:

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

4 (2) "Practice nurse midwifery" includes:

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

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

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

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

15 1. A medical facility or clinic that is operated on a nonprofit
16 basis;

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

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

21 8-6A-07.

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

24 (b) (1) The Board shall:

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

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

30 (2) Each certificate shall include:

- 1 (i) Any expiration date;
- 2 (ii) The type of certificate; and
- 3 (iii) Any specific category of nursing assistant.
- 4 (c) An individual who has met the requirements for a certified nursing assistant
5 shall be certified with the title of “certified nursing assistant”.
- 6 (d) An individual who routinely performs nursing tasks delegated by a registered
7 nurse or licensed practical nurse for compensation and has also completed a
8 Board–approved course in medication administration shall be certified with the title of
9 “certified medicine aide”.
- 10 (e) An individual who has met the requirements for a certified medication
11 technician shall be certified with the title of “certified medication technician”.
- 12 (f) [The Board may issue a registration certificate to replace a lost, destroyed, or
13 mutilated certificate, if the certificate holder pays the certificate replacement fee set by the
14 Board.
- 15 (g)] (1) The Board may issue a temporary practice certificate to an applicant
16 who:
- 17 (i) Has met the appropriate certification requirements of this
18 subtitle to the satisfaction of the Board; **AND**
- 19 (ii) Does not have a criminal record and has not been the subject of
20 a health professional disciplinary action in this State or another jurisdiction[; and
- 21 (iii) Does not have a criminal charge or a health professional
22 disciplinary action pending in this State or another jurisdiction].
- 23 (2) Unless the Board suspends or revokes a temporary practice certificate,
24 the temporary practice certificate expires 90 days after issuance.
- 25 (3) A temporary practice certificate may be extended up to an additional 90
26 days if the applicant is awaiting the completion of criminal history record information.
- 27 **[(h)] (G)** A medication technician graduate may practice for no more than 90
28 days from the date of completion of a medication technician training program without
29 certification by the Board.
- 30 **[(i)] (H)** (1) On receipt of the criminal history record information of an
31 applicant for certification as a certified nursing assistant forwarded to the Board in

1 accordance with § 8–303 of this title, in determining whether to grant a certificate, the
2 Board shall consider:

- 3 (i) The age at which the crime was committed;
- 4 (ii) The circumstances surrounding the crime;
- 5 (iii) The length of time that has passed since the crime;
- 6 (iv) Subsequent work history;
- 7 (v) Employment and character references; and
- 8 (vi) Other evidence that demonstrates whether the applicant poses a
9 threat to the public health or safety.

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

12 8–6A–08.

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

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

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

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

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

- 28 (i) The age at which the crime was committed;
- 29 (ii) The circumstances surrounding the crime;
- 30 (iii) The length of time that has passed since the crime;

- 1 (iv) Subsequent work history;
- 2 (v) Employment and character references; and
- 3 (vi) Other evidence that demonstrates whether the certificate holder
4 poses a threat to the public health or safety.

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

9 8–6A–10.

10 (a) Subject to the hearing provisions of § 8–317 of this title and § 8–6A–10.1 of
11 this subtitle, the Board may deny a certificate or grant a certificate, including a certificate
12 subject to a reprimand, probation, or suspension, to any applicant, reprimand any
13 certificate holder, place any certificate holder on probation, or suspend or revoke the
14 certificate of a certificate holder, if the applicant or certificate holder:

15 (1) Fraudulently or deceptively obtains or attempts to obtain a certificate
16 for the applicant or for another;

17 (2) Fraudulently or deceptively uses a certificate;

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

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

25 (5) Files a false report or record of an individual under the certificate
26 holder's care;

27 (6) Gives any false or misleading information about a material matter in
28 an employment application;

29 (7) Fails to file or record any health record that is required by law;

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

1 (9) Has violated any order, rule, or regulation of the Board relating to the
2 practice or certification of a nursing assistant or medication technician;

3 (10) Provides services as a nursing assistant or medication technician while:

4 (i) Under the influence of alcohol; or

5 (ii) Using any narcotic or controlled dangerous substance, as defined
6 in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic
7 amounts or without valid medical indication;

8 (11) ~~[Is habitually intoxicated]~~ **HAS A SUBSTANCE USE DISORDER;**

9 (12) Is addicted to, or habitually abuses, any narcotic or controlled
10 dangerous substance as defined in § 5–101 of the Criminal Law Article;

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

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

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

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

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

26 (18) Has misappropriated patient or facility property;

27 (19) Performs certified nursing assistant or certified medication technician
28 functions incompetently;

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

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

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

4 (23) 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 (24) Fails to cooperate with a lawful investigation conducted by the Board;

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

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

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

15 (28) Impersonates another individual:

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

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

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

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

21 (31) Is expelled from the [rehabilitation] **SAFE PRACTICE** program
22 established pursuant to § 8-208 of this title for failure to comply with the conditions of the
23 program;

24 (32) Fails to submit to a criminal history records check in accordance with §
25 8-303 of this title as required under § 8-6A-05(c)(2) of this subtitle;

26 (33) Abandons a patient; or

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

30 8-6A-13.

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

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

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

5 (2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE
6 TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

7 8-6B-10.

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

10 (B) AN APPLICANT SHALL TAKE A WRITTEN EXAMINATION APPROVED BY
11 THE BOARD.

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

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

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

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

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

25 (2) An applicant who fails two reexaminations may retake the WRITTEN
26 examination only if the applicant:

27 (i) Retakes the entire examination;

28 (ii) Pays the full examination fee; and

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

1 8-6B-14.

2 (k) (1) (i) [Beginning January 2011, the] **THE** Board shall [begin a process
3 requiring] **REQUIRE A** criminal history records [checks] **CHECK** on selected annual
4 renewal applicants as determined by regulations adopted by the Board in accordance with
5 § 8-303 of this title.

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

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

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

13 (ii) The circumstances surrounding the crime;

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

15 (iv) Subsequent work history;

16 (v) Employment and character references; and

17 (vi) Other evidence that demonstrates that the licensee does not pose
18 a threat to the public health or safety.

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

23 8-6B-18.

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

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

30 (2) Fraudulently or deceptively uses a license;

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

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

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

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

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

14 (8) Provides professional services while:

15 (i) Under the influence of alcohol; or

16 (ii) Using any narcotic or controlled dangerous substance, as defined
17 in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic
18 amounts or without valid medical indication;

19 (9) Uses types of instruments or procedures in the practice of electrology
20 that are not approved by the Board;

21 (10) Advertises in a manner that violates this subtitle;

22 (11) Uses a title not authorized by § 8-6B-23 of this subtitle;

23 (12) Is currently adjudicated as being a disabled individual under Title 13
24 of the Estates and Trusts Article;

25 (13) Practices electrology with an unauthorized individual or supervises or
26 aids an unauthorized individual in the practice of electrology;

27 (14) Willfully makes or files a false report or record in the practice of
28 electrology;

29 (15) Willfully fails to file or record any report as required by law, willfully
30 impedes or obstructs the filing or recording of the report, or induces another to fail to file
31 or record the report;

32 (16) Submits a false statement to collect a fee;

1 (17) Violates a provision of this subtitle or a rule or regulation adopted by
2 the Board;

3 (18) Uses or promotes or causes the use of a misleading, deceiving, or
4 untruthful advertising matter, promotional literature, or testimonial;

5 (19) Is professionally, physically, or mentally incompetent;

6 (20) Promotes the sale of devices, appliances, or goods to a patient so as to
7 exploit the patient for financial gain;

8 (21) Behaves immorally in the practice of electrology;

9 (22) Commits an act of unprofessional conduct in the practice of electrology;

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

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

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

17 (26)] Fails to submit to a criminal history records check in accordance with §
18 8-303 of this title;

19 [(27)] (26) Fails to allow an inspection under § 8-6B-06(10) and (11) of this
20 subtitle;

21 [(28)] (27) Fails to cooperate with a lawful investigation conducted by the
22 Board;

23 [(29)] (28) Practices electrology without a license before obtaining or
24 renewing a license, including any period when practicing electrology on an expired license
25 or a lapsed license; or

26 [(30)] (29) After failing to renew a license, commits any act that would be
27 grounds for disciplinary action under this section.

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

30 [8-6B-26.

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

4 8–701.

5 (a) Except as otherwise provided in this title, [a person] **AN INDIVIDUAL** may not
6 practice, attempt to practice, or offer to practice registered nursing, [registered nursing as
7 an] advanced practice [nurse] **REGISTERED NURSING**, or licensed practical nursing in
8 this State unless licensed by the Board to practice registered nursing, [registered nursing
9 as an] advanced practice [nurse] **REGISTERED NURSING**, or licensed practical nursing,
10 respectively.

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

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

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

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

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

27 (e–1) Except as otherwise provided in this title, an individual may not practice,
28 attempt to practice, or offer to practice as a licensed direct–entry midwife unless licensed
29 by the Board to practice as a licensed direct–entry midwife.

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

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

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

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

4 8-702.

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

9 8-703.

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

14 **(2) UNLESS AUTHORIZED TO PRACTICE ADVANCED PRACTICE**
15 **REGISTERED NURSING UNDER THIS TITLE, AN INDIVIDUAL MAY NOT REPRESENT TO**
16 **THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES,**
17 **OR OTHERWISE, THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE ADVANCED**
18 **PRACTICE REGISTERED NURSING IN THIS STATE.**

19 **[(2)] (3)** Unless authorized to practice licensed practical nursing under
20 this title, [a person] **AN INDIVIDUAL** may not represent to the public by title, by description
21 of services, methods, or procedures, or otherwise, that the [person] **INDIVIDUAL** is
22 authorized to practice licensed practical nursing in this State.

23 **[(3)] (4)** Unless authorized to provide patient care as a certified nursing
24 assistant or medication assistant under this title, [a person] **AN INDIVIDUAL** may not
25 represent to the public by title, by description of services, methods, or procedures, or
26 otherwise, that the [person] **INDIVIDUAL** is authorized to provide care as a certified
27 nursing assistant or medication assistant in this State.

28 **[(4)] (5)** Unless authorized to provide patient care in a specific category
29 of certified nursing assistant, [a person] **AN INDIVIDUAL** may not represent to the public
30 by title, by description of services, methods, or procedures, or otherwise, that the [person]
31 **INDIVIDUAL** is authorized to provide care as a certified nursing assistant in a specific
32 category in this State.

33 **[(5)] (6)** Unless authorized to administer medication as a medication
34 technician under this title, [a person] **AN INDIVIDUAL** may not represent to the public by
35 title, by description of services, methods, or procedures, or otherwise, that the [person]

1 **INDIVIDUAL** is authorized to administer medication as a certified medication technician in
2 this State.

3 ~~[(6)]~~ **(7)** Unless authorized to administer medication as a medicine aide
4 under this title, [a person] **AN INDIVIDUAL** may not represent to the public by title, by
5 description of services, methods, or procedures, or otherwise, that the [person]
6 **INDIVIDUAL** is authorized to administer medication as a certified medicine aide in this
7 State.

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

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

16 **(D) UNLESS AUTHORIZED TO PRACTICE ADVANCED PRACTICE REGISTERED**
17 **NURSING UNDER THIS TITLE, AN INDIVIDUAL MAY NOT USE THE WORDS OR TERMS**
18 **“NURSE PRACTITIONER”, “NURSE ANESTHETIST”, “NURSE MIDWIFE”, “CLINICAL**
19 **NURSE SPECIALIST”, OR “ADVANCED PRACTICE REGISTERED NURSE”, THE**
20 **ABBREVIATIONS “NP”, “CRNA”, “CNS”, “A.P.R.N.”, OR ANY OTHER TITLE,**
21 **SYMBOL, ABBREVIATION, SIGN, CARD, DEVICE, OR OTHER REPRESENTATION WITH**
22 **THE INTENT TO REPRESENT THAT THE INDIVIDUAL PRACTICES ADVANCED**
23 **PRACTICE REGISTERED NURSING.**

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

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

33 ~~[(f)]~~ **(G)** Unless authorized to practice as a certified nursing assistant under this
34 title, [a person] **AN INDIVIDUAL** may not use the words or terms “nursing assistant” or
35 “certified nursing assistant”, the abbreviation “CNA”, or any other title, symbol,
36 abbreviation, sign, card, device, or other representation with the intent to represent that
37 the [person] **INDIVIDUAL** practices as a certified nursing assistant.

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

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

11 8–705.

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

15 (1) Illegally or fraudulently obtained; or

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

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

19 (1) Illegally or fraudulently obtained; or

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

21 8–706.

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

25 **(B) AN INDIVIDUAL MAY NOT KNOWINGLY EMPLOY TO PRACTICE ADVANCED**
26 **PRACTICE REGISTERED NURSING ANY INDIVIDUAL WHO IS NOT AUTHORIZED TO**
27 **PRACTICE ADVANCED PRACTICE REGISTERED NURSING UNDER THIS TITLE.**

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.