

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 95

(Delegate Krebs)

Health and Government Operations

Education, Health, and Environmental Affairs

Health Occupations – Nurses – Delegation of Tasks

This bill specifies that an advanced practice registered nurse (APRN) may delegate a nursing or other technical task to an assistant if (1) the assistant performs only the tasks that the assistant is trained to perform and (2) the delegating APRN provides instruction to and on-site supervision of the assistant performing the delegated task. The State Board of Nursing (BON) must adopt regulations to (1) provide for the manner in which an APRN delegates such tasks; (2) establish limitations on the authority of an APRN to delegate nursing or other technical tasks; and (3) otherwise clarify the authority to delegate tasks. **The bill takes effect June 1, 2021.**

Fiscal Summary

State Effect: None. The change is technical in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: In general, an individual must be certified by BON to practice as a nursing assistant or medication technician in the State, and an individual must be licensed by BON to practice as a nurse in the State. However, an individual does not need to be licensed by BON if the licensee (1) is authorized to practice a different health occupation; (2) provides for the gratuitous care of friends, domestic partners, or family members; (3) performs nursing assistant tasks while a nursing student enrolled in an accredited nursing program

practicing under the direct supervision of qualified faculty or preceptors; (4) performs nursing assistant or medication technician tasks as a student, as specified; or (5) works as a principal or school secretary, does not routinely administer medication, and has completed training by the delegating nurse.

A registered nurse or a licensed practical nurse is not precluded from delegating a nursing task to an unlicensed individual provided that the delegated nursing tasks does not become a routine part of the unlicensed individual's job duties.

Under Maryland regulations (COMAR [10.27.11.03](#)) a nurse may delegate a nursing task to an unlicensed individual, a certified nursing assistant, or a medication technician if (1) the task is within the area of responsibility of the nurse delegating the task; (2) in the judgement of the nurse, the task can be properly and safely performed without jeopardizing client welfare; and (3) the task is one that a reasonable and prudent nurse would find is within the scope of sound nursing judgement. The nurse must be the primary decision maker when delegating nursing tasks and may not require the unlicensed individual, certified nursing assistant, or medication technician to exercise nursing judgement or intervention except in an emergency situation.

Additional Information

Prior Introductions: A similar bill, HB 936 of 2020, passed in the House but received no further action from the Senate Education, Health, and Environmental Affairs Committee.

Designated Cross File: SB 476 (Senator Eckardt) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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