

HOUSE BILL 218

J2

2lr1480

By: **Delegate Kelly**

Introduced and read first time: January 13, 2022

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2022

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Nursing – Dialysis Technicians**

3 FOR the purpose of establishing the separate category of certified dialysis technicians to
4 be certified by the State Board of Nursing; repealing the requirement that a dialysis
5 technician be a certified nursing assistant except under certain circumstances;
6 altering the composition of the Board advisory committee; authorizing the Board to
7 conduct site visits of certified dialysis technician training programs; and generally
8 relating to dialysis technicians.

9 BY repealing and reenacting, with amendments,

10 Article – Health Occupations

11 Section ~~8-205(a)(2)~~, 8-208(a), (j), and (m), ~~8-510(a)~~; 8-6A-01, 8-6A-02(a) and (b),
12 8-6A-03(c), 8-6A-04 through 8-6A-10, 8-6A-12, 8-6A-13(a) and (b),
13 8-6A-14.1, ~~8-6A-15~~, and 8-6A-15 to be under the amended subtitle “Subtitle
14 6A. Certification of Nursing Assistants, Dialysis Technicians, and Medication
15 Technicians”; and 8-701(h) and (i), and 8-703(a)(4)

16 Annotated Code of Maryland
17 (2021 Replacement Volume)

18 BY repealing and reenacting, without amendments,

19 Article – Health Occupations

20 Section 8-208(b)(1) and ~~8-6A-02(b)~~

21 Annotated Code of Maryland
22 (2021 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 BY adding to
2 Article – Health Occupations
3 Section ~~8–6A–02(e)~~, ~~8–6A–03(c)~~, ~~8–701(h)~~, ~~8–703(j)~~, ~~8–705(f)~~, and ~~8–706(h)~~
4 Annotated Code of Maryland
5 (2021 Replacement Volume)

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

8 **Article – Health Occupations**

9 8–205.

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

12 (2) To set standards for the practice of registered nursing, advanced
13 practice registered nursing, licensed practical nursing, certified nursing assistants,
14 **CERTIFIED DIALYSIS TECHNICIANS**, certified medication technicians, electrology,
15 direct–entry midwifery, and certified midwifery;

16 8–208.

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

18 (2) “Applicant” means an individual who has submitted an application to
19 the Board to be licensed as a registered nurse, licensed practical nurse, electrologist,
20 licensed direct–entry midwife, or licensed certified midwife or to be certified as an advanced
21 practice registered nurse, a nursing assistant, **A DIALYSIS TECHNICIAN**, or **A** medication
22 technician in this State.

23 (3) “Participant” means a registered nurse, an advanced practice
24 registered nurse, a licensed practical nurse, a nursing assistant, a medication technician,
25 an electrologist, a licensed direct–entry midwife, a licensed certified midwife, **A CERTIFIED**
26 **DIALYSIS TECHNICIAN**, or an applicant enrolled in the safe practice program.

27 (4) “Program” means the safe practice program.

28 (5) “Substance use disorder” means a disorder that occurs when an
29 individual exhibits a pattern of behaviors ranging from the misuse of, dependence on, or
30 addiction to drugs, alcohol, or other chemicals.

31 (b) (1) There is a Safe Practice Committee in the Board.

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

1 (1) Evaluate those registered nurses, advanced practice registered nurses,
2 licensed practical nurses, nursing assistants, medication technicians, electrologists,
3 licensed direct-entry midwives, licensed certified midwives, **CERTIFIED DIALYSIS**
4 **TECHNICIANS**, or applicants who request participation in the program according to the
5 guidelines prescribed by the Board and consider the recommendations for admission into
6 the program;

7 (2) Receive and review information concerning a participant in the
8 program;

9 (3) Consider in the case of each participant whether the participant may
10 safely continue or resume to practice or qualify for licensure or certification to practice; and

11 (4) Have meetings as necessary to consider the requests of registered
12 nurses, advanced practice registered nurses, licensed practical nurses, nursing assistants,
13 medication technicians, electrologists, licensed direct-entry midwives, licensed certified
14 midwives, **CERTIFIED DIALYSIS TECHNICIANS**, or applicants to participate in the
15 program, and consider reports regarding participants.

16 (m) (1) Each licensee, certificate holder, or applicant who requests to
17 participate in the program shall agree to cooperate with the individual plan or agreement
18 designed by the Committee.

19 (2) Any failure to comply with the conditions of a plan or agreement may
20 result in the participant being expelled from the program.

21 (3) (i) The Committee shall report to the Board the name and license
22 number of a registered nurse, licensed practical nurse, electrologist, licensed direct-entry
23 midwife, or licensed certified midwife, the name and certificate number of an advanced
24 practice registered nurse, a nursing assistant, [or] A medication technician, **OR A**
25 **CERTIFIED DIALYSIS TECHNICIAN**, or the name of an applicant who is expelled from the
26 program for failure to comply with the conditions of a plan or agreement.

27 (ii) The program shall transfer to the Board all records of any
28 participant expelled from the program.

29 (4) If a participant is expelled from the program, the Board may:

30 (i) Initiate disciplinary action in accordance with the provisions of
31 §§ 8-316 and 8-317, §§ 8-6A-10 and 8-6A-10.1, §§ 8-6B-18 and 8-6B-19, § 8-6C-20, or
32 § 8-6D-10 of this title; and

33 (ii) Summarily suspend the license or certificate of any licensee or
34 certificate holder in accordance with Title 10, Subtitle 2 of the State Government Article.

35 8-510.

(a) The Board may conduct a demonstration study to evaluate a proposed change to regulations regarding nursing practices or the activities of nursing assistants, DIALYSIS TECHNICIANS, or medication technicians in a practice setting.

Subtitle 6A. Certification of Nursing Assistants, DIALYSIS TECHNICIANS, and Medication Technicians.

8-6A-01.

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

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

(1) An individual applying for an initial certificate by examination or endorsement;

(2) A certificate holder applying for renewal of a certificate; or

(3) An individual applying for reinstatement of a certificate in accordance with § 8-6A-10 of this subtitle.

(c) (1) **“APPROVED DIALYSIS TECHNICIAN TRAINING PROGRAM” MEANS A COURSE OF TRAINING APPROVED BY THE BOARD THAT ~~PREPARES~~:**

(I) PREPARES THE APPLICANT FOR NATIONAL CERTIFICATION ~~AND THAT MEETS~~;

(II) MEETS THE REQUIREMENTS OF 42 C.F.R. § 494.140(E)(3); AND

(III) MEETS THE REQUIREMENTS SET BY THE BOARD IN REGULATION.

(2) **“APPROVED DIALYSIS TECHNICIAN TRAINING PROGRAM” INCLUDES THE COURSES REQUIRED FOR NATIONAL CERTIFICATION AS:**

(I) A CERTIFIED CLINICAL HEMODIALYSIS TECHNICIAN BY THE NEPHROLOGY NURSING CERTIFICATION COMMISSION;

(II) A CLINICAL NEPHROLOGY TECHNICIAN BY THE NATIONAL NEPHROLOGY CERTIFICATION ORGANIZATION; OR

(III) A CERTIFIED HEMODIALYSIS TECHNICIAN BY THE BOARD OF NEPHROLOGY EXAMINERS NURSING TECHNOLOGY.

1 [(c)] (D) “Approved medication technician training program” means a course of
2 training approved by the Board that meets the basic medication technician core curriculum
3 and the medication technician content training specific to the setting in which the
4 medication technician will work.

5 [(d)] (E) “Approved nursing assistant training program” means a course of
6 training that meets the basic nursing assistant curriculum prescribed and approved by the
7 Board.

8 [(e)] (F) “Board” means the State Board of Nursing.

9 [(f)] (G) “Certificate” means a certificate issued by the Board to practice as a
10 certified nursing assistant, **A CERTIFIED DIALYSIS TECHNICIAN**, or a certified medication
11 technician in the State.

12 [(g)] (H) “Certificate holder” means a certified nursing assistant, **DIALYSIS**
13 **TECHNICIAN**, or medication technician who has:

- 14 (1) An active certificate;
- 15 (2) An inactive certificate;
- 16 (3) A temporary certificate;
- 17 (4) An expired temporary certificate;
- 18 (5) An expired certificate;
- 19 (6) A lapsed certificate;
- 20 (7) A suspended certificate; or
- 21 (8) A certificate subject to a reprimand, probation, or suspension.

22 (I) **“CERTIFIED DIALYSIS TECHNICIAN” MEANS AN INDIVIDUAL WHO:**

- 23 (1) **HAS COMPLETED A BOARD–APPROVED DIALYSIS TECHNICIAN**
24 **PROGRAM; AND**
- 25 (2) **IS CERTIFIED BY THE BOARD AS A DIALYSIS TECHNICIAN.**

26 [(h)] (J) “Certified medication technician” means an individual who:

- 27 (1) Has completed a Board–approved medication technician training
28 program; and

1 (2) Is certified by the Board as a medication technician.

2 [(i)] (K) “Certified medicine aide” means a certified nursing assistant who has
3 completed a Board–approved course in medication administration.

4 [(j)] (L) “Certified nursing assistant”:

5 (1) Means an individual regardless of title who routinely performs nursing
6 tasks delegated by a registered nurse or licensed practical nurse for compensation; and

7 (2) Does not include a CERTIFIED DIALYSIS TECHNICIAN OR A certified
8 medication technician.

9 [(k)] (M) “Department” means the Maryland Department of Health.

10 [(l)] (N) “Expired certificate” means a certificate that was not renewed before
11 the expiration date of the certificate as established under § 8–6A–08(a) of this title.

12 [(m)] (O) “Geriatric nursing assistant” means a certified nursing assistant who
13 has successfully completed the requirements for geriatric nursing assistant mandated
14 under federal law and the regulations of the Board.

15 [(n)] (P) “Lapsed certificate” means a certificate that was not renewed because
16 a certificate holder failed to renew the certificate or otherwise did not meet the renewal
17 requirements of this subtitle.

18 8–6A–02.

19 (a) ~~Except~~ SUBJECT TO SUBSECTION (E) OF THIS SECTION AND EXCEPT as
20 otherwise provided in this subtitle, an individual shall be certified by the Board to practice
21 as a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician before the
22 individual may practice as a nursing assistant, **DIALYSIS TECHNICIAN**, or medication
23 technician in the State.

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

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

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

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

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

2 (i) Enrolled in a Board–approved nursing assistant training
3 program; and

4 (ii) Practicing under the direct supervision of qualified faculty or
5 preceptors;

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

8 **(6) PERFORMS DIALYSIS TECHNICIAN TASKS AS A STUDENT WHILE**
9 **UNDER THE DIRECT SUPERVISION OF QUALIFIED FACULTY; OR**

10 ~~(6)~~ **(7)** Works as a principal or school secretary, does not administer
11 medication as a routine part of the position, and has completed training by the delegating
12 nurse for the occasion where the individual may need to administer medication in the
13 absence of the nurse or medication technician.

14 **(E) AN INDIVIDUAL SHALL BE CERTIFIED BY THE BOARD TO PRACTICE AS A**
15 **NURSING ASSISTANT AND AS A DIALYSIS TECHNICIAN BEFORE THE INDIVIDUAL MAY**
16 **PRACTICE AS A DIALYSIS TECHNICIAN IN A STATE–OWNED HOSPITAL OR**
17 **STATE–OWNED FACILITY.**

18 8–6A–03.

19 **(C) AN INDIVIDUAL SHALL BE CERTIFIED AS A DIALYSIS TECHNICIAN BY**
20 **THE BOARD BEFORE THE INDIVIDUAL MAY:**

21 **(1) USE THE TITLE “CERTIFIED DIALYSIS TECHNICIAN”;**

22 **(2) USE THE INITIALS “C.D.T.” AFTER THE NAME OF THE**
23 **INDIVIDUAL; OR**

24 **(3) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS A**
25 **CERTIFIED DIALYSIS TECHNICIAN.**

26 **[(c)] (D)** An individual may not practice, attempt to practice, or offer to practice
27 as a **CERTIFIED DIALYSIS TECHNICIAN OR A** certified medication technician without
28 certification from the Board.

29 8–6A–04.

1 (a) (1) The Board shall set reasonable fees for the issuance and renewal of
2 certificates and other services it provides to certified nursing assistants, **CERTIFIED**
3 **DIALYSIS TECHNICIANS**, and certified medication technicians.

4 (2) The fees charged shall be set to produce funds to approximate the cost
5 of maintaining the certification program and the other services provided to certified
6 nursing assistants, **CERTIFIED DIALYSIS TECHNICIANS**, and certified medication
7 technicians.

8 (b) (1) The Board shall pay all fees collected under the provisions of this
9 subtitle to the Comptroller of the State.

10 (2) The Comptroller shall distribute all the fees to the State Board of
11 Nursing Fund established under § 8–206 of this title.

12 8–6A–05.

13 (a) The Board shall adopt regulations establishing:

14 (1) Categories of certified nursing assistants, including geriatric nursing
15 assistants, home health aides, school health aides, [dialysis technicians,] individuals
16 working in developmental disabilities administration facilities, and medicine aides;

17 (2) Qualifications for each category of certified nursing assistant;

18 **(3) QUALIFICATIONS FOR CERTIFIED DIALYSIS TECHNICIANS;**

19 **[(3)] (4)** Qualifications for certified medication technicians; and

20 **[(4)] (5)** Standards for qualification of applicants for certification,
21 including the applicant's criminal history, work record, and prohibitions against behavior
22 which may be potentially harmful to patients.

23 (b) To qualify for certification as a nursing assistant, a nursing assistant in a
24 specific category, **A DIALYSIS TECHNICIAN**, or a medication technician, an applicant shall
25 meet the requirements set by the Board.

26 (c) (1) An applicant for a certificate shall:

27 (i) Submit an application to the Board on the form that the Board
28 requires;

29 (ii) Provide evidence, as required by the Board, of successful
30 completion of:

31 1. An approved nursing assistant training program;

1 **2. AN APPROVED DIALYSIS TECHNICIAN TRAINING**
2 **PROGRAM;**

3 [2.] **3.** An approved course in medication administration; or

4 [3.] **4.** A portion of an approved nursing education program
5 that the Board determines meets the requirements of a nursing assistant training program,
6 ~~DIALYSIS TRAINING COURSE~~, or medication administration course;

7 (iii) Pay to the Board an application fee set by the Board;

8 (iv) Be of good moral character;

9 (v) Be at least 16 years old to apply for certification as a nursing
10 assistant; [and]

11 **(VI) BE AT LEAST 18 YEARS OLD TO APPLY FOR CERTIFICATION**
12 **AS A DIALYSIS TECHNICIAN; AND**

13 [(vi)] **(VII)** Be at least 18 years old to apply for certification as a
14 medication technician.

15 (2) Subject to paragraph (1) of this subsection, an applicant for certification
16 as a certified nursing assistant **OR DIALYSIS TECHNICIAN** shall submit to the Board:

17 (i) A criminal history records check in accordance with § 8–303 of
18 this title and § 8–6A–08(k) of this subtitle; and

19 (ii) On the form required by the Board, written, verified evidence
20 that the requirement of item (i) of this paragraph is being met or has been met.

21 (3) An applicant for certification as a certified medicine aide, in addition to
22 the requirements under paragraph (1) of this subsection, shall submit an additional
23 application to that effect to the Board on the form that the Board requires.

24 (4) An applicant for a certificate may not:

25 (i) Have committed any act or omission that would be grounds for
26 discipline or denial of certification under this subtitle; and

27 (ii) Have a record of abuse, negligence, misappropriation of a
28 resident's property, or any disciplinary action taken or pending in any other state or
29 territory of the United States against the certification of the nursing assistant or
30 medication technician in the state or territory.

1 8-6A-06.

2 Every applicant for certification by endorsement shall:

3 (1) Pay the required application fee;

4 (2) Submit the information required by the Board in the manner and form
5 specified by the Board; and

6 (3) Submit written evidence that the applicant:

7 (i) Is certified to practice as a nursing assistant **OR DIALYSIS**
8 **TECHNICIAN** by another state or territory of the United States with requirements that are
9 essentially similar to the requirements for certification established in this subtitle and that
10 the certification is in good standing;

11 (ii) Has not committed any act or omission that would be grounds for
12 discipline or denial of certification under this subtitle;

13 (iii) Has successfully completed nursing assistant training **OR**
14 **DIALYSIS TECHNICIAN TRAINING** that meets the standards for an approved nursing
15 assistant training program **OR DIALYSIS TECHNICIAN TRAINING PROGRAM** established
16 under this subtitle and the standards adopted by the Board; and

17 (iv) Has no record of abuse, negligence, or misappropriation of a
18 resident's property or any disciplinary action taken or pending in any other state or
19 territory of the United States against the certification of the nursing assistant **OR**
20 **DIALYSIS TECHNICIAN** in the state or territory.

21 8-6A-07.

22 (a) Subject to subsection (f) of this section, the Board shall certify any applicant
23 who meets the requirements of this subtitle.

24 (b) (1) The Board shall:

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

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

30 (2) Each certificate shall include:

31 (i) Any expiration date;

1 (ii) The type of certificate; and

2 (iii) Any specific category of nursing assistant.

3 (c) An individual who has met the requirements for a certified nursing assistant
4 shall be certified with the title of “certified nursing assistant”.

5 (d) An individual who routinely performs nursing tasks delegated by a registered
6 nurse or licensed practical nurse for compensation and has also completed a
7 Board–approved course in medication administration shall be certified with the title of
8 “certified medicine aide”.

9 **(E) AN INDIVIDUAL WHO HAS MET THE REQUIREMENTS FOR A CERTIFIED**
10 **DIALYSIS TECHNICIAN SHALL BE CERTIFIED WITH THE TITLE OF “CERTIFIED**
11 **DIALYSIS TECHNICIAN”.**

12 [(e)] (F) An individual who has met the requirements for a certified medication
13 technician shall be certified with the title of “certified medication technician”.

14 [(f)] (G) (1) The Board may issue a temporary practice certificate to an
15 applicant who:

16 (i) Has met the appropriate certification requirements of this
17 subtitle to the satisfaction of the Board; and

18 (ii) Does not have a criminal record and has not been the subject of
19 a health professional disciplinary action in this State or another jurisdiction.

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

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

24 [(g)] (H) A medication technician graduate may practice for no more than 90
25 days from the date of completion of a medication technician training program without
26 certification by the Board.

27 [(h)] (I) (1) On receipt of the criminal history record information of an
28 applicant for certification as a certified nursing assistant **OR DIALYSIS TECHNICIAN**
29 forwarded to the Board in accordance with § 8–303 of this title, in determining whether to
30 grant a certificate, the Board shall consider:

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

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

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

9 8-6A-08.

10 (a) A certificate expires on the 28th day of the birth month of the nursing
11 assistant, **DIALYSIS TECHNICIAN**, or medication technician, unless the certificate is
12 renewed for a 2-year term as provided in this section.

13 (b) (1) At least 3 months before a certificate expires, the Board shall send a
14 renewal notice to the ~~nursing assistant, DIALYSIS TECHNICIAN, or medication technician~~
15 **CERTIFICATE HOLDER** by:

16 (i) First-class mail to the last known mailing address of the ~~nursing~~
17 ~~assistant or medication technician~~ **CERTIFICATE HOLDER**; or

18 (ii) Electronic means to the last known electronic address of the
19 certificate holder.

20 (2) A renewal notice shall state:

21 (i) The date on which the current certificate expires;

22 (ii) The date by which the renewal application must be received by
23 the Board for the renewal to be issued and mailed before the certificate expires; and

24 (iii) The amount of the renewal fee.

25 (3) If a nursing assistant, ~~DIALYSIS TECHNICIAN, or medication~~ **OR**
26 **DIALYSIS** technician is required to have a criminal history records check before a certificate
27 may be renewed, the Board shall send the nursing assistant, ~~DIALYSIS TECHNICIAN, or~~
28 ~~medication~~ **OR DIALYSIS** technician the documents necessary for initiating the criminal
29 history records check in conjunction with the renewal notice required under paragraph (1)
30 of this subsection.

1 (c) Before a certificate expires, a nursing assistant periodically may renew it for
2 an additional term, if the certificate holder:

3 (1) Otherwise is entitled to be certified;

4 (2) Submits to the Board a renewal application on the form that the Board
5 requires;

6 (3) Pays to the Board a renewal fee set by the Board; and

7 (4) Provides satisfactory evidence of completion of:

8 (i) 16 hours of active nursing assistant practice within the 2-year
9 period immediately preceding the date of ~~renewal~~ **EXPIRATION**; or

10 (ii) If the nursing assistant did not complete 16 hours of active
11 practice as required under item (i) of this item, an approved nursing assistant training
12 program or an approved nursing assistant refresher training program as required in
13 regulations adopted by the Board in accordance with subsection (m) of this section.

14 (d) In addition to the requirements in subsection (c)(1), (2), and (3) of this section,
15 a certified medicine aide shall:

16 (1) Provide satisfactory evidence of completion of 100 hours of practice as
17 a certified medicine aide in the 2-year period preceding the date of ~~renewal~~ **EXPIRATION**;
18 and

19 (2) Successfully complete a Board-approved medicine aide continuing
20 education program.

21 **(E) BEFORE A CERTIFICATE EXPIRES, A DIALYSIS TECHNICIAN**
22 **PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL TERM, IF THE CERTIFICATE**
23 **HOLDER:**

24 **(1) OTHERWISE IS ENTITLED TO BE CERTIFIED;**

25 **(2) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM**
26 **THAT THE BOARD REQUIRES;**

27 **(3) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;**

28 ~~**(4) HAS COMPLETED 16 HOURS OF PRACTICE AS A DIALYSIS**~~
29 ~~**TECHNICIAN IN THE 2-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF**~~
30 ~~**RENEWAL;**~~

~~(5) HAS COMPLETED A 3-HOUR CONTINUING EDUCATION COURSE APPROVED BY THE BOARD; AND~~

(4) HAS COMPLETED:

(I) 1. 16 HOURS OF PRACTICE AS A DIALYSIS TECHNICIAN IN THE 2-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF EXPIRATION; AND

2. A 3-HOUR CONTINUING EDUCATION COURSE APPROVED BY THE BOARD; OR

(II) A DIALYSIS TECHNICIAN TRAINING PROGRAM APPROVED BY THE BOARD; AND

~~(6) (5)~~ HAS AN ACTIVE NATIONAL CERTIFICATION LISTED IN § 8-6A-01(C)(2) OF THIS SUBTITLE.

[(e)] (F) Before a certificate expires, a medication technician periodically may renew it for an additional term, if the certificate holder:

(1) Otherwise is entitled to be certified;

(2) Submits to the Board a renewal application on the form that the Board requires;

(3) Pays to the Board a renewal fee set by the Board;

(4) Every 2 years, provides satisfactory evidence of completion of a Board-approved clinical refresher course; and

(5) Provides satisfactory evidence of completion of 100 hours of practice as a certified medication technician within the 2-year period preceding the date of renewal.

[(f)] (G) The Board may grant a 30-day extension, beyond a certificate's expiration date, to a certificate holder so that the certificate holder may renew the certificate before it expires.

[(g)] (H) The Board shall reinstate the certificate of a certificate holder who has failed to renew the certificate for any reason if the certificate holder meets the applicable renewal requirements of subsections (c) through [(e)] (F) and [(k)(1)(i)2] (L)(1)(I)2 of this section.

[(h)] (I) Subject to subsection [(i)] (J) of this section, the Board shall renew the certificate of each nursing assistant, DIALYSIS TECHNICIAN, or medication technician who meets the requirements of this section.

1 **[(i)] (J)** (1) Within 60 days after a change has occurred, each certificate
2 holder shall notify the Board in writing of any change in a name or address.

3 (2) If the certificate holder fails to notify the Board within the time
4 required under this subsection, the Board may impose an administrative penalty of \$25 on
5 the certificate holder.

6 **[(j)] (K)** The Board shall pay any penalty collected under this subsection to the
7 General Fund of the State.

8 **[(k)] (L)** (1) (i) The Board shall require criminal history records checks in
9 accordance with § 8–303 of this title on:

10 1. Selected applicants for certification as a certified nursing
11 assistant **OR DIALYSIS TECHNICIAN** who renew their certificates every 2 years as
12 determined by regulations adopted by the Board; and

13 2. Each former certified nursing assistant **OR DIALYSIS**
14 **TECHNICIAN** who files for reinstatement under subsection **[(g)] (H)** of this section after
15 failing to renew the certificate for a period of 1 year or more.

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

18 (2) On receipt of the criminal history record information of a certificate
19 holder forwarded to the Board in accordance with § 8–303 of this title, in determining
20 whether to initiate disciplinary action against the certificate holder based on the
21 information received, the Board shall consider:

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

23 (ii) The circumstances surrounding the crime;

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

25 (iv) Subsequent work history;

26 (v) Employment and character references; and

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

29 (3) The Board may not renew a certificate without written documentation
30 that the applicant has submitted to a criminal history records check as required under §
31 8–303 of this title.

1 **[1] (M)** (1) If an individual has been certified by the Board to practice as a
2 nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician in the State in
3 accordance with the requirements of this subtitle, the individual subsequently may be
4 certified as a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician on
5 inactive status.

6 (2) The Board shall place a certificate holder on inactive status and record
7 the inactive status in the Board's database and on the Board's website if the certificate
8 holder:

9 (i) Submits documentation of a medical condition that the Board
10 determines will prevent the certificate holder from practicing as a nursing assistant,
11 **DIALYSIS TECHNICIAN**, or medication technician; and

12 (ii) Completes the biennial application for inactive status and
13 submits documentation of a continuing medical condition.

14 (3) A certificate holder on inactive status may apply for reactivation of the
15 certificate if the certificate holder:

16 (i) Submits documentation satisfactory to the Board that the
17 medical condition for which the inactive status was granted no longer exists; and

18 (ii) Meets the renewal requirements of this section.

19 (4) If a certificate holder meets the requirements of paragraph (3) of this
20 subsection, the Board shall:

21 (i) Record the status of the certificate holder as active in the Board's
22 database and on the Board's website; and

23 (ii) Reactivate the certificate holder's certificate to practice as a
24 nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician in the State.

25 (5) The Board may not charge a fee to place the certificate holder on or
26 remove the certificate holder from inactive status under this subsection.

27 (6) Inactive status:

28 (i) May not be considered a disciplinary action under § 8-6A-10 of
29 this subtitle; and

30 (ii) May not be reported to any certifying entity, employer, or
31 insurance company as a disciplinary action.

32 **[(m)] (N)** (1) The Board shall adopt regulations to specify:

1 (i) The circumstances under which a nursing assistant, as a
2 condition of renewal, is required to complete either an approved nursing assistant training
3 program or an approved nursing assistant refresher training program; and

4 (ii) The number of didactic instruction hours and clinical training
5 hours the nursing assistant training program or nursing assistant refresher training
6 program must have to be approved.

7 (2) Regulations adopted under paragraph (1) of this subsection must be
8 consistent with federal law.

9 8-6A-09.

10 (a) The Board may impose a civil fine not exceeding \$50 on a certified nursing
11 assistant, **A CERTIFIED DIALYSIS TECHNICIAN**, or a certified medication technician who
12 fails to renew a certificate within 30 days after its expiration date and practices as a
13 certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication
14 technician during the period of expiration.

15 (b) The Board shall pay any penalty collected under this section to the General
16 Fund of the State.

17 8-6A-10.

18 (a) Subject to the hearing provisions of § 8-317 of this title and § 8-6A-10.1 of
19 this subtitle, the Board may deny a certificate or grant a certificate, including a certificate
20 subject to a reprimand, probation, or suspension, to any applicant, reprimand any
21 certificate holder, place any certificate holder on probation, or suspend or revoke the
22 certificate of a certificate holder, if the applicant or certificate holder:

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

25 (2) Fraudulently or deceptively uses a certificate;

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

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

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

- 1 (6) Gives any false or misleading information about a material matter in
2 an employment application;
- 3 (7) Fails to file or record any health record that is required by law;
- 4 (8) Induces another individual to fail to file or record any health record that
5 is required by law;
- 6 (9) Has violated any order, rule, or regulation of the Board relating to the
7 practice or certification of a nursing assistant, **DIALYSIS TECHNICIAN**, or medication
8 technician;
- 9 (10) Provides services as a nursing assistant, **DIALYSIS TECHNICIAN**, or
10 medication technician while:
- 11 (i) Under the influence of alcohol; or
- 12 (ii) Using any narcotic or controlled dangerous substance, as defined
13 in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic
14 amounts or without valid medical indication;
- 15 (11) Has a substance use disorder;
- 16 (12) Is addicted to, or habitually abuses, any narcotic or controlled
17 dangerous substance as defined in § 5–101 of the Criminal Law Article;
- 18 (13) Has acted in a manner inconsistent with the health or safety of an
19 individual under the applicant or certificate holder’s care;
- 20 (14) Has practiced as a nursing assistant, **DIALYSIS TECHNICIAN**, or
21 medication technician in a manner which fails to meet generally accepted standards for the
22 practice of a nursing assistant, **DIALYSIS TECHNICIAN**, or medication technician;
- 23 (15) Has physically, verbally, or psychologically abused, neglected, or
24 otherwise harmed an individual under the applicant or certificate holder’s care;
- 25 (16) Has a physical or mental condition which renders the applicant or
26 certificate holder unable to practice as a certified nursing assistant, **CERTIFIED DIALYSIS**
27 **TECHNICIAN**, or certified medication technician with reasonable skill and safety to the
28 patients and which may endanger the health or safety of individuals under the care of the
29 applicant or certificate holder;
- 30 (17) Has violated the confidentiality of information or knowledge as
31 prescribed by law concerning any patient;

- 1 (18) Has misappropriated patient or facility property;
- 2 (19) Performs certified nursing assistant, **CERTIFIED DIALYSIS**
3 **TECHNICIAN**, or certified medication technician functions incompetently;
- 4 (20) Has violated any provision of this title or has aided or knowingly
5 permitted any individual to violate any provision of this title;
- 6 (21) Submits a false statement to collect a fee;
- 7 (22) Refuses, withholds from, denies, or discriminates against an individual
8 with regard to the provision of professional services for which the applicant or certificate
9 holder is certified and qualified to render because the individual is HIV positive;
- 10 (23) Except in an emergency life-threatening situation where it is not
11 feasible or practicable, fails to comply with the Centers for Disease Control and
12 Prevention's guidelines on universal precautions;
- 13 (24) Fails to cooperate with a lawful investigation conducted by the Board;
- 14 (25) Fails to comply with instructions and directions of the supervising
15 registered nurse or licensed practical nurse;
- 16 (26) When holding an expired certificate or a lapsed certificate, commits any
17 act that would be grounds for disciplinary action under this section;
- 18 (27) Practices as a nursing assistant, **DIALYSIS TECHNICIAN**, or
19 medication technician before obtaining or renewing the certificate, including any time
20 period when practicing as a nursing assistant, **DIALYSIS TECHNICIAN**, or medication
21 technician on an expired certificate or a lapsed certificate;
- 22 (28) Impersonates another individual:
- 23 (i) Licensed under the provisions of this title; or
- 24 (ii) Who holds a certificate issued under the provisions of this title;
- 25 (29) Engages in conduct that violates the code of ethics;
- 26 (30) Performs activities that exceed the education and training of the
27 certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication
28 technician;
- 29 (31) Is expelled from the safe practice program established pursuant to §
30 8-208 of this title for failure to comply with the conditions of the program;

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

3 (33) Abandons a patient; or

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

7 (b) If, after a hearing under § 8–317 of this title and § 8–6A–10.1 of this subtitle,
8 the Board finds that there are grounds under subsection (a) of this section to suspend or
9 revoke a certificate to practice as a certified nursing assistant, **CERTIFIED DIALYSIS**
10 **TECHNICIAN**, or certified medication technician, to reprimand a certificate holder, or place
11 a certificate holder on probation, the Board may impose a penalty not exceeding \$500
12 instead of or in addition to suspending or revoking the certificate, reprimanding the
13 certificate holder, or placing the certificate holder on probation.

14 (c) (1) If a certificate issued under this subtitle was suspended or revoked for
15 a period of more than 1 year, or if a period of more than 1 year has passed since a certificate
16 was surrendered, the Board may reinstate the certificate if the certificate holder:

17 (i) Applies to the Board for reinstatement;

18 (ii) Meets the requirements for renewal under § 8–6A–08 of this
19 subtitle;

20 (iii) Meets any other requirements for reinstatement as established
21 by the Board in regulations; and

22 (iv) Submits to a criminal history records check in accordance with §
23 8–303 of this title.

24 (2) If a certificate holder meets the requirements of paragraph (1) of this
25 subsection, the Board may:

26 (i) Reinstate the certificate;

27 (ii) Reinstate the certificate subject to terms and conditions that the
28 Board considers necessary, including a period of probation; or

29 (iii) Deny reinstatement of the certificate.

30 8–6A–12.

31 (a) Unless the Board agrees to accept the surrender of a certificate, a certified
32 nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician
33 may not surrender the certificate.

1 (b) The Board may require terms and conditions on an agreement with the
2 certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication
3 technician to accept surrender of the certificate.

4 (c) An agreement to accept the surrender of a certificate is a final order of the
5 Board and is a public record.

6 8-6A-13.

7 (a) The Board shall appoint an advisory committee consisting of at least **[15] 17**
8 members.

9 (b) Of the **[15] 17** committee members:

10 (1) Six shall be nursing assistants:

11 (i) One shall be an acute care nursing assistant;

12 (ii) One shall be a home care nursing assistant;

13 (iii) One shall be a long-term care nursing assistant;

14 (iv) One shall be an adult medical day care nursing assistant;

15 (v) At least one of the nursing assistant members shall be a member
16 of a union; and

17 (vi) One shall be an independent contractor;

18 (2) Three shall be registered nurses:

19 (i) One shall be an acute care registered nurse;

20 (ii) One shall be a home care registered nurse; and

21 (iii) One shall be a long-term care registered nurse;

22 (3) **[One] TWO** shall be **[an administrator] ADMINISTRATORS** from **[a]**
23 **licensed health care [facility] FACILITIES**;

24 (4) One shall be a licensed practical nurse;

25 (5) One shall be an individual who teaches a nursing assistant course;

26 (6) One shall be a consumer member who has received care, or has a family
27 member who has received care from a nursing assistant;

1 (7) One shall be a representative of the Department; [and]

2 (8) One shall be a certified medication technician; AND

3 (9) **ONE SHALL BE A CERTIFIED DIALYSIS TECHNICIAN.**

4 8-6A-14.1.

5 The Board may make survey visits from time to time, without prior notice, to all
6 Board-approved medication technician training **AND DIALYSIS TECHNICIAN TRAINING**
7 programs.

8 8-6A-15.

9 (a) If, during the review of an application for certification or investigation of an
10 allegation brought against a certified nursing assistant, **CERTIFIED DIALYSIS**
11 **TECHNICIAN**, or certified medication technician under this subtitle, the Board has reason
12 to believe and objective evidence that the applicant, certified nursing assistant, **CERTIFIED**
13 **DIALYSIS TECHNICIAN**, or certified medication technician may cause harm to a person
14 affected by the practice of the applicant, certified nursing assistant, **CERTIFIED DIALYSIS**
15 **TECHNICIAN**, or certified medication technician, the Board, on its own initiative, shall
16 direct the applicant, certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or
17 certified medication technician to submit to an appropriate examination by a health care
18 provider designated by the Board.

19 (b) In return for the privilege to practice as a certified nursing assistant,
20 **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician in the State, an
21 applicant, certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified
22 medication technician is deemed to have:

23 (1) Consented to submit to an examination under this section if requested
24 by the Board in writing; and

25 (2) Waived any legal claim of privilege as to the testimony or examination
26 reports of the examining health care provider.

27 (c) The failure or refusal of an applicant, certified nursing assistant, **CERTIFIED**
28 **DIALYSIS TECHNICIAN**, or certified medication technician to submit to an examination
29 required under subsection (b) of this section is prima facie evidence of the inability of the
30 applicant, certified nursing assistant, **CERTIFIED DIALYSIS TECHNICIAN**, or certified
31 medication technician to competently practice as a certified nursing assistant, **CERTIFIED**
32 **DIALYSIS TECHNICIAN**, or certified medication technician, unless the Board finds that the
33 failure or refusal was beyond the control of the applicant, certified nursing assistant,
34 **CERTIFIED DIALYSIS TECHNICIAN**, or certified medication technician.

1 (d) The Board shall pay the cost of any examination made in accordance with the
2 provisions of this section.

3 8-701.

4 **(H) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY**
5 **NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A CERTIFIED**
6 **DIALYSIS TECHNICIAN UNLESS ~~LICENSED~~ CERTIFIED BY THE BOARD TO PRACTICE**
7 **AS A CERTIFIED DIALYSIS TECHNICIAN.**

8 **[(h)] (I)** An individual may not require a licensee to perform an act that is
9 beyond the licensee's knowledge and skills.

10 **[(i)] (J)** An individual may not direct a licensee to delegate a nursing task to a
11 nurse when the individual reasonably believes:

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

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

15 8-703.

16 (a) (4) Unless authorized to provide patient care as a certified nursing
17 assistant, **DIALYSIS TECHNICIAN**, or medication assistant under this title, an individual
18 may not represent to the public by title, by description of services, methods, or procedures,
19 or otherwise, that the individual is authorized to provide care as a certified nursing
20 assistant, **DIALYSIS TECHNICIAN**, or medication assistant in this State.

21 **(J) UNLESS AUTHORIZED TO PRACTICE AS A CERTIFIED DIALYSIS**
22 **TECHNICIAN UNDER THIS TITLE, AN INDIVIDUAL MAY NOT USE THE WORDS OR**
23 **TERMS "DIALYSIS TECHNICIAN" OR "CERTIFIED DIALYSIS TECHNICIAN", THE**
24 **ABBREVIATION "C.D.T.", OR ANY OTHER TITLE, SYMBOL, ABBREVIATION, SIGN,**
25 **CARD, DEVICE, OR OTHER REPRESENTATION WITH THE INTENT TO REPRESENT**
26 **THAT THE INDIVIDUAL PRACTICES AS A CERTIFIED DIALYSIS TECHNICIAN.**

27 8-705.

28 **(F) AN INDIVIDUAL MAY NOT PRACTICE AS A CERTIFIED DIALYSIS**
29 **TECHNICIAN UNDER COLOR OF ANY DIPLOMA, LICENSE, RECORD, OR CERTIFICATE**
30 **THAT IS:**

31 **(1) ILLEGALLY OR FRAUDULENTLY OBTAINED; OR**

1 **(2) SIGNED OR ISSUED UNLAWFULLY OR BY FRAUDULENT**
2 **REPRESENTATION.**

3 8-706.

4 **(H) AN INDIVIDUAL MAY NOT KNOWINGLY EMPLOY TO PRACTICE AS A**
5 **CERTIFIED DIALYSIS TECHNICIAN ANY INDIVIDUAL WHO IS NOT AUTHORIZED TO**
6 **PRACTICE AS A CERTIFIED DIALYSIS TECHNICIAN UNDER THIS TITLE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.