

Chapter 327

(Senate Bill 213)

AN ACT concerning

Health Occupations – Clinical Nurse Specialists – Prescribing

FOR the purpose of defining “clinical nurse specialist” and “practice as a clinical nurse specialist” for the purpose of authorizing clinical nurse specialists to prescribe drugs and durable medical equipment under regulations adopted by the State Board of Nursing; altering the definition of “authorized prescriber” for purposes of the Maryland Pharmacy Act to include clinical nurse specialists; authorizing a licensed physician to personally prepare and dispense a prescription written by a clinical nurse specialist; and generally relating to the prescription authority of clinical nurse specialists.

BY repealing and reenacting, without amendments,
 Article – Health Occupations
 Section 8–101(a) and (b)
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

BY adding to
 Article – Health Occupations
 Section 8–514
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 12–101(b) and 12–102(c)(2)(iv)2.
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

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

Article – Health Occupations

8–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Advanced practice registered nurse” means an individual who:
 - (1) (i) Is licensed by the Board to practice registered nursing; or

(ii) Has a multistate licensure privilege to practice registered nursing under the Nurse Licensure Compact; and

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

- (i) A nurse practitioner;
- (ii) A nurse anesthetist;
- (iii) A nurse midwife; or
- (iv) A clinical nurse specialist.

8-514.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CLINICAL NURSE SPECIALIST” MEANS AN INDIVIDUAL WHO ~~IS~~:

(I) 1. ~~LICENSED~~ IS LICENSED BY THE BOARD TO PRACTICE REGISTERED NURSING; OR

2. HAS A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT; AND

(II) ~~CERTIFIED~~ IS CERTIFIED BY THE BOARD TO PRACTICE AS A CLINICAL NURSE SPECIALIST; AND

~~(III) AUTHORIZED TO PRESCRIBE DRUGS AND DURABLE MEDICAL EQUIPMENT UNDER REGULATIONS ADOPTED BY THE BOARD.~~

(3) (I) “PRACTICE AS A CLINICAL NURSE SPECIALIST” MEANS TO:

- 1. PROVIDE DIRECT CARE TO PATIENTS WITH COMPLEX NEEDS;
- 2. ACT AS A CONSULTANT TO ANOTHER HEALTH CARE PROVIDER AS NEEDED;
- 3. CONDUCT HEALTH-RELATED RESEARCH; AND

4. PROVIDE EDUCATION AND GUIDANCE FOR STAFF NURSES.

(II) "PRACTICE AS A CLINICAL NURSE SPECIALIST" INCLUDES:

1. ORDERING, PERFORMING, AND INTERPRETING LABORATORY TESTS;

2. ORDERING DIAGNOSTIC TESTS AND USING THE FINDINGS OR RESULTS IN THE CARE OF PATIENTS;

3. PRESCRIBING DRUGS AND DURABLE MEDICAL EQUIPMENT ~~AS PROVIDED UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION~~ UNDER REGULATIONS ADOPTED BY THE BOARD;

4. ORDERING HOME HEALTH AND HOSPICE CARE; AND

5. INITIATING, MONITORING, AND ALTERING APPROPRIATE THERAPIES OR TREATMENTS.

(B) PRACTICE AS A CLINICAL NURSE SPECIALIST IS GOVERNED BY RULES AND REGULATIONS THAT ARE ADOPTED UNDER § 8-205 OF THIS TITLE AND THAT CONCERN ADDITIONAL ACTS IN THE PRACTICE OF REGISTERED NURSING.

12-101.

(b) "Authorized prescriber" means any licensed dentist, licensed dental hygienist with prescriptive authority under § 4-206.4 of this article, licensed physician, licensed podiatrist, licensed veterinarian, advanced practice REGISTERED nurse with prescriptive authority under ~~§ 8-508 OR § 8-514~~ TITLE 8 of this article, licensed nurse anesthetist, or other individual authorized by law to prescribe prescription or nonprescription drugs or devices.

12-102.

(c) (2) This title does not prohibit:

(iv) A licensed physician who complies with the requirements of item (ii) of this paragraph from personally preparing and dispensing a prescription written by:

2. [A nurse practitioner who is authorized to practice under Title 8, Subtitle 3] AN ADVANCED PRACTICE REGISTERED NURSE WITH PRESCRIPTIVE AUTHORITY UNDER § 8-508 OR § 8-514 TITLE 8 of this article and is working with the physician in the same office setting; or

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 3, 2023.