

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 717

(Delegate Bagnall, *et al.*)

Health and Government Operations

Finance

**State Board of Nursing - Peer Advisory Committees, Scopes of Practice, and
Licensure Requirements**

This bill (1) authorizes a licensed certified midwife to delegate a technical task to an assistant, as specified; (2) authorizes a registered certified nurse-midwife or a licensed certified midwife to personally prepare and dispense a starter dosage of a drug, as specified; (3) eliminates the requirement that an applicant for a certified midwife license complete coursework in health and sciences; (4) alters the definitions of “practice certified midwifery,” “practice nurse midwifery,” “certified medication technician,” and “certified nursing assistant”; (5) adds an exception to the licensure requirement to practice certified midwifery; (6) authorizes the Maryland Board of Nursing (MBON) to appoint peer advisory committees to provide advice related to midwifery; (7) requires MBON to develop regulations governing the delegation of technical tasks by licensed certified midwives to assistants; and (8) requires the Maryland Department of Health (MDH) to submit a report on recommendations to expand access to birthing services in birthing centers in the State. The bill also makes conforming changes.

Fiscal Summary

State Effect: MBON and MDH can likely handle the bill’s requirements using existing budgeted resources. Revenues are not affected.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: In general, an individual must be licensed as a certified nurse-midwife to practice nurse midwifery, licensed as a direct-entry midwife to practice direct-entry midwifery, or licensed as a certified midwife to practice certified midwifery in Maryland.

Delegation of Tasks to Assistants

An advanced practice registered nurse (APRN) is authorized to delegate a nursing or other technical task to an assistant, so long as the assistant performs only tasks that the assistant is trained to perform and the delegating APRN provides instruction to and on-site supervision of the assistant.

The bill similarly authorizes a licensed certified midwife to delegate a technical task to an assistant if the assistant performs only tasks that the assistant is trained to perform, and the delegating licensed certified midwife provides instruction to and on-site supervision of the assistant. The bill specifies that MBON must adopt regulations that (1) provide for the manner in which a licensed certified midwife delegates a technical task to an assistant; (2) establish limitations on the authority of a licensed certified midwife to delegate technical tasks; and (3) otherwise clarify the scope of a licensed certified midwife's authority to delegate tasks to an assistant.

Dispensing of a Starter Dosage

A "starter dosage" means an amount of drug sufficient to begin therapy that is for a duration of 72 hours or less or prescribed prior to a patient obtaining a larger quantity of the drug to complete therapy. Current law authorizes a nurse practitioner to personally prepare and dispense a starter dosage of any drug the nurse practitioner is authorized to prescribe to a patient if (1) the starter dosage complies with specified labeling requirements; (2) no charge is made for the starter dosage; and (3) the nurse practitioner enters an appropriate record in the patient's medical record.

"Practice nurse midwifery" and "practice certified midwifery" mean the management and care of essentially normal newborns and of essentially normal women antepartally, intrapartally, and postpartally. Under current law, "practice nurse midwifery" and "practice certified midwifery" both include family planning and well woman reproductive care; the prescribing of substances commonly used in the practice of midwifery, including Schedule II, III, IV, or V controlled dangerous substances; and the dispensing of such substances in the course of treating a patient at specified medical facilities, health centers, or clinics.

The bill authorizes a registered nurse certified as a nurse-midwife or a licensed certified midwife to personally prepare and dispense a starter dosage of any drug, subject to the same requirements specified above for a nurse practitioner. The definitions of “practice nurse midwifery” and “practice certified midwifery” are expanded to include the dispensing of a starter dosage of a drug.

Certified Medication Technicians and Certified Nursing Assistants

Under current law, a “certified medication technician” (CMT) is an individual who has completed a medication technician training program approved by MBON and is certified by MBON as a medication technician. A “certified nursing assistant” (CNA) is an individual, regardless of title, who routinely performs nursing tasks delegated by a registered nurse (RN) or a licensed practical nurse (LPN) for compensation and does not include a certified dialysis technician or a certified medication technician.

The bill expands the definition of “certified medication technician” by specifying that a CMT, subject to regulations adopted by MBON, routinely performs (1) nursing tasks related to the administration of medication delegated by an RN, an LPN, or an advanced practice nurse or (2) technical tasks related to the administration of medication delegated by a licensed certified midwife. The definition of “certified nursing assistant” is expanded by specifying that a CNA routinely performs, for compensation and subject to regulations adopted by MBON, nursing tasks delegated by an APRN or technical tasks delegated by a licensed certified midwife.

Requirements for Licensure

To obtain a certified midwife license, an applicant must (1) be of good moral character; (2) submit to a criminal history records check; (3) hold a current, valid certification as a certified midwife from the American Midwifery Certification Board (AMCB); (4) have graduated from a graduate-level accredited program for midwifery education approved by the Accreditation Commission for Midwifery Education; (5) have completed coursework in health and sciences (prior to or while enrolled in a graduate-level accredited program for midwifery education); and (6) have passed the AMCB examination.

The bill repeals the requirement that an applicant complete coursework in health and sciences.

Exceptions to Licensure Requirement

Current law specifies that the licensure requirement to practice certified midwifery does not apply to (1) an individual assisting at a birth in an emergency; (2) an individual licensed as a health care practitioner whose scope of practice allows the individual to practice

certified midwifery; and (3) a student practicing certified midwifery while engaged in an approved clinical midwifery education experience under the supervision of a licensed certified midwife or a nurse certified as a nurse-midwife.

The bill adds a fourth exception to the licensure requirement: an individual who has graduated from a graduate level accredited program for midwifery education approved by the Accreditation Commission for Midwifery Education and who is practicing under the supervision of a licensed certified midwife or a nurse certified as a nurse-midwife and meets any other requirements set by MBON.

Peer Advisory Committees

Under current law, MBON may appoint peer advisory committees to provide the board with expert advice related to the practice of nursing by advance practice nurses.

The bill specifies that peer advisory committees may also be appointed to provide expert advice related to the practice of midwifery by licensed certified midwives.

Recommendations to Expand Access to Birthing Services in Birthing Centers

By December 1, 2023, MDH, in consultation with relevant stakeholders, must develop recommendations to expand access to birthing services in birthing centers in the State and report its findings to the Senate Finance Committee and the House Health and Government Operations Committee.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 772 (Senator Lam) - Finance.

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

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