

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

House Bill 759

(Delegate Alston)

Health and Government Operations

Finance

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**Advanced Practice Registered Nurses - Professional Liability Insurance  
Coverage - Notification Requirements**

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This bill requires each advanced practice registered nurse (APRN) practicing as an APRN in the State to notify a patient in writing if (1) the APRN does not maintain professional liability insurance coverage or (2) their professional liability insurance coverage has lapsed for any period of time and has not been renewed. Each APRN practicing in the State as an APRN who does not maintain professional liability insurance coverage must post such information in a conspicuous location in their place of practice. The State Board of Nursing (MBON) must develop appropriate language for the required written notification.

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**Fiscal Summary**

**State Effect:** MBON can develop appropriate language for the required written notification using existing budgeted resources. Revenues are not affected.

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

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** Written notice must be (1) provided at the first visit by the patient during any period in which the APRN does not maintain professional liability insurance, unless the visit is for the purpose of receiving incidental medical care that will be rendered free of charge, and as part of each informed consent obtained before any procedure or operation discussed or offered for the patient’s consideration is performed; (2) signed by the patient

at the time of the patient's visit or at the time the informed consent is signed; and (3) retained by the APRN as part of patient records.

### **Current Law:**

#### *Advanced Practice Registered Nurse*

Generally, an individual must be licensed or certified by MBON to practice nursing in the State. In Maryland, an individual must be licensed as a registered nurse and certified as an APRN by MBON to practice as a nurse practitioner, nurse anesthetist, nurse midwife, or clinical nurse specialist.

“Practice registered nursing” means the performance of acts requiring substantial specialized knowledge, judgment, and skill based on the biological, physiological, behavioral, or sociological sciences as the basis for assessment, nursing diagnosis, planning, implementation, and evaluation of the practice of nursing to maintain health, prevent illness, or care for or rehabilitate the ill, injured, or infirm. “Practice advanced practice registered nursing” means to practice registered nursing within the scope of practice in the area of specialty for which the individual holds certification from a nationally recognized certifying body recognized by MBON.

#### *Medical Professional Liability Insurance*

Medical professional liability insurance (also known as medical malpractice insurance) provides coverage against damages due to medical injury arising out of the performance of professional services rendered or which should have been rendered by a health care professional.

Chapter 770 of 2017, among other things, required licensed physicians to (1) provide written notification regarding professional liability insurance to patients; (2) maintain a signed written notification in the patient's records; and (3) conspicuously post information regarding professional liability insurance.

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### **Additional Information**

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

**Designated Cross File:** SB 996 (Senator Klausmeier) - Finance.

**Information Source(s):** Maryland Association of County Health Officers; Maryland State Treasurer's Office; Maryland Department of Health; Maryland Health Care Alternative Dispute Resolution Office; Maryland Insurance Administration; Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2024  
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