



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

February 10, 2022

The Honorable Paul G. Pinsky
Chair, Senate Education, Health, and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 159 – Health Occupations – Authorized Prescribers – Reporting of Financial Gratuities or Incentives – Letter of Information with Amendments

Dear Chair Pinsky and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of information with amendments for Senate Bill (SB) 159 – Health Occupations – Authorized Prescribers – Reporting of Financial Gratuities or Incentives. This bill requires each authorized prescriber who receives a financial gratuity or incentive from a pharmaceutical distributor or manufacturer to file a disclosure form with a certain health occupations board within a certain period of time.

An Advanced Practice Registered Nurse (APRN) is a nurse who has met advanced educational and clinical practice requirements to provide and coordinate patient care in a number of healthcare settings. APRNs are independent providers who hold at least a Master's degree, in addition to a Registered Nurse (RN) license. Their scope of practice allows them to treat and diagnose illnesses, advise the public on health issues, manage chronic diseases, and engage in continuous educational efforts.

The state of Maryland recognizes four (4) APRN disciplines: Certified Registered Nurse Practitioner (CRNP), Clinical Nurse Specialist (CNS), Certified Registered Nurse Anesthetist (CRNA), and Certified Nurse Midwife (CNM). Pursuant to the Annotated Code of Maryland, Health Occupations Article (Health Occ.) Title 8, CRNPs and CNMs are currently authorized to prepare, prescribe, and dispense medications¹. It has also come to the Board's attention that legislation being introduced in the 2022 legislative session would authorize an expansion of prescriptive authority to CRNAs and CNSs^{2,3}. The Board respectfully submits Amendment #1 to expand the definition of an authorized prescriber to encompass multiple sections of Title 8.

The Public Information Act (PIA)⁴, specifically General Provisions (GP) § 4-333, requires the Board to disclose to the public a final determination of disciplinary action, only if the Board

¹ Title 8 sections include: Section 8-101 Definitions; 8-508 Preparation and Dispensing of Drugs by Nurse Practitioners; and Section 8-601 Practice Nurse Midwifery Defined.

² Senate Bill 312. Health Occupations – Nurse Anesthetists – Drug Authority and Collaboration.

³ Senate Bill 513. Health Occupations – Clinical Nurse Specialists – Prescribing Authority.

⁴ Maryland Public Information Act Manual (Occupational and Professional Licensing Records 3-21).
<https://www.marylandattorneygeneral.gov/OpenGov%20Documents/Chapter3.pdf>

determines that a licensee was guilty of unfair or illegal practice. The Board believes the publication of this information to be pertinent to the public's safety, health, and wellbeing. Additionally, sanctions imposed for disciplinary action vary among each of the health occupations boards. It should be the responsibility of each Board to determine the type of disciplinary action necessary. The Board respectfully submits Amendment #2 and Amendment #3 to reflect current disciplinary practices.

For the reasons discussed above, the Board of Nursing respectfully submits this letter of information with amendments for SB 159.

For more information, please contact Iman Farid, Health Policy Analyst, at (410) 585 – 1536 (iman.farid@maryland.gov) or Rhonda Scott, Deputy Director, at (410) 585 – 1953 (rhonda.scott2@maryland.gov).

Sincerely,



Gary N. Hicks
Board President

Amendment #1. On page 1. Section 1-227. Lines 21 – 22. Add:

(2) "AUTHORIZED PRESCRIBER" MEANS ANY LICENSED DENTIST, LICENSED PHYSICIAN, LICENSED PODIATRIST, ADVANCED PRACTICE **REGISTERED** NURSE WITH PRESCRIPTIVE AUTHORITY UNDER [§ 8–508 OF THIS ARTICLE,] **TITLE 8** OR ANY OTHER INDIVIDUAL AUTHORIZED BY LAW TO PRESCRIBE PRESCRIPTION OR NONPRESCRIPTION DRUGS OR DEVICES.

Amendment #2. On page 3. Section 1-227. Line 3. Add:

(2) MAY NOT BE DISCLOSED TO THE PUBLIC **EXCEPT AS PART OF A FINAL DISCIPLINARY ORDER.**

On page 3. Section 1-227. Lines 6 – 7.

(D) IF AN AUTHORIZED PRESCRIBER WILLFULLY FAILS TO FILE A FINANCIAL DISCLOSURE FORM AS REQUIRED BY SUBSECTION (B) OF THIS SECTION, THE HEALTH OCCUPATIONS BOARD MAY **PURSUE ANY DISCIPLINARY ACTION AUTHORIZED UNDER THE APPLICABLE PRACTICE ACT OR** IMPOSE A FINE NOT TO EXCEED \$1,000 PER VIOLATION.

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.