

# SENATE BILL 385

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CF HB 482

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By: **Senators Nathan–Pulliam, Benson, Eckardt, Ferguson, Kelley, Lee, Manno, Mathias, McFadden, Peters, and Robinson**

Introduced and read first time: January 26, 2017

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Nurse Practice Act – Revisions**

3 FOR the purpose of altering the membership of the State Board of Nursing; requiring that  
4 certain petitions for membership on the Board have at least a certain number of  
5 signatures of support from nurses with a certain license; altering the requirements  
6 for the election of Board officers; requiring the Board to hold a special election within  
7 a certain time period to fill a certain vacancy under certain circumstances; altering  
8 the requirements for a quorum of the Board; authorizing the Board to employ a  
9 deputy director; authorizing the Board to set standards for the practice of advanced  
10 practice registered nursing, electrology, and direct–entry midwifery; altering the  
11 requirement that the Board keep a list of certain nurses and other professionals  
12 regulated by the Board; authorizing the Board to appoint certain committees of the  
13 Board, to delegate certain duties to the executive director, and to hold the executive  
14 director accountable to the Board; renaming the Rehabilitation Program to be the  
15 Safe Practice Program; renaming the Rehabilitation Committee to be the Safe  
16 Practice Committee; repealing the authority of a certain committee to review and  
17 designate certain treatment facilities and services to which certain individuals may  
18 be referred; altering the reporting requirements of the Safe Practice Committee;  
19 requiring the Program to transfer to the Board certain records; authorizing the  
20 Board to summarily suspend the license or certificate of certain licensees and  
21 certificate holders; requiring a certain nursing education program in another state  
22 or country to be substantially equivalent to an education program in this State at  
23 the time of the applicant’s graduation for a certain purpose; requiring certain  
24 applicants to demonstrate written and oral competency in the English language as

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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 part of the Board's examination and licensing procedures; repealing certain testing  
2 requirements relating to a certain English language competency requirement for  
3 certain applicants; repealing certain references to nurse psychotherapists; repealing  
4 the requirement that the Board determine certain matters relating to certain  
5 licensing examinations; repealing an obsolete date by which the Board was required  
6 to begin requiring criminal history records checks; repealing the authority of the  
7 Board to issue a temporary practice letter to certain nurses under certain  
8 circumstances; altering the grounds for denying an applicant or licensee a license,  
9 reprimanding a licensee, placing a licensee on probation, or suspending or revoking  
10 the license of an applicant or licensee if the individual has a substance use disorder;  
11 requiring the Board to determine the Maryland passing rate for a certain  
12 examination; requiring certain advanced practice registered nurses to report certain  
13 information relating to knowledge of certain nurses with a substance use disorder;  
14 repealing the requirement that the Board, in consultation with the State Board of  
15 Pharmacy and the State Board of Physicians, establish a certain drug formulary for  
16 the practice of nurse midwifery; repealing the Board's authority to issue a certain  
17 replacement registration certificate and to set a certain fee; repealing the Board's  
18 authority to deny the issuance of a certain temporary practice certificate to a certain  
19 applicant under certain circumstances; requiring the Board to consider certain  
20 information before the Board initiates a disciplinary action against a certain  
21 certificate holder or licensee based on information received from a criminal history  
22 records check at the time of renewal of a certain certificate or license; prohibiting the  
23 Board from renewing a certain certificate without certain documentation that a  
24 certain applicant has submitted to a criminal history records check; providing that  
25 members of a certain advisory committee are entitled to receive certain  
26 compensation and reimbursement for certain expenses; requiring an applicant for a  
27 license to practice electrology to take a certain written examination; authorizing the  
28 Board or a designee of the Board to give clinical examinations and reexaminations  
29 to certain applicants; requiring the Board to provide a certain notice and determine  
30 the passing score for a certain examination; repealing the authority of the Board to  
31 take certain action against a certain licensee for failing to display a certain notice;  
32 repealing the requirement that an electrologist display a certain notice; prohibiting  
33 an individual from representing to the public that the individual is authorized to  
34 practice advanced practice registered nursing unless authorized to practice advanced  
35 practice registered nursing; prohibiting an individual from practicing advanced  
36 practice registered nursing under color of a fraudulent diploma, license, certificate,  
37 or record; prohibiting an individual from knowingly employing an individual to  
38 practice advanced practice registered nursing if the individual is not authorized to  
39 practice advanced practice registered nursing; defining certain terms; altering  
40 certain defined terms and definitions of certain terms; updating certain terminology;  
41 repealing an obsolete provision of law; making conforming and stylistic changes; and  
42 generally relating to revisions to the Maryland Nurse Practice Act.

43 BY repealing and reenacting, with amendments,

44 Article – Health Occupations

45 Section 8–101, 8–202(a) through (d), 8–203, 8–204, 8–205(a), 8–208, 8–302, 8–304,  
46 8–305, 8–306, 8–312(g), 8–315, 8–316(a), 8–401, 8–505, 8–601, 8–6A–07,

1 8–6A–08(k), 8–6A–10(a), 8–6B–10, 8–6B–14(k), 8–6B–18, 8–701 through  
2 8–703, 8–705(a) and (b), and 8–706  
3 Annotated Code of Maryland  
4 (2014 Replacement Volume and 2016 Supplement)

5 BY adding to  
6 Article – Health Occupations  
7 Section 8–302.1 and 8–6A–13(g)  
8 Annotated Code of Maryland  
9 (2014 Replacement Volume and 2016 Supplement)

10 BY repealing and reenacting, without amendments,  
11 Article – Health Occupations  
12 Section 8–6A–13(a)  
13 Annotated Code of Maryland  
14 (2014 Replacement Volume and 2016 Supplement)

15 BY repealing  
16 Article – Health Occupations  
17 Section 8–6B–26  
18 Annotated Code of Maryland  
19 (2014 Replacement Volume and 2016 Supplement)

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

22 **Article – Health Occupations**

23 8–101.

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

25 (b) “Advanced practice **REGISTERED** nurse” means an individual who:

26 (1) **(I)** Is licensed by the Board to practice registered nursing; **OR**

27 **(II) HAS A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE**  
28 **REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT; and**

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

30 (i) A nurse practitioner;

31 (ii) A nurse anesthetist;

32 (iii) A nurse midwife; **OR**

1 (iv) [A nurse psychotherapist; or

2 (v)] A clinical nurse specialist.

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

4 (1) An individual applying for an initial license by examination or  
5 endorsement;

6 (2) A licensee applying for renewal of a license; [or]

7 **(3) AN INDIVIDUAL APPLYING FOR AN INITIAL ADVANCED PRACTICE**  
8 **REGISTERED NURSE CERTIFICATION;**

9 **(4) A LICENSEE APPLYING FOR RENEWAL OF AN ADVANCED**  
10 **PRACTICE REGISTERED NURSE CERTIFICATION; OR**

11 **[(3)] (5)** An individual applying for reinstatement of a license in  
12 accordance with § 8–319 of this title.

13 (d) “Board” means the State Board of Nursing.

14 (e) “Expired license” means, unless the context requires otherwise, a license that  
15 was not renewed before the expiration date of the license as established under § 8–312(a)  
16 of this title.

17 (f) “Lapsed license” means, unless the context requires otherwise, a license that  
18 was not renewed because a licensee failed to renew the license or otherwise did not meet  
19 the renewal requirements of this title.

20 (g) “License” means, unless the context requires otherwise, a license issued by the  
21 Board to practice:

22 (1) Registered nursing; [or]

23 (2) Licensed practical nursing; **OR**

24 **(3) ADVANCED PRACTICE REGISTERED NURSING.**

25 (h) “Licensed practical nurse” means, unless the context requires otherwise, an  
26 individual who [is]:

27 **(1) IS licensed by the Board to practice licensed practical nursing; OR**

28 **(2) HAS A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE**  
29 **LICENSED PRACTICAL NURSING UNDER THE NURSE LICENSURE COMPACT.**

1 (i) “Licensee” means, unless the context requires otherwise, a registered nurse or  
2 licensed practical nurse who has:

3 (1) An active license;

4 (2) An inactive license;

5 (3) A temporary license;

6 (4) An expired temporary license;

7 (5) An expired license;

8 (6) A lapsed license;

9 (7) A suspended license; [or]

10 (8) A license subject to a reprimand, probation, or suspension; **OR**

11 **(9) A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE REGISTERED**  
12 **NURSING OR LICENSED PRACTICAL NURSING UNDER THE NURSE LICENSURE**  
13 **COMPACT.**

14 (j) “Mentor” means a certified **REGISTERED** nurse practitioner or a licensed  
15 physician:

16 (1) Who has 3 or more years of clinical practice experience; and

17 (2) With whom an individual applying for certification as a certified nurse  
18 practitioner will consult and collaborate with as needed in accordance with § 8–302(b)(5)(i)  
19 of this title.

20 [(k) “Nurse practitioner” means an individual who:

21 (1) Is licensed by the Board to practice registered nursing; and

22 (2) Is certified by the Board to practice as a nurse practitioner.]

23 **(K) “PRACTICE ADVANCED PRACTICE REGISTERED NURSING” MEANS TO**  
24 **PRACTICE REGISTERED NURSING WITHIN THE SCOPE OF PRACTICE IN THE AREA OF**  
25 **SPECIALTY FOR WHICH THE INDIVIDUAL HOLDS A CERTIFICATION FROM A**  
26 **NATIONALLY RECOGNIZED CERTIFYING BODY RECOGNIZED BY THE BOARD.**

27 (l) “Practice as a **REGISTERED** nurse practitioner” means to independently:

- 1 (1) Perform an act under subsection (n) of this section;
- 2 (2) Conduct a comprehensive physical assessment of an individual;
- 3 (3) Establish a medical diagnosis for common chronic stable or short-term  
4 health problems;
- 5 (4) Order, perform, and interpret laboratory tests;
- 6 (5) Prescribe drugs as provided under § 8–508 of this title;
- 7 (6) Perform diagnostic, therapeutic, or corrective measures;
- 8 (7) Consult and collaborate with, or refer an individual to, an appropriate  
9 licensed physician or any other health care provider as needed; and
- 10 (8) Provide emergency care.

11 (m) “Practice licensed practical nursing” means to perform in a team relationship  
12 an act that requires specialized knowledge, judgment, and skill based on principles of  
13 biological, physiological, behavioral, or sociological science to:

- 14 (1) Administer treatment or medication to an individual;
- 15 (2) Aid in the rehabilitation of an individual;
- 16 (3) Promote preventive measures in community health;
- 17 (4) Give counsel to an individual;
- 18 (5) Safeguard life and health;
- 19 (6) Teach or supervise; or
- 20 (7) Perform any additional acts authorized by the Board under § 8–205 of  
21 this title.

22 (n) (1) “Practice registered nursing” means the performance of acts requiring  
23 substantial specialized knowledge, judgment, and skill based on the biological,  
24 physiological, behavioral, or sociological sciences as the basis for assessment, nursing  
25 diagnosis, planning, implementation, and evaluation of the practice of nursing in order to:

- 26 (i) Maintain health;
- 27 (ii) Prevent illness; or
- 28 (iii) Care for or rehabilitate the ill, injured, or infirm.



1 (ii) [3] 2 shall be licensed practical nurses; and

2 (iii) 2 shall be consumers.

3 (3) Of the [8] 9 registered nurse members:

4 (i) [1] 2 shall be [certified in an] advanced practice [nursing  
5 specialty that rotates with each vacancy among the following specialties:

6 1. Nurse anesthetist;

7 2. Nurse practitioner;

8 3. Nurse midwife; and

9 4. Nurse psychotherapist] **REGISTERED NURSES, OF**  
10 **WHICH 1 SHALL BE A ~~REGISTERED NURSE PRACTITIONER~~ NURSE ANESTHETIST;**

11 (ii) 1 shall be a baccalaureate nursing educator with, at least, a  
12 master's degree in nursing or education;

13 (iii) 1 shall be an associate degree nursing educator with, at least, a  
14 master's degree in nursing or education;

15 (iv) 1 shall be a practical nursing educator with, at least, a [bachelor  
16 of science] **MASTER'S** degree in nursing or education;

17 (v) 1 shall be a nurse administrator with, at least, a master's degree  
18 in nursing administration, business administration, business management, education, or  
19 public health;

20 (vi) 1 shall be a nurse clinician with at least a master's degree in  
21 nursing or public health;

22 (vii) 1 shall be a currently practicing nurse, who has practiced acute  
23 care for at least 5 years, with a bachelor of science degree in nursing; and

24 (viii) 1 shall be a currently practicing nurse who has practiced as a  
25 delegating nurse in a supervised group living setting, as defined in COMAR  
26 [10.27.11.02(20)] **10.27.11.02(21)**, for at least 5 years.

27 (4) Of the [3] 2 licensed practical nurse members, at least 1 shall practice  
28 in a long-term care nursing facility.

29 (b) (1) The Governor shall appoint:



1 (i) The **ADVANCED PRACTICE** registered nurse [member certified  
 2 in an advanced practice nursing specialty] **MEMBERS**, with the advice of the Secretary,  
 3 from a list of qualified individuals jointly developed in accordance with the requirements  
 4 of subsection (a)(3)(i) of this section and submitted to the Secretary and the Governor by  
 5 the:

- 6 1. Maryland Association of Nurse Anesthetists, Inc.;
- 7 2. Nurse Practitioners Association of Maryland, Inc.;
- 8 3. ~~Maryland Coalition of Nurse Practitioners, Inc.~~
- 9 **MARYLAND ACADEMY OF ADVANCED PRACTICE CLINICIANS;**
- 10 4. Maryland Chapter, American College of Nurse-Midwives;
- 11 and
- 12 5. Psychiatric Advance Practice Nurses of Maryland; and

13 (ii) The other registered nurse members, with the advice of the  
 14 Secretary, from:

- 15 1. A list of qualified individuals submitted to the Secretary  
 16 and the Governor by:
  - 17 A. The Maryland Nurses Association, Inc.; or
  - 18 B. Any other professional nursing organization that  
 19 represents at least 25 licensed registered nurses; or
- 20 2. A valid petition submitted to the Secretary and the  
 21 Governor by a registered nurse with an active license under this title.

22 (2) The Governor shall appoint the licensed practical nurse members, with  
 23 the advice of the Secretary, from:

- 24 (i) A list of qualified individuals submitted to the Secretary and the  
 25 Governor by:
  - 26 1. The Maryland Licensed Practical Nurse Association, Inc.;
  - 27 or
  - 28 2. Any other professional nursing organization representing  
 29 at least 25 licensed practical nurses; or
- 30 (ii) A valid petition submitted to the Secretary and the Governor by  
 31 a licensed practical nurse with an active license under this title.

1 (3) A list submitted to the Secretary and the Governor under this  
2 subsection shall be 5 times the number of vacancies.

3 (4) A petition submitted to the Secretary and **THE** Governor under this  
4 subsection shall:

5 (I) **FOR A REGISTERED NURSE MEMBER VACANCY**, have at least  
6 25 signatures of support from **REGISTERED** nurses with active licenses in the State;

7 (II) **FOR AN ADVANCED PRACTICE REGISTERED NURSE MEMBER**  
8 **VACANCY, HAVE AT LEAST 25 SIGNATURES OF SUPPORT FROM ADVANCED PRACTICE**  
9 **REGISTERED NURSES WITH ACTIVE LICENSES IN THE STATE; AND**

10 (III) **FOR A LICENSED PRACTICAL NURSE MEMBER VACANCY,**  
11 **HAVE AT LEAST 25 SIGNATURES OF SUPPORT FROM LICENSED PRACTICAL NURSES**  
12 **WITH ACTIVE LICENSES IN THE STATE.**

13 (5) The Board shall provide notice of a vacancy on the Board to:

14 (i) All **REGISTERED NURSES, ADVANCED PRACTICE**  
15 **REGISTERED NURSES, AND LICENSED PRACTICAL** nurses with an active license in the  
16 State; and

17 (ii) All appropriate professional nursing organizations.

18 (6) The Governor may request an additional list of 5 nominees for each  
19 vacancy from the appropriate professional nursing organizations.

20 (7) The Governor shall make the appointment for each vacancy from the  
21 lists or petitions submitted under this subsection.

22 (8) The Governor shall appoint the consumer members with the advice of  
23 the Secretary and the advice and consent of the Senate.

24 (9) To the extent practicable, the members appointed to the Board shall  
25 reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

26 (c) Each member of the Board shall be:

27 (1) A citizen of the United States; and

28 (2) A resident of this State.

29 (d) (1) A registered nurse member of the Board shall:

1 (i) Have graduated from an approved school of nursing or its  
2 equivalent; and

3 (ii) Have at least 5 years of experience in nursing administration,  
4 education, or practice, which includes at least the 3 years immediately before the  
5 appointment.

6 (2) A member of the Board who is [a] AN ADVANCED PRACTICE registered  
7 nurse [certified in an advanced practice nursing specialty] shall:

8 (i) Hold a current license to practice registered nursing in this  
9 State;

10 (ii) Hold a current certification in an advanced practice  
11 REGISTERED nursing specialty in this State; and

12 (iii) Have at least 5 years of experience in an advanced practice  
13 REGISTERED nursing education PROGRAM or practice, including at least the 3 years  
14 immediately before the appointment.

15 8–203.

16 (a) (1) [From] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FROM  
17 among its members, the Board shall elect a president and a secretary once every 2 years in  
18 [July] JUNE OR AS REQUIRED BY SUBSECTION (C) OF THIS SECTION.

19 (2) THE PRESIDENT OF THE BOARD SHALL BE A REGISTERED NURSE.

20 (3) THE PRESIDENT SHALL SERVE A 2–YEAR TERM UNLESS:

21 (I) THE TERM OF THE MEMBER SERVING AS THE PRESIDENT  
22 EXPIRES BEFORE THE END OF THE MEMBER’S TERM AS PRESIDENT; OR

23 (II) THE PRESIDENT RESIGNS.

24 (b) The Board shall determine:

25 (1) The manner of election of officers; and

26 (2) The duties of each officer.

27 (C) IF A VACANCY OCCURS UNDER SUBSECTION (A)(3)(II) OF THIS SECTION,  
28 THE BOARD SHALL HOLD A SPECIAL ELECTION TO ELECT A PRESIDENT TO  
29 COMPLETE THE TERM OF THE VACATING PRESIDENT WITHIN 30 DAYS OF THE DATE  
30 OF THE VACANCY.

1 8-204.

2 (a) [(1) Except as provided in paragraph (2) of this subsection, a] A majority of  
3 the [full authorized membership of] **APPOINTED MEMBERS SERVING ON** the Board [that  
4 includes at least one officer] is a quorum.

5 [(2) In addition to the requirements of paragraph (1) of this subsection, on  
6 a matter concerning licensing or disciplining of an individual, a quorum shall include:

7 (i) At least three registered nurse members if a registered nurse or  
8 an applicant for a license as a registered nurse is involved; or

9 (ii) At least two licensed practical nurse members if a licensed  
10 practical nurse or an applicant for a license as a licensed practical nurse is involved.]

11 (b) In addition to the other meeting requirements of this title, the Board shall  
12 meet:

13 (1) At the request of the Secretary; or

14 (2) If necessary to transact its business.

15 (c) In accordance with the State budget, each member of the Board is entitled to:

16 (1) Compensation, at a rate determined by the Board, for each day on which  
17 the member is engaged in the duties of the member's office; and

18 (2) Reimbursement for expenses under the Standard State Travel  
19 Regulations.

20 (d) The Board may:

21 (1) Employ a staff in accordance with the State budget;

22 (2) Define the duties of its staff; and

23 (3) Employ [an]:

24 (I) **AN** executive director who shall be a registered nurse with a  
25 minimum of a master's degree in nursing or the equivalent, in the judgment of the Board,  
26 in professional education and administrative experience; **AND**

27 (II) **A DEPUTY DIRECTOR WHO SHALL ASSUME THE DUTIES AND**  
28 **AUTHORITY OF THE EXECUTIVE DIRECTOR IN THE ABSENCE OF THE EXECUTIVE**  
29 **DIRECTOR.**

1 8–205.

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

4 (1) To adopt rules and regulations to carry out the provisions of this title;

5 (2) To set standards for the practice of registered nursing, **ADVANCED**  
6 **PRACTICE REGISTERED NURSING**, licensed practical nursing, certified nursing  
7 assistants, [and] certified medication technicians, **ELECTROLOGY, AND DIRECT-ENTRY**  
8 **MIDWIFERY**;

9 (3) To adopt rules and regulations for the performance of delegated medical  
10 functions that are recognized jointly by the State Board of Physicians and the State Board  
11 of Nursing, under § 14–306(d) of this article;

12 (4) To adopt rules and regulations for the performance of additional  
13 nursing acts that:

14 (i) May be performed under any condition authorized by the Board,  
15 including emergencies; and

16 (ii) Require education and clinical experience;

17 (5) To adopt rules and regulations for registered nurses to perform  
18 independent nursing functions that:

19 (i) Require formal education and clinical experience; and

20 (ii) May be performed under any condition authorized by the Board,  
21 including emergencies;

22 (6) To adopt rules and regulations for licensed practical nurses to perform  
23 additional acts in the practice of registered nursing that:

24 (i) Require formal education and clinical experience;

25 (ii) May be performed under any condition authorized by the Board,  
26 including emergencies; and

27 (iii) Are recognized by the Nursing Board as proper for licensed  
28 practical nurses to perform;

29 (7) To keep a record of its proceedings;

1 (8) To submit to the Governor, the Secretary, and, in accordance with  
2 § 2-1246 of the State Government Article, the General Assembly, an annual report that  
3 includes the following data calculated on a fiscal year basis:

4 (i) The number of initial and renewal licenses and certificates  
5 issued;

6 (ii) The number of positive and negative criminal history records  
7 checks results received;

8 (iii) The number of individuals denied initial or renewal licensure or  
9 certification due to positive criminal history records checks results;

10 (iv) The number of individuals denied licensure or certification due  
11 to reasons other than a positive criminal history records check;

12 (v) The number of new complaints received;

13 (vi) The number of complaints carried over from year to year;

14 (vii) The most common grounds for complaints; and

15 (viii) The number and types of disciplinary actions taken by the Board;

16 (9) To enforce the employment record requirements of this title;

17 (10) To keep separate lists, which lists are open to reasonable public  
18 inspection, of all:

19 (i) Registered nurses licensed under this title;

20 (ii) Licensed practical nurses licensed under this title;

21 (iii) Nurse midwives certified under this title;

22 (iv) Nurse practitioners certified under this title; [and]

23 **(V) NURSE ANESTHETISTS CERTIFIED UNDER THIS TITLE;**

24 **(VI) CLINICAL NURSE SPECIALISTS CERTIFIED UNDER THIS**  
25 **TITLE;**

26 **(VII) CERTIFIED MEDICATION TECHNICIANS CERTIFIED UNDER**  
27 **THIS TITLE;**

28 **(VIII) ELECTROLOGISTS LICENSED UNDER THIS TITLE;**

1                   **(IX) DIRECT-ENTRY MIDWIVES LICENSED UNDER THIS TITLE;**

2 **AND**

3                   **[(v)] (X)**     Other licensees with a nursing specialty that is certified  
4 under this title;

5                   (11) To collect any funds of the Board;

6                   (12) To report any alleged violation of this title to the State's Attorney of the  
7 county where the alleged violation occurred;

8                   (13) In accordance with the State budget, to incur any necessary expense for  
9 prosecution of an alleged violation of this title;

10                  (14) On receipt of a written and signed complaint, including a referral from  
11 the Commissioner of Labor and Industry, conduct an unannounced inspection of the office  
12 of a nurse in independent practice, other than an office of a nurse in independent practice  
13 in a hospital, related institution, freestanding medical facility, or a freestanding birthing  
14 center, to determine compliance at that office with the Centers for Disease Control and  
15 Prevention's guidelines on universal precautions; [and]

16                  (15) To maintain a nurse aide registry that complies with federal law;

17                  **(16) TO APPOINT STANDING AND AD HOC COMMITTEES FROM AMONG**  
18 **BOARD MEMBERS AS NECESSARY; AND**

19                  **(17) TO DELEGATE TO THE EXECUTIVE DIRECTOR OF THE BOARD THE**  
20 **AUTHORITY TO DISCHARGE BOARD DUTIES DEEMED APPROPRIATE AND NECESSARY**  
21 **BY THE BOARD AND TO HOLD THE EXECUTIVE DIRECTOR ACCOUNTABLE TO THE**  
22 **BOARD.**

23 8-208.

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

25                       (2)    "Applicant" means an individual who has submitted an application to  
26 the Board to be licensed as a registered nurse, licensed practical nurse, electrologist, or  
27 licensed direct-entry midwife or to be certified as **AN ADVANCED PRACTICE REGISTERED**  
28 **NURSE**, a nursing assistant, or medication technician in this State.

29                       (3)    **"PARTICIPANT" MEANS A REGISTERED NURSE, AN ADVANCED**  
30 **PRACTICE REGISTERED NURSE, A LICENSED PRACTICAL NURSE, A NURSING**  
31 **ASSISTANT, A MEDICATION TECHNICIAN, AN ELECTROLOGIST, A LICENSED**

1 **DIRECT-ENTRY MIDWIFE, OR AN APPLICANT ENROLLED IN THE SAFE PRACTICE**  
2 **PROGRAM.**

3 ~~[(3)]~~ (4) “Program” means the [rehabilitation] **SAFE PRACTICE** program.

4 (5) **“SUBSTANCE USE DISORDER” MEANS A DISORDER THAT OCCURS**  
5 **WHEN AN INDIVIDUAL EXHIBITS A PATTERN OF BEHAVIORS RANGING FROM THE**  
6 **MISUSE OF, DEPENDENCE ON, OR ADDICTION TO DRUGS, ALCOHOL, OR OTHER**  
7 **CHEMICALS.**

8 (b) (1) There is a [Rehabilitation] **SAFE PRACTICE** Committee in the Board.

9 (2) The Board may create [1] **ONE** or more [rehabilitation] **SAFE**  
10 **PRACTICE** committees.

11 (c) (1) The Committee shall consist of 6 members.

12 (2) Of the 6 Committee members:

13 (i) 3 shall be licensed registered nurses, who have demonstrated  
14 expertise in the field of [chemical dependency] **SUBSTANCE USE DISORDERS** or  
15 psychiatric nursing;

16 (ii) 1 shall be a registered nurse, who has demonstrated expertise in  
17 the area of pain management;

18 (iii) 1 shall be a licensed practical nurse; and

19 (iv) 1 shall be a consumer member, who is knowledgeable in the field  
20 of [chemical dependency] **SUBSTANCE USE DISORDERS.**

21 (d) (1) The Board shall determine the term of a member of the Committee.

22 (2) At the end of a term, a member continues to serve until a successor is  
23 appointed and qualifies.

24 (3) A Committee member who is appointed after a term has begun serves  
25 only for the rest of the term and until a successor is appointed and qualifies.

26 (4) The Board may remove a Committee member for incompetence or  
27 misconduct.

28 (e) (1) The Committee shall elect a chairperson and a vice-chairperson.

29 (2) The manner of election of officers shall be as the Committee determines.



1 (f) A majority of the members then serving on the Committee [Board] is a  
2 quorum.

3 (g) The Committee shall determine the times and places of its meetings.

4 (h) Each member of the Committee is entitled to:

5 (1) Compensation in accordance with the State budget; and

6 (2) Reimbursement for expenses under the Standard State Travel  
7 Regulations, as provided in the State budget.

8 (i) The Board may employ a staff to carry out the activities of the Committee in  
9 accordance with the State budget.

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

12 (1) Evaluate those **REGISTERED** nurses, **ADVANCED PRACTICE**  
13 **REGISTERED NURSES, LICENSED PRACTICAL NURSES**, nursing assistants, medication  
14 technicians, electrologists, licensed direct–entry midwives, or applicants who request  
15 participation in the program according to the guidelines prescribed by the Board and  
16 consider the recommendations for admission into the program;

17 (2) [Review and designate those treatment facilities and services to which  
18 nurses, nursing assistants, medication technicians, electrologists, licensed direct–entry  
19 midwives, or applicants in the program may be referred;

20 (3) Receive and review information concerning a [nurse, nursing assistant,  
21 medication technician, electrologist, licensed direct–entry midwife, or applicant  
22 participating] **PARTICIPANT** in the program;

23 [(4)] (3) Consider in the case of each [nurse, nursing assistant,  
24 medication technician, electrologist, licensed direct–entry midwife, or applicant  
25 participating in a program whether the nurse, nursing assistant, medication technician,  
26 electrologist, licensed direct–entry midwife, or applicant] **PARTICIPANT WHETHER THE**  
27 **PARTICIPANT** may [with safety] **SAFELY** continue or resume [the] **TO** practice [of nursing  
28 or delegated nursing functions, electrology, or licensed direct–entry midwifery] **OR**  
29 **QUALIFY FOR LICENSURE OR CERTIFICATION TO PRACTICE**; and

30 [(5)] (4) Have meetings as necessary to consider the requests of  
31 **REGISTERED** nurses, **ADVANCED PRACTICE REGISTERED NURSES, LICENSED**  
32 **PRACTICAL NURSES**, nursing assistants, medication technicians, electrologists, licensed  
33 direct–entry midwives, or applicants to participate in the program, and consider reports  
34 regarding [nurses, nursing assistants, medication technicians, electrologists, licensed  
35 direct–entry midwives, or applicants participating in the program] **PARTICIPANTS**.

1 (k) In addition to the duties set forth elsewhere in this subtitle, the Committee  
2 shall:

3 (1) Prepare reports to be submitted to the Board; and

4 (2) Set forth in writing for each [nurse, nursing assistant, medication  
5 technician, electrologist, licensed direct-entry midwife, or applicant participating]  
6 **PARTICIPANT** in the program a [rehabilitation program established] **PLAN OR**  
7 **AGREEMENT THAT ESTABLISHES** for that [nurse, nursing assistant, medication  
8 technician, electrologist, licensed direct-entry midwife, or applicant, including]  
9 **PARTICIPANT** the requirements for supervision and [surveillance] **MONITORING**.

10 (l) The Committee shall inform each [nurse, nursing assistant, medication  
11 technician, electrologist, licensed direct-entry midwife,] **LICENSEE, CERTIFICATE**  
12 **HOLDER**, or applicant who requests participation in the program of:

13 (1) The procedures followed in the program;

14 (2) The rights and responsibilities of [the nurse, nursing assistant,  
15 medication technician, electrologist, licensed direct-entry midwife, or applicant] **A**  
16 **PARTICIPANT** in the program; and

17 (3) The possible results of noncompliance with the program.

18 (m) (1) Each [nurse, nursing assistant, medication technician, electrologist,  
19 licensed direct-entry midwife] **LICENSEE, CERTIFICATE HOLDER**, or applicant who  
20 requests to participate in the program shall agree to cooperate with the individual  
21 [rehabilitation program] **PLAN OR AGREEMENT** designed by the Committee.

22 (2) Any failure to comply with the [provisions of a rehabilitation program]  
23 **CONDITIONS OF A PLAN OR AGREEMENT** may result in [termination of the nurse's,  
24 nursing assistant's, medication technician's, electrologist's, licensed direct-entry midwife's,  
25 or applicant's participation in] **THE PARTICIPANT BEING EXPELLED FROM** the program.

26 (3) **(I)** The Committee shall report **TO THE BOARD** the name and  
27 license number of a **REGISTERED** nurse, **LICENSED PRACTICAL NURSE**, electrologist, or  
28 licensed direct-entry midwife, the name and certificate number of **AN ADVANCED**  
29 **PRACTICE REGISTERED NURSE**, a nursing assistant, or medication technician, or the  
30 name of an applicant who is expelled from the program for failure to comply with the  
31 conditions of [the program] **A PLAN OR AGREEMENT**.

32 **(II) THE PROGRAM SHALL TRANSFER TO THE BOARD ALL**  
33 **RECORDS OF ANY PARTICIPANT EXPELLED FROM THE PROGRAM.**

1           (4)    [(i)    The program shall transfer to the Board all the records of any  
2 nurse, nursing assistant, medication technician, electrologist, licensed direct-entry  
3 midwife, or applicant] **IF A PARTICIPANT IS** expelled from the program[.

4                   (ii)    The], **THE** Board may [initiate]:

5                   **(I)    INITIATE** disciplinary action [based on the failure of the nurse,  
6 nursing assistant, medication technician, electrologist, licensed direct-entry midwife, or  
7 applicant to comply with the conditions of the program] in accordance with the provisions  
8 of §§ 8-316 and 8-317, **§§ 8-6A-10 AND 8-6A-10.1**, §§ 8-6B-18 and  
9 8-6B-19, or **[§] §§ 8-6C-20 AND 8-6C-20.1** of this title; **AND**

10                   **(II)   SUMMARILY SUSPEND THE LICENSE OR CERTIFICATE OF**  
11 **ANY LICENSEE OR CERTIFICATE HOLDER IN ACCORDANCE WITH TITLE 10,**  
12 **SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

13           (n)    After the Committee has determined that [a nurse, nursing assistant,  
14 medication technician, electrologist, licensed direct-entry midwife, or applicant has been  
15 rehabilitated] **A PARTICIPANT NO LONGER REQUIRES MONITORING AND MAY**  
16 **PRACTICE SAFELY**, the Committee shall purge and destroy all records [concerning a  
17 nurse's, nursing assistant's, medication technician's, electrologist's, licensed direct-entry  
18 midwife's, or applicant's] **RELATING TO THE PARTICIPANT'S** participation in the  
19 program.

20           (o)    All Board and Committee records [of a proceeding] concerning [the  
21 rehabilitation of a nurse, nursing assistant, medication technician, electrologist, licensed  
22 direct-entry midwife, or applicant] **A PARTICIPANT** in the program are confidential and  
23 are not subject to discovery or subpoena in any civil or criminal action **OR DISCLOSURE**  
24 **UNDER TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.**

25           (p)    The Board shall provide for the representation of any [person] **INDIVIDUAL**  
26 making reports to the Committee or the Board under this section in any action for  
27 defamation directly resulting from reports or information given to the Committee or the  
28 Board regarding a [nurse's, nursing assistant's, medication technician's, electrologist's,  
29 licensed direct-entry midwife's, or applicant's] **PARTICIPANT'S** participation in the  
30 program.

31           (q)    **(1)    [Beginning July 1, 1990, and on a regular basis thereafter, the Board**  
32 **shall require reports from the Committee.] THE COMMITTEE SHALL SUBMIT TO THE**  
33 **BOARD A REPORT EACH YEAR AND AT THE REQUEST OF THE BOARD.**

34                   **(2)    The reports shall include:**

35                   **[(1)] (I)    Information concerning the number of cases accepted, denied, or**  
36 **terminated with compliance or noncompliance; and**

1            [(2)] (II) A cost analysis of the program.

2 8–302.

3            (a) Except as otherwise provided in this title, to qualify for a license [or  
4 certification], an applicant shall be an individual who submits to a criminal history records  
5 check in accordance with § 8–303 of this subtitle and meets the requirements of this section.

6            [(b) (1) An applicant for certification as an advanced practice nurse shall:

7                            (i) Be a registered nurse;

8                            (ii) Complete an education program approved by the Board;

9                            (iii) Submit to the Board:

10                            1. A completed application for certification as a nurse  
11 practitioner, nurse anesthetist, nurse midwife, nurse psychotherapist, or clinical nurse  
12 specialist for each area in which certification is sought;

13                            2. Documentation of an active license in good standing as a  
14 registered nurse in the State;

15                            3. Documentation that the applicant has graduated from an  
16 accredited program for advanced practice nursing for nurse practitioners, nurse  
17 anesthetists, nurse midwives, nurse psychotherapists, or clinical nurse specialists; and

18                            4. Documentation of certification as a nurse practitioner,  
19 nurse anesthetist, nurse midwife, nurse psychotherapist, or clinical nurse specialist by a  
20 nationally recognized certifying body approved by the Board; and

21                            (iv) Meet any other requirements that the Board sets.

22            (2) (i) An individual certified as a nurse practitioner by a national  
23 certifying body prior to October 1, 2010 who is certified by the Board and in good standing  
24 shall be deemed to meet the education requirements under subsection (b)(1)(iii)3 of this  
25 section.

26                            (ii) An individual certified as a nurse anesthetist, nurse midwife,  
27 nurse psychotherapist, or clinical nurse specialist who is certified by the Board and in good  
28 standing prior to October 1, 2012, shall be deemed to meet the education requirements  
29 under subsection (b)(1)(iii)3 of this section.

30            (3) In addition to the requirements for renewal of a license under § 8–312  
31 of this subtitle, the Board may establish continuing education or competency requirements  
32 for the renewal of a certificate under this subsection.

1                   (4)   (i)    Subject to the provisions of this subsection, the Board may waive  
2 any requirement of this subsection for an applicant who is licensed or certified to practice  
3 as a nurse practitioner, nurse anesthetist, nurse midwife, nurse psychotherapist, or clinical  
4 nurse specialist in any other state or country.

5                   (ii)   The Board may grant a waiver under this paragraph only if the  
6 applicant:

7                   1.    Pays the application fee required by the Board under  
8 § 8–304 of this subtitle;

9                   2.    Became licensed or certified in the other state or country  
10 under requirements substantially equivalent to the certification requirements of this title;  
11 and

12                  3.    Meets any other qualifications established by the Board.

13                  (5)   (i)    An applicant for initial certification as a nurse practitioner who  
14 has not been certified by the Board or any other board of nursing shall identify on the  
15 application for certification a mentor who will consult and collaborate with the applicant  
16 for 18 months beginning on the date the application for certification is received by the  
17 Board.

18                  (ii)   A certified nurse practitioner shall practice in accordance with  
19 the standards of practice of the American Association of Nurse Practitioners or any other  
20 national certifying body recognized by the Board.

21                  (6)   Unless authorized to practice as a nurse practitioner under this title, a  
22 person may not:

23                  (i)    Represent to the public by title or by description of services,  
24 methods, or procedures, or otherwise, that the person is authorized to practice as a nurse  
25 practitioner in this State;

26                  (ii)   Use as a title or describe the services the person provides by use  
27 of the words “nurse practitioner” or “certified registered nurse practitioner”; or

28                  (iii)   Use the abbreviation “N.P.”, “C.R.N.P.”, or any other words,  
29 letters, or symbols with the intent to represent that the person practices as a nurse  
30 practitioner.

31                  (7)   Unless authorized to practice as a nurse anesthetist under this title, a  
32 person may not:

33                  (i)    Practice nurse anesthesia unless certified by the Board in  
34 accordance with this section; or

1 (ii) Use the title “certified nurse anesthetist”, “nurse anesthetist”, or  
2 any other words, letters, or symbols with the intent to represent that the person practices  
3 as a nurse anesthetist.

4 (8) Unless authorized to practice as a nurse midwife under this title, a  
5 person may not:

6 (i) Practice nurse midwifery unless certified by the Board in  
7 accordance with this section; or

8 (ii) Use the title “certified nurse midwife”, “nurse midwife”, or any  
9 other words, letters, or symbols with the intent to represent that the person practices as a  
10 nurse midwife.

11 (9) Unless authorized to practice as a nurse psychotherapist under this  
12 title, a person may not:

13 (i) Practice as a nurse psychotherapist unless certified by the Board  
14 in accordance with this section; or

15 (ii) Use the title “advanced practice nurse”, “certified nurse  
16 psychotherapist”, “registered nurse/psychiatric mental health”, “nurse psychotherapist”, or  
17 any other words, letters, or symbols with the intent to represent that the person practices  
18 as a nurse psychotherapist.

19 (10) Unless authorized to practice as a clinical nurse specialist under this  
20 title, a person may not:

21 (i) Practice as a clinical nurse specialist unless certified by the  
22 Board in accordance with this section; or

23 (ii) Use the title “certified clinical nurse specialist”, “clinical nurse  
24 specialist”, “clinical registered nurse specialist”, “clinical nurse specialist graduate”, or any  
25 other words, letters, or symbols with the intent to represent that the person practices as a  
26 clinical nurse specialist.]

27 [(c) (B) An applicant for a license to practice registered nursing shall complete  
28 satisfactorily and meet all requirements for a diploma or degree from:

29 (1) A registered nursing education program approved by the Board; or

30 (2) An education program in registered nursing in any other state or  
31 country that the Board finds substantially equivalent to the EDUCATION program in this  
32 State AT THE TIME OF THE APPLICANT’S GRADUATION.

33 [(d) (C) An applicant for a license to practice licensed practical nursing shall:

1 (1) Meet all requirements for a high school diploma or its equivalent; and

2 (2) Complete satisfactorily and meet all requirements for a diploma from:

3 (i) A licensed practical nursing education program or its equivalent  
4 approved by the Board; or

5 (ii) An education program in licensed practical nursing in any other  
6 state or country that the Board finds substantially equivalent to the **EDUCATION** program  
7 in this State **AT THE TIME OF THE APPLICANT'S GRADUATION**.

8 **[(e)] (D)** Except as otherwise provided in this title, the applicant shall pass an  
9 examination developed by the National Council of State Boards of Nursing and  
10 administered at a testing site approved by the National Council.

11 **[(f)] (E)** (1) Except as otherwise provided in this subsection, the Board shall  
12 require as part of its examination or licensing procedures that an applicant for a license to  
13 practice registered nursing or licensed practical nursing demonstrate **[an] A WRITTEN AND**  
14 oral competency in the English language.

15 (2) Acceptable proof of proficiency in the **[oral]** communication of the  
16 English language under this section includes:

17 (i) After at least 3 years of enrollment, graduation from a recognized  
18 English-speaking undergraduate school;

19 (ii) Graduation from a recognized English-speaking professional  
20 school; or

21 (iii) Completion of at least 5 years of practicing nursing in another  
22 state or English-speaking territory of the United States.

23 (3) **[By regulation, the Board shall develop a procedure for testing**  
24 **individuals who because of their speech impairment are unable to complete satisfactorily a**  
25 **Board approved standardized test of oral competency.**

26 (4) **[If any disciplinary charge or action that involves a problem with [the**  
27 **oral communication of] COMMUNICATING IN** the English language is brought against a  
28 licensee under this title, the Board shall require the licensee to take and pass a Board  
29 approved standardized test of **[oral] ENGLISH LANGUAGE** competency.

30 **[(5)] (4)** The Board may not require that an applicant for a license to  
31 practice registered nursing or licensed practical nursing who was previously licensed in any  
32 other state to practice registered nursing or licensed practical nursing to demonstrate **[an**  
33 **oral]** competency in the English language as part of its examination or licensing procedures

1 if the other state has a similar [oral] **ENGLISH LANGUAGE** competency component as part  
2 of its examination or licensing procedures.

3 **[(6)] (5)** (i) The Board may issue a temporary license to any applicant  
4 for a license to practice registered nursing or licensed practical nursing who was previously  
5 licensed in any other state to practice registered nursing or licensed practical nursing and  
6 who, except for the [oral] competency in the English language component, is otherwise  
7 qualified for a license.

8 (ii) A temporary license issued under this subsection is valid only  
9 until the date when the next test to demonstrate [oral] competency in the English language  
10 is given.

11 **[(g)] (F)** An applicant for a license [or certification] under this section shall be  
12 of good moral character.

13 **8-302.1.**

14 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, TO QUALIFY FOR**  
15 **ADVANCED PRACTICE CERTIFICATION, AN APPLICANT SHALL:**

16 **(1) BE OF GOOD MORAL CHARACTER;**

17 **(2) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**  
18 **ACCORDANCE WITH § 8-303 OF THIS SUBTITLE; AND**

19 **(3) MEET THE REQUIREMENTS OF THIS SECTION.**

20 **(B) AN APPLICANT FOR CERTIFICATION AS AN ADVANCED PRACTICE**  
21 **REGISTERED NURSE SHALL:**

22 **(1) (I) BE A REGISTERED NURSE; OR**

23 **(II) HAVE A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE**  
24 **REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT;**

25 **(2) COMPLETE AN EDUCATION PROGRAM APPROVED BY THE BOARD;**

26 **(3) SUBMIT TO THE BOARD:**

27 **(I) A COMPLETED APPLICATION FOR CERTIFICATION AS AN**  
28 **ADVANCED PRACTICE REGISTERED NURSE FOR EACH AREA IN WHICH**  
29 **CERTIFICATION IS SOUGHT;**

30 **(II) DOCUMENTATION OF:**



1                   **1. AN ACTIVE LICENSE IN GOOD STANDING AS A**  
2 **REGISTERED NURSE IN THE STATE; OR**

3                   **2. A MULTISTATE LICENSURE PRIVILEGE TO PRACTICE**  
4 **REGISTERED NURSING UNDER THE NURSE LICENSURE COMPACT;**

5                   **(III) DOCUMENTATION THAT THE APPLICANT HAS GRADUATED**  
6 **FROM A GRADUATE LEVEL ACCREDITED PROGRAM FOR ADVANCED PRACTICE**  
7 **REGISTERED NURSING; AND**

8                   **(IV) DOCUMENTATION OF CERTIFICATION AS AN ADVANCED**  
9 **PRACTICE REGISTERED NURSE BY A NATIONAL CERTIFYING BODY RECOGNIZED BY**  
10 **THE BOARD;**

11                   **(4) MEET THE ENGLISH LANGUAGE COMPETENCY REQUIREMENTS**  
12 **UNDER § 8–302(E) OF THIS SUBTITLE; AND**

13                   **(5) MEET ANY OTHER REQUIREMENTS SET BY THE BOARD.**

14                   **(C) AN INDIVIDUAL CERTIFIED AS A CLINICAL NURSE SPECIALIST WHO WAS**  
15 **CERTIFIED BY A NATIONAL CERTIFYING BODY RECOGNIZED BY THE BOARD BEFORE**  
16 **OCTOBER 1, 2012, SHALL BE DEEMED TO MEET THE REQUIREMENTS FOR**  
17 **CERTIFICATION UNDER SUBSECTION (B) OF THIS SECTION WHILE THE INDIVIDUAL**  
18 **REMAINS CERTIFIED AND IN GOOD STANDING.**

19                   **(D) (1) AN APPLICANT FOR INITIAL CERTIFICATION AS A REGISTERED**  
20 **NURSE PRACTITIONER WHO HAS NOT BEEN CERTIFIED BY THE BOARD OR ANY**  
21 **OTHER BOARD OF NURSING SHALL IDENTIFY ON THE APPLICATION FOR**  
22 **CERTIFICATION A MENTOR WHO WILL CONSULT AND COLLABORATE WITH THE**  
23 **APPLICANT FOR 18 MONTHS BEGINNING ON THE DATE THE APPLICATION FOR**  
24 **CERTIFICATION IS RECEIVED BY THE BOARD.**

25                   **(2) A CERTIFIED REGISTERED NURSE PRACTITIONER SHALL**  
26 **PRACTICE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE OF THE AMERICAN**  
27 **ASSOCIATION OF NURSE PRACTITIONERS OR ANY OTHER NATIONAL CERTIFYING**  
28 **BODY RECOGNIZED BY THE BOARD.**

29 8–304.

30                   To apply for a license to practice registered nursing or licensed practical nursing, an  
31 applicant shall:

32                   (1) Submit to a criminal history records check in accordance with § 8–303  
33 of this subtitle;

1           (2)    Submit to the Board:

2                   (i)    An application on the form that the Board requires, including a  
3 current address;

4                   (ii)   Written, verified evidence that the requirement of item (1) of this  
5 [subsection] SECTION is being met or has been met;

6                   (iii)   Written, verified evidence of completion of the appropriate  
7 education requirements of § 8–302 of this subtitle; and

8                   (iv)   Written, verified evidence satisfactory to the Board that the  
9 applicant’s primary state of residence is Maryland or a state that is not a party state to the  
10 Nurse [Multistate] Licensure Compact set forth in Subtitle 7A of this title; and

11           (3)    Pay to the Board the application fee set by the Board.

12 8–305.

13           (a)    Except as otherwise provided in subsections (b) and (c) of this section, an  
14 applicant who otherwise qualifies for a license as a registered nurse or as a licensed  
15 practical nurse is entitled to be examined for that license as provided in this section.

16           (b)    An applicant whose primary state of residence is a party state to the Nurse  
17 [Multistate] Licensure Compact set forth in Subtitle 7A of this title, other than Maryland,  
18 is not entitled to be examined for a license as a registered nurse or licensed practical nurse  
19 in the State.

20           (c)    Subject to the hearing provisions of § 8–317 of this subtitle, the Board may  
21 deny the right to be examined for a license as a registered nurse or as a licensed practical  
22 nurse to any applicant who is found to have violated any provision of § 8–316 of this subtitle.

23           (d)    [The Board shall determine the subjects, scope, form, and passing score for  
24 each examination given under this title.

25           (e)]   (1)    In this subsection, “preceptorship program” means:

26                   (i)    An organized system of clinical experience that pairs a nursing  
27 student enrolled in a nursing education program that is recognized by the Board with a  
28 registered nurse who meets the qualifications as a preceptor for the purpose of attaining  
29 specified learning objectives; or

30                   (ii)   An individualized and supervised clinical experience offered by  
31 an institution employing nurses that complies with the requirements for temporary  
32 licensure for the purpose of facilitating an inactive licensee to return to active practice in  
33 accordance with the requirements of paragraph (2) of this subsection.

1           (2) An applicant whose nursing education program was completed 5 or  
2 more years prior to passing the licensure examination and who has not practiced for at  
3 least 1,000 hours in the previous 5 years may only be issued an inactive license until  
4 submission to the Board of satisfactory evidence that the applicant has successfully  
5 completed:

6                   (i) A nursing review course approved by the Board; or

7                   (ii) A preceptorship program approved by the Board.

8           **[(f) (E)]** (1) Except as provided in paragraph (2) of this subsection, an  
9 applicant who fails an examination may retake the examination if the applicant pays the  
10 reexamination fee set by the Board for each reexamination.

11           (2) The Board, by rule or regulation, may limit the number of times that  
12 an applicant may be reexamined after two failures and may limit the interval of time  
13 between reexaminations.

14 8–306.

15           An applicant qualifies for certification as **[a certified nurse practitioner] AN**  
16 **ADVANCED PRACTICE REGISTERED NURSE** only if the applicant passes a  
17 Board-approved **NATIONAL** examination **FOR ADVANCED PRACTICE REGISTERED**  
18 **NURSES**.

19 8–312.

20           (g) (1) (i) **[Beginning July 2009, the Board shall begin a process requiring]**  
21 **A** criminal history records **[checks] CHECK IS REQUIRED** in accordance with § 8–303 of  
22 this subtitle on:

23                   1. Selected annual renewal applicants as determined by  
24 regulations adopted by the Board; and

25                   2. Each licensee who files for reinstatement under § 8–313 of  
26 this subtitle after failing to renew the license for a period of 1 year or more.

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

29           (2) On receipt of the criminal history record information of a licensee  
30 forwarded to the Board in accordance with § 8–303 of this subtitle, in determining whether  
31 to **[renew a license] INITIATE A DISCIPLINARY ACTION AGAINST A LICENSEE BASED**  
32 **ON THE INFORMATION RECEIVED**, the Board shall consider:

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

8 (3) The Board may not renew a license [if the criminal history record  
9 information] **WITHOUT WRITTEN DOCUMENTATION THAT THE APPLICANT HAS**  
10 **SUBMITTED TO A CRIMINAL HISTORY RECORDS CHECK** required under § 8–303 of this  
11 subtitle [has not been received].

12 8–315.

13 (a) The Board may issue a temporary license to any applicant who:

14 (1) Submits to a criminal history records check in accordance with § 8–303  
15 of this subtitle;

16 (2) (i) Is licensed by any other state; or

17 (ii) Has taken and passed an examination under this title, but is  
18 waiting for the completion of the criminal history records check;

19 (3) Submits to the Board:

20 (i) An application on the form required by the Board;

21 (ii) Written, verified evidence that the requirement of item (1) of this  
22 subsection is being met; and

23 (iii) Any other document required by the Board; and

24 (4) Pays the fee required by the Board.

25 (b) (1) A temporary license issued to an individual who is authorized to  
26 practice registered nursing in another state or who has taken and passed an examination  
27 under this title authorizes the holder to practice registered nursing in this State while the  
28 temporary license is effective.

1           (2) A temporary license issued to an individual who is authorized to  
2 practice licensed practical nursing in another state or who has taken and passed an  
3 examination under this title authorizes the holder to practice licensed practical nursing in  
4 this State while the temporary license is effective.

5           (c) [(1) The Board may issue a temporary practice letter to a certified nurse  
6 practitioner or certified nurse–midwife who:

7                   (i) Has been issued a temporary license under this subsection; and

8                   (ii) Is authorized to practice as a registered nurse.

9           (2) A temporary practice letter issued to an individual who is authorized to  
10 practice as a certified nurse practitioner in another state authorizes the holder to practice  
11 as a certified nurse practitioner in this State while the temporary practice letter is effective.

12           (d) (1) [Except as provided in this subtitle, a] A temporary license [and  
13 temporary practice letter] may not be renewed.

14           (2) Unless the Board suspends or revokes a temporary license [or  
15 temporary practice letter], each temporary license [or temporary practice letter] expires 90  
16 days after the date of issue.

17           (3) A temporary license may be extended up to an additional 90 days if the  
18 applicant is awaiting the completion of criminal history record information.

19           (4) A temporary license [or temporary practice letter] may be extended  
20 every 90 days, provided that the total length of renewal does not exceed 12 months from  
21 the date the original temporary license [or temporary practice letter] was issued, if the  
22 applicant does not meet the practice requirement as provided for in regulation.

23           [(e)] (D) The Board shall revoke a temporary license [or temporary certificate]  
24 if the criminal history record information forwarded to the Board in accordance with §  
25 8–303 of this subtitle reveals that the applicant[, certificate holder,] or licensee has been  
26 convicted or pled guilty or nolo contendere to a felony or to a crime involving moral  
27 turpitude, whether or not any appeal or other proceeding is pending to have the conviction  
28 or plea set aside.

29 8–316.

30           (a) Subject to the hearing provisions of § 8–317 of this subtitle, the Board may  
31 deny a license or grant a license, including a license subject to a reprimand, probation, or  
32 suspension, to any applicant, reprimand any licensee, place any licensee on probation, or  
33 suspend or revoke the license of a licensee if the applicant or licensee:

- 1           (1)    Fraudulently or deceptively obtains or attempts to obtain a license for  
2 the applicant or for another;
- 3           (2)    Fraudulently or deceptively uses a license;
- 4           (3)    Is disciplined by a licensing, military, or disciplinary authority in this  
5 State or in any other state or country or convicted or disciplined by a court in this State or  
6 in any other state or country for an act that would be grounds for disciplinary action under  
7 the Board's disciplinary statutes;
- 8           (4)    Is convicted of or pleads guilty or nolo contendere to a felony or to a  
9 crime involving moral turpitude, whether or not any appeal or other proceeding is pending  
10 to have the conviction or plea set aside;
- 11          (5)    Willfully and knowingly:
- 12               (i)    Files a false report or record of an individual under the licensee's  
13 care;
- 14               (ii)   Gives any false or misleading information about a material  
15 matter in an employment application;
- 16               (iii)  Fails to file or record any health record that is required by law;
- 17               (iv)   Obstructs the filing or recording of any health record as required  
18 by law; or
- 19               (v)    Induces another [person] **INDIVIDUAL** to fail to file or record any  
20 health record as required by law;
- 21          (6)    Knowingly does any act that has been determined by the Board, in its  
22 rules and regulations, to exceed the scope of practice authorized to the individual under  
23 this title;
- 24          (7)    Provides professional services while:
- 25               (i)    Under the influence of alcohol; or
- 26               (ii)   Using any narcotic or controlled dangerous substance, as defined  
27 in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic  
28 amounts or without valid medical indication;
- 29          (8)    Does an act that is inconsistent with generally accepted professional  
30 standards in the practice of registered nursing or licensed practical nursing;
- 31          (9)    Is grossly negligent in the practice of registered nursing or licensed  
32 practical nursing;

- 1 (10) Has violated any provision of this title;
- 2 (11) Submits a false statement to collect a fee;
- 3 (12) Is physically or mentally incompetent;
- 4 (13) Knowingly fails to report suspected child abuse in violation of § 5–704  
5 of the Family Law Article;
- 6 (14) Refuses, withholds from, denies, or discriminates against an individual  
7 with regard to the provision of professional services for which the licensee is licensed and  
8 qualified to render because the individual is HIV positive;
- 9 (15) Except in an emergency life–threatening situation where it is not  
10 feasible or practicable, fails to comply with the Centers for Disease Control and  
11 Prevention’s guidelines on universal precautions;
- 12 (16) Is in independent practice and fails to display the notice required under  
13 § 8–506 of this title;
- 14 (17) Is in breach of a service obligation resulting from the applicant’s or  
15 licensee’s receipt of State or federal funding for the applicant’s or licensee’s nursing  
16 education;
- 17 (18) **[Is habitually intoxicated] HAS A SUBSTANCE USE DISORDER;**
- 18 (19) Is addicted to, or habitually abuses, any narcotic or controlled  
19 dangerous substance as defined in § 5–101 of the Criminal Law Article;
- 20 (20) Fails to cooperate with a lawful investigation conducted by the Board;
- 21 (21) Is expelled from the **[rehabilitation] SAFE PRACTICE** program  
22 established pursuant to § 8–208 of this title for failure to comply with the conditions of the  
23 program;
- 24 (22) Delegates nursing acts or responsibilities to an individual that the  
25 applicant or licensee knows or has reason to know lacks the ability or knowledge to perform;
- 26 (23) Delegates to an unlicensed individual nursing acts or responsibilities  
27 the applicant or licensee knows or has reason to know are to be performed only by a  
28 registered nurse or licensed practical nurse;
- 29 (24) Fails to properly supervise individuals to whom nursing acts or  
30 responsibilities have been delegated;
- 31 (25) Engages in conduct that violates the professional code of ethics;

1 (26) Is professionally incompetent;

2 (27) Practices registered nursing or licensed practical nursing without a  
3 license before obtaining or renewing a license, including any period when practicing  
4 registered nursing or licensed practical nursing on an expired license or a lapsed license;

5 (28) When holding an expired license or a lapsed license or after a temporary  
6 license has expired in accordance with § 8–315(d) of this subtitle, commits any act that  
7 would be grounds for disciplinary action under this section;

8 (29) Practices registered nursing or licensed practical nursing on a  
9 nonrenewed license for a period of 16 months or longer;

10 (30) Violates regulations adopted by the Board or an order from the Board;

11 (31) Performs an act that is beyond the licensee’s knowledge and skills;

12 (32) Fails to submit to a criminal history records check in accordance with §  
13 8–303 of this subtitle;

14 (33) When acting in a supervisory position, directs another nurse to perform  
15 an act that is beyond the nurse’s knowledge and skills;

16 (34) When acting in a supervisory position, directs another nurse to delegate  
17 a nursing task to an individual when that nurse reasonably believes:

18 (i) The individual lacks the knowledge and skills to perform the  
19 task; or

20 (ii) The patient’s condition does not allow delegation of the nursing  
21 task; or

22 (35) Has misappropriated the property of a patient or a facility.

23 8–401.

24 (a) The Board may approve any registered nursing or licensed practical nursing  
25 education program at an institution in this State.

26 (b) The Board shall:

27 (1) Keep a list of institutions in this State that currently have an approved  
28 registered nursing or licensed practical nursing education program;

29 (2) Set standards for approval of education programs for registered nurses  
30 and licensed practical nurses at institutions in this State;



1           **(3) DETERMINE THE MARYLAND PASSING RATE FOR THE NATIONAL**  
2 **NURSE LICENSURE EXAMINATION EACH YEAR;**

3           ~~[(3)]~~ **(4)** Evaluate the need for an education program for registered nurses  
4 or licensed practical nurses in the geographic area in which the program is proposed to be  
5 located; and

6           ~~[(4)]~~ **(5)** Survey approved nursing education programs as it considers  
7 necessary.

8 8-505.

9           (a) Except as provided in subsection (b) of this section, the following applies:

10           (1) If a nursing administrator, A registered nurse, **AN ADVANCED**  
11 **PRACTICE REGISTERED NURSE**, A licensed practical nurse, or A certified nursing  
12 assistant knows of an action or condition that might be grounds for action under § 8-316  
13 or Subtitle 6A of this title, the nursing administrator, registered nurse, **ADVANCED**  
14 **PRACTICE REGISTERED NURSE**, licensed practical nurse, or certified nursing assistant  
15 shall report the action or condition to the Board; and

16           (2) An individual shall have the immunity from liability described under §  
17 5-709 of the Courts and Judicial Proceedings Article for making a report as required by  
18 this subsection.

19           (b) If a nurse administrator, A registered nurse, **AN ADVANCED PRACTICE**  
20 **REGISTERED NURSE**, A licensed practical nurse, or A certified nursing assistant has  
21 reason to know that a licensee or certificate holder has committed an action or has a  
22 condition that might be grounds for reprimand or probation of the licensee or certificate  
23 holder or suspension or revocation of the license under § 8-316 or § 8-6A-10 of this title  
24 because the licensee or certificate holder **[is alcohol impaired or drug impaired] HAS A**  
25 **SUBSTANCE USE DISORDER**, the nurse administrator, registered nurse, **ADVANCED**  
26 **PRACTICE REGISTERED NURSE**, licensed practical nurse, or certified nursing assistant is  
27 not required to report the licensee or certificate holder to the Board if:

28           (1) The nurse administrator, registered nurse, **ADVANCED PRACTICE**  
29 **REGISTERED NURSE**, licensed practical nurse, or certified nursing assistant knows that  
30 the licensee or certificate holder is in an alcohol or drug treatment program that is  
31 accredited by the Joint Commission on Accreditation of Healthcare Organizations, is  
32 certified by the Department, or is under the care of a health care practitioner who is  
33 competent and capable of dealing with **[alcoholism and drug abuse] SUBSTANCE USE**  
34 **DISORDER;**

1           (2) The nurse administrator, registered nurse, **ADVANCED PRACTICE**  
2 **REGISTERED NURSE**, licensed practical nurse, or certified nursing assistant is able to  
3 verify that the licensee or certificate holder remains in the treatment program until  
4 discharge; and

5           (3) The action or condition of the licensee or certificate holder has not  
6 caused injury to any [person] **INDIVIDUAL** while the licensee is practicing registered  
7 nursing or licensed practical nursing or the certificate holder is working as **AN ADVANCED**  
8 **PRACTICE REGISTERED NURSE OR** a nursing assistant.

9           (c) [A person] **AN INDIVIDUAL** is not required under this section to make any  
10 report that would be in violation of any federal or State law, rule, or regulation concerning  
11 the confidentiality of [alcohol and drug abuse] patient **SUBSTANCE USE DISORDER**  
12 records.

13 8–601.

14           In this subtitle:

15           (1) “Practice nurse midwifery” means the management and care of  
16 essentially normal newborns and of essentially normal women antepartally, intrapartally  
17 and postpartally.

18           (2) “Practice nurse midwifery” includes:

19                   (i) Family planning and well woman reproductive care;

20                   (ii) The prescribing of substances commonly used in the practice of  
21 nurse midwifery [as determined by the Board in consultation with the State Board of  
22 Pharmacy and the State Board of Physicians];

23                   (iii) The prescribing of controlled substances on Schedules II, III, IV,  
24 and V commonly used in the practice of nurse midwifery [as determined by the Board in  
25 consultation with the State Board of Pharmacy and the State Board of Physicians]; and

26                   (iv) The dispensing of the substances prescribed in accordance with  
27 the provisions of subparagraphs (ii) and (iii) of this paragraph in the course of treating a  
28 patient at:

29                           1. A medical facility or clinic that is operated on a nonprofit  
30 basis;

31                           2. A health center that operates on a campus of an institution  
32 of higher education; or

1                   3.     A public health facility, a medical facility under contract  
2 with a State or local health department, or a facility funded with public funds.

3 8–6A–07.

4           (a)     Subject to [subsection (g)] **SUBSECTION (F)** of this section, the Board shall  
5 certify any applicant who meets the requirements of this subtitle.

6           (b)     (1)     The Board shall:

7                   (i)     Issue each new certified nursing assistant or medication  
8 technician a certificate number and registration certificate that indicates the initial  
9 certificate was issued by the Board; and

10                   (ii)    Electronically record each certificate in the Board’s database and  
11 on the Board’s Web site.

12           (2)     Each certificate shall include:

13                   (i)     Any expiration date;

14                   (ii)    The type of certificate; and

15                   (iii)   Any specific category of nursing assistant.

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

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

22           (e)     An individual who has met the requirements for a certified medication  
23 technician shall be certified with the title of “certified medication technician”.

24           (f)     [The Board may issue a registration certificate to replace a lost, destroyed, or  
25 mutilated certificate, if the certificate holder pays the certificate replacement fee set by the  
26 Board.

27           (g)]    (1)     The Board may issue a temporary practice certificate to an applicant  
28 who:

29                   (i)     Has met the appropriate certification requirements of this  
30 subtitle to the satisfaction of the Board; **AND**

1 (ii) Does not have a criminal record and has not been the subject of  
2 a health professional disciplinary action in this State or another jurisdiction[; and

3 (iii) Does not have a criminal charge or a health professional  
4 disciplinary action pending in this State or another jurisdiction].

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

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

9 **[(h)] (G)** A medication technician graduate may practice for no more than 90  
10 days from the date of completion of a medication technician training program without  
11 certification by the Board.

12 **[(i)] (H)** (1) On receipt of the criminal history record information of an  
13 applicant for certification as a certified nursing assistant forwarded to the Board in  
14 accordance with § 8–303 of this title, in determining whether to grant a certificate, the  
15 Board shall consider:

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

17 (ii) The circumstances surrounding the crime;

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

19 (iv) Subsequent work history;

20 (v) Employment and character references; and

21 (vi) Other evidence that demonstrates whether the applicant poses a  
22 threat to the public health or safety.

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

25 8–6A–08.

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

28 1. Selected applicants for certification as a certified nursing  
29 assistant who renew their certificates every 2 years as determined by regulations adopted  
30 by the Board; and

1                   2. Each former certified nursing assistant who files for  
2 reinstatement under subsection (g) of this section after failing to renew the certificate for a  
3 period of 1 year or more.

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

6                   (2) On receipt of the criminal history record information of a certificate  
7 holder forwarded to the Board in accordance with § 8–303 of this title, in determining  
8 whether to [renew the certificate] **INITIATE DISCIPLINARY ACTION AGAINST THE**  
9 **CERTIFICATE HOLDER BASED ON THE INFORMATION RECEIVED**, the Board shall  
10 consider:

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

12                   (ii) The circumstances surrounding the crime;

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

14                   (iv) Subsequent work history;

15                   (v) Employment and character references; and

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

18                   (3) The Board may not renew a certificate [if the] **WITHOUT WRITTEN**  
19 **DOCUMENTATION THAT THE APPLICANT HAS SUBMITTED TO A** criminal history  
20 **[record information] RECORDS CHECK AS** required under § 8–303 of this title [has not  
21 been received].

22 8–6A–10.

23                   (a) Subject to the hearing provisions of § 8–317 of this title and § 8–6A–10.1 of  
24 this subtitle, the Board may deny a certificate or grant a certificate, including a certificate  
25 subject to a reprimand, probation, or suspension, to any applicant, reprimand any  
26 certificate holder, place any certificate holder on probation, or suspend or revoke the  
27 certificate of a certificate holder, if the applicant or certificate holder:

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

30                   (2) Fraudulently or deceptively uses a certificate;

31                   (3) Is disciplined by a licensing, military, or disciplinary authority in this  
32 State or in any other state or country or convicted or disciplined by a court in this State or

1 in any other state or country for an act that would be grounds for disciplinary action under  
2 the Board's disciplinary statutes;

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

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

8 (6) Gives any false or misleading information about a material matter in  
9 an employment application;

10 (7) Fails to file or record any health record that is required by law;

11 (8) Induces another [person] **INDIVIDUAL** to fail to file or record any  
12 health record that is required by law;

13 (9) Has violated any order, rule, or regulation of the Board relating to the  
14 practice or certification of a nursing assistant or medication technician;

15 (10) Provides services as a nursing assistant or medication technician while:

16 (i) Under the influence of alcohol; or

17 (ii) Using any narcotic or controlled dangerous substance, as defined  
18 in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic  
19 amounts or without valid medical indication;

20 (11) [Is habitually intoxicated] **HAS A SUBSTANCE USE DISORDER**;

21 (12) Is addicted to, or habitually abuses, any narcotic or controlled  
22 dangerous substance as defined in § 5-101 of the Criminal Law Article;

23 (13) Has acted in a manner inconsistent with the health or safety of [a  
24 person] **AN INDIVIDUAL** under the applicant or certificate holder's care;

25 (14) Has practiced as a nursing assistant or medication technician in a  
26 manner which fails to meet generally accepted standards for the practice of a nursing  
27 assistant or medication technician;

28 (15) Has physically, verbally, or psychologically abused, neglected, or  
29 otherwise harmed [a person] **AN INDIVIDUAL** under the applicant or certificate holder's  
30 care;

31 (16) Has a physical or mental condition which renders the applicant or  
32 certificate holder unable to practice as a certified nursing assistant or certified medication

1 technician with reasonable skill and safety to the patients and which may endanger the  
2 health or safety of [persons] **INDIVIDUALS** under the care of the applicant or certificate  
3 holder;

4 (17) Has violated the confidentiality of information or knowledge as  
5 prescribed by law concerning any patient;

6 (18) Has misappropriated patient or facility property;

7 (19) Performs certified nursing assistant or certified medication technician  
8 functions incompetently;

9 (20) Has violated any provision of this title or has aided or knowingly  
10 permitted any [person] **INDIVIDUAL** to violate any provision of this title;

11 (21) Submits a false statement to collect a fee;

12 (22) Refuses, withholds from, denies, or discriminates against an individual  
13 with regard to the provision of professional services for which the applicant or certificate  
14 holder is certified and qualified to render because the individual is HIV positive;

15 (23) Except in an emergency life-threatening situation where it is not  
16 feasible or practicable, fails to comply with the Centers for Disease Control and  
17 Prevention's guidelines on universal precautions;

18 (24) Fails to cooperate with a lawful investigation conducted by the Board;

19 (25) Fails to comply with instructions and directions of the supervising  
20 registered nurse or licensed practical nurse;

21 (26) When holding an expired certificate or a lapsed certificate, commits any  
22 act that would be grounds for disciplinary action under this section;

23 (27) Practices as a nursing assistant or medication technician before  
24 obtaining or renewing the certificate, including any time period when practicing as a  
25 nursing assistant or medication technician on an expired certificate or a lapsed certificate;

26 (28) Impersonates another individual:

27 (i) Licensed under the provisions of this title; or

28 (ii) Who holds a certificate issued under the provisions of this title;

29 (29) Engages in conduct that violates the code of ethics;

30 (30) Performs activities that exceed the education and training of the  
31 certified nursing assistant or certified medication technician;

1 (31) Is expelled from the [rehabilitation] **SAFE PRACTICE** program  
2 established pursuant to § 8–208 of this title for failure to comply with the conditions of the  
3 program;

4 (32) Fails to submit to a criminal history records check in accordance with §  
5 8–303 of this title as required under § 8–6A–05(c)(2) of this subtitle;

6 (33) Abandons a patient; or

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

10 8–6A–13.

11 (a) The Board shall appoint an advisory committee consisting of at least 15  
12 members appointed by the Board.

13 **(G) A MEMBER OF THE ADVISORY COMMITTEE IS ENTITLED TO RECEIVE:**

14 **(1) COMPENSATION, AS DETERMINED BY THE BOARD; AND**

15 **(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE**  
16 **TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

17 8–6B–10.

18 (a) An applicant who otherwise qualifies for a license is entitled to be examined  
19 as provided in this section.

20 **(B) AN APPLICANT SHALL TAKE A WRITTEN EXAMINATION APPROVED BY**  
21 **THE BOARD.**

22 **[(b)] (C) (1) The Board OR THE BOARD'S DESIGNEE shall give CLINICAL**  
23 **examinations to applicants.**

24 **(2) The Board OR THE BOARD'S DESIGNEE may give reexaminations to**  
25 **applicants who fail [all or part of an] THE CLINICAL examination.**

26 **[(c)] (D) The Board OR THE BOARD'S DESIGNEE shall notify each qualified**  
27 **applicant of the time and place of examination FOR THE WRITTEN AND CLINICAL**  
28 **EXAMINATIONS.**



1           [(d)] (E)       Except as otherwise provided under this subtitle, the Board shall  
2 determine the [subjects, scope, form, and] passing score for examinations given under this  
3 subtitle.

4           [(e)] (F)       (1)   An applicant may retake [an] A WRITTEN examination or a  
5 failed section of [an] A WRITTEN examination after paying a reexamination fee set by the  
6 Board **OR THE ADMINISTRATOR OF A NATIONAL EXAMINATION.**

7                       (2)   An applicant who fails two reexaminations may retake the **WRITTEN**  
8 examination only if the applicant:

9                       (i)   Retakes the entire examination;

10                      (ii)   Pays the full examination fee; and

11                      (iii)  Completes an education program that the Board requires.

12   8-6B-14.

13           (k)   (1)   (i)   [Beginning January 2011, the] **THE** Board shall [begin a process  
14 requiring] **REQUIRE A** criminal history records [checks] **CHECK** on selected annual  
15 renewal applicants as determined by regulations adopted by the Board in accordance with  
16 § 8-303 of this title.

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

19                      (2)   On receipt of the criminal history record information of a licensee  
20 forwarded to the Board in accordance with § 8-303 of this title, in determining whether to  
21 [renew a license] **INITIATE DISCIPLINARY ACTION AGAINST A LICENSEE BASED ON**  
22 **THE INFORMATION RECEIVED**, the Board shall consider:

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

24                      (ii)   The circumstances surrounding the crime;

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

26                      (iv)   Subsequent work history;

27                      (v)   Employment and character references; and

28                      (vi)   Other evidence that demonstrates that the licensee does not pose  
29 a threat to the public health or safety.

1           (3) The Board may not renew a license [if] **WITHOUT WRITTEN**  
2 **DOCUMENTATION THAT THE APPLICANT HAS SUBMITTED TO** the criminal history  
3 **[record information] RECORDS CHECK** required under § 8–303 of this title [has not been  
4 received].

5 8–6B–18.

6           (a) Subject to the hearing provisions of § 8–317 of this title and § 8–6B–19 of this  
7 subtitle, the Board may deny a license to an applicant, grant a license, including a license  
8 subject to a reprimand, probation, or suspension, to an applicant, reprimand a licensee,  
9 place a licensee on probation, or suspend or revoke a license if the applicant or licensee:

10           (1) Fraudulently or deceptively obtains or attempts to obtain a license for  
11 the applicant or licensee or for another;

12           (2) Fraudulently or deceptively uses a license;

13           (3) As part of the practice of electrology, knowingly does an act that exceeds  
14 the scope of the practice of electrology;

15           (4) Is grossly negligent in practicing or teaching an electrology education  
16 program;

17           (5) Acts in a manner inconsistent with generally accepted standards for the  
18 practice of electrology;

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

22           (7) Is disciplined by a licensing or disciplinary authority of any state or  
23 country, convicted or disciplined by a court of any state or country, or disciplined by any  
24 branch of the United States uniformed services or the Veterans Administration for an act  
25 that would be grounds for disciplinary action under the Board’s disciplinary statutes;

26           (8) Provides professional services while:

27           (i) Under the influence of alcohol; or

28           (ii) Using any narcotic or controlled dangerous substance, as defined  
29 in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic  
30 amounts or without valid medical indication;

31           (9) Uses types of instruments or procedures in the practice of electrology  
32 that are not approved by the Board;

33           (10) Advertises in a manner that violates this subtitle;

- 1           (11) Uses a title not authorized by § 8–6B–23 of this subtitle;
- 2           (12) Is currently adjudicated as being a disabled individual under Title 13  
3 of the Estates and Trusts Article;
- 4           (13) Practices electrology with an unauthorized individual or supervises or  
5 aids an unauthorized individual in the practice of electrology;
- 6           (14) Willfully makes or files a false report or record in the practice of  
7 electrology;
- 8           (15) Willfully fails to file or record any report as required by law, willfully  
9 impedes or obstructs the filing or recording of the report, or induces another to fail to file  
10 or record the report;
- 11          (16) Submits a false statement to collect a fee;
- 12          (17) Violates a provision of this subtitle or a rule or regulation adopted by  
13 the Board;
- 14          (18) Uses or promotes or causes the use of a misleading, deceiving, or  
15 untruthful advertising matter, promotional literature, or testimonial;
- 16          (19) Is professionally, physically, or mentally incompetent;
- 17          (20) Promotes the sale of devices, appliances, or goods to a patient so as to  
18 exploit the patient for financial gain;
- 19          (21) Behaves immorally in the practice of electrology;
- 20          (22) Commits an act of unprofessional conduct in the practice of electrology;
- 21          (23) Refuses, withholds from, denies, or discriminates against an individual  
22 with regard to the provision of professional services for which the licensee is licensed and  
23 qualified to render because the individual is HIV positive;
- 24          (24) Except in an emergency life–threatening situation where it is not  
25 feasible or practicable, fails to comply with the Centers for Disease Control and  
26 Prevention’s guidelines on universal precautions;
- 27          (25) [Fails to display the notice required under § 8–6B–26 of this subtitle;
- 28          (26)] Fails to submit to a criminal history records check in accordance with §  
29 8–303 of this title;

1            [(27)] **(26)** Fails to allow an inspection under § 8–6B–06(10) and (11) of this  
2 subtitle;

3            [(28)] **(27)** Fails to cooperate with a lawful investigation conducted by the  
4 Board;

5            [(29)] **(28)** Practices electrology without a license before obtaining or  
6 renewing a license, including any period when practicing electrology on an expired license  
7 or a lapsed license; or

8            [(30)] **(29)** After failing to renew a license, commits any act that would be  
9 grounds for disciplinary action under this section.

10            (b) In addition to any sanction authorized under this section, the Board may  
11 require a licensee to comply with specified terms and conditions determined by the Board.

12 [8–6B–26.

13            If an electrologist is engaged in the private practice of electrology in the State, the  
14 electrologist shall display the notice developed under § 1–207 of this article conspicuously  
15 in each office where the electrologist is engaged in practice.]

16 8–701.

17            (a) Except as otherwise provided in this title, [a person] **AN INDIVIDUAL** may not  
18 practice, attempt to practice, or offer to practice registered nursing, [registered nursing as  
19 an] advanced practice [nurse] **REGISTERED NURSING**, or licensed practical nursing in  
20 this State unless licensed by the Board to practice registered nursing, [registered nursing  
21 as an] advanced practice [nurse] **REGISTERED NURSING**, or licensed practical nursing,  
22 respectively.

23            (b) Except as otherwise provided in this title, [a person] **AN INDIVIDUAL** may not  
24 practice, attempt to practice, or offer to practice electrology in this State unless licensed by  
25 the Board to practice electrology.

26            (c) (1) Except as otherwise provided in this title, [a person] **AN INDIVIDUAL**  
27 may not practice, attempt to practice, or offer to practice as a certified nursing assistant  
28 unless certified by the Board as a certified nursing assistant.

29            (2) Except as otherwise provided in this title, [a person] **AN INDIVIDUAL**  
30 may not practice, attempt to practice, or offer to practice as a certified nursing assistant in  
31 a specific category unless certified by the Board as a certified nursing assistant in that  
32 category.

1 (d) Except as otherwise provided in this title, [a person] **AN INDIVIDUAL** may not  
2 practice, attempt to practice, or offer to practice as a certified medication technician in this  
3 State unless certified by the Board to practice as a certified medication technician.

4 (e) Except as otherwise provided in this title, [a person] **AN INDIVIDUAL** may not  
5 practice, attempt to practice, or offer to practice as a certified medicine aide unless certified  
6 by the Board to practice as a certified medicine aide.

7 (e-1) Except as otherwise provided in this title, an individual may not practice,  
8 attempt to practice, or offer to practice as a licensed direct-entry midwife unless licensed  
9 by the Board to practice as a licensed direct-entry midwife.

10 (f) [A person] **AN INDIVIDUAL** may not require a licensee to perform an act that  
11 is beyond the licensee's knowledge and skills.

12 (g) [A person] **AN INDIVIDUAL** may not direct a licensee to delegate a nursing  
13 task to a nurse when the [person] **INDIVIDUAL** reasonably believes:

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

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

17 8-702.

18 Except as otherwise provided in this title, [a person] **AN INDIVIDUAL** may not  
19 practice, attempt to practice, or offer to practice registered nursing, **ADVANCED PRACTICE**  
20 **REGISTERED NURSING**, or licensed practical nursing beyond the scope of the license **OR**  
21 **CERTIFICATE** issued to that [person] **INDIVIDUAL**.

22 8-703.

23 (a) (1) Unless authorized to practice registered nursing under this title, [a  
24 person] **AN INDIVIDUAL** may not represent to the public by title, by description of services,  
25 methods, or procedures, or otherwise, that the [person] **INDIVIDUAL** is authorized to  
26 practice registered nursing in this State.

27 **(2) UNLESS AUTHORIZED TO PRACTICE ADVANCED PRACTICE**  
28 **REGISTERED NURSING UNDER THIS TITLE, AN INDIVIDUAL MAY NOT REPRESENT TO**  
29 **THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES,**  
30 **OR OTHERWISE, THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE ADVANCED**  
31 **PRACTICE REGISTERED NURSING IN THIS STATE.**

32 **[(2)] (3)** Unless authorized to practice licensed practical nursing under  
33 this title, [a person] **AN INDIVIDUAL** may not represent to the public by title, by description

1 of services, methods, or procedures, or otherwise, that the [person] **INDIVIDUAL** is  
2 authorized to practice licensed practical nursing in this State.

3 ~~[(3)]~~ **(4)** Unless authorized to provide patient care as a certified nursing  
4 assistant or medication assistant under this title, [a person] **AN INDIVIDUAL** may not  
5 represent to the public by title, by description of services, methods, or procedures, or  
6 otherwise, that the [person] **INDIVIDUAL** is authorized to provide care as a certified  
7 nursing assistant or medication assistant in this State.

8 ~~[(4)]~~ **(5)** Unless authorized to provide patient care in a specific category  
9 of certified nursing assistant, [a person] **AN INDIVIDUAL** may not represent to the public  
10 by title, by description of services, methods, or procedures, or otherwise, that the [person]  
11 **INDIVIDUAL** is authorized to provide care as a certified nursing assistant in a specific  
12 category in this State.

13 ~~[(5)]~~ **(6)** Unless authorized to administer medication as a medication  
14 technician under this title, [a person] **AN INDIVIDUAL** may not represent to the public by  
15 title, by description of services, methods, or procedures, or otherwise, that the [person]  
16 **INDIVIDUAL** is authorized to administer medication as a certified medication technician in  
17 this State.

18 ~~[(6)]~~ **(7)** Unless authorized to administer medication as a medicine aide  
19 under this title, [a person] **AN INDIVIDUAL** may not represent to the public by title, by  
20 description of services, methods, or procedures, or otherwise, that the [person]  
21 **INDIVIDUAL** is authorized to administer medication as a certified medicine aide in this  
22 State.

23 (b) Unless authorized to practice registered nursing, **ADVANCED PRACTICE**  
24 **REGISTERED NURSING**, or licensed practical nursing under this title, [a person] **AN**  
25 **INDIVIDUAL** may not use the word “nurse” to describe the profession of the [person]  
26 **INDIVIDUAL**.

27 (c) Unless authorized to practice registered nursing under this title, [a person]  
28 **AN INDIVIDUAL** may not use the words or terms “registered nurse”, the abbreviations  
29 “R.N.”, or any other title, symbol, abbreviation, sign, card, device, or other representation  
30 with the intent to represent that the [person] **INDIVIDUAL** practices registered nursing.

31 **(D) UNLESS AUTHORIZED TO PRACTICE ADVANCED PRACTICE REGISTERED**  
32 **NURSING UNDER THIS TITLE, AN INDIVIDUAL MAY NOT USE THE WORDS OR TERMS**  
33 **“NURSE PRACTITIONER”, “NURSE ANESTHETIST”, “NURSE MIDWIFE”, “CLINICAL**  
34 **NURSE SPECIALIST”, OR “ADVANCED PRACTICE REGISTERED NURSE”, THE**  
35 **ABBREVIATIONS “NP”, “CRNA”, “CNS”, “A.P.R.N.”, OR ANY OTHER TITLE,**  
36 **SYMBOL, ABBREVIATION, SIGN, CARD, DEVICE, OR OTHER REPRESENTATION WITH**

1 **THE INTENT TO REPRESENT THAT THE INDIVIDUAL PRACTICES ADVANCED**  
2 **PRACTICE REGISTERED NURSING.**

3 [(d)] (E) Unless authorized to practice licensed practical nursing under this title,  
4 [a person] **AN INDIVIDUAL** may not use the words or terms “licensed practical nurse”, the  
5 abbreviation “L.P.N.”, or any other title, symbol, abbreviation, sign, card, device, or other  
6 representation with the intent to represent that the [person] **INDIVIDUAL** practices  
7 licensed practical nursing.

8 [(e)] (F) Unless authorized to practice as a nursing graduate under this title, [a  
9 person] **AN INDIVIDUAL** may not use the words “nursing graduate”, the abbreviation “NG”,  
10 or any other title, symbol, abbreviation, sign, card, device, or other representation with the  
11 intent to represent that the [person] **INDIVIDUAL** practices as a nursing graduate.

12 [(f)] (G) Unless authorized to practice as a certified nursing assistant under this  
13 title, [a person] **AN INDIVIDUAL** may not use the words or terms “nursing assistant” or  
14 “certified nursing assistant”, the abbreviation “CNA”, or any other title, symbol,  
15 abbreviation, sign, card, device, or other representation with the intent to represent that  
16 the [person] **INDIVIDUAL** practices as a certified nursing assistant.

17 [(g)] (H) Unless authorized to practice as a certified medication technician under  
18 this title, [a person] **AN INDIVIDUAL** may not use the words or terms “medication  
19 technician” or “certified medication technician”, the abbreviation “MT”, or any other title,  
20 symbol, abbreviation, sign, card, device, or other representation with the intent to  
21 represent that the [person] **INDIVIDUAL** practices as a certified medication technician.

22 [(h)] (I) Unless authorized to practice as a certified medicine aide under this  
23 title, [a person] **AN INDIVIDUAL** may not use the words or terms “medicine aide” or  
24 “certified medicine aide” or any other title, symbol, abbreviation, sign, card, device, or other  
25 representation with the intent to represent that the [person] **INDIVIDUAL** practices as a  
26 certified medicine aide.

27 8–705.

28 (a) [A person] **AN INDIVIDUAL** may not practice registered nursing **OR**  
29 **ADVANCED PRACTICE REGISTERED NURSING** under color of any diploma, license,  
30 **CERTIFICATION**, or record that is:

31 (1) Illegally or fraudulently obtained; or

32 (2) Signed or issued unlawfully or by fraudulent representation.

33 (b) [A person] **AN INDIVIDUAL** may not practice licensed practical nursing under  
34 color of any diploma, license, or record that is:

- 1 (1) Illegally or fraudulently obtained; or  
2 (2) Signed or issued unlawfully or by fraudulent representation.

3 8–706.

4 (a) [A person] **AN INDIVIDUAL** may not knowingly employ to practice registered  
5 nursing any [person] **INDIVIDUAL** who is not authorized to practice registered nursing  
6 under this title.

7 **(B) AN INDIVIDUAL MAY NOT KNOWINGLY EMPLOY TO PRACTICE ADVANCED**  
8 **PRACTICE REGISTERED NURSING ANY INDIVIDUAL WHO IS NOT AUTHORIZED TO**  
9 **PRACTICE ADVANCED PRACTICE REGISTERED NURSING UNDER THIS TITLE.**

10 [(b)] **(C)** [A person] **AN INDIVIDUAL** may not knowingly employ to practice  
11 licensed practical nursing any [person] **INDIVIDUAL** who is not authorized to practice  
12 licensed practical nursing under this [subtitle] **TITLE.**

13 [(c)] **(D)** [A person] **AN INDIVIDUAL** may not knowingly employ any individual  
14 who is not authorized to perform delegated nursing duties under this [subtitle] **TITLE.**

15 [(d)] **(E)** [A person] **AN INDIVIDUAL** may not knowingly employ to practice as a  
16 certified nursing assistant any [person] **INDIVIDUAL** who is not authorized to practice as  
17 a certified nursing assistant under this title.

18 [(e)] **(F)** [A person] **AN INDIVIDUAL** may not knowingly employ to practice as a  
19 certified medication technician any [person] **INDIVIDUAL** who is not authorized to practice  
20 as a certified medication technician under this title.

21 [(f)] **(G)** [A person] **AN INDIVIDUAL** may not knowingly employ to practice as a  
22 certified medicine aide any [person] **INDIVIDUAL** who is not authorized to practice as a  
23 certified medicine aide under this title.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2017.