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**10.53.11 Rehabilitation Committee**

The purpose of this action is to amend the Board's regulations to conform to the changes made during the 2017 legislative session (Chapters 515 and 516, Acts of 2017 - HB 482 / SB 385) and in the same proposal repeal outdated language and make technical and clarifying changes. The proposal:

- (1) Amends the definition for advanced practice registered nurse (APRN) to conform to the statutory changes enacted during the 2017 legislative session;
- (2) Adds registered nurses and licensed practical nurses with a multistate licensure privilege to the definition of registered nurses and licensed practical nurses;

- (3) Defines “multistate licensure privilege”;
- (4) Changes the name for the “Nurse Multistate Licensure Compact” to “Nurse Licensure Compact”;
- (5) Clarifies that registered nurses and licensed practical nurses working in Maryland under their multistate licensure privilege may practice in Maryland subject to the provisions in the Nurse Practice Act;
- (6) Repeals the requirement that foreign nursing programs verify that their graduates are competent in the English language;
- (7) Clarifies the requirements for testing for competency in the English language;
- (8) Conforms the requirements for certification as an APRN so that all APRN regulations are consistent with each other and incorporates any specific certification requirements for APRN certification in the requirements for certification;
- (9) Provides that APRNs working in Maryland on a multistate licensure privilege shall be subject to criminal history records check for renewal of their certification;
- (10) Clarifies that an APRN must have an active national certification at all times while practicing in their area of certification;
- (11) Repeals all regulations referring to endorsement for APRNs;
- (12) Clarifies that all initial licenses and certificates and renewals are for a 2-year period; clarifies that licensees and certificate holders can renew their licenses or certificates with documented proof that they have submitted to the required criminal history records check;
- (13) Repeals provisions for temporary letters for renewal applicants;
- (14) Repeals the requirement for a formulary for nurse midwives;
- (15) Clarifies that nurse psychotherapists in independent practice are clinical nurse specialists;
- (16) Changes the term “medication assistants” to “medication technicians”;
- (17) Renames the Board’s “Rehabilitation Committee” to be the “Safe Practice Committee”; provides rules for non-compliant participants in the Safe Practice Program;
- (18) Clarifies the Board’s responsibility for providing documents and instructions to out-of-state renewal applicants;
- (19) Repeals the requirement that electrologists display their license and a notice for universal precautions in their office;
- (20) Provides that the Board can delegate the electrology written and clinical license exams;
- (21) Repeals the requirement that an electrology renewal applicant has to provide all the documentation for a criminal history record check before a license can be renewed; and
- (22) Repeals the “Rehabilitation Committee for electrologists.”

## **Title 10**

# **MARYLAND DEPARTMENT OF HEALTH**

## **Subtitle 27 BOARD OF NURSING**

### **10.27.01 Examination and Licensure**

Authority: Health Occupations Article, §§1-213, 8-201, 8-205, 8-206, 8-301—8-315, 8-703, and 8-6A-05(a), Annotated Code of Maryland; Ch. 486, Acts of 2012; *Chs. 281 and 282, Acts of 2013*

*10.27.01 (June 3, 2017)*

#### **.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

- (1) "Active nursing practice" as used in Health Occupations Article, §8-312, Annotated Code of Maryland, means:
  - (a) The practice of registered nursing or licensed practical nursing [in accordance with] *as defined in* Health Occupations Article, §8-101, Annotated Code of Maryland;
  - (b) Related nursing activities approved by the Board, including but not limited to a generic nursing education program, degree completion programs, or graduate programs within the last 5 years; *and*
  - (c) (text unchanged)
- (2) "[Annual] *Biennial* renewal" means renewal [annually] *of a license every 2 years* in the licensee's birth month.
- (3) (text unchanged)
- (4) "Central Repository" means the *Maryland* Criminal Justice Information System [(CJIS)] Central Repository of the Department of Public Safety and Correctional Services.
- (5)—(7) (text unchanged)
- (8) "Educational qualifications" means that at the time the applicant graduated from a registered [nurse] *nursing* or *licensed* practical [nurse] *nursing* education program, that program was substantially equivalent to the registered [nurse] *nursing* or practical [nurse] *nursing* education programs approved in this State.
- (9) "Endorsement" means [licensure by], *for qualified applicants who have an unencumbered license from another state or country to practice registered nursing or licensed practical nursing, a waiver of the initial licensure requirement to take the national licensure examination* in accordance with Health Occupations Article, §8-307, Annotated Code of Maryland.
- (10) "English language competency examination" [is] *means* a Board-approved examination with a certain minimum score recognized by the Board for the purpose of determining proficiency in the oral *and written* communication of the English language.
- (11) "*Multistate licensure privilege*" *means an authorization to practice registered nursing or licensed practical nursing in Maryland that is granted to a registered nurse or licensed practical nurse who has an active multistate license issued by another state in accordance with the Nurse Licensure Compact.*
- [(11)] (12) "NCLEX" means the National Council Licensure Examination *for initial licensure as a registered nurse or licensed practical nurse.*
- [(12)] (13) "Preceptor" means a registered nurse who meets the qualifications of faculty as described in Regulation [.11] .16 of this chapter.
- [(13)] (14) "Preceptorship" means an individualized refresher course approved by the Board and offered by an institution employing nurses which complies with Regulation [.11] .16 of this chapter.
- [(14)] (15)—[(16)] (17) (text unchanged)
- C. "Substantially equivalent" means a registered [nurse] *nursing* or *licensed* practical [nurse] *nursing* education program that:
  - (1) Contains theoretical learning experiences and related clinical learning experiences that include direct patient care within various settings consistent with program objectives, outcomes, or competencies conducted either concurrently with or after the theoretical learning experience; *and*
  - (2) Meets the curriculum requirements for Maryland schools of nursing *at the time of the applicant's graduation*, including, but not limited to:
    - (a)—(c) (text unchanged)
    - (d) Didactic and clinical instructional content that includes, but is not limited to, the areas of:
      - (i)—(iii) (text unchanged)
      - (iv) Geriatric nursing [; and]
  - [(3) Certifies that its graduates are competent in their ability to communicate in the English language].

**.03 Licensure Exceptions.**

A. Registered nurses or licensed practical nurses who hold a current active license in any other state or jurisdiction may render nursing care:

- (1) For not more than 30 days, to an individual who is visiting the State for medical, *educational*, or personal reasons;
- (2)—(3) (text unchanged)

B. *A registered nurse or licensed practical nurse who holds a multistate licensure privilege under the Nurse Licensure Compact may practice nursing in this State in accordance with the laws of this State.*

[B.] C. Nursing Graduate.

- (1) (text unchanged)
  - (a) A Board-approved registered [nurse (RN)] *nursing* or licensed practical [nurse (LPN)] *nursing* education program; or
  - (b) An out-of-[State]*state* nursing education program determined to be equivalent by the Board.
- (2)—(5) (text unchanged)
- (6) After successful completion of an organized staff development program which includes an evaluation that the nursing graduate is competent and in compliance with [§B(5)] §C(5) of this regulation, the nursing graduate may:
  - (a) (text unchanged)
  - (b) After competency has been validated by the facility [, administer]:
    - (i) [Medications] *Administer medications* and controlled substances; and
    - (ii) (text unchanged)
  - (c)—(e) (text unchanged)

(7) (text unchanged)

**.05 Qualifications of Applicants for Examination.**

A. An applicant for the registered nurse licensure examination shall:

(1) (text unchanged)

(2) Have a diploma or degree from a *registered nursing education program* in another state, territory, or country determined by the Board to be substantially equivalent to the registered [nurse] *nursing education program* approved in this State at the time of the applicant's graduation.

B. An applicant for the *licensed* practical nurse licensure examination shall:

(1) Meet all requirements for a high school diploma or its equivalent and *complete satisfactorily and meet* all requirements for a diploma from [a]:

(a) [Licensed] *A licensed practical nursing education program* [:

(a) Approved by the Board at the time of the applicant's graduation] *approved by the Board*; or

(b) [Have a diploma from] *A licensed practical nursing education program* in any other state, territory, or country [and] determined by the Board to be substantially equivalent to the *licensed* practical [nurse] *nursing education programs* approved in this State at the time of the applicant's graduation; or

(2) (text unchanged)

C. Applicants [unable to obtain certification of competency in the English language from the the school of nursing] *who are unable to prove proficiency in the English language in accordance with Health Occupation Article, §8-302(e), Annotated Code of Maryland, may be required to* submit evidence of competency [before applying for licensure] by obtaining a minimum passing score on a Board approved English language competency examination of:

(1) 26 or higher on the [speaking section] *spoken and written sections* of the Test of English as a Foreign Language — Internet Based Test (TOEFL IBT);

[(2) 3 or higher on the Interamerican Language Associates, Inc. Oral Proficiency Interview (ILA OPI);] or

[(3) (2) *For the International English Language Testing System (IELTS):*

(a) 7 or higher on the speaking and 6 or higher on all other modules; [or] *and*

(b) 6.5 or higher on the overall *score* [International English Language Testing System (IELTS) administered after September 30, 2005].

D. (text unchanged)

**.06 Application for Licensure by Examination.**

A.—E. (text unchanged)

[F. A license may not be issued until the Board has:

(1) Received and reviewed the criminal history records information; and

(2) Approved the application.]

**.09 Speech-Impaired Applicants.**

A.—C. (text unchanged)

D. A foreign-educated, speech-impaired applicant shall notify the Board before taking a Board-approved standardized test [of oral] for competency *in the English language*.

E. (text unchanged)

F. A foreign-educated applicant who is in need of foreign accent reduction, but who has competency in the applicant's native language, may obtain assistance from a bilingual speech-language pathologist before attempting to pass [the Test of Spoken English] *a test for competency in the English language*.

**.10 Licensure by Endorsement.**

A. An applicant licensed to practice registered nursing or practical nursing in another state, territory, or country is eligible for licensure without examination if the applicant:

(1)—(2) (text unchanged)

(3) Submits the following verifications directly to the Board from the appropriate authority:

(a) That at the time that applicant graduated from the nursing education program, it was approved as a registered [nurse] *nursing* or *licensed* practical [nurse] *nursing education program* in that state, territory, or country;

(b) That the *applicant met the* educational qualifications of this State at [that time were met] *the time of the applicant's graduation from the nursing education program*;

(c)—(d) (text unchanged)

(e) [Oral] *Proof of oral and written* competency in the English language;

(4)—(5) (text unchanged)

B. [Applicants unable to obtain certification of oral competency in the English language, which is required in §A(3)(e) of this regulation, from the school of nursing or the state of original licensure, may evidence of competency by obtaining a minimum passing score, as determined by the Board, on the Test of Spoken English administered by the Educational Testing Service before applying for licensure] *An applicant who is unable to prove proficiency in the English language in accordance with Health Occupations, §8-302(e), Annotated Code of Maryland, may be required to submit evidence of competency in the English*

language by obtaining a minimum passing score on a Board-approved English language competency examination in accordance with Regulation .05C of this chapter.

C. (text unchanged)

[D. A license may not be issued until the Board has:

- (1) Received and reviewed the criminal history records information; and
- (2) Approved the application.]

#### **.11 Issuance of Licenses.**

A. [A.] *An initial* license shall be issued to each applicant passing the licensure examination or qualifying for licensure by endorsement provided that [they meet]:

- (1) *The applicant meets* all the requirements of this chapter; and
- (2) *The Board has:*
  - (a) *Received and reviewed the criminal history record information; and*
  - (b) *Approved the application.*

[B. A renewal license will be issued to each licensee who meets the requirements of Health Occupations Article, §8-312(c), Annotated Code of Maryland.]

[C.] B.—[E.] D. (text unchanged)

[F. An inactive status license shall be issued to any licensee who pays the required fee and submits the form required by the Board.]

#### **.12 Temporary Licensure.**

A. The Board may issue a temporary license [any] *to an applicant who passed the licensure examination and is waiting for the criminal history records check to be completed or who is licensed as a registered nurse or licensed practical nurse [from] in any other state provided that the applicant:*

- (1) (text unchanged)
- (2) [Presents] *If licensed in another state, presents* a copy of a current, active license in another state;
- (3)—(5) (text unchanged)

[B. The Board may issue a temporary license to a renewal applicant pending completion of the criminal history record information in accordance with Health Occupations Article, §8-312(g), Annotated Code of Maryland.]

[C.] B. Except as provided in [§§D and H] §§C and E of this regulation, temporary licenses expire 90 days after date of issuance and are not renewable.

[D.] C. A temporary license may be extended for an additional 90 days if the applicant is waiting for the completion of *the* criminal history record information.

[E.] D. The Board shall revoke a temporary license if the criminal history records check reveals that the applicant has been convicted of or pled guilty or nolo [contendere] *contendere* to an act that would be cause for discipline under Health Occupations Article, §8-316(a), Annotated Code of Maryland.

[F. The Board may issue a temporary practice letter to a certified nurse practitioner or certified nurse midwife as permitted by Health Occupations Article, §8-315, Annotated Code of Maryland.

G. A temporary practice letter referred to in §F of this regulation may be issued provided that the applicant provides documentation verifying that the applicant meets the requirements for certification in this State.]

[H.] E. If an applicant does not meet the practice requirement in Regulation [.09A(5)] .10A(5) of this chapter, a temporary license [or temporary practice letter] may be extended every 90 days:

- (1)—(2) (text unchanged)

#### **.13 Renewal of License.**

A. *The Board shall renew the license of a licensee who meets all the requirements of Health Occupations Article, §8-312, Annotated Code of Maryland and of this chapter.*

[A.] B. The Board shall [begin biennial licensure on January 1, 2013.] *renew licenses biennially* according to the following schedule:

[(1) Until December 31, 2012, a license of a registered nurse or licensed practical nurse shall be renewed annually not later than the 28th day of the licensee's birth month;

(2) Beginning January 1, 2013, a registered nurse or licensed practical nurse with an even-numbered birth year shall renew for a 1-year period not later than the 28th day of the licensee's birth month;

(3) Beginning January 1, 2013, a registered nurse or licensed practical nurse with an odd-numbered birth year shall renew for a 2-year period not later than the 28th day of the licensee's birth month;

(4) Beginning January 1, 2014, a registered nurse or licensed practical nurse with an even-numbered birth year shall renew for a 2-year period not later than the 28th day of the licensee's birth month; and

- (5) Beginning January 1, 2015, a registered nurse or licensed practical nurse shall renew every 2 years as follows:]

[(a)] (1)—[(b)] (2) (text unchanged)

[B.] C. (text unchanged)

[C.] D.—[E.] F. (text unchanged)

[F.] G. [Persons] *An individual* applying for active licensure renewal shall show evidence of 1,000 hours of active nursing practice or graduation from an approved nursing program within the 5 years immediately preceding *the date of the renewal application*.

[G.] H. [Persons] *An individual* applying for active licensure renewal who do not meet the requirements of [§F] §G of this regulation shall be required to successfully complete a Board-approved refresher program or Board-approved preceptorship program prior to renewal of the license.

[H.] I. (text unchanged)

*J. Along with the renewal notice in accordance with §C of this regulation, the Board shall:*

(1) *Notify every renewal applicant who is required to have a criminal history records check in the selected birth month; and*

(2) *Send the renewal applicant instructions for downloading and completing the documents needed to submit to a criminal history records check.*

*K. If a renewal applicant is out of the state, the Board shall mail a packet to the applicant with the required documents and instructions for completing the documents.*

[I.] L.—[J.] M. (text unchanged)

[K. The Board shall mail out to every renewal applicant who is required to have a criminal history records check in the selected birth month, a packet with the required fingerprint documents and instructions for completing the documents.]

[L.] N. [After notification to the licensee at the address provided to the Board that a criminal history records check is required for renewal.] *For renewal applicants who are required to submit to a criminal history records check, the Board may not renew a license [if the criminal history records information has not been received] without written documentation that the applicant has submitted to a criminal history records check in accordance with Health Occupations Article, §8-303, Annotated Code of Maryland.*

[M. The Board may issue a temporary license in accordance with Regulation .11 of this chapter pending receipt of the criminal history records information.

N. A license may not be issued until the Board has:

(1) Received and reviewed the criminal history records information; and

(2) Approved the application.]

#### **.14 Inactive Status.**

A. The Board shall [issue an inactive] *place the license [to] of any registered nurse or licensed practical nurse on inactive status* if the licensee:

(1) Has not satisfactorily completed 1,000 hours of active nursing practice or graduated from an approved nursing program within the 5-year period immediately preceding the date of anticipated renewal[;] *or*

[(2) Chooses] *chooses* inactive status; [and]

[(3)] (2) Completes the [annual] *biennial* application for inactive status; *and*

(3) *Pays all fees.*

B. (text unchanged)

C. A licensee on inactive status may apply for an active status license provided that the licensee:

(1) (text unchanged)

(2) Submits to the Board:

(a) (text unchanged)

(b) Written, verified evidence that the [renewal applicant] *licensee* has [completed an application for] *submitted to a criminal history records check in accordance with Regulation [.05] .13 of this chapter by:*

(i)—(ii) (text unchanged)

[D. A license may not be issued until the Board has:

(1) Received and reviewed the criminal history records information; and

(2) Approved the application.]

[E.] D. (text unchanged)

#### **.15 Expiration of License.**

A. (text unchanged)

B. A licensee has a 30-day grace period beyond the expiration *date* of a license [date] to [obtain a renewal] *renew a license.*

#### **.16 Refresher Course and Preceptorship Requirements.**

A.—D. (text unchanged)

E. Faculty Qualifications.

(1) Faculty shall [have]:

[(a) A current registered nurse licensure in Maryland;]

(a) *Be a registered nurse as defined in Health Occupations Article, §8-101, Annotated Code of Maryland; and*

(b) [An earned] *Have a baccalaureate degree in nursing.*

(2) (text unchanged)

F.—J. (text unchanged)

### **10.27.03 Nursing Education Programs**

10.27.03 (June 20, 2017)

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(15) (text unchanged)

(16) "Licensed practical nurse" means an individual *who*:

(a) *Is licensed by the Board to practice licensed practical nursing; or*

(b) *Has a multistate licensure privilege to practice licensed practical nursing.*

(17) *"Multistate licensure privilege" has the meaning set forth in COMAR 10.27.01.01B.*

[(17)] (18)—[(19)] (20) (text unchanged)

[(20)] (21) "Registered nurse (RN)" means an individual *who*:

(a) *Is licensed by the Board to practice registered nursing; or*

(b) *Has a multistate licensure privilege to practice registered nursing.*

[(21)] (22)—[(23)] (24) (text unchanged)

**.07 Nursing Program Administrator.**

A. Qualifications.

(1) Qualifications of the nursing program administrator include:

(a) Current licensure as a registered nurse in Maryland *or possession of a multistate licensure privilege to practice registered nursing;*

(b) A graduate degree in nursing [for an individual employed after September 30, 1991]; and

(c) (text unchanged)

(2) (text unchanged)

B. (text unchanged)

**.08 Faculty and Clinical Instructors.**

A. Qualifications of Nurse Faculty.

(1) Nurse faculty shall:

(a) Be currently licensed as a registered nurse in Maryland *or have a multistate licensure privilege to practice registered nursing;*

(b)—(d) (text unchanged)

(2) Except as provided under §B of this regulation, nurse faculty [hired after August 10, 1998,] shall have a graduate degree in nursing.

(3) (text unchanged)

B. (text unchanged)

C. Qualifications of Clinical Nurse Faculty.

(1) A clinical nurse faculty member shall:

(a) Be currently licensed as a registered nurse in Maryland *or have a multistate licensure privilege to practice registered nursing;*

(b)—(d) (text unchanged)

(2) (text unchanged)

D. (text unchanged)

**10.27.05 Practice of Nurse Midwifery**

10.27.05 (June 20, 2017)

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) "Advanced practice registered nurse (APRN)" means a registered nurse who [holds a current license as] *is certified by the Board as:*

(a)—(b) (text unchanged)

(c) A certified nurse practitioner (CRNP); *or*

(d) A clinical nurse specialist (CNS); *or*

(e) An advanced practice registered nurse/ psychiatric mental health (APRN/PMH)].

(4)—(5) (text unchanged)

(6) "Certification" means the [status] *permission to practice nurse midwifery granted by the Board to a registered nurse who has:*



- (a)—(b) (text unchanged)
- (7) “Certified nurse midwife” means [a] *an advanced practice* registered nurse who[:
- (a) Is certified by the AMCB or any other certifying body recognized by the Board;
  - (b) Has graduated from a Board-approved graduate level program for nurse midwives at the Masters’ level or higher;
  - (c) Has completed an advanced nursing education program with a specialization in midwifery that is accredited by:
    - (i) The National League for Nursing Accreditation Commission (NLNAC);
    - (ii) The Commission on Nursing Education (CCNE);
    - (iii) ACME; or
    - (iv) Any other accrediting body recognized by the Board; and
  - (d) Is ] *is certified by the Board to practice nurse midwifery in this State.*
- (8) “Clinical practice guidelines” means written standards using guidelines *established by:*
- (a) [Established by the] *The ACNM in Standards for the Practice of Midwifery, as amended or supplemented, and available from ACNM, 8403 Colesville Road, Suite 1550, Silver Spring, MD 20910; or*
  - (b) Any other *national* certifying body recognized by the Board.
- (9) “Delegated medical functions” means those functions that come within the definition of “practice medicine” in the Health Occupations Article, [§14-101(i)] *§14-101, Annotated Code of Maryland, that have been delegated to a certified nurse midwife to perform.*
- [(10) “Formulary” means an approved list of the categories of substances commonly used in the practice of nurse midwifery as determined by the Board in consultation with the MBP and the Maryland Board of Pharmacy.
- (11) “MBP” means the Maryland Board of Physicians.]
- [(10) “Multistate licensure privilege” has the meaning set forth in COMAR 10.27.01.01B.
- [(12)] [(11)]—[(13)] [(12) (text unchanged)
- [(14) “Pharmacy Board” means the State Board of Pharmacy.]
- [(15)] [(13) “Physician” means an individual licensed to practice medicine in this State.
- [(14) “Registered nurse (RN)” means an individual who:
- (a) *Is licensed by the Board to practice registered nursing; or*
  - (b) *Has a multistate licensure privilege to practice registered nursing.*

## **.02 Certification.**

- A. An applicant for certification as a nurse midwife shall [hold a current]:
- (1) [License] *Hold a current Maryland license in good standing to practice registered nursing or a multistate licensure privilege to practice registered nursing [in Maryland];*
  - (2) *Have graduated from a Board-approved graduate level program for nurse midwives at the Masters’ level or higher that is accredited by:*
    - (a) *The National League for Nursing Accreditation Commission (NLNAC);*
    - (b) *The Commission on Nursing Education (CCNE);*
    - (c) *ACME; or*
    - (d) *Any other accrediting body recognized by the Board;*
- [(2) Certification] (3) *Hold a current national certification as a nurse midwife from the AMCB or any other national certifying body recognized by the Board;*
- [(3) Complete the] (4) *Submit to the Board a completed application for certification as a nurse midwife;*
  - (5) *Submit an affidavit that the applicant agrees to comply at all times with the clinical practice guidelines in accordance with Regulation [.01B(7)].01B(8) of this chapter when providing clinical midwifery services; [and]*
  - (6) *Comply with all the requirement set forth in COMAR 10.27.01.04;*
  - (7) *Demonstrate written and oral competency in the English language; and*
  - [(5)] (8) (text unchanged)
- B. If the applicant’s nurse midwifery program was completed before July 1, 2014, and was not at a Master’s degree or higher level, but the applicant otherwise qualifies *for certification*, the applicant [for certification as a CNM] shall provide the Board with:
- (1) (text unchanged)
  - (2) *Current national certification by AMCB or any other national certifying body recognized by the Board.*

## **.08 Renewal of Certification.**

- A. (text unchanged)
- B. Before a nurse midwife’s certification expires, the *nurse* midwife may renew *the certification* biennially if the nurse midwife:
- [(1) Submits documentation of a current national certification in midwifery from a certifying body recognized by the Board;
  - (2) Is otherwise entitled to be certified;
  - (3) Pays to the Board all appropriate renewal fees set by the Board; and
  - (4) Submits to the Board:
    - (a) A renewal application on the form that the Board requires; and

(b) Proof of enrollment in the Continuing Competency Assessment Program of the A.C.N.M. or, if initially certified after January 1, 1996, proof of enrollment in the AMCB Certification Maintenance Program or other program approved by the Board;]

(1) *Is otherwise entitled to be certified;*

(2) *Submits to the Board:*

(a) *Documentation of a current national certification as a nurse midwife from a national certifying body recognized by the Board;*

(b) *A completed renewal application on the form that the Board requires; and*

(c) *Proof of enrollment in the Continuing Competency Assessment Program of the A.C.N.M. or, if initially certified after January 1, 1996, proof of enrollment in the AMCB Certification Maintenance Program or other program approved by the Board; and*

(3) *Pays all fees.*

C. *Certified nurse midwife renewal applicants who are authorized to practice registered nursing in this State under a multistate licensure privilege shall be periodically required to submit to a criminal history records check in accordance with the schedule and requirements set forth in COMAR 10.27.01.13J—N.*

D. *The certified nurse midwife shall ensure that the Board has a record of the renewed national certification if the national certification expires before the registered nurse license renewal date.*

E. *Certification as a nurse midwife shall be deemed to have lapsed if the Board does not have a record of a current active national certification.*

F. *Practicing on an expired national certification is prohibited and subject to discipline under Health Occupations Article, §8-316(a), Annotated Code of Maryland.*

#### **.09 Compliance.**

[A.] The certified nurse midwife shall develop and comply with clinical practice guidelines as defined in Regulation .01B of this chapter.

[B.] The certified nurse midwife shall ensure that the Board has a record of the renewed certification if the certification expires before the registered nurse license renewal date.

C. Certification shall be deemed to have lapsed if the Board does not have a record of a current active certification.

D. Practicing on an expired national certification is prohibited and subject to discipline under Health Occupations Article, §8-316(a), Annotated Code of Maryland.]

#### **.10 Unlawful Practices.**

Pursuant to Health Occupations Article, [§§8-602 and 8-710] *Title 8, Subtitle 7*, Annotated Code of Maryland, an individual may not:

A—C. (text unchanged)

#### **.11 Prescribing of Substances by a Certified Nurse Midwife.**

[A.] Pursuant to Health Occupations Article, §8-601, Annotated Code of Maryland, a certified nurse midwife may *prescribe*:

[(1)] A. [Prescribe substances included in the formulary developed by the Board in consultation with the MBP and Pharmacy Board] *Substances commonly used in the practice of nurse midwifery; and*

[(2)] Prescribe controlled] B. *Controlled* substances on Schedules II—V under Criminal Law Article, §§5-403—5-406, Annotated Code of Maryland, [as determined by the Board in consultation with the MBP and Pharmacy Board] *commonly used in the practice of nurse midwifery; and*

[(3)] C. Dispense substances prescribed in accordance with [§A(1) and (2)] §§A and B of this regulation in the course of treating a client at a:

[(a)] (1)—[(e)] (5) (text unchanged)

[B.] The Board shall:

(1) Consult with the Maryland Board of Pharmacy and Maryland Board of Physicians to review the formulary and make revisions as necessary;

(2) Maintain a list of all certified nurse midwives who are authorized to prescribe;

(3) Maintain a record of the approved formulary; and

(4) Provide a copy of the approved formulary to Maryland pharmacies upon written request.]

### **10.27.06 Practice of Nurse Anesthetist**

Authority: Health Occupations Article, §8-205, Annotated Code of Maryland

10.27.06 (June 21, 2017)

#### **.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Advanced practice registered nurse (APRN)” means a registered nurse who is certified by the Board as:

(a) A certified nurse midwife (CNM);

(b) A certified registered nurse anesthetist (CRNA);

(c) A certified nurse practitioner (CRNP); or

(d) A clinical nurse specialist (CNS).

[(2)] (3)—[(3)] (4) (text unchanged)

[(4)] "BPQA" means the Board of Physician Quality Assurance.]

(5) "Certification" means the permission to practice nurse anesthesia granted by the Board to a registered nurse who has:

(a) Met all the specified requirements of a national certifying body recognized by the

Board; and

(b) Complied with the requirements of this chapter.

[(5)] (6) "Certified registered nurse anesthetist (CRNA)" means [a] an advanced practice registered nurse who is certified by the Board to practice nurse anesthesia [by the Board] in this State.

[(6)] (7)—[(7)] (8) (text unchanged)§

(9) "Multistate licensure privilege" has the meaning set forth in COMAR 10.27.01.01B.

[(8)] (10) "Perioperative assessment and management of patients" means the assessment and management of the patient preoperatively, intraoperatively, and postoperatively [, as well as monitoring of the patient during anesthesia].

[(9)] (11)—[(10)] (12) (text unchanged)

(13) "Registered nurse (RN)" means an individual who:

(a) Is licensed by the Board to practice registered nursing; or

(b) Has a multistate licensure privilege to practice registered nursing.

## **.02 Certification.**

A. An applicant for certification as a CRNA shall:

(1) Hold a current *Maryland* license in good standing to practice registered nursing or a multistate licensure privilege to practice registered nursing [in this State];

[(2)] Complete the application for certification as a nurse anesthetist;

(3) Pay all fees established by the Board;

(4) Complete the requirements for a degree or diploma]

(2) Have graduated from [an education program in nurse anesthesia approved by the Board; and] a Board-approved graduate level program for nurse anesthetists at the Masters' level or higher that is accredited by an accrediting body recognized by the Board; and

[(5)] (3) Hold current national certification from the Council on Certification of Nurse Anesthetists or from another national certifying body [approved] recognized by the Board;

(4) Submit to the Board a completed application on the form that the Board requires for certification as a nurse anesthetist;

(5) Comply with all the requirements set forth in COMAR 10.27.01.04;

(6) Demonstrate oral and written competency in the English language; and

(7) Pay all fees.

B. If the applicant's nurse anesthetist program was completed after January 1, 2008, the applicant for certification as a CRNA shall also provide to the Board [verification of completion of] documentation that the applicant graduated from a graduate level accredited nurse anesthetist program with a master's degree or higher.

C.—D. (text unchanged)

## **.03 Practice Before Certification.**

A. (text unchanged)

(1) Has a current license to practice nursing in the State or a multistate licensure privilege to practice registered nursing;

(2)—(7) (text unchanged)

B. (text unchanged)

## **.04 Renewal of Certification.**

A. (text unchanged)

B. Before a nurse anesthetist's certification expires, the nurse anesthetist may renew the certification [for an additional 1-year term] biennially, if the nurse anesthetist:

(1) Is otherwise entitled to be certified;

[(2)] Pays all appropriate renewal fees set by the Board; and]

[(3)] (2) Submits to the Board:

(a) Documentation of a current national certification as a nurse anesthetist from a national certifying body recognized by the Board; and

[(a)] (b) A completed renewal application on the form [required by] that the Board requires; and

[(b)] Satisfactory evidence that any certification received under Regulation .02 of this chapter is current]

(3) Pays all fees.

C. Certified registered nurse anesthetist renewal applicants who are authorized to practice registered nursing in this State under a multistate licensure privilege shall be periodically required to submit to a criminal history records check in accordance with the schedule and requirements set forth in COMAR 10.27.01.13J.—N.

D. The certified nurse anesthetist shall ensure that the Board has a record of the renewed national certification if the national certification expires before the registered nurse license renewal date.

E. Certification as a nurse anesthetist shall be deemed to have lapsed if the Board does not have a record of a current active national certification.

F. Practicing on an expired national certification is prohibited and subject to discipline under Health Occupations Article, §8-316(a), Annotated Code of Maryland.

### 10.27.07 Practice of the Nurse Practitioner

Authority: Family Law Article, §2-301; Health-General Article, §§4-208(a), 4-212, 5-601(c)—(e), 5-608(c), 10-616, 10-628, 13-701, and 13-704; Health Occupations Article, §§8-205(a)(1), (2), (4), and (5), and 8-302; Transportation Article, §§13-616(a) and (b), and 13-704; Annotated Code of Maryland; Ch. 468, Acts of 2015; Ch. 342, Acts of 2015

10.27.07 (August 15, 2017)

#### .01 Definitions.

A. (text unchanged)

B. Terms defined.

(1) "AANPNCB" means the American Academy of Nurse Practitioners National Certification Board.

(2) "Advanced practice registered nurse (APRN)" means a registered nurse who is certified by the Board as:

(a) A certified nurse midwife (CNM);

(b) A certified registered nurse anesthetist (CRNA);

(c) A certified nurse practitioner (CRNP); or

(d) A clinical nurse specialist (CNS).

[(1)] (3) (text unchanged)

(4) "Certification" means permission to practice as a nurse practitioner granted by the Board to a registered nurse who has:

(a) Met all the specified requirement of a national certifying body recognized by the Board; and

(b) Complied with the requirements of this chapter.

[(2)] (5)—[(3)] (6) (text unchanged)

[(4)] (7) "Mentor" means a certified nurse practitioner or physician, licensed in Maryland, who:

(a) Has 3 or more years of clinical practice experience; and

(b) (text unchanged)

(8) "Multistate licensure privilege" has the meaning set forth in COMAR 10.27.01.01B.

[(5)] (9) "Nurse practitioner" means [a] an advanced practice registered nurse who is certified by the Board to practice as a nurse practitioner in [accordance with this chapter] this State.

[(6)] (10)—[(7)] (11) (text unchanged)

(12) "Registered nurse (RN)" means an individual who:

(a) Is licensed by the Board to practice registered nursing; or

(b) Has a multistate licensure privilege to practice registered nursing.

[(8)] (13)—[(9)] (14) (text unchanged)

#### [.03].02 Certification.

A. [A nurse practitioner] An applicant for certification as a nurse practitioner shall obtain certification from the Board before commencing practice.

B. An applicant for certification as a nurse practitioner shall:

(1) Hold a current Maryland license in good standing to practice registered nursing [in Maryland or a compact state] or a multistate licensure privilege to practice registered nursing;

[(2)] Complete, in full, the application for certification as a nurse practitioner for each area in which certification is sought;

(3) As part of the application, submit to the Board:

(a) Documentation that the applicant has graduated from a Board-approved educational program for nurse practitioners;

(b) Documentation of certification as a nurse practitioner by a national certifying body recognized by the Board; and

(c) Identification of a designated mentor for 18 months as defined in Regulation .01 of this chapter; and

(4) Pay all fees established by the Board.]

(2) Have graduated from a Board-approved accredited graduate level program for nurse practitioners at the Masters' level or higher that meets the requirements of Regulation .06 of this chapter;

(3) Hold a current national certification:

(a) For each area of specialization in which certification is sought; and

(b) From the AANPNCB or other national certifying body recognized by the Board;

(4) Submit to the Board a completed application for certification as a nurse practitioner for each area of specialization in which certification is sought;

(5) Comply with all the requirements set forth in COMAR 10.27.01.04;

(6) Demonstrate written and oral competency in the English language;

(7) If the applicant has not been certified by the Board or any other Board of Nursing, identify a designated mentor for 18 months as defined in Regulation .01 of this chapter; and

(8) *Pay all fees.*

C. (text unchanged)

D. The Board shall certify a nurse practitioner consistent with the nurse practitioner's specialty, education, and *national certification*.

**[.02] .03 Nurse Practitioner – Scope and Standards of Practice.**

A.—F. (text unchanged)

**.04 Renewal of Certification.**

A. (text unchanged)

B. [In accordance with the provisions of Health Occupations Article, §8-312, Annotated Code of Maryland, before] *Before* a nurse practitioner's certification expires, the *nurse practitioner* may renew [for an additional term if the nurse practitioner] *the certification biennially if the nurse practitioner:*

(1) (text unchanged)

[(2) Pays to the Board all appropriate renewal fees set by the Board; and]

[(3)] (2) Submits to the Board:

[(a) A renewal application on the form required by the Board; and

(b) Documentation of every current certification as a nurse practitioner by any national certification body that was the basis of the Board's initial certification under Regulation .03B(3) of this chapter.]

(a) *Documentation of every current national certification as a nurse practitioner from a national certifying body recognized by the Board that was the basis of the Board's initial certification under Regulation .02B of this chapter; and*

(b) *A completed renewal application on the form that the Board requires; and*

(3) *Pays all fees.*

C. *Certified nurse practitioner renewal applicants who are authorized to practice registered nursing in this State under a multistate licensure privilege shall be periodically required to submit to a criminal history records check in accordance with the schedule and requirements set forth in COMAR 10.27.01.13J—N.*

[C.] D. [A nurse practitioner shall maintain an active certification while practicing] *The certified nurse practitioner shall ensure that the Board has a record of each renewed national certification if any national certification expires before the registered nurse license renewal date.*

[D.] E. *Certification as a nurse practitioner in an area of specialization shall be deemed to have lapsed if the Board does not have a record of [a] the current active national certification [at renewal] in that area of specialization.*

F. *Practicing on an expired national certification is prohibited and subject to discipline under Health Occupations Article, §8-316(a), Annotated Code of Maryland.*

**.05 Practice Before Maryland Certification.**

A. A registered nurse who has completed a Board-approved educational program for nurse practitioners and who has applied to take a Board-approved national certifying examination may practice as a nurse practitioner graduate before certification in this State upon approval of the Board if the nurse has:

[(1) A current license to practice nursing in this State;]

[(2)] (1) Submitted [in full the] *a completed application for [State] certification as a nurse practitioner in this State in accordance with Regulation .02 of this chapter;*

[(3) Paid all fees established by the Board;]

[(4)] (2) Completed a nurse practitioner [educational] *education program approved by the Board;*

[(5)] (3) Presented evidence of submission of an application to take a Board-approved national certification examination; [and]

[(6)] (4) Provided the name of a certified nurse practitioner, who has an active unencumbered Maryland *license to practice as a registered nurse* or [compact RN State license] *a multistate privilege to practice registered nursing*, who will directly supervise the nurse practitioner graduate; *and*

(5) *Paid all fees.*

B. If a certified nurse practitioner is not available in the graduate's practice setting, as required in [§A(6)] §A(4) of this regulation, a physician may provide this direct supervision if the nurse practitioner graduate provides the Board with the name of a certified nurse practitioner, who has an active unencumbered Maryland *license to practice registered nursing* or [compact RN State license] *a multistate licensure privilege to practice registered nursing*, with whom the nurse practitioner graduate has regular consultation.

C.—D. (text unchanged)

**.06 Education.**

A. An applicant certified by a national certifying body before October 1, 2010, who is certified by the Board and in good standing shall be deemed to meet the education requirements under this regulation.

B. (text unchanged)

(1)—(6) (text unchanged)

(7) Ensures that graduates of the program are eligible for national certification and Maryland [licensure] *certification.*

C. (text unchanged)

**[.09].08 Unlawful Practices.**

Unless authorized to practice as a nurse practitioner under Health Occupations Article, Title 8, Annotated Code of Maryland, an individual may not:

A.—C. (text unchanged)

**10.27.09 Standards of Practice for Registered Nurses**

Authority: Health Occupations Article, §§8-205 and 8-316, Annotated Code of Maryland

10.27.09.01 (June 20, 2017)

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(14) (text unchanged)

(15) “Multistate licensure privilege” has the meaning set forth in COMAR 10.27.01.01B.

[(15)] (16)—[(20)] (21) (text unchanged)

[(21)] “RN” means a registered nurse as defined in Health Occupations Article, §8-301 8-101, Annotated Code of Maryland.]

(22) “Registered nurse (RN)” means an individual who:

(a) Is licensed by the Board to practice registered nursing; or

(b) Has a multistate licensure privilege to practice registered nursing.

[(22)] (23)—[(28)] (29) (text unchanged)

**10.27.10 Standards of Practice for Licensed Practical Nurses**

Authority: Health Occupations Article, §§8-205(a)(2) and 8-316, Annotated Code of Maryland

10.27.10.01 (July 24, 2017)

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(12) (text unchanged)

(13) “Licensed nurse” means a *licensed* practical nurse or registered nurse [licensed by the Board under the provisions of Health Occupations Article, Title 8, Annotated Code of Maryland].

(14) “Licensed practical nurse (LPN)” means an individual *who is* licensed by the Board [of Nursing] *to practice licensed practical nursing or holds a multistate licensure privilege to practice licensed practical nursing.*

(15) “Multistate licensure privilege” has the meaning set forth in COMAR 10.27.01.01B.

[(15)] (16)—[(18)] (19) (text unchanged)

[(19)] (20) “Registered nurse (RN)” means an individual who:

(a) Is licensed by the Board [of Nursing] *to practice registered nursing; or*

(b) *Who holds a multistate licensure privilege to practice registered nursing.*

[(20)] (21)—[(25)] (26) (text unchanged)

**10.27.11 Delegation of Nursing Functions**

Authority: Health Occupations Article, §§8-102, 8-205, 8-6A-01, 8-6A-03, 8-6A-05(a)(4), and 8-6A-08(f)(5), Annotated Code of Maryland

10.27.11 (July 27, 2017)

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(10) (text unchanged)

(11) “Licensed practical nurse” means an individual [licensed to practice licensed practical nursing as defined in Health Occupations Article, §8-301, Annotated Code of Maryland] *who is licensed by the Board to practice licensed practical nursing or has a multistate licensure privilege to practice licensed practical nursing.*

(12)—(13) (text unchanged)

(14) “Multistate licensure privilege” has the meaning set forth in COMAR 10.27.01.01B.

[(14)] (15) “Nurse” means [an individual licensed by the Board as] a registered nurse or licensed practical nurse.

[(15)] (16)—[(16)] (17) (text unchanged)

[(17)] (18) “Registered nurse (RN)” means an individual [licensed to practice registered nursing as defined in Health Occupations Article, §8-301, Annotated Code of Maryland] *who:*

(a) *Is licensed by the Board to practice registered nursing; or*

(b) *Has a multistate licensure privilege to practice registered nursing.*

[(18)] (19)—[(24)] (25) (text unchanged)

## 10.27.12 Nurse Psychotherapists in Independent Practice — *Clinical Nurse Specialists*

Authority: Health Occupations Article, §8-205, Annotated Code of Maryland

10.27.12.02 (September 13, 2017)

### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

[(1) "Advanced practice registered nurse/psychiatric mental health (APRN/PMH)" means a registered nurse certified by the Board to autonomously and independently engage in activities authorized by this chapter.]

(1) "Advanced practice registered nurse (APRN)" means a registered nurse who is certified by the Board as:

- (a) A certified nurse midwife (CNM);
- (b) A certified registered nurse anesthetist (CRNA);
- (c) A certified nurse practitioner (CRNP); or
- (d) A clinical nurse specialist (CNS).

(2) (text unchanged)

(3) "Certification" means the permission to practice as a PMH/APRN granted by the Board to a registered nurse who has:

- (a) Met all the specified requirements of a national certifying body recognized by the Board; and
- (b) Complied with the requirements of this chapter.

[(3)] (4) (text unchanged)

(5) "Multistate licensure privilege" has the meaning set forth in COMAR 10.27.01.01B.

[(4)] (6) (text unchanged)

(7) "Psychiatric mental health/ advanced practice registered nurse (PMH/APRN)" means an advanced practice registered nurse who:

- (a) Is certified by the Board as a clinical nurse specialist in the practice of psychiatric mental health; and
- (b) Autonomously and independently engages in activities authorized by this chapter.

[(5)] (8) (text unchanged)

(9) "Registered nurse (RN)" means an individual who:

- (a) Is licensed by the Board to practice registered nursing; or
- (b) Has a multistate licensure privilege to practice registered nursing.

### .03 Certification.

An applicant for certification to practice as [an APRN/PMH] a PMH/APRN in independent practice shall:

A. [Be a registered nurse currently licensed in Maryland] Hold a current Maryland license in good standing to practice registered nursing or a multistate licensure privilege to practice registered nursing;

[B. Have:

(1) Until June 30, 2012, a master's or higher degree; or

(2) After June 30, 2012, a master's or higher degree in psychiatric mental health nursing or, in the judgment of the Board, an equivalent master's or higher degree;]

B. Have graduated from a Board-approved graduate level education program for clinical nurse specialists in psychiatric mental health nursing at the Masters' level or higher that is accredited by a national accrediting body recognized by the Board;

C. Hold current national certification as a clinical nurse specialist in psychiatric or mental health nursing issued by the American Nurses Credentialing Center (ANCC) or [by] any other national certifying body [approved] recognized by the Board;

D. [Complete the application for Maryland certification as a nurse psychotherapist on a form approved by the Board; and]

Submit to the Board a completed application for certification as a clinical nurse specialist, PMH/APRN;

E. Comply with all the requirements set forth in COMAR 10.27.01.04;

F. Demonstrate written and oral competency in the English language; and

[E.] G. Pay all fees [established by the Board in COMAR 10.27.01].

### .04 Practice Before Maryland Certification.

A. A registered nurse who meets the qualifications to sit for a national certifying examination acceptable to the Board or who has taken that examination and is waiting for the results, may practice in this State as [an APRN/PMH] a PMH/APRN graduate if the:

(1) Practice is under the supervision of a Maryland certified [APRN/PMH] PMH/APRN who shall be readily available to the [APRN/PMH] PMH/APRN graduate;

(2) Supervising [APRN/PMH] PMH/APRN agrees [on] in a written supervision agreement on a form to be prescribed by the Board to provide the supervision; and

(3) [APRN/PMH] PMH/APRN graduate:

(a) Completes the application for Maryland certification as a [nurse psychotherapist,] as a clinical nurse specialist in psychiatric mental health; and

(b) (text unchanged)

B. [An APRN/PMH] A PMH/APRN graduate who has entered into a supervision agreement shall immediately notify the Board and the supervising [APRN/PMH] PMH/APRN of the results of the national certifying examination.

C. [An APRN/PMH] A *PMH/APRN* graduate may not continue to practice under supervision for more than 24 months from the filing of all documents required under §A of this regulation or after the denial of certification, whichever occurs first.

#### **.05 Scope of Practice.**

The [APRN/PMH] *PMH/APRN* may perform independently, autonomously, and in a variety of settings, the following functions:

A.—I. (text unchanged)

#### **.07 Renewal of Maryland Certification.**

A. Certification as [an APRN/PMH] a *PMH/APRN* expires at the same time as the license to practice registered nursing.

[B. In order to renew the certification, the APRN/PMH shall:

- (1) Complete an application form approved by the Board;
- (2) Pay a fee established by the Board in COMAR 10.27.01; and
- (3) Demonstrate that the APRN/PMH is certified as required in Regulation .03 of this chapter.]

B. Before a *PMH/APRN*'s certification expires, the *PMH/APRN* may renew the certification biennially if the *PMH/APRN*:

(1) Is otherwise entitled to be certified;

(2) Submits to the Board:

(a) Documentation of a current national certification as a *PMH/APRN* from a national certifying body recognized by the Board; and

(b) A completed renewal application on a form that the Board requires; and

(3) Pays all fees.

C. *PMH/APRN* renewal applicants who are authorized to practice registered nursing in this State under a multistate licensure privilege shall be periodically required to submit to a criminal history check in accordance with the schedule and requirements set forth in COMAR 10.27.01.13J.—N.

D. The *PMH/APRN* shall ensure that the Board has a record of the renewed national certification if the national certification expires before the registered nurse license renewal date.

E. Certification as a *PMH/APRN* shall be deemed to have lapsed if the Board does not have a record of a current active national certification.

F. Practicing on an expired national certification is prohibited and subject to discipline under Health Occupations Article, §8-316(a), Annotated Code of Maryland.

[C.] G. The Board shall maintain an up-to-date list of all [APRN/PMH] *PMH/APRN*s certified in this State [and include on the license an indication that the licensee is [an APRN/PMH] a *PMH/APRN*.

#### **.08 Unlawful Practices.**

A. Unless authorized to practice under this chapter, an individual may not use the words "advanced practice registered nurse/psychiatric mental health", "nurse psychotherapist", "*psychiatric mental health/advanced practice registered nurse*", or any other words, letters, or symbols with the intent to represent that the individual is [an advanced practice registered nurse/] a psychiatric-mental health/*advanced practice registered nurse*.

B. (text unchanged)

C. An individual may not practice as [an APRN/PMH] a *PMH/APRN* or nurse psychotherapist in this State unless the individual is certified under this chapter.

### **10.27.13 [Rehabilitation] Safe Practice Committee**

Authority: Health Occupations Article, §§8-205 and 8-208, Annotated Code of Maryland

10.27.13 (June 9, 2017)

#### **.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) "Applicant" means an individual who has submitted an application to the Board to be licensed as a registered nurse, licensed practical nurse, electrologist, or direct-entry midwife or to be certified as an advanced practice registered nurse, a certified nursing assistant, or medication technician in this State.

[(1)] (2) (text unchanged)

[(2)] (3) "Committee" means the [Rehabilitation] Safe Practice Committee.

[(3)] "Impaired nurse" means a nurse who is not capable of delivering safe nursing care due to drug or alcohol dependency or mental illness.]

(4) "Certificate holder" means a certified nursing assistant or medication technician.

[(4)] (5) "Certified nursing assistant" means an individual certified as a nursing assistant by the Board.

(6) "Licensee" means a direct-entry midwife, electrologist, licensed practical nurse, registered nurse, or advanced practice registered nurse.

(7) "Licensed practical nurse" means an individual who is licensed by the Board to practice licensed practical nursing or has a multistate licensure privilege to practice licensed practical nursing.

(8) "Medication technician" means an individual certified as a medication technician by the Board.



(9) "Multistate licensure privilege" has the meaning set forth in COMAR 10.27.01.01B.

[(4)] (10) "Nurse" means registered nurse, advanced practice registered nurse, or licensed practical nurse.

[(5)] Nursing assistant" means a certified nursing assistant.]

(11) "Participant" means a registered nurse, an advanced practice registered nurse, a licensed practical nurse, a certified nursing assistant, a medication technician, an electrologist, a licensed direct-entry midwife, or an applicant enrolled in the Safe Practice Program.

[(6)] (12) "Program" means the [rehabilitation program] Safe Practice Program.

[(7)] "Provider" means a board certified psychiatrist, licensed psychologist, or an individual with at least a master's degree in an accepted mental health or related field including the fields of counseling, nursing, psychology, social work, psychotherapy, or addictions.]

[(8)] "Treatment facility" means a center for the treatment of addictions or an inpatient psychiatric unit.]

(13) "Registered nurse (RN)" means an individual who:

(a) Is licensed by the Board to practice registered nursing; or

(b) Has a multistate licensure privilege to practice registered nursing.

(14) "Substance use disorder" means a disorder that occurs when an individual exhibits a pattern of behaviors ranging from the misuse of, dependence on, or addiction to drugs, alcohol, or other chemicals.

## **.02 [Rehabilitation] Safe Practice Committee.**

A.—D. (text unchanged)

E. Powers and Duties of the Committee.

(1) The committee may:

(a) Evaluate each individual who requests to participate in the program or is referred to the program;

(b) Receive and review information about program participants; and

(c) Consider in each case if the participant can practice safely or an applicant qualifies for licensure or certification to practice.

(2) The committee shall:

(a) Prepare a written plan or agreement for each participant that establishes the requirements for supervision and monitoring; and

(b) Inform each licensee, certificate holder, or applicant who requests participation in the program about:

(i) The procedures to be followed;

(ii) The rights and responsibilities of a participant in the program; and

(iii) The possible consequences for a participant's noncompliance with the program.

(3) At the request of the Board, the committee may evaluate a nurse, certified nursing assistant, medication technician, electrologist, or direct-entry midwife with a substance use disorder or mental illness for readiness to return to practice.

F. Annual Committee Report.

The Committee shall submit to the Board each year, and as requested, a report that provides:

(1) The number of cases accepted, denied, or terminated with compliance or noncompliance;

(2) The number of cases referred to the program that were not eligible;

(3) The number of individuals referred to the program who declined admission to the program; and

(4) A cost analysis of the program.

## **.03 Criteria for Participation in the Program.**

A. (text unchanged)

B. [Impaired nurses] Registered nurses, licensed practical nurses, direct-entry midwives, electrologists, medication technicians, advanced practice registered nurses, [or] certified nursing assistants, or applicants for licensure or certification with a substance use disorder or mental illness, may be referred to the program through self-report, formal complaint, or the Board of Nursing.

C. [A nurse or nursing assistant] A licensee, certificate holder, or applicant requesting [admission to] to participate in the program may not have:

(1) Caused injury to an individual while the [nurse was practicing nursing or the nursing assistant was performing nursing assistant duties] licensee or certificate holder was practicing as a licensee or certificate holder; or

(2) (text unchanged)

D. The committee and [the nurse or nursing assistant] each program participant shall enter into a written agreement which lists the individual requirements for [the nurse's or nursing assistant's] the participant's participation in the program and the conditions which shall be met [by the nurse or nursing assistant] by the participant.

E. [Failure] If a licensee, certificate holder, or applicant fails to enter into a written agreement provided by the committee, [shall result in the nurse or nursing assistant being expelled from the Program and reported] the committee shall deny admission to the program and refer the licensee, certificate holder, or applicant to the Board for consideration of disciplinary action or denial of licensure or certification.

[F. Failure to comply with the written agreement shall require that the nurse or nursing assistant be reported to the Board for disciplinary action.

G. Evaluation of a nurse or nursing assistant for participation in the program is the responsibility of the committee.

H. At the request of the Board, the committee may evaluate a nurse or nursing assistant with a substance abuse problem or mental illness for readiness to return to the practice of nursing.]

**.04 Noncompliance with a Written Plan or Agreement.**

A. The committee may expel a participant from the program for failure to comply with any of the conditions of the plan or agreement.

B. The committee shall:

(1) Report to the Board the name and license number of any participant who is expelled from the program; and

(2) Transfer to the Board the records of any participant expelled from the program.

C. A participant who is expelled from the program may be subject to discipline.

**.05 Board and Committee Records.**

A. All Board and committee records concerning a participant are confidential and are not subject to discovery or subpoena in any civil or criminal action or disclosure under General Provisions Article, Title 4, Annotated Code of Maryland.

B. Records shall be maintained in a confidential file in the Board's office.

C. After the committee has determined that a participant no longer requires monitoring and may practice safely, all records relating to the participant's participation in the program shall be purged and destroyed 2 years after the participant is discharged from the program.

**.06 [Nurses or Nursing Assistants] Participants Leaving the State.**

A. A [nurse or nursing assistant] participant who moves from this State to another state where a *safe practice or other* rehabilitation program is in place shall be transferred to that program.

B. A nurse participant who moves to a state where there is no rehabilitation program shall have the nurse's *program* records transferred to the Board of Nursing in that state.

C. [A nursing assistant] All *non-nurse participants* leaving the State [will] shall be referred to the agency responsible for regulating [nursing assistants] *their license or certificate* in that state and shall have the [nursing assistant's] *participant's* records transferred to the responsible agency in that state.

**.07 Informational Booklet.**

The committee shall publish an informational booklet [describing the program] for the public *that describes the program*.

## 10.27.16 Registered Nurse – Workers' Compensation Medical Case Manager

Authority: Health Occupations Article, §§8-102 and 8-205, Annotated Code of Maryland

10.27.16. (September 14, 2017)

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(5) (text unchanged)

(6) "*Multistate licensure privilege*" has the meaning set forth in COMAR 10.27.01.01B.

[(6)] (7) "*Registered nurse (RN)*" means [a registered nurse] *an individual who:*

(a) *Is licensed by the Board to practice registered nursing; or*

(b) *Has a multistate licensure privilege to practice registered nursing.*

[(7)] (8) (text unchanged)

**.03 Certification Requirements.**

A. [To practice] *For certification* as an RN-WCCM, an applicant shall:

[(1)] Complete in full an application on the Board-required form;]

[(2)] (1) Hold a current license to practice registered nursing in [the] *this State or a multistate licensure privilege to practice registered nursing;*

[(3)] Pay all fees established by the Board in COMAR 10.27.01; and]

[(4)] (2) Submit documentation of successful completion of a Board-approved course[.];

(3) *Submit to the Board a completed application for certification as an RN-WCCM; and*

(4) *Pay all fees.*

[B. An RN, practicing as a case manager of the injured worker before the effective date of this chapter, may be certified as an RN-WCCM and is exempt from meeting the requirements of §A(4) of this regulation if the individual complies with all other requirements of this chapter.]

[C.] B.—[D.] C. (text unchanged)

**.04 Renewal of Certification.**

A. [An] *Unless renewed biennially, a certification to practice as an* [RN—WCCM's authorization to practice] *RN-WCCM* expires at the same time as the registered nurse license [unless renewed for a 1-year term as provided in §B of this regulation].

B. Before *certification as an* [RN—WCCM's authorization] *RN-WCCM* expires, the [individual] *RN-WCCM* may renew *the certification* for an additional [1-year] term, if the RN—WCCM:

(1) (text unchanged)

(2) Has practiced a minimum of [1,000] 2,000 hours in the past [year] 2 years as an RN—WCCM;

[(3) Pays to the Board all renewal fees set by the Board in COMAR 10.27.01; and]

[(4)] (3) Submits [an] a completed application for renewal on the form the Board requires; and

(4) Pays all fees.

C. If the [licensee] registered nurse does not meet the practice requirement stated in §B(2) of this regulation, the [individual] registered nurse shall complete a Board-approved course [before becoming] to be eligible for [recertification] renewal of the RN-WCCM certification.

#### **.05 Notice to Workers' Compensation Commission.**

The Board shall:

A. (text unchanged)

(1) The status of any [licensee] RN-WCCM regulated under this chapter; and

(2) Any RN-WCCM who fails to renew [the license] their certification; and

B. (text unchanged)

#### **.09 Faculty.**

A. Qualifications. Faculty shall hold a:

(1) Current [RN licensure] license in Maryland to practice registered nursing or a multistate licensure privilege to practice registered nursing; and

(2) (text unchanged)

B. (text unchanged)

## **10.27.18 Monetary Penalties**

Authority: Health Occupations Article, §§8-316, Annotated Code of Maryland

10.27.18 (August 13, 2017)

#### **.01 Scope.**

[These regulations establish] This chapter establishes standards for the imposition of monetary penalties not exceeding \$5,000 against a registered nurse, [or] licensed practical nurse, or advanced practice registered nurse [licensed in this State] if the Board finds that there are grounds to take action under Health Occupations Article, §8-316, Annotated Code of Maryland.

#### **.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Licensee" means, unless the context requires otherwise, a [holder of a license issued by the Board to practice registered nursing or licensed practical nursing in Maryland to the extent permitted under] registered nurse, a licensed practical nurse, or an advanced practice registered nurse as defined in Health Occupations Article, §8-101, Annotated Code of Maryland.

(3) (text unchanged)

#### **.03 Imposition of Penalty Generally.**

A. The Board may impose a penalty against a [registered nurse or a licensed practical nurse licensed in this State] licensee if the Board finds that there are grounds to take action against [a] the licensee pursuant to Health Occupations Article, §8-316, Annotated Code of Maryland.

B. (text unchanged)

#### **.04 Imposition of Penalties on Licensees.**

A. (text unchanged)

(1)—(14) (text unchanged)

(15) Being expelled from the [rehabilitation] Safe Practice Program established pursuant to Health Occupations Article, §8-208, Annotated Code of Maryland, for failure to comply with the conditions of the program.

B.—G. (text unchanged)

H. Failure to Renew.

(1) The Board may impose the following penalties on a licensee for failure to renew licensure:

(a) Not less than \$150 per month for practicing on a [nonrenewed] non-renewed license for a period of up to 1 year; or

(b) Amount to be determined by the Board for practicing nursing with a license that was [nonrenewed] non-renewed for a period of more than 1 year.

(2) (text unchanged)

## **10.27.19 Code of Ethics**

Authority: Health Occupations Article, §§8-205 and 8-316(a)(25), Annotated Code of Maryland

10.27.19 (September 15, 2017)

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(5) (text unchanged)

[(6) "Licensee" means a holder of a license issued by the Board to practice registered nursing or licensed practical nursing in Maryland to the extent permitted under Health Occupations Article, §8-101, Annotated Code of Maryland.]

(6) "Multistate licensure privilege" has the meaning set forth in COMAR 10.27.01.01B.

(7) "Nurse" means a registered nurse, licensed practical nurse, or advanced practice registered nurse as defined in Health Occupations Article, §8-101, Annotated Code of Maryland.

[(7)] (8) (text unchanged)

**.03 Penalties.**

Violation of this chapter may result in the Board taking disciplinary action against a [licensee] nurse pursuant to Health Occupations Article, §8-316, Annotated Code of Maryland.

## **10.27.20 Management of Infusion Therapy by the Registered Nurse and the Licensed Practical Nurse**

Authority: Health Occupations Article, §8-205, Annotated Code of Maryland

10.27.20 (July 24, 2017)

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(17) (text unchanged)

(18) "Licensee" means a registered nurse or licensed practical nurse.

[(18)] (19) "LPN" means [a licensed practical nurse as defined in Health Occupations Article, §8-301, Annotated Code of Maryland] an individual who:

(a) Is licensed by the Board to practice licensed practical nursing; or

(b) Has a multistate licensure privilege to practice licensed practical nursing.

[(19)] (20)—[(21)] (22) (text unchanged)

(23) "Multistate licensure privilege" has the meaning set forth in COMAR 10.27.01.01B.

[(22)] (24)—[(28)] (30) (text unchanged)

[(29)] (31) "Registered nurse (RN)" means [a registered nurse as defined in Health Occupations Article, §8-301, Annotated Code of Maryland] an individual who:

(a) Is licensed by the Board to practice registered nursing; or

(b) Has a multistate licensure privilege to practice registered nursing.

[(30)] (32)—[(34)] (36) (text unchanged)

**.03 Education.**

To perform infusion therapy, [an RN or an LPN] the licensee shall:

A.—E. (text unchanged)

**.04 Infusion Therapy Acts — General.**

The [RN or LPN] licensee shall comply with the employer's written policies and procedures which are in compliance with this chapter regarding infusion therapy.

## **10.27.27 Practice of Clinical Nurse Specialist**

Authority: Health Occupations Article, §§8-205(a)(1), (2), (4), and (5) and 8-302(b)(1)(iii) and (2)(ii), Annotated Code of Maryland

10.27.27 (September 15, 2017)

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) "Advanced practice registered nurse (APRN)" means a registered nurse who [holds a current license] is certified by the Board as:

(a)—(b) (text unchanged)

(c) A certified nurse practitioner (CRNP); or

(d) A clinical nurse specialist (CNS); and]

[(e) An advanced practice registered nurse/psychiatric mental health (APRN/PMH)].

(2) (text unchanged)

(3) "Certification" means the [status granted to an individual who has] permission to practice as a clinical nurse specialist granted by the Board to a registered nurse who:

- (a) Met all the specified requirements of a national certifying body recognized by the Board; and
- (b) Complied with the requirements of this chapter.
- (4) “Clinical nurse specialist” means [a licensed registered nurse who has:
  - (a) Received advanced nursing education at a master’s degree or higher level in a clinical nurse specialty after completing the basic registered nursing program;
  - (b) Completed a program in a clinical nurse specialty area accredited by:
    - (i) The National League for Nursing Accreditation Commission (NLNAC);
    - (ii) The Commission on Nursing Education (CCNE); or
    - (iii) Any other accrediting body recognized by the Board; and
  - (c) Been certified as a clinical nurse specialist in a clinical nurse specialty by a national certifying body recognized by the Board.] *an advanced practice registered nurse certified by the Board to practice as a clinical nurse specialist in this State.*
- (5) “*Multistate licensure privilege*” has the meaning set forth in COMAR 10.27.01.01B.
- [(5)] (6) “Registered nurse (RN)” means an individual who [is]:
  - (a) Is licensed by the Board to practice registered nursing; or
  - (b) Has a multistate licensure privilege to practice registered nursing.

**.02 Certification.**

- A. An applicant for certification as a clinical nurse specialist shall:
  - [(1)] Be a registered nurse currently licensed in Maryland;
  - (2) Successfully complete a graduate degree at the master’s or higher level at an accredited college or university that prepares a registered nurse for certification as a clinical nurse specialist;]
    - (1) *Hold a current Maryland license in good standing to practice registered nursing or a multistate licensure privilege to practice registered;*
    - (2) *Have graduated from a Board-approved graduate level education program for a clinical nurse specialist at the master’s level or higher that is accredited by;*
      - (a) *The National League for Nursing Accreditation Commission (NLNAC);*
      - (b) *The Commission on Nursing Education (CCNE); or*
      - (c) *Any other accrediting body recognized by the Board;*
  - (3) Successfully complete a national certifying exam recognized by the Board for *national* certification as a clinical nurse specialist in the applicant’s area of practice;
  - (4) [Be currently certified as a] *Hold a current national certification as a clinical nurse specialist [by], from a national certifying body recognized by the Board;*
  - (5) [Complete in full the] *Submit to the Board a completed application for certification as a clinical nurse specialist on a form [approved] required by the Board; [and]*
  - (6) *Comply with all requirements set forth in COMAR 10.27.01.04;*
  - (7) *Demonstrate oral and written competency in the English language; and*
  - [(6)] (8) Pay all [applicable] fees [established by the Board in COMAR 10.27.01].
- B. Beginning on October 1, 2012, *as long as the applicant remains certified and in good standing*, the Board shall deem that an applicant meets the qualifications to be certified as a clinical nurse specialist if the applicant has:
  - (1) Been licensed as a registered nurse in Maryland *or has a multistate privilege to practice registered nursing;*
  - (2)—(4) (text unchanged)

**[.04].03 Renewal of Certification.**

- A. [A certification] *Certification* as a clinical nurse specialist expires at the same time as the clinical nurse specialist’s registered nursing license.
- B. [In accordance with the provisions of Health Occupations Article, §8-312, Annotated Code of Maryland, before] *Before* a clinical nurse specialist’s certification expires, the clinical nurse specialist may renew [for an additional term] *the certification biennially if the clinical nurse specialist:*
  - (1) (text unchanged)
  - [(2)] Pays to the Board the appropriate renewal fees set by the Board; and]
  - [(3)] (2) Submits to the Board:
    - (a) A completed renewal application *for clinical nurse specialists* on [the] a form [approved by] *that the Board requires;*
- and
  - (b) Documentation of current national certification as a clinical nurse specialist *from a national certifying body recognized by the Board; and*
  - (3) *Pays all fees.*
- C. *Clinical nurse specialists renewal applicants who are authorized to practice registered nursing in this State under a multistate licensure privilege shall be periodically required to submit to a criminal history records check in accordance with the schedule and requirements set forth in COMAR 10.27.01.13J—N.*
- [C.] D. The clinical nurse specialist shall ensure that the Board has a record of the renewed *national* certification if [a] *the national* certification expires before the registered nurse license renewal date.
- [D.] E. Certification [will] *as a clinical nurse specialist shall* be deemed to have lapsed if the Board does not have a record of a current active *national* certification.

*F. Practicing on an expired national certification is prohibited and is subject to discipline under Health Occupations Article, §8-316(a), Annotated Code of Maryland.*

**[.05].04 Scope of Practice.**

A.—B. (text unchanged)

**[.06].05 Practice Before Certification.**

A. (text unchanged)

(1) A current licensure to practice registered nursing in this State *or holds a multistate licensure privilege to practice registered nursing;*

(2)—(3) (text unchanged)

B.—D. (text unchanged)

**[.07].06 Unlawful Practices.**

A.—B. (text unchanged)

## **Subtitle 39 BOARD OF NURSING — CERTIFIED NURSING ASSISTANTS**

### **10.39.01 Certification of Nursing Assistants**

Authority: Health Occupations Article, §§8-205, 8-206, 8-303, 8-304, 8-308, and 8-6A-01—8-6A-16, Annotated Code of Maryland; Ch. 486, Acts of 2012

*10.39.01 (September 15, 2017)*

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Central Repository" means the *Maryland* Criminal Justice Information System [(CJIS)] Central Repository of the Department of Public Safety and Correctional Services.

(3) "Certificate" means a certificate issued by the Board to practice as a *certified* nursing assistant in this State.

(4) Certified Nursing Assistant (CNA).

(a) (text unchanged)

(b) "Certified nursing assistant (CNA)" does not include:

(i) A medication [assistant] *technician*; or

(ii) (text unchanged)

(5)—(9) (text unchanged)

(10) "Home health aide (HHA)" means a CNA who has successfully completed the requirements for certification as an HHA set forth in:

(a) 42 CFR §484.36[, and];

(b) COMAR 10.07.02.43 and .44; and

(c) *COMAR 10.39.01.09*.

(11) "Licensed practical nurse (LPN)" [has the meaning stated in Health Occupations Article, §8-101, Annotated Code of Maryland] *means an individual who:*

(a) *Is licensed by the Board to practice licensed practical nursing; or*

(b) *Has a multistate licensure privilege to practice licensed practical nursing.*

(12) (text unchanged)

(13) "Medication [assistant] (*MA*) *technician (MT)*" means an individual who has completed the [16-hour] *20-hour* medication administration course approved by the Board.

(14) "*Multistate licensure privilege*" *has the meaning set forth in COMAR 10.27.01.01B.*

[(14)] (15) "Registered nurse (RN)" [has the meaning stated in Health Occupations Article, §8-101, Annotated Code of Maryland] *means an individual who:*

(a) *Is licensed by the Board to practice registered nursing; or*

(b) *Has a multistate licensure privilege to practice registered nursing.*

**.05 Application for Certification.**

A.—E. (text unchanged)

*F. The Board may issue a temporary practice certificate in accordance with Health Occupations Article, §8-6A-07(g), Annotated Code of Maryland, to an applicant who:*

(1) *Has met the appropriate certification requirements to the satisfaction of the Board;*

(2) *Does not have a criminal record; and*

(3) *Has not been the subject of a health professional disciplinary action in this State or another jurisdiction.*

*G. Unless the Board suspends or revokes a temporary practice certificate, the temporary practice certificate expires 90 days after issuance.*

*H. A temporary practice certificate may be extended up to an additional 90 days if the applicant is awaiting the completion of the criminal history record information.*

**.07 Renewal.**

A. The Board shall [issue a renewal certificate to] *renew the certificate of* each certificate holder who meets the requirements of Health Occupations Article, §8-6A-08, Annotated Code of Maryland *and of this regulation.*

B. The certificate holder shall renew the certificate every 2 years by birth month *according to the following schedule:*

(1) *A certificate holder with an odd-numbered birth year shall always renew in an odd-numbered year not later than the 28th day of the certificate holder's birth month; and*

(2) *A certificate holder with an even-numbered birth year shall always renew in an even-numbered year not later than the 28th day of the certificate holder's birth month.*

[C. The Board shall mail out applications for renewal at least 3 months before the expiration date.]

C. *At least 3 months before a certificate expires, the Board shall send the certificate holder a renewal notice by:*

(1) *First-class mail to the last known address of the certificate holder; or*

(2) *Electronic means to the last known electronic address of the certificate holder.*

D.—E. (text unchanged)

F. [Individuals] *An individual* applying for renewal of [certification] *a certificate* shall provide satisfactory evidence of 16 hours of active employment, for compensation, as a nursing assistant within the 2-year period immediately preceding the date of renewal.

*G. An individual who do not meet the requirement of §F of this regulation are required to successfully complete a Board-approved CNA education program.*

[G.] *H.* (text unchanged)

[H.] *I.* After notification to the certificate holder at the address provided to the Board that a criminal history records check is required for renewal, the Board may not renew a certificate until the Board has [:

(1) Received and reviewed the criminal history records information; and

(2) Approved the application] *received written documentation that the applicant has submitted to a criminal history record check in accordance with Health Occupations Article, §§8-303 and 8-6A-08(k), Annotated Code of Maryland.*

[I. Individuals who do not meet the requirements of §F of this regulation are required to successfully complete a Board-approved CNA education program.

J. The Board may grant a 30-day extension to a renewal applicant in accordance with Health Occupations Article, §8-6A-08(g)(2), Annotated Code of Maryland.

K. The Board may grant up to two 90-day extensions of a temporary certificate pending receipt of criminal history record information in accordance with Health Occupations Article, §8-6A-08(g)(2), Annotated Code of Maryland.]

[L.] *J.* Criminal history records checks for renewal applicants shall be scheduled according to the [licensee's] *certificate holder's* birth month as follows:

(1)—(12) (text unchanged)

[M.] *K.* The Board shall mail out to every [certificate holder whose certificate is due for renewal] *renewal applicant who is required to have a criminal history records check* in the selected birth month, [a packet with the required fingerprint documents and instructions for completing the documents] *instructions for downloading the forms, completing the renewal application, and how to obtain a criminal history records check.*

*L. If a renewal applicant is out of the state, the Board shall mail a packet to the applicant with the required renewal documents and instructions for completing the documents.*

[N.] *M.* Expiration of Certificate.

(1) (text unchanged)

(2) A certificate holder has a 30-day grace period beyond the expiration of the certificate to [obtain a renewal] *renew a certificate.*

(3) (text unchanged)

**.08 Reinstatement.**

A. The Board shall reinstate the certificate of a former certificate holder who has failed to renew the certificate for any reason, if the former certificate holder meets the renewal requirements *in Regulation .07 of this chapter.*

B. [After January 1, 2010, an] *An* applicant for reinstatement who has failed to renew the applicant's certificate for a period of 1 year or more is required to submit to a criminal history records check before the certificate is reinstated.

**.09 Categories of CNA.**

A. (text unchanged)

B. Home Health Aide.

(1)—(3) (text unchanged)

(4) HHA status [shall end] *terminates* on expiration of the CNA certificate.

C. School Health.

(1) (text unchanged)

(2) Status as a CNA-School Health [shall end] *terminates* on expiration of the CNA certificate unless the applicant verifies at the time of renewal that the applicant is currently practicing in school health as a CNA.

D. Dialysis Technician.

(1)—(2) (text unchanged)

(3) The status as a CNA-Dialysis Technician [shall end] *terminates* on expiration of the CNA certificate unless the applicant verifies at the time of renewal that the applicant:

(a)—(c) (text unchanged)

(4)—(8) (text unchanged)

E. Developmental Disabilities.

(1) (text unchanged)

(2) Status as a CNA-DD [shall end] *terminates* on expiration of the CNA certificate unless the applicant verifies at the time of renewal that the applicant is currently practicing in a DD setting as a CNA.

## 10.39.02 Nursing Assistant Training Programs

Authority: Health Occupations Article, §§8-205 and 8-6A-14, Annotated Code of Maryland

10.39.02 (September 18, 2017)

### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) Certified Nursing Assistant (CNA).

(a) (text unchanged)

(b) "Certified nursing assistant (CNA)" does not include:

(i) A medication [assistant] *technician*; or

(ii) (text unchanged)

(4)—(8) (text unchanged)

(9) "*Licensed Practical Nurse (LPN)*" means [a licensed practical nurse as defined in Health Occupations Article, §8-101, Annotated Code of Maryland] *an individual who:*

(a) *Is licensed by the Board to practice licensed practical nursing; or*

(b) *Has a multistate licensure privilege to practice licensed practical nursing.*

(10) "*Medication [assistant] technician*" means an individual who has completed [the 16-hour] *a 20-hour* course in medication administration approved by the Board.

(11) "*Multistate licensure privilege*" *has the meaning set forth in COMAR 10.27.01.01B.*

[(11)] (12) (text unchanged)

[(12)] (13) "*Registered nurse (RN)*" means [a registered nurse as defined in Health Occupations Article, §8-101, Annotated Code of Maryland] *an individual who:*

(a) *Is licensed by the Board to practice registered nursing; or*

(b) *Has a multistate licensure privilege to practice registered nursing.*

[(13)] (14) "*Supervised clinical training*" means training in a clinical facility in which the trainee demonstrates knowledge and skills while performing tasks on an individual under the direct supervision of an RN or [a] *an LPN.*

[(14)] (15) (text unchanged)

### .05 Faculty.

A. Each course instructor shall:

(1) Be a registered nurse licensed to practice *registered nursing* in Maryland *or have a multistate licensure privilege to practice registered nursing in this State;*

(2)—(3) (text unchanged)

B.—E. (text unchanged)

## 10.39.04 Medication Technicians

Authority: Health Occupations Article, §§8-205(a) and 8-6A-01—8-6A-16, Annotated Code of Maryland

10.39.04 (September 18, 2017)

### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) "*Licensed practical nurse (LPN)*" [has the meaning stated in Health Occupations Article, §8-101, Annotated Code of Maryland] *means an individual who:*

(a) *Is licensed by the Board to practice licensed practical nursing; or*

(b) *Has a multistate licensure privilege to practice licensed practical nursing.*

(6)—(7) (text unchanged)

(8) "*Multistate licensure privilege*" *has the meaning set forth in COMAR 10.27.01.01B.*



[(8)] (9) "Registered nurse (RN)" [has the meaning stated in Health Occupations Article, §8-101, Annotated Code of Maryland] *means an individual who:*

- (a) *Is licensed by the Board to practice registered nursing; or*
- (b) *Has a multistate licensure privilege to practice registered nursing.*

**.04 Qualifications for Applicants for Certification.**

- A. An applicant for MT certification shall:
  - (1) (text unchanged)
  - (2) Submit to the Board:
    - (a) (text unchanged)
    - (b) The required fee; *and*
  - (3) Be of good moral character[; and]
  - [(4) Except for individuals listed on the medication assistant registry before October 1, 2004, provide evidence satisfactory to the Board of successful completion of a Board-approved MT training program].
- B.—G. (text unchanged)

**.05 Renewal of Certification.**

- A. The Board shall [issue a renewal] *renew the* certificate [to] *of* each certificate holder who meets the requirements of this chapter.
- B. (text unchanged)
- [C. The Board shall mail out a notice of renewal at least 3 months before the expiration date.]
- C. *At least 3 months before a certificate expires, the Board shall send the certificate holder a renewal notice by:*
  - (1) *First-class mail to the last known address of the certificate holder; or*
  - (2) *Electronic means to the last known electronic address of the certificate holder.*
- D. (text unchanged)

**.06 Approved Training Program.**

- A.—B. (text unchanged)
- C. [The faculty] *Each faculty member* for an MT training program shall [consist of] *be* an RN who:
  - (1) Is licensed [to practice in this State] *by the Board to practice registered nursing or has a multistate licensure privilege to practice registered nursing; and*
  - (2) (text unchanged)

## **Subtitle 53 BOARD OF NURSING — ELECTROLOGY PRACTICE COMMITTEE**

### **10.53.01 Definitions**

Authority: Health Occupations Article, §§8-205, 8-303, and 8-6B-01—8-6B-29, Annotated Code of Maryland

*10.53.01 (June 7, 2017)*

**.01 Definitions.**

- A. (text unchanged)
- B. Terms Defined.
  - (1)—(8) (text unchanged)
  - [(9) "Rehabilitation Program" means a program of the Board designed to monitor the practice of impaired licensees.]
  - [(10) "Universal/standard precautions" means the use with all individuals of blood and body fluid precautions as set forth in the Control of Communicable Diseases Manual, which is incorporated by reference in COMAR 10.06.01.01-1.]

### **10.53.02 Licensure**

Authority: Health Occupations Article, §§8-205, 8-303, and 8-6B-01—8-6B-29, Annotated Code of Maryland

*10.53.02*

**.05 Renewal of Licensure.**

- A. [Beginning in October 2013, a] A licensee otherwise entitled to be licensed shall renew a license for 2 years by submitting to the Board:
  - (1)—(3) (text unchanged)
- B. (text unchanged)
- C. After notification to the licensee at the address provided to the Board that a criminal history records check is required for renewal, the Board may not renew a license [until the Board has:
  - (1) Received and reviewed the criminal history records information; and
  - (2) Approved the application] *without written documentation that the applicant has submitted to a criminal history records check in accordance with Health Occupations Article, §8-303, Annotated Code of Maryland.*

### **10.53.03 Electrology Examination**

Authority: Health Occupations Article, §§8-205 and 8-6B-01—8-6B-29, Annotated Code of Maryland

10.53.03

#### **.01 Examination.**

A. The Board or the *Board's designee* shall [determine the time and place of an electrology examination] *notify each qualified applicant of the time and place for the written and clinical examinations.*

B. The Board or the *Board's designee* shall perform the clinical examination covering:

(1)—(4) (text unchanged)

C. (text unchanged)

[D. The Board may delegate the administration of either examination.]

[E.] D. (text unchanged)

#### **.02 Reexamination.**

A. An applicant may retake [an] *a written* examination or a failed section of [an] *a written* examination after paying the reexamination fee established in COMAR 10.53.12.

B. An applicant who fails [an] *the written* examination two times may [be reexamined] *retake the written examination* if the applicant:

(1)—(3) (text unchanged)

C. *The Board or the Board's designee may give reexaminations to applicants who fail the clinical examination.*

### **10.53.07 Electrologist's Office**

Authority: Health Occupations Article, §§8-205 and 8-6B-01—8-6B-29, Annotated Code of Maryland

10.53.07

#### **.01 Electrologist's Office.**

A.—B. (text unchanged)

[C. Electrologists shall display conspicuously in the electrologist's office at all times a:

(1) Valid Board-obtained license; and

(2) Universal/standard precautions notice in compliance with Health Occupations Article, §1-207, Annotated Code of Maryland.]

[D.] C.—[F.] E. (text unchanged)

### **10.53.11 [Rehabilitation Committee] Repealed**

**DENNIS SCHRADER**

**Secretary of Health**